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HOUSE OF REPRESENTATIVES—*Friday, September 29, 2006*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. BONNER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 29, 2006.

I hereby appoint the Honorable JO BONNER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Barry C. Black, Chaplain, United States Senate, offered the following prayer:

Almighty God, high and lifted up, Your ways are often beyond our understanding.

Today, guide the leaders of our Nation and world.

When they cannot discern Your purposes, open their eyes.

Lead them away from the valleys of discouragement and pessimism to the high ground of faith and cheer.

Through Your power, direct them when clouds obscure the light of Your countenance.

May they do Your work when there are none to applaud and encourage.

Give them the wisdom to strive simply to please You.

Remind them that in everything You are working for the good of those who love You and are called according to Your purposes.

We pray in Your holy name, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New York (Mrs. KELLY) come forward and lead the House in the Pledge of Allegiance.

Mrs. KELLY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute requests on each side.

DO-NOTHING CONGRESS??

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. I rise today to object to a phrase that has been said all too often lately, "the do-nothing Congress." The Democrats are speaking for themselves as they have not put forth any constructive ideas or sound policy.

As for our side of this aisle, this Republican-led Congress has taken major steps in the advancement of our Nation. I am honored to be a part of the 109th Congress and its accomplishments.

This Republican-led Congress has voted to permanently end the death tax and voted for additional tax cuts. The results: The economy is strong. The unemployment rate is at 4.7 percent, its lowest average over the past three decades. Home ownership is up. And just yesterday the Dow Jones industrial average reached its highest level in 6 years.

But most notably is all the legislation that has been passed to support our troops and protect our homeland. We have listened to the American people and focused on their priorities. Our constituents wanted border security, and we passed several border security bills. In addition, Congress has passed numerous bills that will prevent terrorist attacks and give our military and intelligence forces the tools they need to win the global war on terror.

Mr. Speaker, this Republican-led Congress has taken tremendous steps in growing our economy, protecting our homeland, and fighting the global war on terror.

HEALTH CARE

(Ms. SCHWARTZ of Pennsylvania asked and was given permission to address the House for 1 minute.)

Ms. SCHWARTZ of Pennsylvania. Every day, Americans work hard to meet their responsibilities, to pay their mortgage, to send their children to college, to save for retirement, and every day Americans worry about the health and safety of their family, friends, and loved ones. Yet, under the policy of the Bush administration and the Republican Congress, access to health care has gotten harder.

The number of untreated Americans is on the rise; 47 million are currently without insurance. Health insurance premiums are skyrocketing, a 73 percent increase over the last 5 years. And medical research is stifled because politics, not science, dictates public policy.

Democrats have a plan to make health care more affordable and to advance lifesaving medicine. Democrats will enable small businesses to join together to negotiate more affordable rates for their employees. Democrats will negotiate lower prices for seniors and eliminate overpayments to HMOs, and Democrats will work towards cures for diseases that affect all of our families by investing in the promise of stem cell research and innovative biotechnologies.

Our plan prioritizes the health of people, not the profits of special interests. Our plan will reduce costs and will find cures.

It is time for a new direction in health and science, one that Democrats can deliver.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

LONE STAR VOICE—MAC GARRISON

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the gunning down of the Houston police officer by an illegal who shot him in the back has sparked new immigration safety concerns. Although the "open borders crowd" doesn't want to talk about it, normal citizens are speaking the truth anyway. Mac Garrison of Kingwood, Texas writes, "The murder of Houston Police Officer Rodney Johnson must serve as a wakeup call to all concerned citizens regarding the huge problem of illegal immigration.

"Our borders are nonexistent, our language is deteriorating, and our culture is melting away.

"Those that come here illegally, simply by the nature of their first act on American soil, breaking the law, have no respect for our laws and our social structure. Anarchy seems to rule the day now.

"The Federal Government has failed miserably to protect the border. And local law enforcement agencies are being denied the ability to work closely with other Federal agencies to stop this problem.

"We as a law abiding society must demand more accountability of elected leaders and our citizens. Now, more than ever is the time to get extremely serious about putting a complete halt to illegal immigration before more lives are lost and before our country is completely financially and morally bankrupt."

Mr. Speaker, Mac Garrison speaks for many Americans.

And that's just the way it is.

REGARDING IRAQI OIL REVENUES

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, in March of 2003, Deputy Secretary of Defense Paul Wolfowitz said: We are dealing with a country, Iraq, that can really finance its own reconstruction, and relatively soon.

Well, I guess 3 years doesn't count as relatively soon. According to a new report by the Iraqi Special Inspector General, the Iraqi oil industry lost $16 billion because of violence, theft, and corruption. In fact, 3 years after Secretary Wolfowitz's confident predictions, Iraq is actually paying billions of dollars to import refined petroleum. Iraq is importing refined petroleum products.

In the words of Secretary of Defense Donald Rumsfeld, "stuff happens."

Maybe if this Congress had questioned Wolfowitz on his calculations a little closer, maybe if the President had given the commanders on the ground the troops they needed, maybe if this Congress had conducted and sought accountability into Iraq's reconstruction, we wouldn't be dealing with quite so much "stuff." But I guess under Republican leadership, you end up with the leadership you have, not the one you want.

TAX RELIEF/SMALL BUSINESS

(Mrs. KELLY asked and was given permission to address the House for 1 minute.)

Mrs. KELLY. Mr. Speaker, I rise today in opposition to the false argument by the Democrats that the tax relief this Republican Congress has provided the American people during the last 5 years isn't helpful.

Democrats are vowing to repeal these tax cuts and are running around with a terribly false sound bite that tax cuts are for the rich.

So I ask them: Do only rich people have children? Because we increased the tax credit to $1,000 per child for every American family.

So I ask them: Do only rich people get married? Because we fixed a major flaw that punished every American married couple by charging them higher taxes for filing jointly.

And I ask them: Do rich people have a family income of $14,000 a year? Because it was for them that we created an income range, a new 10 percent tax bracket to specifically cut their tax rates. It cuts taxes for 6.1 million low-income taxpayers in New York alone.

Finally, I ask them: Are you labeling every small business owner in America as rich? Because we on the Small Business Committee worked very hard to ensure the majority of these tax cuts specifically helps small businesses.

When I walk down the main streets of Hudson Valley and visit the small businesses, the owners tell me they are certainly not rich. They tell me they need tax cuts to pay their workers, to serve their customers, and create new jobs.

Mr. Speaker, the truth is in the numbers. The Treasury Department shows that a family of four, making $50,000 a year, would experience a 132 percent tax increase in 2011 if Congress repealed these tax cuts.

Let's remain a Congress that votes in favor of the taxpayer.

TIME FOR A NEW DIRECTION

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. A war based on lies. An administration lost in ideological fantasies, stubbornly ignoring the best advice of military commanders. Getting ready for the next war. A President who refuses to see a situation collapsing around 130,000 young men and women he sent into battle. A global war on terror has become a war of errors, undermining our security around the world and here at home. A national security state has emerged, and America is immersed in lying, spying, and dying.

It is time for a new direction. It is time for a new direction in international relations, achieving security through cooperation. It is time for a new direction here at home in health care, Medicare for all. It is time for a new direction in job creation and infrastructure bill. It is time for a new direction.

We are homeward bound, America. We are coming home. We are coming back to take care of things that matter to people here at home, jobs and health care and education. Time for a new direction.

FOOTY'S BUBBLES AND BONES GALA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize south Florida Y-100 radio station, and especially John Kross, known to our south Florida community as "Footy," for this year's sixth annual Anti-Drug Bubbles and Bones Gala. Proceeds benefit Here's Help, a private, nonprofit, comprehensive rehabilitation agency that caters to inner-city youth with substance dependency and addiction.

In my congressional district, programs such as these have been instrumental in saving the lives of many teenagers and young adults by helping them cope with their addictions.

I ask my colleagues to join me in congratulating Footy on this wonderful drug rehab program. This event will provide assistance to so many young people in need to make sure that they one day can live in a Nation where drug and alcohol addictions are no longer a fact of their lives.

AMERICANS WANT A NEW DIRECTION

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute.)

Mr. McDERMOTT. Mr. Speaker, the Republicans are shutting down the debate in Congress today. They don't want the American people to hear anything other than Republican press releases. They have nothing else to show and offer the American people.

November will be a referendum on the President's failed diplomacy, disastrous war in Iraq, and governing America by telling the American people to be afraid.

Now, maybe Aesop was wrong 3,000 years ago in his fable. Maybe you can shout, "Wolf, wolf, wolf," and win an election. But you can't stifle democracy and cling to power. The American people have had enough.

The Republican leadership believes that they are going to have the last word today, but, fortunately, on November 7, the American people are going to choose a new direction. They don't want any more of this. They have watched it, they have given the President support, they have given him leeway, and what have they gotten? A war that is making more unsafe our world, and Americans want a new direction. They are going to get it on November 7.

☐ 0915

GOP PREPARES TO LEAVE WITHOUT HOLDING ADMINISTRATION ACCOUNTABLE ON IRAQ

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, despite countless assurances from the President that we are safer now than we were before 9/11, this past week we learned the truth: The world is more dangerous today than it was pre-9/11, and the war in Iraq is the main reason why.

This weekend on "60 Minutes," Bob Woodward will report that our intelligence agencies predict that 2007 is going to be more deadly for American troops than 2006. That is a dire prediction considering that insurgent attacks against our troops are now occurring every 15 minutes.

These reports from our intelligence agencies should serve as a wake-up call to House Republicans who for 3 years have sat on the sidelines neglecting their oversight responsibility of the war in Iraq.

How bad do things have to get in Iraq before this Republican do-nothing Congress actually takes action? When will they finally begin asking questions? When will they finally begin to hold Secretary Rumsfeld and others in the President's War Cabinet accountable for their incompetence?

Mr. Speaker, the American people deserve a Congress that will take its oversight responsibilities seriously. It is time for a change here in Congress, and it is coming this November.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007; PROVIDING FOR CONSIDERATION OF S. 3930, MILITARY COMMISSIONS ACT OF 2006; PROVIDING FOR CONSIDERATION OF H.R. 4772, PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 2006

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1054 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1054

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (S. 3930) to authorize trial by military commission for violations of the law of war, and for other purposes. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to commit.

SEC. 3. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4772) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges under the United States Constitution have been deprived by final actions of Federal agencies or other government officials or entities acting under color of State law, and for other purposes. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the rule before us today will provide for consideration of three measures of vital importance to our Nation: The conference report for Fiscal Year 2007 Homeland Security Appropriations bill, the Private Property Rights Implementation Act of 2006 and the Military Commissions Act of 2006. This rule will enable the House to consider these bills and complete this important work on behalf of the American people.

Mr. Speaker, I rise today in strong support of this rule and the underlying legislation. These three bills address some of our Nation's most pressing priorities. First, the Homeland Security Appropriations Conference Report funds our most important Federal programs aimed at securing the Nation against terrorist attacks. It provides $34.8 billion for the operations and activities of the Department of Homeland Security in fiscal year 2007, an increase of $2.3 billion over fiscal year 2006 and $2.7 billion above the President's request.

The conference agreement aggressively addresses our most critical homeland security needs, including border and immigration security; nuclear detection; port, cargo and container security; transportation security; natural disaster preparedness and response; and support to State and local first responders.

This legislation secures our homeland first and foremost by protecting our borders and revitalizing immigration enforcement, because border security is homeland security. It provides over $21 billion for border protection, immigration enforcement and related activities. It includes an increase of $2.1 billion over funding in 2006. This includes $5.2 billion for the Secure Border Initiative and additional funding to support technology, personnel and infrastructure to prevent terrorists and other criminals from exploiting our borders and immigration system.

Among other security-enhancing measures, this funding includes $2.77 billion for Border Patrol, adding 1,500 new Border Patrol agents, for a total of 14,800. It includes $1.2 billion for border fencing, vehicle barriers, technology and infrastructure; $4.2 billion for immigration and customs enforcement; $1.38 billion for Immigration and Custody Enforcement custody operations, adding 6,700 detention beds, for a total of 27,500; and $28.2 million to assist State and local efforts to enforce immigration laws.

This conference report also recognizes the need to enhance port, container and cargo security by providing the funds necessary to secure our ports and inbound cargo in order to prevent terrorists and criminals from exploiting the international commerce system.

It supports our first responders by paying attention to the needs of high-threat areas, firefighters and emergency management. It supports ongoing efforts to enhance the current inventory of our Nation's critical infrastructures, develop secure communication systems with Federal, State and local entities, and it continues to work with the private sector to implement protective measures around the Nation's infrastructure.

This agreement continues ongoing efforts to enhance security for all modes of transportation, including ports, rails and aviation with a focus on developing and installing next-generation technology to inspect cargo, baggage and passengers. And it supports traditional missions, such as drug interdiction, law enforcement, maritime safety and Presidential protection.

Finally, this conference report provides for the necessary and appropriate oversight of the Department of Homeland Security. It fences off $1.6 billion from being spent until DHS meets certain planning and management requirements. Under these requirements, DHS must develop a comprehensive strategy and plan for port, cargo, container security, and for the Secure Border Initiative. Department of Homeland Security must also provide expenditure plans for the border security system, U.S.-VISIT, Federal Protective Service, business transformation for CIS, explosive detection systems in airports, Customs information technology systems, and overall better financial data throughout the department, and in particular, science and technology.

Finally, the agreement directs the preparedness Directorate and FEMA to improve its capacities in communications, training and other capacity assessments, including management logistics, emergency housing, debris removal and victim registration.

Second, this rule provides for consideration of the Military Commissions Act of 2006 as modified by the other body. The House version of this legislation passed the House on Wednesday by a vote of 253–168 and was sent to the other body. Today's legislation again provides congressional authorization for military commissions to try alien unlawful enemy combatants for war crimes committed before, on or after 9/11/2001. It amends the War Crimes Act to criminalize grave breaches of Common Article 3 of the Geneva Conventions, while fully satisfying U.S. treaty obligations. It also authorizes the establishment of military commissions to try alien unlawful enemy combatants, which is the legal term used to define international terrorists and those who aid and support them, for war crimes. While this new chapter is based upon the Code of Military Justice, it also creates an entirely new structure for these trials.

These commissions will only be used to try alien terrorists for war crimes. Any U.S. citizen will be tried within the Federal United States judiciary. These alien terrorists acquitted of a war crime will still be detained as enemy combatants according to the principle in international law that there exists an undisputable right to keep the enemy from returning to the battlefield. Thus, an acquittal at a war crime trial will not result in terrorists being released. This legislation also provides for an independent certified military judge to preside over all proceedings.

This agreement creates the process necessary to prosecute terrorists effectively and fairly, while also protecting American troops and intelligence agents fighting the global war on terror.

I would like to thank Chairman DUNCAN HUNTER and Chairman SENSENBRENNER for all of their hard work in reaching an agreement with the other body that keeps Americans safe while observing the rule of law.

Third, this rule provides for the consideration of legislation to give private property owners the ability to litigate cases in Federal court when local and State regulations deprive owners the use of their own land.

Although this legislation already passed the House this week with the support of the majority of its Members, it did not achieve the support of the super majority needed to pass under the suspension of the rules.

So, today, the House will once again have the opportunity to support this commonsense bill to ensure that property owners have the same access to Federal courts as other plaintiffs claiming a violation of their constitutional rights.

It removes the judicial détour of forcing claimants raising solely Federal claims to first pursue their litigation in State court on the very same case and dramatically reduces the amount of time that property owners must spend in negotiation and litigation before takings claims that can be heard on their merits.

I congratulate the gentleman from Ohio (Mr. CHABOT) for all of his hard work in constructing and perfecting this legislation, and I look forward to supporting his efforts on the floor later this afternoon.

Mr. Speaker, I am proud of this work product that the majority has brought to the floor today. I encourage all of my colleagues to support this rule and the underlying legislation that will keep Americans safer, uphold the rule of law and protect the private property rights of citizens. I encourage each of my colleagues to join me in supporting this rule and the three underlying bills.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, these are not the circumstances under which we should be considering this legislation. The bills before us deal with nothing less than the security of our homeland and the fundamental nature of our Nation. Our citizens deserve better than to have their elected representatives rush to pass all of these bills in one day, bills that say a great deal about who we are as a society and where we are headed as a country.

The Homeland Security Appropriations Conference Report and the Military Commissions Act before us are manifestations of how this country has chosen to respond to the challenges that confront us, challenges to our safety and our peace of mind.

□ 0930

Will we respond with flawed acts that undermine our economic vitality and sacrifice the very liberties we are theoretically fighting to protect? Or will we be measured in our response and do what is necessary to preserve our liberty from both threats abroad and the consequences of fear and mistrust here at home?

Mr. Speaker, this homeland security legislation means a great deal to my constituents in western New York and to the tens of millions of Americans who live in northern border communities throughout our country.

Our relationship with Canada is truly a unique one. Ours is the longest unguarded border in the world, a demonstration of the spirit of trust and openness shared by our two great nations. That spirit has produced and sustained a thriving cross-border tourism industry and hundreds of billions of dollars in trade between our two countries every year.

Border economies on both sides of the divide depend on that trade and tourism. So it would be shortsighted and self-destructive to permit a flawed border security plan to cut off such a lifeline. Unfortunately, the Western Hemisphere Travel Initiative, put forth with so much fanfare by the Department of Homeland Security and the Department of State, threatens to do just that. In the name of heightened security, this plan, if implemented in its current form, will mean that millions of tourists from both countries will stay home and businesses will stop shipping their goods across the border. In its current form, this plan is a disaster waiting to happen. And considering that Canada is our largest trading partner, we have no choice but to fix it before it is too late. And what we need first is an extension of the WHTI implementation deadline, which I am relieved to see is still in this bill. Backing up the implementation until June or at least January of 2009 will give us the time we need to fix this program where it is broken.

My colleague and good friend from New York Representative McHUGH and I have fashioned a bipartisan, commonsense bill that will correct the most egregious failings of WHTI and make it work for our constituents instead of against them. The Protecting American Commerce and Travel Act, or PACT Act, has gained the support of a wide range of Representatives in this body. It will ensure border security while at the same time keeping it open to travel and trade. I urge all of my colleagues to consider and pass the PACT Act in the months ahead. We don't have to choose between economic security and physical security. We can and we must have both.

Mr. Speaker, the Western Hemisphere Travel Initiative was a flawed reaction to a perceived threat and today threatens the liberty and prosperity of our country more than those it supposedly protects us from.

In the same way, the Military Commissions Act before us represents a shocking assault on the fundamental freedoms and liberties that we have been told we are fighting to defend. This bill will dramatically increase the President's right to detain men and women the world over and to hold them indefinitely without charge. What is more, it will serve as a backdoor legalization of all but the most brutal of interrogation methods, taking our Nation down a path that we have chastised so many other countries for following.

Yesterday in the Senate, my friend and New York delegation colleague, Senator HILLARY CLINTON, told a story about our country's first great military leader, a man who went on to become our first great political leader.

On Christmas Day in 1776, in the midst of the Revolutionary War, General George Washington launched a daring raid that culminated in the capture of numerous Hessian soldiers. They were foreign mercenaries known for their brutality and who were fighting for the British. Despite what they had done to American soldiers, he ordered his men to treat them humanely. He said, "Let them have not reason to complain of our copying the brutal example of the British Army."

George Washington, the man who so influenced our national consciousness, who was so deeply responsible for who we are as a people, wanted the world to know that the new American Army did not abuse its prisoners of war. He also wanted to do whatever he could to win the hearts and minds of the Hessians. If even one came to see the virtue of America and lay down his arms, that would be a victory in the fight for our Nation's freedom and independence.

Mr. Speaker, I think we have heard some of the best arguments against this bill from General Washington's successors: the men and women who have held top positions of responsibility in our Armed Forces. They have told us over and over again that if we ignore our country's longstanding commitment to the rules of war and international treaties like the Geneva Conventions, we will be putting our own soldiers and our own Nation at risk. Opening the door to detainee abuse and indefinite detention will make our soldiers more likely to be tortured and dehumanized so that they fall into enemy hands, and that means our own country will be less safe.

A world based on the rule of law is more safe, not less safe, than a world based on power alone. To argue that those who oppose this detainee bill want to let terrorists roam free is both wrong and illogical. Suspected terrorists who have evidence against them will be convicted by courts of law. They will stay behind bars. At the same time, a steadfast commitment to due process will both defend our most cherished freedoms and free the innocent from unwarranted punishment. Doing so will protect our liberty and deprive our enemies of one of the main tools that they are using to recruit their new followers.

We will show the world that the United States practices what it preaches about freedom and democracy and human dignity. We will bring others over to our side and make them less likely to take up arms against us.

There is a reason why Colin Powell recently warned us that the world is beginning to doubt the moral basis of our fight on terrorism. He said it because it is true and because such a reality is a truly dangerous one. What is more, humane interrogation methods will prevent us from chasing after ghosts, from following the fleeting leads of false confessions born not from knowledge but from desperation.

General Washington saw the value of a world based on law and principle over 200 years ago, and he saw it at a time when his fledgling Nation was truly in a fight for its very survival. And for us to pass a bill today that abandons some of the most fundamental principles of the civilization that we have sworn to defend would be an insult to all those who came before us, to all those who fought and struggled so that we could live free.

Mr. Speaker, it is such a respect for law and eternal principles that this administration and far too many in this Republican leadership lack. The proof lies in a provision of this bill which has received so little notice it is shameful but that is profoundly revealing about its true nature.

Ten years ago Congress passed a law called the War Crimes Act. Under that bill violating the Geneva Conventions is a crime in the United States. The administration argued that the Convention does not apply to enemy combatants, a term of its own invention. But the Supreme Court disagreed. In other words, the administration officials who have spent the last 5 years creating and directing our torture policy, as well as the government employees who have carried it out, could be liable for criminal prosecution for violating the War Crimes Act.

And so they have decided in this bill to go back in time to 1997 and to rewrite the War Crimes Act to make their actions legal. And that is exactly what this bill does. To call this strategy cynical and self-serving, Mr. Speaker, is an understatement. When President Bush signs this bill, he will be signing away any responsibility for the potentially criminal policies that he and those in his administration have enacted during the past 5 years. When he signs this bill, he will be signing a pardon for himself and for all other architects of these disastrous, self-defeating, and immoral policies.

But we have a choice here today. We can take a principled stand on behalf of the principles that make us great. We can choose to reject a future in which America can no longer honestly claim that it respects human rights, a future in which our own shortsighted, selfish, and immoral retreat into fear and suspicion has left us less safe and more isolated than ever before. We can choose to embrace our true nature and, in so doing, take a great step toward the creation of a world led by law and free from fear.

It is our choice, Mr. Speaker. And I implore all of my friends in this body, please, let us today make the right one.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, during the last few years, Members of Congress have spoken very plainly and openly to this administration about our thoughts and ideas and hopes and dreams, about how we can better protect not only this country and our borders but the rule of law, and this administration has been very open to hearing from Members of Congress about these thoughts and concerns.

Our next speaker is a gentleman who has engaged the administration, has talked about how important border initiatives are, to make sure that not only are we secure on our border but to make sure that we deal effectively and carefully with people who have come to this country, to make sure that they are safe, to make sure that they are not harmed in that process. If they have broken the law, they will take the full measure of law as it is given, but that we do so in a compassionate way.

Our next speaker is the chairman of the Rules Committee, the gentleman from California (Mr. DREIER), and I yield to him such time as he may consume.

Mr. DREIER. Mr. Speaker, I thank my friend for his very kind words, but we do want to adjourn by this evening; so I appreciate the fact that he kept it relatively brief. And I want to thank him for his typical superb management of this very important rule and to say that I am very pleased that we have been able to work in a bipartisan way.

At least two of the three provisions in this rule deal with the single most important issue that we face: the security of the American people. Our Homeland Security appropriations bill and I believe this tribunal bill, which will be made in order under this rule, is critical to the security of the United States of America, and that is our top priority.

I guess I should begin, since he is looking so relaxed there, by saying time and time again in the Rules Committee, my colleague Ms. SLAUGHTER and others said that it was MARTIN SABO's last appearance before the Rules Committee. Well, I had every confidence, when people joked about the prospect of bringing a conference agreement back on the Homeland Security appropriations bill, that it would happen. And many people rolled their eyes. But thanks to the leadership of MARTIN SABO and HAROLD ROGERS and, of course, DAVID OBEY and JERRY LEWIS, we have been able to come together with a very important Homeland Security appropriations conference report.

So I would like to join in extending great appreciation to MARTIN SABO for his stellar service to this body over the years and for his commitment to dealing with transportation issues and now homeland security and to say that we will miss him greatly.

This measure, Mr. Speaker, that we are going to consider, the appropriations bill itself, is absolutely essential if we are going to focus on the security of our borders and deal with it in a responsible way. And I am happy that Ms. SLAUGHTER was able to work on her compromise. Again, it is a bipartisan compromise, as she just said in her statement, that we have been able to deal with.

And similarly, I am proud of another item that is included in this bill that is once again a bipartisan measure, and that is legislation that was introduced in the Senate by my California colleague, DIANNE FEINSTEIN, and I was privileged to introduce it here in the House. We had an actual unanimous recorded vote on this measure, and it was to recognize that we have a problem at our border; that being since September 11, 2001, the discovery of 38 tunnels, one of which came from Canada into the United States, 37 from Mexico into the United States. And what we discovered is that there is actually no criminal penalty for people who are tunneling or the utilization of property here in the United States for tunnels to come up. And what has happened? Through those tunnels we have seen tremendous problems with both human and narcotrafficking.

So in this measure that we pass, we will be actually implementing criminalization of that kind of action, once again demonstrating our commitment to securing our Nation's border.

Similarly, we obviously are very concerned about the fact that in heavy urban areas and in five particular areas, we have seen just across the border, above ground, large problems of human and narcotrafficking, and for those areas we are going to see the construction of border fences.

I do not like the idea of fences. I really do not like the idea of fences at all. But our empirical evidence, Mr. Speaker, has shown that for the 14 miles along the border between Tijuana, Mexico, and San Diego, California, we have seen a great improvement in the standard of living and quality of life because of this border fence which has been established.

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In fact, there has been a 50 percent reduction in the crime rate in San Diego, in large part attributed to the fact that we have this fence here.

I look forward to the day when we will be able to take down all of these fences. But, frankly, as long as we have human trafficking and narcotrafficking the way it is today, I do not believe that we as a Nation have a choice. And so in those areas where we have heavy urban populations on both sides the border, I think it is essential that we do this.

There are other areas where utilization of 21st century technology, using motion detectors, using unmanned aerial vehicles and other things will be very beneficial in our quest to ensure that we secure our Nation's borders.

Now, as we look at our items in this bill, I believe that the funding that is provided is going to help us deal with the overall global war on terror. Again, if you think about the preamble of the U.S. Constitution, I always argue that, in that preamble, the five most important words of the preamble are: Provide for the common defense.

And those five words, I believe, are addressed very successfully with this Homeland Security Appropriations Conference Report. So, Mr. Speaker, I am very proud of the work that has been done in a bipartisan way, Democrats and Republicans coming together, to do the right thing.

I hope it can be used as a model for many of the things that we proceed with in the future.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Speaker, I thank the gentlewoman for yielding me time. Thank you for your great service on Rules Committee.

And to the chairman, I thank him for his kind remarks.

Mr. Speaker, I am a strong supporter of the base bill on homeland security funding. But there is one part of that bill which I think we could significantly improve. So I would ask Members today to vote against the previous question so that we can offer a separate concurrent resolution to the conference report which would delete from the bill four provisions as it relates to the regulation of chemical plants that, in my judgment, significantly weaken the legislation.

As background, the whole question of setting security standards for chemical plants is an issue that has concerned me for a long time. We have had a void in the ability of the Secretary to act to adopt any regulation as it impacts most chemical plants in this country.

This year, while we were considering the appropriations bill, we offered and adopted in committee an amendment that gave authority to the Secretary to adopt regulations relating to the security of chemical plants.

We envisioned that as being a temporary solution, while the authorizers had time at some point to pass regular authorizing legislation. That was stricken by a point of view on the House floor. In the Senate, fortunately, in an amendment by BOB BYRD, adopted that same amendment. And that is what we had in conference.

There then proceeded negotiations between the authorizers. And it ended up being a partisan negotiation between majority Members in the House and Senate which produced the recommended plan for the regulation of chemical plants, which the conference committee substituted for the Byrd amendment.

That more detailed recommendation has not been subject to debate in either the House or the Senate or considered in that form by any of our committees. And it has four provisions which I think significantly weakens the authority of the Secretary to adopt regulations. I think we should strike them.

The first one is a provision that states that: The Secretary may not disapprove a site security plan submitted under this section based on the presence or absence of a particular security measure.

What that means, I frankly do not know. The reality is that any security measure is going to deal with a whole series of particular security measures. Some are going to be more important than the other. Why we limit the authority of the Secretary in this fashion is beyond me. I do not know what it means. There must be some relevance to it. But it clearly would seem to limit the ability of the Secretary to adopt a comprehensive security measure.

Then we have another provision which is rather strange. And it says that if we proceed in court and any information is provided on plants to that court, then that unclassified information becomes classified when it reaches the courtroom. I know of no other instance in our government where unclassified information becomes classified because it goes to court.

I have no idea what the precedent for any such action is. It is unique. It is new. And we should not have it in this bill. I do not know, as I read this bill, whether the States have the ability to adopt security standards which are stricter than the Federal law. Some read this language to say it prohibits the States from having stricter standards.

I read it as being unclear, and where we turn that issue over is not to our judgment but to the courts. As I read the language, if a State adopts stricter standards and the Secretary approves them, I expect it will be challenged in court. If they adopt stricter standards and the Secretary rejects them, that will be challenged in court.

In my judgment, the States should have that ability. But whether we think they should or should not have it, it is a decision we should make and not simply leave it to the vagaries of what a particular court might decide.

Another provision in this bill simply says that it prohibits the public from filing any suit to enforce the provisions of this law. Again, that makes no sense to me and goes contrary to what we normally do in this country.

I am glad we are finally moving forward with chemical plant security. However, the negotiations, not by the conferees on the appropriation bill but by the negotiators from the two authorizing committees, have produced a version of chemical security regulation that in my judgment is much weaker than it need be, and we should clarify it and strike those provisions. Not add anything new, but simply make sure that the Secretary has greater authority and to make sure that States have the right to adopt stricter regulation if they so desire.

So I urge the rejection of the previous question so that we can offer such an amendment.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the month of August, I had an opportunity with several other Members to go to Laredo, Texas, to visit our border to see the border operations and to see the things that were happening there. I had a chance to run across Texas Army National Guard personnel who were attempting to not only work but work successfully with Border Patrol and other Customs and Immigration enforcement personnel.

I wanted to draw attention to how important our National Guard has been from each of our States in protecting our borders, working on border security and doing those things that are necessary. This came as a result of a plan that happened with input from Congress, that happened through the great work that was done not only with the President but also with local Governors and people who are interested in doing this.

I had a chance to go with the Honorable JO BONNER from Alabama down to Laredo. And both he and I together had a chance to see firsthand how the Army National Guard worked with Border Patrol. We went out that night to see firsthand their needs.

Mr. Speaker, that is what is in this bill, the ability that we have to protect our border, to provide the necessary resources, to make sure that our men and women who are with official law enforcement and also those who are with the Guard are able to make sure that this country is protected.

That is what is in this bill. I am proud of it. I am going to ask for everyone's vote for not only the rule but also the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise in strong opposition to this rule because the legislation would seriously undermine efforts to secure chemical facilities across the country. I want to join in the comments made by the ranking member, Mr. SABO.

Back in July, the Homeland Security Committee passed by voice vote a bill that would go a long way towards fixing the chemical security problem in the aftermath of 9/11. This is one of the most glaring problems in our post-9/11 security efforts that has been neglected here in Washington by the Congress and by the administration.

Yet rather than moving forward with this bill out of the Homeland Security Committee, bringing to it the floor and having an open debate; Republicans have decided to craft an industry-friendly proposal behind closed doors and stick it in the Homeland Security Appropriations Conference Report.

Now, this is no way to deal with such a serious security issue. EPA data indicates that there are more than 100 chemical plants across the country that could put over 1 million people at risk in the event of a serious accident or terrorist attack. More than 7,000 chemical plants could put 1,000 people or more at risk.

Yet under the cover of a conference report, the Republican leadership has seriously undermined our efforts to secure these chemical facilities. The language here exempts thousands of chemical plants not deemed "high risk" by the Department of Homeland Security, along with 3,000 drinking water and wastewater facilities that use large quantities of chlorine.

It also prohibits the Department of Homeland Security from doing anything to move towards the use of inherently safer technologies or substances. And it fails to protect the rights of States like my own, New Jersey, to implement stronger security requirements at chemical plants.

Mr. Speaker, the consequences of an incident at a chemical facility could be dire for residents of my State of New Jersey. We saw this last Tuesday when an accidental release of sulfur dioxide sent 59 people to the hospital. If that is what happens from one simple mistake, I shudder to think of the consequences of an attack by determined terrorists.

We need to reject this rule. Strip this weak chemical security language from the conference report and move ahead with strong legislation like what the Homeland Security Committee already passed here in the House.

Mr. SESSIONS. Mr. Speaker, here we are talking about the rule for Homeland Security, and yesterday, the Rules Committee had an opportunity to speak very plainly with the appropriators who were responsible for this Homeland Security appropriations bill. We spoke with them about several matters. One of them was about the air marine operation under the CBP, Customs and Border Protection.

I would like for my colleagues to know, who have joined me and others in the effort to talk about the air interdiction program that we have about drugs that come into this country, that this bill provides $600 million for their border and air space protection.

Secondly, we had an opportunity to talk about the fugitive operation teams that nationwide are gathered together under Customs and Border Protection to make sure that the apprehension of those people who are illegal aliens that are in our country here who are fugitives and who are dangerous are picked up and dealt with by our judicial system in this country.

Over and over and over, the things that we have talked about that were necessary and needed throughout the years are contained with funding in this bill. I am very happy to say that I am proud of what this administration has done by listening to us, and perhaps more importantly, our appropriators, like HAL ROGERS who brought this bill, who listened and who have done something about it.

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Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank my Rules Committee colleague for yielding the time.

I rise in support today for this rule and, of course, the underlying conference report, H.R. 5441, the Department of Homeland Security Appropriations Act for Fiscal Year 2007. I would like to commend Chairmen Lewis and Rogers and, of course, our dear friend Martin Sabo for their tireless effort in keeping our homeland safe.

H.R. 5441 is one more piece of pro-security legislation advanced by this Congress, and its passage prior to our adjournment, Mr. Speaker, is critical to ensuring funding for homeland security programs that do keep our Nation safe.

This is a comprehensive bill. It addresses several aspects of our porous border problem. It provides increased technologies for use in explosion detection. It beefs up maritime and chemical security and, most importantly, overhauls FEMA.

As we know a big part of keeping our homeland safe is protecting these borders. The bill includes $1.8 billion in emergency funding for border and maritime security. It includes $1.2 billion for the construction of a border fence, and it provides for the hiring of an additional 1,500 border patrol agents and includes a commonsense provision brought forth by our chairman of the Rules Committee criminalizing the construction of border tunnels.

However, Mr. Speaker, despite the great things in this legislation, I realize that it is not a perfect bill. One of the most notable problems is securing our ports of entry with better background check technology. As you remember, we passed language in the 9/11 bill and in the REAL ID Act last year to require biometric passports by a certain deadline, along with the proper equipment to read the high-tech identification. The deadline was extended 6 months, and with this appropriation bill, unfortunately, it is extended another 17 months because someone in the other Chamber from a northern border State put language in there to further delay this crucial, crucial program. We cannot afford to keep extending the deadline when our security is at stake.

Mr. Speaker, shoe bomber Richard Reed, we all remember him, entered our country on an unsecured visa waiver. This visa waiver program allows 28 countries, their folks, to come into this country with nothing, really, to prove their identification. He came in with a visa waiver. We have to know who is coming into our country to prevent terrorists from having a free pass.

Despite all the improvements made in this appropriations bill, they are meaningless without securing our ports of entry.

Mr. Speaker, all week long we have witnessed this Congress passing legislation to fund critical Department of Defense programs, to try terrorist detainees in military courts and to listen in on the communications of terrorist operatives plotting our destruction. Heather Wilson from New Mexico explained that so well yesterday on this floor.

It is unfortunate that throughout this week we have witnessed obstructionism on just about every front and some on the other side advocating for a cautious approach to fighting terrorism out of concern of treating the terrorists fairly. In my opinion, Mr. Speaker, this is the wrong approach, and we must remain aggressive in our efforts to keep America safe.

I encourage all of my colleagues on both sides of the aisle to keep this in mind, to ensure we give our government the tools it needs to protect our homeland.

I urge support of this rule and the underlying legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy and her leadership.

This is sort of a bizarre rule that is limiting debate on three very critical areas, but I would like to just focus on one because under the guise of protecting property rights, H.R. 4772 is back before us, and it will undermine the quality of life for most Americans.

I find no small amount of irony that our friends on the Republican side of the aisle who say that they support local control are now going to gut some of the most basic protections for neighborhoods, businesses, and the environment to make sure that they are decided at the State and local level. Remember, these are our same friends who have come to us with provisions to strip away from these same Federal courts being able to rule on the Pledge of Allegiance or on marriage. Those are too important to be given to the Federal courts, but you are going to take away opportunities for people to be able to deal with the most fundamental of issues in terms of neighborhood quality and throw that into the Federal courts without having an opportunity to work it through at the State and local level.

The Supreme Court itself has recognized that State and local courts are the best way to deal with things that are inherently local in nature. I spent 10 years as a commissioner of public works in the city of Portland. I watched development proposal after development proposal come over the transom. If your rules were in place, it would not help the little developer because they would not have the firepower to be able to go through the Federal process, but it would have been an amazing club for big developers to have their way for proposals that were incomplete, inadequate, or not carefully thought through. In some cases, there were things that were making mistakes. In others, they were trying to do something that would have threatened adjacent businesses, adjacent homeowners. What we did was work with them, going through the process, and as a result, time after time, we had better results.

This would undercut that effort. That is why 36 attorney generals, including Mr. CHABOT's attorney general, says that this is an unnecessary Federal intrusion and it ought to be resisted.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Our previous speaker has just hit on probably one of the most important aspects of freedom in America, and that is the right of a person to be able to own property, the ability that we have to have our house to be our castle. Yet as we talk about the issue, I would like to add my dimension to it.

The bottom line is that we are engaged in this on behalf of people who own property, people who own property who have grown weary of having local government take their property without due compensation for the benefit of local government, and we are going to protect the private property owner. We believe private property rights are very important, and that is why we are getting engaged, because we have seen local communities do for their own best interest those things that they wanted to do by taking private property from a person.

We believe it is a simple part of what the Constitution is about. We believe that private property rights are important. I do understand the argument, and it is related to a person who cannot fight government even in their own local community when that is what government wants to do.

We are going to give a level playing field to those individuals because we believe that the individualist who owns his own property should have equal rights also, not just to be taken advantage of by local communities.

Mr. Speaker, that is also in this rule. We support the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman very much, and this rule is just another appalling case of Republican leadership siding with special interests over the security interests of our country.

In July, the Homeland Security Committee reported a bipartisan chemical security bill. We know that al Qaeda wants to hit huge chemical facilities in our country that could cause between 10,000 and hundreds of thousands of injuries. That was a good bill. It was bipartisan.

It required that there be mandatory enforceable security provisions that apply to all chemical facilities in America. It required the company shift to safer chemicals and methods to reduce the consequences of a terrorist attack. The bill ensured that the States could set higher security standards. The bill contained red teaming exercises to test whether or not security around these chemical facilities was, in fact, adequate. It contained worker training provisions to upgrade workers' ability to protect against an al Qaeda attack. It contained civil and criminal provisions, and it contained whistleblower protections for chemical industry workers if any Paul Revere-like figure would rise up to warn that there was a danger at a chemical facility.

Democrats and Republicans alike praised the committee's work, and Republicans promised to protect the language as it came out on to the House floor.

But instead, the House Republican leaders refused to allow it to be considered for a vote on the House floor. Instead, the Republicans on the Homeland Security Committee and on the Energy and Commerce Committee acquiesced to the wishes of the chemical industry behind closed doors to negotiate the weak, inadequate language contained in the conference report.

In public, the Republicans profess their support for strong chemical security legislation, but in private, they provided their chemical industry allies with an early Christmas present, the weak legislation the industry had been pursuing all along, and that is what we are now going to debate on this House floor; not the bipartisan secure chemical bill, but the chemical industry-written bill that the Republicans are now bringing out here in a closed rule that will not have any debate at all.

And by the way, if back home you have a Governor, you have a mayor that is very concerned about the ability of their hometown or their State to put stronger security measures around a chemical facility, well, after today you can just tell your Governor, your mayor, it is up to the Department of Homeland Security. They are not going to be able to increase it back at home. This bill is going to make it possible for the chemical industry to keep the local governments and the State governments wrapped up in red tape forever as those local communities, those local heroes, and by the way, if there is an al Qaeda attack, people are not going to call the Department of Homeland Security. They are going to call the local police, the local fire, the local emergency medical personnel. They are going to be the ones that have to respond, and when this bill is passed their hands are going to be tied behind their back in terms of their ability to put stronger, tougher protections around these chemical facilities, especially in urban areas.

It also reduces the number of facilities that have to be covered. Instead of all of the facilities that could cause upwards of 10,000 fatalities or injuries, they eliminate 90 percent of the facilities from having to be covered by the provisions of the legislation that we are talking about here today. And by the way, the Department of Homeland Security is prohibited from disapproving of a facility's security plan because of the absence of any specific security measure.

So the Department of Homeland Security looks at a chemical facility, sees that there is a problem, they still cannot disapprove that plan. How in the world can the Department of Homeland Security be effective if their hands are tied behind their back? This is an area that we know is at the top of the al Qaeda terrorist target list, chemical facilities; and on the last day, professing to care about homeland security, and by the way, if al Qaeda is going to attack today, all the wiretapping, everything else that you want to do, if there is a secret group already in America poised to hit a chemical facility, then you better have the protection that is built around it.

What you are doing today in this bill is you are making it infinitely more likely that al Qaeda can make a successful attack against a chemical facility. You are gagging the Democrats. You are handing it over to the chemical industry for them to decide on their bottom line cost-basis analysis of the type of security they want to put in place.

Right now, it is harder to get into some nightclubs in New York City than it is for al Qaeda to get into a chemical facility in the United States of America. That is the bottom line on the bill the Republicans are bringing out here today.

Vote "no" on this Republican rule.

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Mr. SESSIONS. Mr. Speaker, I want to thank the gentleman for bringing this up as an issue, because I think, once again, it shows clearly the differences between our parties and the way we think about this.

It is true that the Republican Party would be accused of having a balanced approach not only to making sure that these chemical companies have taken care of their responsibility for security but making sure also that we protect the jobs that come with those and the security of the towns in which they are located in.

We heard the gentleman use words like stronger, tougher, harder and making it more difficult. Everything he talked about was to simply make it harder for these companies to operate in America, Tougher sanctions, more rules, more regulations and being tough on the chemical companies. Yes, we get it, run them out of town. Run them out of the country. Take the jobs and leave.

Mr. Speaker, we are not going to do that in this bill. We are going to bring a balance, a balance that says that these chemical companies are a natural asset to the United States of America. As a part of our ability not only to make sure that we can receive the things that we need, technology and these things which chemical companies provide, that make our lives better every day, we are not going to run them out of town and we are not going to run them out of the country.

They have a responsibility to make sure that their internal elements are safe and the controls they put in place are doing the right thing. They want to take care of their responsibilities, and we are going to make sure that that is balanced. So we are not going to allow the tougher sanctions, the tougher things that our friends on the other side of the aisle want to do. We are going to strike a balance, a balance for safety, a balance for comprehension that what we want is to make sure that they are good corporate citizens and that they look closely at where their own frailties exist.

That is why this bill is going to pass today, because we are not going to run them out of town. We are not going to speak from a position of weakness; we are going to speak from a position of strength. That is another one of the differences between the Republican Party. We are going to balance it out and do the right thing.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I will use my remaining time to close, but, first, I wish to insert for the RECORD an editorial from this morning's New York Times called, "More Comfort for the Comfortable." That is the way they describe the Private Property Rights Implementation Act. They say it is a deeply misguided giveaway for big real estate developers.

[From the New York Times, Sept. 29, 2006.]

MORE COMFORT FOR THE COMFORTABLE

Congress, which has done so little this session to address the nation's real problems, is expected to vote today on a deeply misguided giveaway for big real estate developers. The bill would create new property rights that could in many cases make it difficult, if not impossible, for local governments to stop property owners from using their land in socially destructive ways. It should be defeated.

The Private Property Implementation Act would make it easier for developers challenging zoning decisions to bypass state courts and go to federal court, even if there was not a legitimate federal constitutional question. Zoning regulations are quintessentially local decisions. This bill would cast this tradition aside, and involve the federal government in issues like building density and lot sizes.

The bill would also make it easier for developers to sue when zoning decisions diminished the value of their property. Most zoning does that. Developers would make more money if they could cram more houses on small lots, build skyscrapers 200 stories tall, or develop on endangered wetlands. The bill would help developers claim monetary compensation for run-of-the-mill zoning decisions on matters like these. It would also make it easier for them to intimidate local zoning authorities by threatening to run to federal court.

Zoning is not an attack on property rights. It is an important government function, and most Americans appreciate that it helps keep their own neighborhoods from becoming more crowded, polluted and dangerous. If more people knew the details of this bill, there would be wide opposition. As it is, attorneys general from more than 30 states, of both parties, have joined the U.S. Conference of Mayors, the National Conference of State Legislatures and leading environmental groups in opposing it.

The bill does a lot of things its supporters claim to abhor. House Republicans were elected on a commitment to states' rights and local autonomy, and opposition to excessive litigation and meddling federal judges.

It is remarkable how quickly they have pushed these principles aside to come to the aid of big developers.

Mr. Speaker, I will be asking Members to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment to the rule to instruct the enrolling clerk to strike from the conference report several last-minute provisions that may compromise chemical plant security.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, these provisions were not in either the House or Senate-passed versions of the Homeland Security bill. They were drafted in secret and slipped into the conference report without the input of any Democrats in the conference. Even worse, these provisions may make chemical facilities more vulnerable to security problems and not less.

When we talk about balance, I think Homeland Security was supposed to be about rules and regulations. The new language weakens the Homeland Security Secretary's ability to enforce chemical facility site security plans. It takes the authority away. It allows the Secretary to preempt tougher State laws to ensure chemical facility security, and it severely restricts the rights of citizens to take any legal action to enforce chemical facility security requirements. Securing our chemical plants is far too important to be compromised by a secretive and inadequate security plan.

I want to stress that a "no" vote on the previous question will not stop consideration of the conference report, but a "no" vote will allow the House to remove these inadequate and dangerous provisions. Again, please vote "no" on the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to join my colleagues in thanking the Honorable MARTIN SABO for his service to this House and for his additions of the things he has brought forth in this legislation, not only working in a bipartisan basis but also his leadership on behalf of making sure that the next generation understands things like port security and other things which the gentleman has specialized in.

Mr. Speaker, I would also like to thank our Speaker, DENNIS HASTERT, and majority leader, JOHN BOEHNER, for their vision and hard work to bring this bill forward today. They worked very closely with Chairman HAL ROGERS and Chairman JERRY LEWIS of the Appropriations Committee, DUNCAN HUNTER of the Armed Services Committee, Chairman JIM SENSENBRENNER of the Judiciary Committee, and certainly STEVE CHABOT of the Judiciary Committee.

This bill we bring forward today is a negotiated product, one where we have worked hard with not only members of the administration, but we have taken, as Members of Congress, trips to see our borders wherever they might be, the northern border or the southern border. We have our appropriators, who have taken time to understand the intricate details and the needs of this great Nation. We have engaged with the Department of Defense to talk about those things that will be necessary to protect our men and women on the battlefield. We have taken time to make sure that we have talked to our CIA, Central Intelligence Agency, about the way that they need to do business and those attributes about who they engage across the world and how we can treat fairly, yes, but treat properly those who would engage in killing Americans and bringing down reigning terror in our cities.

Mr. Speaker, I want to say that this underlying legislation is very important to America's learning lessons from the prior years and bringing those lessons to bear to protect this great Nation. We will speak from a position of strength, not fear. We will not worry about the things that we cannot get done but the things that we can get done. We will learn from our mistakes, and we will learn that, as terrorism in the 21st century evolves, we will, too. That is what these bills are all about.

I am proud of our country, and I say God bless America. Mr. Speaker, I ask for all the Members to support this bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 1054—RULE ON CONFERENCE REPORT FOR H.R. 5441 DEPARTMENT OF HOMELAND SECURITY FY07 APPROPRIATIONS

Strike all after the resolved clause and insert:

"That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

Sec. 2. (a) A concurrent resolution specified in subsection (b) is hereby adopted.

(b) The concurrent resolution referred to in subsection (a) is a concurrent resolution

(1) which has no preamble;

(2) the title of which is as follows: "Providing for Corrections to the Enrollment of the Conference Report on the bill H.R. 5441"; and

(3) the text of which is as follows:

(1) In subsection (a), strike: "*Provided further*, That the Secretary may not disapprove a site security plan submitted under this section based on the presence or absence of a particular security measure, but the Secretary may disapprove a site security plan if the plan fails to satisfy the risk-based performance standards established by this section: Provided further, That the Secretary may approve alternative security programs established by private section entities, Federal, State, or local authorities, or other applicable laws if the Secretary determines that the requirements of such programs meet the requirements of this section and the interim regulations:"

(2) In subsection (c), strike: ": *Provided further*, That in any proceeding to enforce this section, vulnerability assessments, site security plans, and other information submitted to or obtained by the Secretary under this section, and related vulnerability or security information, shall be treated as if the information were classified material"

(3) In subsection (d), strike: ": Provided, That nothing in this section confers upon any person except the Secretary a right of action against an owner or operator of a chemical facility to enforce any provision of this section"

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question.

That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 221, nays 186, not voting 25, as follows:

[Roll No. 504]

YEAS—221

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Young (FL)

NAYS—186

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—25

Brown (OH)
Burgess
Burton (IN)
Case
Castle
Clay
Cubin
Evans
Fattah
Hoyer
Lewis (GA)
Maloney
McKeon
McKinney
Meehan
Ney
Paul
Strickland
Thompson (MS)
Udall (CO)
Wamp
Waters
Wilson (SC)
Wolf
Young (AK)

□ 1050

Ms. SCHWARTZ of Pennsylvania and Mr. RANGEL changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. TERRY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 218, nays 188, not voting 26, as follows:

[Roll No. 505]

YEAS—218

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg

Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Young (FL)

NAYS—188

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Ford
Frank (MA)
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—26

Brown (OH)
Burgess
Burton (IN)
Case
Castle
Clay
Cubin
Doyle
Ehlers
Evans
Fattah
Hoyer
Lewis (GA)
McKeon
McKinney
Meehan
Ney
Paul
Strickland
Thompson (MS)
Udall (CO)
Wamp
Waters
Wilson (SC)
Wolf
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in the vote.

☐ 1100

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EHLERS. Mr. Speaker, on rollcall No. 505 I could not vote because the First Lady, Mrs. Laura Bush, and I were dedicating the new National Garden at the Botanic Gardens, and I was not able to return to the House Chamber in time to register my vote. Had I been present, I would voted "yea."

PERSONAL EXPLANATION

Mr. WOLF. Mr. Speaker, on rollcall Nos. 504 and 505 I am not recorded because I was absent due to my attendance at former congressman Joel T. Broyhill's funeral. Had I been present, I would have voted "yea."

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 1054, I call up the bill (H.R. 4772) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges under the United States Constitution have been deprived by final actions of Federal agencies or other government officials or entities acting under color of State law, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1054, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 4772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Property Rights Implementation Act of 2006".

SEC. 2. JURISDICTION IN CIVIL RIGHTS CASES CONCERNING REAL PROPERTY.

Section 1343 of title 28, United States Code, is amended by adding at the end the following:

"(c) Whenever a district court exercises jurisdiction under subsection (a) in an action in which the operative facts concern the uses of real property, it shall not abstain from exercising or relinquish its jurisdiction to a State court if the party seeking redress does not allege a violation of a State law, right, or privilege, and no parallel proceeding is pending in State court, at the time the action is filed in the district court, that arises out of the same operative facts as the district court proceeding.

"(d) In an action in which the operative facts concern the uses of real property, the district court shall exercise jurisdiction under subsection (a) even if the party seeking redress does not pursue judicial remedies provided by a State or territory of the United States.

"(e) If the district court has jurisdiction over an action under subsection (a) in which the operative facts concern the uses of real property and which cannot be decided without resolution of an unsettled question of State law, the district court may certify the question of State law to the highest appellate court of that State. After the State appellate court resolves the question so certified, the district court shall proceed with resolving the merits. The district court shall not certify a question of State law under this subsection unless the question of State law—

"(1) is necessary to resolve the merits of the Federal claim of the injured party; and

"(2) is patently unclear.

"(f)(1) Any claim or action brought under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) to redress the deprivation of a property right or privilege secured by the Constitution shall be ripe for adjudication by the district courts upon a final decision rendered by any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, which causes actual and concrete injury to the party seeking redress.

"(2) For purposes of this subsection, a final decision exists if—

"(A) any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and

"(B) one meaningful application to use the property has been submitted but denied, and the party seeking redress has applied for but is denied one waiver and one appeal, if the applicable statute, ordinance, regulation, custom, or usage provides a mechanism for waiver by or appeal to an administrative agency.

The party seeking redress shall not be required to apply for a waiver or appeal described in subparagraph (B) if such waiver or appeal is unavailable or can not provide the relief requested, or if pursuit of such a mechanism would otherwise be futile.".

SEC. 3. UNITED STATES AS DEFENDANT.

Section 1346 of title 28, United States Code, is amended by adding at the end the following:

"(h)(1) Any claim brought under subsection (a) that is founded upon a property right or privilege secured by the Constitution, but was allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, which causes actual and concrete injury to the party seeking redress.

"(2) For purposes of this subsection, a final decision exists if—

"(A) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and

"(B) one meaningful application to use the property has been submitted but denied, and the party seeking redress has applied for but is denied one waiver and one appeal, if the applicable law of the United States provides a mechanism for waiver by or appeal to an administrative agency.

The party seeking redress shall not be required to apply for a waiver or appeal described in subparagraph (B) if such waiver or appeal is unavailable or can not provide the relief requested, or if pursuit of such a mechanism would otherwise be futile.".

SEC. 4. JURISDICTION OF COURT OF FEDERAL CLAIMS.

Section 1491(a) of title 28, United States Code, is amended by adding at the end the following:

"(3) Any claim brought under this subsection founded upon a property right or privilege secured by the Constitution, but allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress. For purposes of this paragraph, a final decision exists if—

"(A) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and

"(B) one meaningful application to use the property has been submitted but denied, and the party seeking redress has applied for but is denied one waiver and one appeal, if the applicable statute, ordinance, regulation, custom, or usage provides a mechanism for waiver by or appeal to an administrative agency.

The party seeking redress shall not be required to apply for a waiver or appeal described in subparagraph (B) if such waiver or appeal is unavailable or can not provide the relief requested, or if pursuit of such a mechanism would otherwise be futile.".

SEC. 5. CLARIFICATION FOR CERTAIN CONSTITUTIONAL PROPERTY RIGHTS CLAIMS.

Section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) is amended by adding at the end the following: "If the party injured seeks to redress the deprivation of a property right or privilege under this section that is secured by the Constitution by asserting a claim that concerns—

"(1) an approval to develop real property that is subject to conditions or exactions, then the person acting under color of State law is liable if any such condition or exaction, whether legislative or adjudicatory in nature, including but not limited to the payment of a monetary fee or a dedication of real property from the injured party, is unconstitutional;

"(2) a subdivision of real property pursuant to any statute, ordinance, regulation, custom, or usage of any State or territory, or the District of Columbia, then such a claim shall be decided with reference to each subdivided lot, regardless of ownership, if such a lot is taxed, or is otherwise treated and recognized, as an individual property unit by the State, territory, or the District of Columbia; or

"(3) alleged deprivation of substantive due process, then the action of the person acting under color of State law shall be judged as to whether it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

For purposes of the preceding sentence, 'State law' includes any law of the District of Columbia or of any territory of the United States.".

SEC. 6. CLARIFICATION FOR CERTAIN CONSTITUTIONAL PROPERTY RIGHTS CLAIMS AGAINST THE UNITED STATES.

(a) DISTRICT COURT JURISDICTION.—Section 1346 of title 28, United States Code, is amended by adding at the end the following:

"(i) If a claim brought under subsection (a) is founded upon a property right or privilege secured by the Constitution that concerns—

"(1) an approval from an executive agency to permit or authorize uses of real property that is subject to conditions or exactions, then the United States is liable if any such condition or exaction, whether legislative or adjudicatory in nature, including but not limited to the payment of a monetary fee or a dedication of real property from the injured party, is unconstitutional;

"(2) a subdivision of real property pursuant to any statute, ordinance, regulation, custom, or usage of any State or territory, or the District of Columbia, then such a claim against an executive agency shall be decided with reference to each subdivided lot, regardless of ownership, if such a lot is taxed, or is otherwise treated and recognized, as an individual property unit by the State or territory, or the District of Columbia, as the case may be; or

"(3) an alleged deprivation of substantive due process, then the United States shall be judged as to whether its action is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

In this subsection, the term 'executive agency' has the meaning given that term in section 105 of title 5.".

(b) COURT OF FEDERAL CLAIMS JURISDICTION.—Section 1491 of title 28, United States Code, is amended by adding at the end the following:

"(4) If a claim brought under subsection (a) is founded upon a property right or privilege secured by the Constitution that concerns—

"(A) an approval from an executive agency to permit or authorize uses of real property that is subject to conditions or exactions, then the United States is liable if any such condition or exaction, whether legislative or adjudicatory in nature, including but not limited to the payment of a monetary fee or a dedication of real property from the injured party, is unconstitutional;

"(B) a subdivision of real property pursuant to any statute, ordinance, regulation, custom, or usage of any State or territory, or the District of Columbia, then such a claim against an executive agency shall be decided with reference to each subdivided lot, regardless of ownership, if such a lot is taxed, or is otherwise treated and recognized, as an individual property unit by the State, or territory, or the District of Columbia, as the case may be; or

"(C) an alleged deprivation of substantive due process, then the United States shall be judged as to whether its action is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

In this paragraph, the term 'executive agency' has the meaning given that term in section 105 of title 5.".

SEC. 7. DUTY OF NOTICE TO OWNERS.

(a) IN GENERAL.—Whenever a Federal agency takes an agency action limiting the use of private property that may be affected by the amendments by this Act, the agency shall, not later than 30 days after the agency takes that action, give notice to the owners of that property explaining their rights under such amendments and the procedures for obtaining any compensation that may be due them under such amendments.

(b) DEFINITIONS.—For purposes of subsection (a)—

(1) the term "Federal agency" means "agency", as that term is defined in section 552(f) of title 5, United States Code; and

(2) the term "agency action" has the meaning given that term in section 551 of title 5, United States Code.

SEC. 8. SEVERABILITY AND EFFECTIVE DATE.

(a) SEVERABILITY.—If any provision of this Act or the amendments made by this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, the amendments made by this Act, or the application thereof to other persons not similarly situated or to other circumstances shall not be affected by such invalidation.

(b) EFFECTIVE DATE.—The amendments made by this Act shall apply to actions commenced on or after the date of the enactment of this Act.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4772 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4772, the Private Property Rights Implementation Act. Members will recall that this bill was debated on Monday and failed under suspension of the rules, and this is the same bill that is being brought up today under a rule.

I would thus hope that all of the debate that we had for and against the bill would be incorporated by reference into the RECORD, and that Members could kind of modulate their arguments because we have heard them all before and we don't need to repeat them, as will I.

Mr. Speaker, the vast majority of Americans were outraged by a recent Supreme Court decision that severely undermined constitutionally protected property rights. The case of course is the notorious Kelo v. City of New London. In Kelo, the Supreme Court held that a city can take private property from one citizen and give it to a large corporation for economic development purposes.

I, along with Judiciary Committee Ranking Member CONYERS, led the charge to correct that terrible decision by introducing H.R. 4128, the "Private Property Protection Act" which passed the House of Representatives by the overwhelming bipartisan margin of 376-38. However, that bill now languishes in the other body despite overwhelming public support.

In any case, the Supreme Court's recent disregard for constitutionally protected private property is unfortunately not confined to the Kelo decision. In the case of Williamson County

v. Hamilton Bank, which was reaffirmed last term in the case of San Remo Hotel v. City and County of San Francisco, the Supreme Court upheld a set of procedural rules that effectively prohibit private property owners from ever getting into Federal court to have their Federal property rights claims heard on the merits.

I congratulate again the gentleman from Ohio (Mr. CHABOT) for authoring this vitally important legislation that will finally allow property owners to defend their Federal property rights in Federal court.

This bipartisan legislation was reported out of the Judiciary Committee by a voice vote on July 12. I hope it will receive the same bipartisan support on the floor today, and urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I don't want to be controversial, but H.R. 4772 has nothing to do with Kelo. What the chairman said about it, and our agreement about it is correct; but the reason why H.R. 4772 has nothing to do with homeowners like those in Kelo is that the bill has nothing to do with eminent domain abuses. H.R. 4772 has everything to do with land developers and corporations and regulatory takings claims, and I include for the RECORD four editorials from The Washington Post, the New York Times, the Atlanta Journal Constitution and the Sacramento Bee.

[From washingtonpost.com, Sept. 29, 2006]

Take It Back

THE HOUSE MOVES A RADICAL BILL TO HOBBLE LOCAL LAND-USE RULES

The House of Representatives is scheduled to take up today a terrible piece of legislation designed to strengthen the hands of developers in their battles with government. Congress considered and rejected a similar bill in 1997 and again in 2000. Now it's back—only worse.

The bill deals with legal claims under the "takings" doctrine—a requirement of the Fifth Amendment under which government has to compensate property holders when it seizes their land. Under current law, landowners must give local governments a chance to resolve such disputes and state courts a fair chance to adjudicate them before bringing the federal courts into the picture. The House bill would let developers make federal courts their first stop. This would give developers a big club to wield over local policymakers, gum up the federal courts with local land-use disputes, and diminish the rightful autonomy of state and local governments on the most local of questions.

Then—and here's where this year's bill is even worse than its predecessors—the substantive rules concerning takings and other constitutional challenges to land-use regulations also would be changed in developers' favor. Right now, federal courts are leery of such challenges in land-use cases, generally deferring to local authorities. Under this proposal, however, they would have to invalidate as a violation of due process any local decision that was "arbitrary, capricious, [or] an abuse of discretion." The bill, in short, would make it easier for landowners to get into court and, once there, easier to block regulations or to demand payment for compliance with them.

Conservatives often style themselves as champions of federalism, and some conservative judges—including Justice Samuel A. Alito Jr. while he served on the U.S. Court of Appeals for the 3rd Circuit—have taken principled stands on preserving local authority over land use. In 1994, Judge Frank H. Easterbrook of the 7th Circuit wrote in frustration: "Federal courts are not boards of zoning appeals. This message, oft-repeated, has not penetrated the consciousness of property owners. . . ." It's time for it to penetrate the consciousness of members of Congress.

[From the New York Times, Sept. 29, 2006]

More Comfort for the Comfortable

Congress, which has done so little this session to address the nation's real problems, is expected to vote today on a deeply misguided giveaway for big real estate developers. The bill would create new property rights that could in many cases make it difficult, if not impossible, for local governments to stop property owners from using their land in socially destructive ways. It should be defeated.

The Private Property Rights Implementation Act would make it easier for developers challenging zoning decisions to bypass state courts and go to federal court, even if there was not a legitimate federal constitutional question. Zoning regulations are quintessentially local decisions. This bill would cast this tradition aside, and involve the federal government in issues like building density and lot sizes.

The bill would also make it easier for developers to sue when zoning decisions diminished the value of their property. Most zoning does that. Developers would make more money if they could cram more houses on small lots, build skyscrapers 200 stories tall, or develop on endangered wetlands. The bill would help developers claim monetary compensation for run-of-the-mill zoning decisions on matters like these. It would also make it easier for them to intimidate local zoning authorities by threatening to run to federal court.

Zoning is not an attack on property rights. It is an important government function, and most Americans appreciate that it helps keep their own neighborhoods from becoming more crowded, polluted and dangerous. If more people knew the details of this bill, there would be wide opposition. As it is, attorneys general from more than 30 states, of both parties, have joined the U.S. Conference of Mayors, the National Conference of State Legislatures and leading environmental groups in opposing it.

The bill does a lot of things its supporters claim to abhor. House Republicans were elected on a commitment to states' rights and local autonomy, and opposition to excessive litigation and meddling federal judges. It is remark how quickly they have pushed these principles aside to come to the aid of big developers.

[From the Atlanta Journal-Constitution, Sept. 29, 2006]

Federal Courts Not for Zoning Cases

In the past, Congress has wisely rejected efforts to force local zoning disputes into federal court. But politically powerful developer groups armed with campaign cash have once again managed to resurrect the idea, and lawmakers in Congress should once again reject it.

Proponents of House Resolution 4772 claim it would help developers subjected to "takings" of their land thanks to overly restrictive zoning ordinances passed by local governments. Their dubious proposal would sanctify the right of property owners to do what they wish with their property over the right of communities to protect themselves through zoning against traffic congestion, massage parlors and other problems.

Such disputes are currently settled through negotiation or, failing that, by state court judges who are easily accessible to plaintiffs and defendants. But if passed, the bill would effectively sidestep state courts and grant developers special rights to take their appeals directly to federal courts.

The bill is also intended to intimidate local governments from daring to challenge developers who are often armed with better legal and financial resources.

A majority of the Georgia congressional delegation who favored the bill in a procedural vote taken this week would be wise to reconsider their support. Usurping the authority of county zoning boards certainly won't sit well in a state where the rallying cry of "local control" over land use and other issues is especially loud.

A lobbyist for the National Association of Home Builders, a trade group pushing hard for the bill, once bragged that passage of an earlier version would be a "hammer to the head" of state and local governments that tried to thwart developers. If Congress votes to pass the bill as the NAHB hopes, the hammer will wielded by voters angered at special-interest legislation that literally strikes them very close to home.

[From the Sacramento Bee, Sept. 29, 2006]

Regulating Land Use

HOUSE BILL WOULD BE GIFT TO DEVELOPERS

Here we go again. Since 1994, some members of Congress have introduced bills to redefine local land-use regulations as "takings" and to give developers a special fast-track to the federal courts. Currently, developers have to go first to local zoning boards and state courts.

Now a rehash of a failed 2000 bill is being rushed the House floor. Proponents claim it is about stopping eminent domain abuses, but H.R. 4772 is really about hampering the ability of local communities to enforce their zoning and environmental protection rules. Members of Congress should reject this bill, again.

Since 1791, the U.S. Constitution has required government to pay just compensation if it takes private property for public use. So if you own 100 acres and the government takes 98 acres to build a school, it must pay you. But if government rules say developers can only build one house per half acre, that's not a taking. Or if government rules allow development on 98 acres, but not on 2 acres of wetlands, that's not a taking.

H.R. 4772 would change that. Courts no longer would be able to look at the 100-acre parcel as a whole, but would have to look at each lot. So, local government would have to pay developers not to build on every inch in the 100-acre parcel. Taxpayers would pick up the tab for this extortion. If developers didn't get what they wanted from local zoning boards, they'd be able to bypass state courts and go to federal court. Judge Frank Easterbrook, a Reagan appointee in the 7th U.S. Circuit Court of Appeals, dismissed such special pleading in a 1994 case. "Federal courts are not boards of zoning appeals," he wrote. Those who "neglect or disdain" their state remedies should be thrown out of court, period.

Congress has turned back bills like H.R. 4772 before, and it should do so again. This bill, like Proposition 90 on the California ballot in November, radically expands "takings" and should be rejected.

Mr. Speaker, what we are doing now is undermining longstanding interpretations of the fifth amendment. As we discussed on Monday, on two separate occasions, the Supreme Court has ruled that landowners must pursue remedies for just compensation from the State, and the court has confirmed that a Federal court cannot properly consider a takings claim unless or until a landowner has been denied an adequate remedy. To do so would make cases unconstitutionally ripe for Federal review and also limit a Federal court's ability to abstain from State questions.

But the most disturbing thing about this measure is that the bill elevates the rights of property owners over all other categories of persons with constitutional claims. I know we do not believe that the rights of real estate developers are more important than the rights of other Americans. Perhaps some in this body might feel that way, which is why we are attempting to give developers special protections under an early Civil Rights Act, now known as section 1983, that has not been substantially altered in two generations.

The bill's proponents would like you to believe that the land developers and corporations are the only constitutional claimants that must start in State courts; not the case. The cases involving constitutional challenges to detention and violation of the sixth amendment require you start in State courts. Confinement of juvenile offenders in violation of the eighth amendment is another example of the claims that must first go to State courts.

Today we have been called to task and must stand up against this assault on the principles of federalism. Please study this measure carefully because the Nation's civil rights laws and our Constitution, as well as the principles of federalism, are involved.

Mr. Speaker, I rise—again—in strong opposition to the Private Property Rights Implementation Act. Just three days ago, this controversial legislation was defeated on suspension. Republican leadership did not like this vote, so here we are today taking up the same bill under a rule. With the election right around the corner, the Majority is determined to get the outcome that it wants.

We first took up this legislation in the 105th and 106th Congresses. This legislation was bad policy then and remains bad policy today. My concerns about this bill have not changed since Tuesday. H.R. 4772 is a forum-shopping bill that will only benefit land developers and corporations. This bill undermines longstanding interpretations of the 5th Amendment. And furthermore, this legislation elevates property owners over all other constitutional claimants.

First, H.R. 4772 singles out developers and corporations for a special fast track into federal court. Though it has been characterized as such, this bill is not a response to the Kelo decision. Last November, this House passed a bipartisan proposal in response to Kelo. At that time, there was no discussion of providing homeowners like those in Kelo with expedited access to federal courts and there shouldn't be one today.

The reason why is because H.R. 4772 has nothing to do with homeowners like those in Kelo. This bill has nothing to do with eminent domain abuses. H.R. 4772 has everything to do with land developers and corporations and regulatory takings claims.

If a developer does not like a state or local land use decision, it now has the ability to bypass state and local administrative procedures and jump right into federal court. To quote Jerry Howard of the National Association of Homebuilders, "This bill will be a hammer to the head of these State and local bureaucracies."

Second, H.R. 4772 undermines long-standing interpretations of the 5th Amendment. As we discussed on Monday, two times the Supreme Court has ruled that landowners must pursue remedies for just compensation from the state, in state court (Williamson County (473 U.S. 172 (1985)) and San Remo (545 U.S. 323) (2005)).

The Court has confirmed that a federal court cannot properly consider a takings claim unless or until a landowner has been denied an adequate remedy. To do otherwise would make cases unconstitutionally ripe for federal review and also limit a federal court's ability to abstain from state questions.

But this is exactly what H.R. 4772 will do. This bill will allow regulatory takings claims into the federal courts prematurely. States and localities will be restricted in their land use decisions at the threat of federal litigation. It will be harder for jurisdictions to protect against groundwater contamination, waste dumps, and adult bookstores.

Finally, and perhaps most disturbingly, this bill elevates the rights of property owners over all other categories of persons with constitutional claims. I know we do not believe that the rights of real estate developers are more important than the rights of other Americans. Perhaps some people in this body do, which is why we are attempting to give developers special protection under the Civil Rights Act of 1871, now known as Section 1983—a statute that has not been substantially altered since 1871 according to CRS.

This bill's proponents would like you to believe that land developers and corporations are the only constitutional claimants that must start in the state courts. However, this is just not true. Cases involving constitutional challenges to detention in violation of the 6th Amendment and confinement of juvenile offenders in violation of the 8th Amendment are just two examples of claims that must first go to the state courts.

Today we all have been called to task, and must stand up against this assault on the principles of federalism, the Nation's civil rights laws, and our Constitution.

Mr. Speaker, I ask unanimous consent that the gentleman from New York (Mr. NADLER) be assigned to the management of this bill on the floor on the side of the minority.

The SPEAKER pro tempore. Without objection, the gentleman from New York will control the time.

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I thank the chairman. In an attempt to adhere to his admonition that brief is better, I will add my voice of support for this bill.

I represent a rural district in Texas. It is 36,500 square miles. It is 14 percent of the land mass of Texas, and so we have a lot of opportunities for takings from various entities.

I support this bill because most landowners, most developers, simply want answers. "Yes" or "no" is better than "wait until tomorrow." Once you get hung up in this regulatory nightmare of waivers and permits and permits and waivers and that body and this body, just knowing the truth and what the ultimate answer is would be better.

This law defines that Federal courts have to begin hearing a case once a final answer has been given under a permit or a waiver, and allows access to the court so that the property owner will then be able to get an answer that they can live with.

I support this bill. I encourage my colleagues to also support this bill to protect private property rights and give landowners and other property owners their day in Federal court.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Constitution provides for just compensation where government takes property. On that there is general agreement. There is also agreement that the ability of government to take property must be strictly limited to a public purpose and that the power to take property must be used sparingly and judiciously. Those are not controversial points.

This bill is something different, something radically and dangerously different. This bill goes far outside the bounds of the Constitution to reward big developers and polluters whenever local government tries to preserve the quality of life in our communities by controlling the spread of huge landfills or sprawling subdivisions or factory farms or adult bookstores.

Under this bill, a developer could circumvent local government and normal State court consideration, drag our local governments into Federal court, and demand payment every time our constituents want to preserve their health or quality of life.

The threat of Federal court litigation, expensive Federal court litigation, is real and troubling. One representative of the National Association of Home Developers said this bill would be a "hammer to the head" of every local official. That is what this bill does.

It greatly expands the definition of a taking. It would require the government to provide compensation in cases where the Constitution does not. It would allow developers to game the system by arbitrarily dividing their lots to squeeze money out of communities.

Should we have to pay someone to keep them from poisoning our drinking water or ignoring our zoning laws or opening an adult bookstore? That seems to be the claim of developers who want to fill in wetlands at will or build garbage dumps the size of small towns. Is it a taking for which me must compensate the developer if we make them pay their fair share of the cost of the new roads, sewers, water lines and schools that will be needed to support their new subdivision?

Should local taxpayers have to pay a developer whenever any conditions are imposed on a developer before allowing him to move forward? That's what this bill does.

Let's have no doubt this is a big developers' bill. My friend, the sponsor of this bill, has trumpeted the fact that the bill is supported by the home builders, the realtors, the Chamber of Commerce, the National Federation of Independent Business, and the U.S. Farm Bureau.

It is opposed by environmental organizations, the American Planning Associations, consumer organizations, and your mayors, your Governors and your attorneys general of the States. Which side are you on?

One of the majority's witnesses at our hearing on this bill was Mr. Frank Kottschade, a major local developer who complained that he didn't get everything that he wanted from his local government.

Another was an attorney, Joseph Trauth, who represents Wal-Mart, Home Depot and GE in zoning cases. Small developers. He is proud of the fact that he helped the Rumpke landfill in Hamilton, Ohio, expand by 65 acres.

That is who the bill is for, not for homeowners who want to protect their homes and communities.

Let me clear up some confusion. Many Members of this House were outraged by the Supreme Court's Kelo decision which dealt with the use of eminent domain to take private property from one person and give it to another private party in order to promote economic development.

□ 1115

The distinguished chairman spoke of Kelo. This bill has nothing to do with Kelo and nothing to do with eminent domain. It is not about taking property. It is about regulating responsible use of property. It is about stopping the ability of local governments to pass zoning laws, environmental protection laws, to enforce them to protect the local residents against those who would pollute the environment, build every inch and fill our suburban towns with 200-story buildings.

You have heard Kelo discussed in this debate because the real purpose of this bill is simply indefensible. This bill has to do with zoning, environmental protection, and environmental regulation. This is about protecting homeowners from abuse by developers and polluters. The bill, actually, is about stopping the ability of local governments to protect homeowners from abuse by developers and polluters.

I would just note the irony that the Republican leadership the other day moved a bill that would limit the rights of religious minorities under the 1871 Civil Rights Act. This bill expands the rights of developers and polluters under the same 1871 Civil Rights Act and allows them to extort local communities. That is the Republican civil rights agenda.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT), the author of the bill.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding.

I want to, first, thank the gentleman from Wisconsin for his leadership and his cosponsorship of this bill, also the 35 other cosponsors and the 234 Members of this body that voted for it. It passed just the other day by a margin of 60 votes. Now, it needed two-thirds, so that is the reason for our being here today. But there is really overwhelming support. I also want to thank the gentleman from Tennessee, BART GORDON, for his leadership as well in support of this legislation.

Just to address a couple of the points that were made before I get into the bulk of my speech here, the gentleman from Michigan mentioned that this elevates property owners above all other constitutional rights and individuals who are trying to establish their constitutional rights. It doesn't do that at all. It puts them on the same level as other people who have a constitutional right that they are trying to enforce. And they should under existing law already have their constitutional rights. This is a fifth amendment right in the Bill of Rights. A person cannot have their property taken without just compensation, without due process of law, and this is just putting them on the same level with all the other constitutional rights that we enjoy in this country.

The gentleman from New York said that this is radical and dangerous. I would venture to say there aren't too many things that this side has tried to pass in the 12 years that I have served with the gentleman that the gentleman hasn't considered to be radical and dangerous, with some exceptions where we have been on the same side. But I think this is not radical nor is it dangerous.

Mr. NADLER. Mr. Speaker, will the gentleman yield?

Mr. CHABOT. I would be happy to yield to the gentleman from New York.

Mr. NADLER. Mr. Speaker, I will concede that when we passed last week my bill to recognize Congress's support for a memorial at the World Trade Center site, after it had been held in committee for 2 years, that was not radical and dangerous.

Mr. CHABOT. Reclaiming my time, Mr. Speaker, as I had indicated, there have been times when the gentleman has not said things we are doing are radical and dangerous, and I agree with that part of what we just talked about.

But the gentleman talks about this being only for big developers and not the little guy, so to speak. I would just note that H.R. 4772, this particular legislation, levels the playing field for small and middle-class property owners and retirees. The expense of bringing a Federal takings claim through the labyrinth of procedures in place today is disproportionately borne by private citizens who cannot draw on the public treasury to defend their rights. This bill, more than any big developer, helps small developers and the middle class, whose finances are particularly strained by the costs of defending their fifth amendment property rights.

This bill helps, for example, elderly retirees who may have all their savings tied up in their home that the government is trying to take away from them for whatever. When their home is unjustly taken by the government, the elderly should not have to spend 10 years paying for expensive lawyers to defend themselves in court. And that is what happens in communities all over this country right now. They should be allowed to go right to the Federal court and defend their federally protected property rights, and this bill would allow them to do just that.

On February 16 of this year, when I authored this, along with the gentleman from Tennessee (Mr. GORDON), this Private Property Rights Implementation Act, and I want to thank the gentleman, as I already did, we introduced this legislation as a result of recent Supreme Court decisions last term, Kelo and San Remo. They, quite frankly, ignored the constitutional rights of property owners.

The fifth amendment to the Constitution, as I stated before, states: No person shall be "deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation." And that is exactly what we are talking about remedying by this bill.

The House of Representatives acted to correct the Kelo decision by passing a bill, H.R. 4128, by a bipartisan vote of 376–38. Today, Congress has an opportunity to restore the rights taken away by the San Remo decision by passing this bill which will correct that decision.

Now, here is the problem. Strange as it sounds, under current law, property owners are now blocked from raising a Federal fifth amendment takings claim in Federal court. And here is why: The Supreme Court's 1985 decision in Williamson County v. Hamilton Bank requires property owners to pursue to the end all available remedies for just compensation in State court before the property owners can file suit in Federal court under the fifth amendment.

Then just last year, in the case of San Remo Hotel v. City and County of San Francisco, the Supreme Court held that once a property owner tries their case in State court, the property owner is prohibited from having their constitutional claim heard in Federal court, even though the property owner never wanted to be in State court with their Federal claim in the first place. The combination of these two rules means that those with Federal property rights claims are effectively shut out of the Federal court on their Federal takings claims, setting them unfairly apart from those asserting any other kind of Federal right, such as those asserting free speech or freedom of religion or other rights that could be established under the Constitution.

The late Chief Justice Rehnquist commented directly on this unfairness, observing in his concurring opinion in San Remo that "the Williamson County decision all but guarantees that claimants will be unable to utilize the Federal courts to enforce the fifth amendment's just compensation guarantee." The Second Circuit Court of Appeals has also stated that "it is both ironic and unfair if the very procedure that the Supreme Court requires property owners to follow before bringing a fifth amendment takings claim, a State court takings action, also precluded them from ever bringing a fifth amendment takings claim in Federal court.

H.R. 4772, the Private Property Rights Implementation Act, will correct the unfair legal bind that catches all property owners in what amounts to a catch-22. This bill, which is based on Congress's clear authority to define the jurisdiction of the Federal courts and the appellate jurisdiction of the United States Supreme Court, would allow property owners raising Federal takings claims to have their cases decided in Federal court without first pursuing a wasteful and unnecessary litigation detour, and possibly a dead end, in State court.

H.R. 4772 would also remove another artificial barrier blocking property owners' access to Federal court. The Supreme Court's Williamson County decision also requires that before a case can be brought for review in Federal court, property owners must first obtain a final decision from the State government on what is an acceptable use of their land. This has created an incentive for regulatory agencies to avoid making a final decision at all by stringing out the process and thereby forever denying a property owner access to the court. Studies of takings cases in the 1990s indicate that it took property owners nearly a decade of litigation, which most property owners, let us face it, especially a small property owner, can't afford, before takings claims were ready to be heard on the merits in any court, whether it is State or Federal.

To prevent that unjust result, this bill would clarify when a final decision has been achieved and when the case is ready for Federal court review. Under this bill, if a land use application is reviewed by the relevant agency and rejected, a waiver is requested and denied, and an administrative appeal is also rejected, so they have gone through this long process, then a property owner can bring their Federal constitutional claim, and, again, this is a Federal constitutional claim, in a Federal court. The bill would not change the way agencies resolve disputes; rather, H.R. 4772 simply makes clear the steps the property owner must take to make their case ready for court review.

This bill also clarifies the rights of property owners raising certain types of constitutional claims in other ways.

First, it would clarify that conditions that are imposed upon a property owner before they can receive a development permit must be proportional to the impact a development might have on the surrounding community.

Second, it would clarify that if property units are individually taxed under State law, then the adverse economic impact the regulation has on a piece of property should be measured by determining how much value the regulation has taken away from the individual lot affected, not the development as a whole.

Third, the bill would clarify that due process violations involving property rights should be found when the government has been found to have acted in an arbitrary and capricious manner.

This legislation also applies these same clarifications to cases in which the Federal Government is taking the private property. This legislation is endorsed by a number of organizations: the National Association of Homebuilders; the National Association of Realtors; the U.S. Chamber of Commerce; the National Federation of Independent Businesses, which is oftentimes small businesses, most of the time; the United States Farm Bureau; and the Property Rights Alliance.

Again, this legislation passed. A majority of more than 60 votes for this legislation, as opposed to against it just a couple of days ago.

Again, I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his leadership and also the gentleman from Tennessee (Mr. GORDON) for his leadership.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York.

Mr. BOEHLERT. Mr. Speaker, I rise in strong opposition to this bill. This bill is a bad idea that comes before us periodically but, happily, has never been enacted. And I hope it meets a similar fate this time.

This bill is, quite simply, an effort to take away the rights of each and every property owner who wants to alter or even block an unwanted development. It should really be called the "Private Property Rights Obliteration Act."

If you are a homeowner and you would like a new mall or a new apartment building to be a little smaller so it does not overwhelm your neighborhood with traffic and all the other attendant problems, this bill will make it next to impossible for you to succeed. If you are a homeowner and you don't want a bar to be built right around the corner from your house, this bill will make it almost impossible to succeed. If you are a small businessman and you want to control where a big-box store is going to be built, this bill will make it almost impossible for you to succeed.

In 2000, the last time we debated this, the developers, quite rightly, described this bill as a hammer to the heads of local officials who are trying to guide and manage development. It is a very dangerous bill.

It is also a very odd bill. Here we have supposed conservatives begging Federal courts to intervene in the most local of matters. Why? So that the developers can scare localities into not doing their most fundamental jobs.

Now this time around, the proponents of the bill have come up with some new ingenious arguments for the bill. The only problem is that these arguments are wildly inaccurate. So let me make this clear to my colleagues: This bill does not deal at all with eminent domain or property seizures or the Supreme Court's Kelo decision. Let me restate that, it is so important: This bill does not deal at all with eminent domain or property seizures or the Supreme Court's Kelo decision, which was decided years after the bill was written.

This bill is only about localities exercising their zoning authority. It is not about localities taking property by eminent domain.

And by the way, the substantive problem in Kelo was that a developer was kicking people out of their homes. This bill would only strengthen the hand of developers to an unprecedented degree.

So let us not undermine our Nation's neighborhoods and localities with this unprecedented and radical change in law. Let us listen to all the local governments and environmental groups that have always opposed this bill. Let us make sure our constituents retain their ability to shape their own neighborhoods. Vote "no."

□ 1130

Mr. NADLER. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER) who has been instrumental in local development, planning efforts in local government.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy. Our friend from New York set the right tone.

Basically I must respectfully disagree with the chairman of the committee. Maybe everything has been said, but I do not think everything has been heard. That is why his attorney general joined with 35 other attorneys general in saying this is flawed, unnecessary, dangerous legislation.

They basically flunk Property Protection 101. It ignores the fact that planning and zoning is to protect everybody's property. Now, the gentleman from Cincinnati would not yield to me. I wonder, if I yielded him 30 seconds, if he would answer a question.

Mr. CHABOT. It is your time.

Mr. BLUMENAUER. Does Hamilton County or the City of Cincinnati have any protective zoning and planning mechanisms that occasionally require more than one decision to be able to reach a rational decision? I yield 30 seconds to the gentleman.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding. We have the same zoning laws that are in many other places around the country. There is an appeals process that we go through, and there is a three-step process under this particular legislation: You have to be denied. You have to then appeal. You have to go a third level. And if you lose at all of those, then the owner has the option to go to either State court or Federal court under this legislation, which seems perfectly reasonable.

Mr. BLUMENAUER. My question is, in Hamilton County or Cincinnati, does it ever occur that there are other activities locally in dealing with the local planning and zoning process that would require an additional step or two? I yield 30 more seconds.

Mr. CHABOT. Of course there are. We have various zoning boards. We have various agencies. We have the same basic things in our community that most of the other communities have. And I was on the community commission. We have appeals of all kinds of nature at all times.

Mr. BLUMENAUER. I appreciate the gentleman's clarification, because I have the same experience you have. I was a county commissioner. I was the commissioner of public works for the City of Portland. I had example after example where there were imperfect applications that were thrown over the transom. I can think of one where there was a massive shopping center that was going to be in an industrial area where they wanted a zone change that required extensive efforts to protect everybody's property protection.

I find it outrageous that you are going to be proposing, under your legislation, short-circuiting that local property protection.

It is ironic that the same committee is telling us that the Supreme Court is not competent to deal with issues of marriage, same-sex marriage. It is not competent to deal with something as complex as the flag amendment. Somehow you are going to be rocketing proposal after proposal into the Federal courts where the Supreme Court has already said that it is not the best place to deal with things that are uniquely local and State in nature.

It is not the small property owner that is going to benefit from this. The little old grandma that you are talking about in the first instance is not filing complex planning and zoning proposals, in the main. This will be utilized by large developers who can wear down communities. And we have seen it happen. When it happens to small communities, where all of the fire power that was arrayed before the Judiciary Committee comes to bear, wearing them down, it is going to make it very difficult to provide those local protections.

Now, Mr. Speaker, that is why unions, planning associations, Clean Water Action, why the Defenders of Wildlife, over a dozen other environmental and conservation groups, including the Trust for Historic Preservation, and as I mentioned 36 attorney generals, including Mr. CHABOT's attorney general in Ohio, say this is flawed and unnecessary legislation.

Mr. Speaker, I would respectfully suggest that rather than trying to drive a wedge into the planning process in local communities, processes that are designed to help to provide protections for everybody, I would strongly suggest that this legislation be rejected.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 15 seconds just to amplify the fact that my Democratic attorney general was just defeated in the primary, and I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 45 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I would point out that there are 35 other attorney generals that are Republican and Democratic, from Alabama, from Connecticut, from Iowa, Louisiana, Maryland, Massachusetts, Maine, Kentucky, noting the gentleman in the chair, from Idaho—I think he is a Republican—Delaware, Arizona, Alaska, Michigan, Montana, New Jersey, New York, Oregon, Rhode Island, Tennessee, Oklahoma, New Mexico, Nevada, Mississippi, Utah, Vermont, West Virginia, Wyoming. I mentioned Wisconsin, and I do think we ought to reemphasize again Ohio, the home State of the sponsor of this legislation. All these attorneys general oppose this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT) who I think is right, and his attorney general is wrong.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, if the gentleman is bringing up statewide office holders in Ohio for credibility purposes, I think the gentleman should probably review the political situation in Ohio and some of the stature that some of those folks hold right now. If you are making an argument to support your side of the case, there are a number of them that are let's say not at the height of popularity as we speak here today.

But just to mention a couple of things that the gentleman touched upon, especially the environmental concerns, for example. There is nothing in this bill that would prohibit the protection of land for environmental, health and safety reasons.

However, if the land is so regulated as to deny the owner any use of it, then, yes, the owner needs to be paid just compensation. The fifth amendment does not have an exemption for environmental laws or any other laws. In fact, the best approach would be to purchase the land, possibly through eminent domain, rather than trying to pull a fast one and harm the property owner or take that person's property without just compensation.

The basic idea is that individual property owners should not bear all of the costs of protecting our communities. A few land owners should not have to sacrifice their own land and economic well being for the betterment of a town or a city; rather, the town should give them just compensation. That is what we are supposed to do in this society.

If we are taking it from a particular individual, and they cannot use their land as they want to see fit, the rest of us, through the appropriate way, should give them just compensation.

The fifth amendment should apply in all taking cases, and we should not be carving out exceptions when it comes to public health and safety, just like in the Kelo legislation we passed; we did not carve out exceptions for the private use of eminent domain because some property is not as desirable to the community at large. All property should be treated the same.

And if there is public health or environmental needs to take the land, owners should be compensated for its taking. There are limits to what the government can do. And that limit is called the Bill of Rights. When the government takes private property, owners must be fairly compensated for their land.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to the bill. I represent some beautiful communities in California: Carmel, many of you know, Pebble Beach, Santa Cruz, communities that have built their aesthetics around regulation. And I sat as a county board of supervisor having to managé these recollections.

The author of the bill is right: We have eminent domain. When there is taking, you get compensated. What his bill is about is protecting developers at the expense of property owners. This is going to decrease property values. Decrease property values.

Because you get them to pay for every kind of regulation. Now, all of us know that when you get a benefit, you do it with a responsibility. You get a driver's license, but that does not allow you to drive over 65 miles an hour. In this case, you would have to pay someone, because they bought a car that can go 100 miles an hour, you have to pay them the difference between 65 and 100.

That is what this kind of bill is about. What is the taking? Is it requiring that the trees be left standing? Is it required to have a little bit of a setback? This bill injures property values and should be defeated.

Mr. SENSENBRENNER. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, it is difficult to understand my friends on the Republican side of the aisle's efforts to stick this burden on the taxpayers and allow developers to do the equivalent of developer's gerrymandering to increase their profits. Why should the taxpayers have to succumb to developers doing to the taxpayers what politicians have done to the voters?

Politicians, what they have done to the voters is carved out these little districts to try to keep their seats safe. If this bill were to become law, which it will not, it will allow developers to carve up their little development, fancy little lines to extract the maximum amount of money from the taxpayers.

Where is the reason to allow developers to decide their own rules, to write their own paycheck from the taxpayers? We have laws on the books enforced by supreme courts that say that, if you have your property taken as a whole, you get compensation. But this bill will game the system, will create this arbitrary system where the developer decides, not the courts, and that is a massive gambit to allow the guy who wants to build a strip club or a gambling spot or a strip mall in your neighborhood to make it impossible for your local community to have meaningful zoning to protect your neighborhood.

And it is done for one single reason, to put money in developers pockets in a way that is not fair. And, by the way, this is not about grandma out in her backyard. It is about people wanting to break up large chunks for a subdivision, and decide that they are going to take a wetlands. Right now, if there is a wetlands, and we have lost humungous amounts of wetlands in the last couple hundred years; whether there is a taking depends on the whole property.

Do not allow this gambit to take place. It is not fair. It is not Constitutional, and it is not going to pass.

Mr. NADLER. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New York has 9½ minutes remaining. The gentleman from Wisconsin has 13 minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I looked at the website of one of the witnesses that Mr. CHABOT brought from Cincinnati, and looked at a couple of the things that he has been successful in achieving, as significant expansion in a landfill, siting a 1,000-foot radio and TV tower.

These are the sorts of things that I worked on as a county commissioner; I assume Mr. CHABOT worked on when he was a county commissioner. It took years, for example, for us to deal with sitings for radio tower emissions because local people, neighbors and representation from industry were going crazy.

But the lengthy process was worth it; we produced the safest standards in the country that the industry ultimately adopted. Using Mr. CHABOT's approach, it would allow those powerful interests to have bypassed us and gone to Federal court. We could not have stood up to them.

The neighborhood would have been at risk. It is exactly the sort of thing that people elect local officials like we used to be to protect. I think it is outrageous that Congress is going to undermine them.

□ 1145

Mr. SENSENBRENNER. Mr. Speaker, once again I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding. I just make two quick points.

The gentleman from Oregon disparages the reputation of the gentleman who testified at the committee, Mr. Trauth, who was an attorney, on the types of cases that he takes. I would just note that I oftentimes agree with people who come and testify, disagree. They are lawyers. They represent various sides.

Mr. BLUMENAUER. Mr. Speaker, will the gentleman yield?

Mr. CHABOT. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Speaker, I was not disparaging the gentleman. I was talking about his cases that he advertised.

Mr. CHABOT. Reclaiming my time, I happen to know that he also represents people that are at lower income levels that maybe are having their houses taken away by somebody. As all lawyers do, they represent a whole range of cases.

And the other gentleman from Washington talked about how awful this legislation the Republicans are trying to pass is. I would just note to the gentleman that there were 37 Democrats that voted for this legislation just the other day.

I thank the gentleman for yielding.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is important to get this debate back on track as to what we are talking about, not what we are not talking about, because the gentleman on the other side keeps bringing up matters that were not debated, that is not before us in this bill.

This bill has nothing to do with Kelo. It has nothing to do with whether there should be compensation for a taking. If the government wants to take your house for a new highway, they have got to pay you. That is the fifth amendment. If the government wants to take your house to give it to somebody else to build something that they judge for public purpose, the Supreme Court said they can do it in Kelo. A lot of people do not like it. That is the Kelo controversy. That is not this controversy.

This controversy has nothing to do with that. This controversy is saying the following: If local government passes regulations legislating land use, you cannot destroy a wetland; you cannot build a building more than 50 stories tall; you cannot build more than five houses on an acre, because it is a suburb and we do not want too much crowding; you cannot build a factory next to the houses; you cannot build a mine in a residential neighborhood. These are limitations on the use of property. It does not say you cannot use your property. It says you cannot build a mine here or you can only build 5 houses on that lot, not 2,500 houses.

Should these kinds of limiting regulations that governments all across our land grant all the time in order to protect local homeowners, in order to protect local property values, in order to protect the quality of life in local communities, should these laws remain possible? This bill says they should not remain possible.

This bill says that in two ways. One, we are going to drag the local community into Federal court where, contrary to the implications of the other side, it is a lot more expensive to litigate generally in Federal court than it is in a local court. So we are going to say that if the megadeveloper who wants to build 300 homes or 50 stories or 100 stories on that local lot next to your house, against the local zoning, he can take you right into Federal court, make you spend a lot of money and not go through the local process and not go through the local court process. That is very dangerous.

That is why the proponents of this bill, the home builders, said this is a hammer to the head of local officials. It is intended to be a hammer to the head of local officials. And who do the local officials represent? The local people who care about their property value, that is who they represent. But we are going to put a hammer to their heads because to hell with the property values of our local communities; to hell with the local planned development; we do not want big developers to be inhibited from building 300 houses on an acre instead of only three or four or whatever the local zoning code says.

Secondly, question: Is it a taking? The big developer buys 100 acres, has a 100-acre plot, two of them are a wetlands. The local government says or the law says you cannot build on the wetlands, you can only build on 98 of your 100 acres. The Supreme Court has always said you look at the totality of the property to determine whether that is a taking requiring compensation, and it is not, because you can build on 98 percent of your property, until this bill comes along and says no you cannot; you can subdivide the lots and if you want to protect that wetland, you have to pay for it.

The bill also says, in effect, that if you want to say that you cannot build 100 houses on that property, you can only build 10, you have to pay the developer for the difference between 10 houses and 100 houses, 90 percent.

Now, Mr. CHABOT says, well, why should the government not pay the property owner if he cannot use his property. Well, the issue is not that. The issue is why should the local government, which wants to regulate or limit use of property in certain ways, have to pay the difference between what they say you can do with your property which they are not taking and everything conceivably you could do?

If the answer is yes, no local government will be able to pay that, no local community can pay that, and you cannot have local land use regulations, you will have to have the 50 story building there because no one can stay the difference between a 10-story limitation in the zoning instead of 50 on every lot.

So this is a question of whether you can have local language regulation, whether you can protect local communities at all.

Finally, let me say that this bill is clearly unconstitutional because this bill says you go right into Federal court. In the Williamson decision in 1985, the Supreme Court held that a takings claim, a claim that you are taking property without due process of law, is not right for Federal court review if the property owner had not obtained a final decision from the appellate administrative agency and the property owner had not first filed the claim in State court to challenge the government action. The court held that these requirements are constitutional requirements, not statutory. We cannot give them the right to go straight into Federal court because the rule, the court said, is compelled by the very nature of the inquiry required by the just compensation, that is, the takings clause, because the fact it is applied in deciding a takings claim simply cannot be evaluated until the administrative agency has arrived at a final decision regarding how it will apply the regulation it issued for the particular land in question.

Just 7 years ago, in 1999, the Supreme Court said again, a Federal court cannot entertain a takings claim under section 1983 or unless or until the complaining land owners are denied an adequate "deprivation remedy," in other words has been denied State court review.

So by forcing the case right into Federal court this is clearly unconstitutional.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding.

I am pleased to rise in support of H.R. 4772. I am pleased to be an original cosponsor and want to commend Mr. CHABOT and Mr. SENSENBRENNER for shepherding this legislation through.

In Arizona, between State, Federal and Indian reservation, private property extends to less than 20 percent in the State, and so we take private property very seriously there because we cannot afford to lose too much more of it.

So, when we have had the recent Kelo decision and other decisions that have eroded private property rights over the past couple of years, we feel that we need to respond in this way, and if the Federal Government has provisions which erode those private property rights then somebody ought to have a remedy through the Federal courts. And that's what this legislation is about.

I commend the sponsors for pushing it through, and I would encourage support for it.

Mr. NADLER. Mr. Speaker, just to clarify, this bill does not simply deal with sending cases to Federal courts. It deals with the substantive law to be considered there.

Mr. Speaker, I yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I just want to clarify. I find it interesting that my colleague from Cincinnati somehow thinks that, because I noted his witness represents people siting radio towers in landfills, that I was disparaging him. I did not say anything like that. I gave real-life examples of why his bill is going to destroy property values.

If you have a 1,000-foot radio tower next to you or a landfill expansion, in your home town that may make one person more money, but it has the potential of eroding the protections of everybody around them. Those are the real-life examples that they refuse to acknowledge.

Mr. NADLER. Mr. Speaker, I am pleased to yield 1¼ minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, there is a lot of anger about eminent domain law right now because of the Kelo decision, and I am one of the people who disagrees with that decision. I do not believe it is wise to allow eminent domain to be used for private purposes, and I think it was a poorly decided decision.

But I want to make sure that the Members understand. This bill does nothing to fix that problem. If you are angry about Kelo, this bill is not medicine. It does nothing to change the standards for when eminent domain can be used by Federal or municipal governments.

So this does not solve the problem, and I want to yield to Mr. CHABOT, if I could, for a moment. I just want to make sure that we are on the same page on this. I have looked diligently through this and can find nothing that changes the eminent domain standard that would overturn the Kelo decision.

Do you agree with me on that assessment?

Mr. CHABOT. Mr. Speaker, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Ohio.

Mr. CHABOT. I agree that this is not directly related to Kelo, although there is, I think in many people's minds, some connection, and I think rightfully so.

Mr. INSLEE. Mr. Speaker, I want to make clear it is not the impression in people's minds that counts in Congress. It is what is in people's bills, and in this bill is nothing to solve the Kelo problem.

We should not let anger about Kelo allow developers to game taxpayers. This bill should be rejected.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill deals with when a government exercises zoning power and the big developer disagrees with that, what happens. It says you go into Federal court right away, which is more expensive for the local government to defend, and which is unconstitutional, as I mentioned a few minutes ago, because you have to go through the State remedy.

But second of all, it changes the substantive law to enable the developer to say that any reduction in his use of the property, that says you cannot have more than X number of houses on the property or you cannot destroy all the wetlands on the property, anything that will help preserve the local communities, all the regulations it would depend on to preserve property values, to preserve local communities, they are all gone because you have to pay for them and no local government is going to pay for them.

So nobody is going to be able to go to their local zoning board and complain. They will have to go to the Supreme Court, which will not have time for them.

Mr. UDALL of Colorado. Mr. Speaker, Colorado has been one of the fastest-growing States, and we have our share of contentious land-use disputes—in fact, sometimes it seems we may have more than our share.

And I do think the federal government has a role to play in helping our communities to respond to the problems that come with that rapid growth.

But I don't think the help that's needed is greater involvement of the federal courts in more and more local land-use decisions. And that's what this bill is all about.

This bill does not deal with the questions about use of eminent domain for economic development projects that were involved in the case of Kelo v. New London which attracted so much attention when the Supreme Court issued its decision last year.

I voted for a resolution (H. Res. 340) expressing disapproval of that decision, and for a bill (H.R. 4128) that responded to the decision by barring any state or political subdivision from exercising its power of eminent domain for economic development if that state or political subdivision received federal economic development funds. That bill also would make a state or political subdivision violating that prohibition ineligible for any such funds for two fiscal years, bar the federal government from exercising its power of eminent domain for economic development, and establish a private cause of action for any private property owner who suffers injury as a result of a violation of the bill.

I thought that was an appropriate response to the Kelo decision. But this bill is quite different, and I cannot support it.

I do not think it is needed. The vast majority of land-use disputes, including claims that local regulations or decisions amount to a "taking" of property, are resolved at the local or state level without significant delay.

There is no need to short-circuit the decisionmaking process under local and state law. There is no need to bypass our state courts, because, as noted in a letter signed by Attorney Generals of 32 States, "State courts . . . are ideal forums for resolving disputes involving state and local planning issues [and] . . . the bill thus runs counter to the admonition of Justice Alito . . . that the federal judiciary should avoid procedural rules under which it could be 'cast in the role of a zoning board of appeals.'"

I also don't think the bill is sound policy. I am very concerned that it would severely tilt the field in favor of one interest, developers, and make it even harder for our communities to meet the challenges of growth and sprawl. It would saddle taxpayers of our towns, cities, and counties with the costs of expensive federal litigation. That's one reason it is opposed by the Colorado Municipal League as well as the National League of Cities, the National Association of Counties, the U.S. Conference of Mayors, the National Council of State Legislatures, and the Council of State Governments.

It's also not good for our federal courts. When the House considered similar legislation previously, the Judicial Conference of the United States—the body that speaks for our federal judges—said it "may adversely affect the administration of justice" and "contribute to existing backlogs in some judicial districts."

Finally, as a non-lawyer who takes very seriously the oath we all have taken to support the Constitution, I have listened carefully to the views of the many lawyers—including distinguished Members of the Judiciary Committee—who have concluded that the bill is likely unconstitutional.

Even if I thought the bill was otherwise desirable, that would make me hesitate. But, as I've said, the bill has other serious shortcomings—and the constitutional issues that have been raised mean that enacting this bill would inevitably lead to even more protracted and expensive litigation that would go all the way to the Supreme Court. However the Court might finally rule, that additional litigation is not something that I think is necessary or that Congress should encourage. So, again, I cannot vote for this bill.

Mr. SMITH of Texas. Mr. Speaker, I support this legislation which was introduced by Congressman CHABOT. It protects the Americans' private property.

The Bill of Rights guarantees the right to private property. Such a right lies at the foundation of a democracy where citizens have the freedom to buy, sell, exchange, or make a profit on all forms of property.

In recent years, it has become more and more common for the government to seize private property under the guise of eminent domain for "public" use.

This is something that landowners in my home state of Texas are already frequently faced with under the Endangered Species Act, which prevents a landowner from developing their property if an endangered species is found on the land.

Under last year's Supreme Court decision in Kelo, state and local governments now can take property from a private landowner in order to give or sell it to another private owner. So, we need to make sure Americans can protect their private property ownership.

The Private Property Rights Implementation Act of 2006 clarifies current law in order to give America's property owners those tools.

For instance, H.R. 4772 corrects an anomaly created by two Supreme Court decisions that prevents a property owner from having their federal takings claim decided in Federal Court without first pursuing the case in state court.

And the legislation clarifies that the standard for due process claims in a takings case is "arbitrary and capricious" and not the much higher "shocks the conscience" standard that some courts are using and that almost no property rights case can meet.

The bill also clarifies what constitutes a "final decision" on an acceptable land use from a regulatory agency for purposes of being able to take the claim to federal court.

Some regulatory agencies have avoided making such "final decisions" in order to prevent the property owner from moving forward with the property rights claim.

H.R. 4772 is a good bill that will protect Americans' property rights.

Mr. Speaker, I thank Congressman CHABOT for offering this legislation, and urge my colleagues to support it.

Mrs. MALONEY. Mr. Speaker, I rise today in opposition to H.R. 4772, the "Private Property Rights Implementation Act."

This bill strips local governments of their authority to enforce zoning regulations by allowing real estate developers to bypass the State courts and go directly to Federal courts to challenge local zoning decisions. While I strongly believe in the rights of property owners, zoning is an important tool of local governments to maintain livable communities where residents and businesses can coexist.

The city of New York opposes this legislation because it would intrude upon its authority over local land decisions. Additionally, this bill is opposed by a coalition of groups including the League of Conservation Voters, the National League of Cities, the U.S. Conference of Mayors, and the National Conference of State Legislatures.

I am puzzled about why the Republican Majority feels that this bill should be voted on before we adjourn when there are so many other issues like increasing the minimum wage and implementing the recommendations of the 9/11 Commission that have yet to be considered by this body.

I urge my colleagues to vote "no."

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding. I appreciate this opportunity to explain my concerns with the bill, H.R. 4772, the Private Property Rights Implementation Act of 2005. I oppose the bill because I am concerned that it will weaken local land use, zoning, and environmental laws by encouraging costly and unwarranted "takings" litigation in Federal court against local officials.

Mr. Chairman, H.R. 4772 would fundamentally alter the procedures governing regulatory takings litigation. Those procedures are required by the U.S. Constitution and have been repeatedly reaffirmed by the U.S. Supreme Court, as recently as last year. The bill purports to alter these requirements by giving developers, corporate hog farms, adult bookstores, and other takings claimants the ability to bypass local land use procedures and State courts. Indeed, the National Association of Home Builders candidly referred to a prior version of the bill as a "hammer to the head" of local officials. Developers could use this hammer to side-step land use negotiations and avoid compliance with local laws that protect neighboring property owners and the community at large.

In addition, section 5 of the bill purports to dramatically change substantive takings law as articulated by the Supreme Court and other Federal courts by redefining the constitutional rules that apply to permit conditions, subdivisions, and claims under the Due Process Clause. The existing rules, developed over many decades, allow courts to strike a fair balance between takings claimants, neighboring property owners, and the public. The proposed rules would tilt the playing field further in favor of corporate developers and other takings claimants, even in the many localities across the country where developers already have an advantage.

As a result, H.R. 4772 would allow big developers and other takings claimants to use the threat of premature Federal court litigation as a club to coerce small communities to approve projects that would harm the public. By short-circuiting local land use procedures, H.R. 4772 also would curtail democratic participation in local land use decisions by the very people who could be harmed by those decisions.

The bill also raises serious constitutional issues. The provisions that purport to redefine constitutional violations ignore the fundamental principle established in Marbury v. Madison (1803) that it is "emphatically the province and duty" of the Federal courts to interpret the meaning of the Constitution. Moreover, under longstanding precedent, a landowner has no claim against a State or local government under the Fifth Amendment until the claimant first seeks and is denied compensation in State court. Federal courts would continue to dismiss these claims, as well as claims that lack an adequate record where claimants use the bill to side-step local land use procedures. The bill will create more delay and confusion by offering the false hope of an immediate Federal forum for those who have not suffered a Federal constitutional injury. In short, this bill is a great threat to federalism, our local land use protections, neighboring property owners, and the environment. Therefore, I urge my colleagues to vote against the bill.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1054, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NADLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5631) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.".

MILITARY COMMISSIONS ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 1054, I call up the Senate bill (S. 3930) to authorize trial by military commission for violations of the law of war, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Military Commissions Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Construction of Presidential authority to establish military commissions.
Sec. 3. Military commissions.
Sec. 4. Amendments to Uniform Code of Military Justice.
Sec. 5. Treaty obligations not establishing grounds for certain claims.
Sec. 6. Implementation of treaty obligations.
Sec. 7. Habeas corpus matters.
Sec. 8. Revisions to Detainee Treatment Act of 2005 relating to protection of certain United States Government personnel.
Sec. 9. Review of judgments of military commissions.
Sec. 10. Detention covered by review of decisions of Combatant Status Review Tribunals of propriety of detention.

SEC. 2. CONSTRUCTION OF PRESIDENTIAL AUTHORITY TO ESTABLISH MILITARY COMMISSIONS.

The authority to establish military commissions under chapter 47A of title 10, United States Code, as added by section 3(a), may not be construed to alter or limit the authority of the President under the Constitution of the United States and laws of the United States to establish military commissions for areas declared to be under martial law or in occupied territories should circumstances so require.

SEC. 3. MILITARY COMMISSIONS.

(a) MILITARY COMMISSIONS.—

(1) IN GENERAL.—Subtitle A of title 10, United States Code, is amended by inserting after chapter 47 the following new chapter:

"CHAPTER 47A—MILITARY COMMISSIONS

"Subchapter
"I. General Provisions 948a
"II. Composition of Military Commissions 948h
"III. Pre-Trial Procedure 948q
"IV. Trial Procedure 949a
"V. Sentences 949s
"VI. Post-Trial Procedure and Review of Military Commissions 950a
"VII. Punitive Matters 950p

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec.
"948a. Definitions.
"948b. Military commissions generally.
"948c. Persons subject to military commissions.
"948d. Jurisdiction of military commissions.
"948e. Annual report to congressional committees.

"§ 948a. Definitions

"In this chapter:

"(1) UNLAWFUL ENEMY COMBATANT.—(A) The term 'unlawful enemy combatant' means—

"(i) a person who has engaged in hostilities or who has purposefully and materially supported hostilities against the United States or its co-belligerents who is not a lawful enemy combatant (including a person who is part of the Taliban, al Qaeda, or associated forces); or

"(ii) a person who, before, on, or after the date of the enactment of the Military Commissions Act of 2006, has been determined to be an unlawful enemy combatant by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense.

"(B) CO-BELLIGERENT.—In this paragraph, the term 'co-belligerent', with respect to the United States, means any State or armed force joining and directly engaged with the United States in hostilities or directly supporting hostilities against a common enemy.

"(2) LAWFUL ENEMY COMBATANT.—The term 'lawful enemy combatant' means a person who is—

"(A) a member of the regular forces of a State party engaged in hostilities against the United States;

"(B) a member of a militia, volunteer corps, or organized resistance movement belonging to a State party engaged in such hostilities, which are under responsible command, wear a fixed distinctive sign recognizable at a distance, carry their arms openly, and abide by the law of war; or

"(C) a member of a regular armed force who professes allegiance to a government engaged in such hostilities, but not recognized by the United States.

"(3) ALIEN.—The term 'alien' means a person who is not a citizen of the United States.

"(4) CLASSIFIED INFORMATION.—The term 'classified information' means the following:

"(A) Any information or material that has been determined by the United States Government pursuant to statute, Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security.

"(B) Any restricted data, as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

"(5) GENEVA CONVENTIONS.—The term 'Geneva Conventions' means the international conventions signed at Geneva on August 12, 1949.

"§ 948b. Military commissions generally

"(a) PURPOSE.—This chapter establishes procedures governing the use of military commissions to try alien unlawful enemy combatants engaged in hostilities against the United States for violations of the law of war and other offenses triable by military commission.

"(b) AUTHORITY FOR MILITARY COMMISSIONS UNDER THIS CHAPTER.—The President is authorized to establish military commissions under this chapter for offenses triable by military commission as provided in this chapter.

"(c) CONSTRUCTION OF PROVISIONS.—The procedures for military commissions set forth in this chapter are based upon the procedures for trial by general courts-martial under chapter 47 of this title (the Uniform Code of Military Justice). Chapter 47 of this title does not, by its terms, apply to trial by military commission except as specifically provided in this chapter. The judicial construction and application of that chapter are not binding on military commissions established under this chapter.

"(d) INAPPLICABILITY OF CERTAIN PROVISIONS.—(1) The following provisions of this title shall not apply to trial by military commission under this chapter:

"(A) Section 810 (article 10 of the Uniform Code of Military Justice), relating to speedy trial, including any rule of courts-martial relating to speedy trial.

"(B) Sections 831(a), (b), and (d) (articles 31(a), (b), and (d) of the Uniform Code of Military Justice), relating to compulsory self-incrimination.

"(C) Section 832 (article 32 of the Uniform Code of Military Justice), relating to pretrial investigation.

"(2) Other provisions of chapter 47 of this title shall apply to trial by military commission under this chapter only to the extent provided by this chapter.

"(e) TREATMENT OF RULINGS AND PRECEDENTS.—The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not be introduced or considered in any hearing, trial, or other proceeding of a court-martial convened under chapter 47 of this title. The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not form the basis of any holding, decision, or other determination of a court-martial convened under that chapter.

"(f) STATUS OF COMMISSIONS UNDER COMMON ARTICLE 3.—A military commission established under this chapter is a regularly constituted court, affording all the necessary 'judicial guarantees which are recognized as indispensable by civilized peoples' for purposes of common Article 3 of the Geneva Conventions.

"(g) GENEVA CONVENTIONS NOT ESTABLISHING SOURCE OF RIGHTS.—No alien unlawful enemy combatant subject to trial by military commission under this chapter may invoke the Geneva Conventions as a source of rights.

"§ 948c. Persons subject to military commissions

"Any alien unlawful enemy combatant is subject to trial by military commission under this chapter.

"§ 948d. Jurisdiction of military commissions

"(a) JURISDICTION.—A military commission under this chapter shall have jurisdiction to try any offense made punishable by this chapter or the law of war when committed by an alien unlawful enemy combatant before, on, or after September 11, 2001.

"(b) LAWFUL ENEMY COMBATANTS.—Military commissions under this chapter shall not have jurisdiction over lawful enemy combatants. Lawful enemy combatants who violate the law of war are subject to chapter 47 of this title. Courts-martial established under that chapter shall have jurisdiction to try a lawful enemy combatant for any offense made punishable under this chapter.

"(c) DETERMINATION OF UNLAWFUL ENEMY COMBATANT STATUS DISPOSITIVE.—A finding, whether before, on, or after the date of the enactment of the Military Commissions Act of 2006, by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense that a person is an unlawful enemy combatant is dispositive for purposes of jurisdiction for trial by military commission under this chapter.

"(d) PUNISHMENTS.—A military commission under this chapter may, under such limitations as the Secretary of Defense may prescribe, adjudge any punishment not forbidden by this chapter, including the penalty of death when authorized under this chapter or the law of war.

"§ 948e. Annual report to congressional committees

"(a) ANNUAL REPORT REQUIRED.—Not later than December 31 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any trials conducted by military commissions under this chapter during such year.

"(b) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

"SUBCHAPTER II—COMPOSITION OF MILITARY COMMISSIONS

"Sec.
"948h. Who may convene military commissions.
"948i. Who may serve on military commissions.
"948j. Military judge of a military commission.
"948k. Detail of trial counsel and defense counsel.
"948l. Detail or employment of reporters and interpreters.
"948m. Number of members; excuse of members; absent and additional members.

"§ 948h. Who may convene military commissions

"Military commissions under this chapter may be convened by the Secretary of Defense or by any officer or official of the United States designated by the Secretary for that purpose.

"§ 948i. Who may serve on military commissions

"(a) IN GENERAL.—Any commissioned officer of the armed forces on active duty is eligible to serve on a military commission under this chapter.

"(b) DETAIL OF MEMBERS.—When convening a military commission under this chapter, the convening authority shall detail as members of the commission such members of the armed forces eligible under subsection (a), as in the opinion of the convening authority, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of an armed force is eligible to serve as a member of a military commission when such member is the accuser or a witness for the prosecution or has acted as an investigator or counsel in the same case.

"(c) EXCUSE OF MEMBERS.—Before a military commission under this chapter is assembled for the trial of a case, the convening authority may excuse a member from participating in the case.

"§ 948j. Military judge of a military commission

"(a) DETAIL OF MILITARY JUDGE.—A military judge shall be detailed to each military commission under this chapter. The Secretary of Defense shall prescribe regulations providing for the manner in which military judges are so detailed to military commissions. The military judge shall preside over each military commission to which he has been detailed.

"(b) QUALIFICATIONS.—A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court, or a member of the bar of the highest court of a State, and who is certified to be qualified for duty under section 826 of this title (article 26 of the Uniform Code of Military Justice) as a military judge in general courts-martial by the Judge Advocate General of the armed force of which such military judge is a member.

"(c) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person is eligible to act as military judge in a case of a military commission under this chapter if he is the accuser or a witness or has acted as investigator or a counsel in the same case.

"(d) CONSULTATION WITH MEMBERS; INELIGIBILITY TO VOTE.—A military judge detailed to a military commission under this chapter may not consult with the members of the commission except in the presence of the accused (except as otherwise provided in section 949d of this title), trial counsel, and defense counsel, nor may he vote with the members of the commission.

"(e) OTHER DUTIES.—A commissioned officer who is certified to be qualified for duty as a military judge of a military commission under this chapter may perform such other duties as are assigned to him by or with the approval of the Judge Advocate General of the armed force of which such officer is a member or the designee of such Judge Advocate General.

"(f) PROHIBITION ON EVALUATION OF FITNESS BY CONVENING AUTHORITY.—The convening authority of a military commission under this chapter shall not prepare or review any report concerning the effectiveness, fitness, or efficiency of a military judge detailed to the military commission which relates to his performance of duty as a military judge on the military commission.

"§ 948k. Detail of trial counsel and defense counsel

"(a) DETAIL OF COUNSEL GENERALLY.—(1) Trial counsel and military defense counsel shall be detailed for each military commission under this chapter.

"(2) Assistant trial counsel and assistant and associate defense counsel may be detailed for a military commission under this chapter.

"(3) Military defense counsel for a military commission under this chapter shall be detailed as soon as practicable after the swearing of charges against the accused.

"(4) The Secretary of Defense shall prescribe regulations providing for the manner in which trial counsel and military defense counsel are detailed for military commissions under this chapter and for the persons who are authorized to detail such counsel for such commissions.

"(b) TRIAL COUNSEL.—Subject to subsection (e), trial counsel detailed for a military commission under this chapter must be—

"(1) a judge advocate (as that term is defined in section 801 of this title (article 1 of the Uniform Code of Military Justice) who—

"(A) is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

"(B) is certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member; or

"(2) a civilian who—

"(A) is a member of the bar of a Federal court or of the highest court of a State; and

"(B) is otherwise qualified to practice before the military commission pursuant to regulations prescribed by the Secretary of Defense.

"(c) MILITARY DEFENSE COUNSEL.—Subject to subsection (e), military defense counsel detailed for a military commission under this chapter must be a judge advocate (as so defined) who is—

"(1) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

"(2) certified as competent to perform duties as defense counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member.

"(d) CHIEF PROSECUTOR; CHIEF DEFENSE COUNSEL.—(1) The Chief Prosecutor in a military commission under this chapter shall meet the requirements set forth in subsection (b)(1).

"(2) The Chief Defense Counsel in a military commission under this chapter shall meet the requirements set forth in subsection (c)(1).

"(e) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person who has acted as an investigator, military judge, or member of a military commission under this chapter in any case may act later as trial counsel or military defense counsel in the same case. No person who has acted for the prosecution before a military commission under this chapter may act later in the same case for the defense, nor may any person who has acted for the defense before a military commission under this chapter act later in the same case for the prosecution.

"§ 948l. Detail or employment of reporters and interpreters

"(a) COURT REPORTERS.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter shall detail to or employ for the commission qualified court reporters, who shall make a verbatim recording of the proceedings of and testimony taken before the commission.

"(b) INTERPRETERS.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter may detail to or employ for the military commission interpreters who shall interpret for the commission and, as necessary, for trial counsel and defense counsel and for the accused.

"(c) TRANSCRIPT; RECORD.—The transcript of a military commission under this chapter shall be under the control of the convening authority of the commission, who shall also be responsible for preparing the record of the proceedings.

"§ 948m. Number of members; excuse of members; absent and additional members

"(a) NUMBER OF MEMBERS.—(1) A military commission under this chapter shall, except as provided in paragraph (2), have at least five members.

"(2) In a case in which the accused before a military commission under this chapter may be sentenced to a penalty of death, the military commission shall have the number of members prescribed by section 949m(c) of this title.

"(b) EXCUSE OF MEMBERS.—No member of a military commission under this chapter may be absent or excused after the military commission has been assembled for the trial of a case unless excused—

"(1) as a result of challenge;

"(2) by the military judge for physical disability or other good cause; or

"(3) by order of the convening authority for good cause.

"(c) ABSENT AND ADDITIONAL MEMBERS.—Whenever a military commission under this chapter is reduced below the number of members required by subsection (a), the trial may not proceed unless the convening authority details new members sufficient to provide not less than such number. The trial may proceed with the new members present after the recorded evidence previously introduced before the members has been read to the military commission in the presence of the military judge, the accused (except as provided in section 949d of this title), and counsel for both sides.

"SUBCHAPTER III—PRE-TRIAL PROCEDURE

"Sec.
"948q. Charges and specifications.
"948r. Compulsory self-incrimination prohibited; treatment of statements obtained by torture and other statements.
"948s. Service of charges.

"§ 948q. Charges and specifications

"(a) CHARGES AND SPECIFICATIONS.—Charges and specifications against an accused in a military commission under this chapter shall be signed by a person subject to chapter 47 of this title under oath before a commissioned officer of the armed forces authorized to administer oaths and shall state—

"(1) that the signer has personal knowledge of, or reason to believe, the matters set forth therein; and

"(2) that they are true in fact to the best of the signer's knowledge and belief.

"(b) NOTICE TO ACCUSED.—Upon the swearing of the charges and specifications in accordance with subsection (a), the accused shall be informed of the charges against him as soon as practicable.

"§ 948r. Compulsory self-incrimination prohibited; treatment of statements obtained by torture and other statements

"(a) IN GENERAL.—No person shall be required to testify against himself at a proceeding of a military commission under this chapter.

"(b) EXCLUSION OF STATEMENTS OBTAINED BY TORTURE.—A statement obtained by use of torture shall not be admissible in a military commission under this chapter, except against a person accused of torture as evidence that the statement was made.

"(c) STATEMENTS OBTAINED BEFORE ENACTMENT OF DETAINEE TREATMENT ACT OF 2005.—A statement obtained before December 30, 2005 (the date of the enactment of the Defense Treatment Act of 2005) in which the degree of coercion is disputed may be admitted only if the military judge finds that—

"(1) the totality of the circumstances renders the statement reliable and possessing sufficient probative value; and

"(2) the interests of justice would best be served by admission of the statement into evidence.

"(d) STATEMENTS OBTAINED AFTER ENACTMENT OF DETAINEE TREATMENT ACT OF 2005.—A statement obtained on or after December 30, 2005 (the date of the enactment of the Defense Treatment Act of 2005) in which the degree of coercion is disputed may be admitted only if the military judge finds that—

"(1) the totality of the circumstances renders the statement reliable and possessing sufficient probative value;

"(2) the interests of justice would best be served by admission of the statement into evidence; and

"(3) the interrogation methods used to obtain the statement do not amount to cruel, inhuman, or degrading treatment prohibited by section 1003 of the Detainee Treatment Act of 2005.

"§ 948s. Service of charges

"The trial counsel assigned to a case before a military commission under this chapter shall cause to be served upon the accused and military defense counsel a copy of the charges upon which trial is to be had. Such charges shall be served in English and, if appropriate, in another language that the accused understands. Such service shall be made sufficiently in advance of trial to prepare a defense.

"SUBCHAPTER IV—TRIAL PROCEDURE

"Sec.
"949a. Rules.
"949b. Unlawfully influencing action of military commission.
"949c. Duties of trial counsel and defense counsel.
"949d. Sessions.
"949e. Continuances.
"949f. Challenges.
"949g. Oaths.
"949h. Former jeopardy.
"949i. Pleas of the accused.
"949j. Opportunity to obtain witnesses and other evidence.
"949k. Defense of lack of mental responsibility.
"949l. Voting and rulings.
"949m. Number of votes required.
"949n. Military commission to announce action.
"949o. Record of trial.

"§ 949a. Rules

"(a) PROCEDURES AND RULES OF EVIDENCE.—Pretrial, trial, and post-trial procedures, including elements and modes of proof, for cases triable by military commission under this chapter may be prescribed by the Secretary of Defense, in consultation with the Attorney General. Such procedures shall, so far as the Secretary considers practicable or consistent with military or intelligence activities, apply the principles of law and the rules of evidence in trial by general courts-martial. Such procedures and rules of evidence may not be contrary to or inconsistent with this chapter.

"(b) RULES FOR MILITARY COMMISSION.—(1) Notwithstanding any departures from the law and the rules of evidence in trial by general courts-martial authorized by subsection (a), the procedures and rules of evidence in trials by military commission under this chapter shall include the following:

"(A) The accused shall be permitted to present evidence in his defense, to cross-examine the witnesses who testify against him, and to examine and respond to evidence admitted against him on the issue of guilt or innocence and for sentencing, as provided for by this chapter.

"(B) The accused shall be present at all sessions of the military commission (other than those for deliberations or voting), except when excluded under section 949d of this title.

"(C) The accused shall receive the assistance of counsel as provided for by section 948k.

"(D) The accused shall be permitted to represent himself, as provided for by paragraph (3).

"(2) In establishing procedures and rules of evidence for military commission proceedings, the Secretary of Defense may prescribe the following provisions:

"(A) Evidence shall be admissible if the military judge determines that the evidence would have probative value to a reasonable person.

"(B) Evidence shall not be excluded from trial by military commission on the grounds that the evidence was not seized pursuant to a search warrant or other authorization.

"(C) A statement of the accused that is otherwise admissible shall not be excluded from trial by military commission on grounds of alleged coercion or compulsory self-incrimination so long as the evidence complies with the provisions of section 948r of this title.

"(D) Evidence shall be admitted as authentic so long as—

"(i) the military judge of the military commission determines that there is sufficient basis to find that the evidence is what it is claimed to be; and

"(ii) the military judge instructs the members that they may consider any issue as to authentication or identification of evidence in determining the weight, if any, to be given to the evidence.

"(E)(i) Except as provided in clause (ii), hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial may be admitted in a trial by military commission if the proponent of the evidence makes known to the adverse party, sufficiently in advance to provide the adverse party with a fair opportunity to meet the evidence, the intention of the proponent to offer the evidence, and the particulars of the evidence (including information on the general circumstances under which the evidence was obtained). The disclosure of evidence under the preceding sentence is subject to the requirements and limitations applicable to the disclosure of classified information in section 949j(c) of this title.

"(ii) Hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial shall not be admitted in a trial by military commission if the party opposing the admission of the evidence demonstrates that the evidence is unreliable or lacking in probative value.

"(F) The military judge shall exclude any evidence the probative value of which is substantially outweighed—

"(i) by the danger of unfair prejudice, confusion of the issues, or misleading the commission; or

"(ii) by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

"(3)(A) The accused in a military commission under this chapter who exercises the right to self-representation under paragraph (1)(D) shall conform his deportment and the conduct of the defense to the rules of evidence, procedure, and decorum applicable to trials by military commission.

"(B) Failure of the accused to conform to the rules described in subparagraph (A) may result in a partial or total revocation by the military judge of the right of self-representation under paragraph (1)(D). In such case, the detailed defense counsel of the accused or an appropriately authorized civilian counsel shall perform the functions necessary for the defense.

"(c) DELEGATION OF AUTHORITY TO PRESCRIBE REGULATIONS.—The Secretary of Defense may delegate the authority of the Secretary to prescribe regulations under this chapter.

"(d) NOTIFICATION TO CONGRESSIONAL COMMITTEES OF CHANGES TO PROCEDURES.—Not later than 60 days before the date on which any proposed modification of the procedures in effect for military commissions under this chapter goes into effect, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the modification.

"§ 949b. Unlawfully influencing action of military commission

"(a) IN GENERAL.—(1) No authority convening a military commission under this chapter may censure, reprimand, or admonish the military commission, or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the military commission, or with respect to any other exercises of its or his functions in the conduct of the proceedings.

"(2) No person may attempt to coerce or, by any unauthorized means, influence—

"(A) the action of a military commission under this chapter, or any member thereof, in reaching the findings or sentence in any case;

"(B) the action of any convening, approving, or reviewing authority with respect to his judicial acts; or

"(C) the exercise of professional judgment by trial counsel or defense counsel.

"(3) Paragraphs (1) and (2) do not apply with respect to—

"(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or

"(B) statements and instructions given in open proceedings by a military judge or counsel.

"(b) PROHIBITION ON CONSIDERATION OF ACTIONS ON COMMISSION IN EVALUATION OF FITNESS.—In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a commissioned officer of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of any such officer or whether any such officer should be retained on active duty, no person may—

"(1) consider or evaluate the performance of duty of any member of a military commission under this chapter; or

"(2) give a less favorable rating or evaluation to any commissioned officer because of the zeal with which such officer, in acting as counsel, represented any accused before a military commission under this chapter.

"§ 949c. Duties of trial counsel and defense counsel

"(a) TRIAL COUNSEL.—The trial counsel of a military commission under this chapter shall prosecute in the name of the United States.

"(b) DEFENSE COUNSEL.—(1) The accused shall be represented in his defense before a military commission under this chapter as provided in this subsection.

"(2) The accused shall be represented by military counsel detailed under section 948k of this title.

"(3) The accused may be represented by civilian counsel if retained by the accused, but only if such civilian counsel—

"(A) is a United States citizen;

"(B) is admitted to the practice of law in a State, district, or possession of the United States or before a Federal court;

"(C) has not been the subject of any sanction of disciplinary action by any court, bar, or other competent governmental authority for relevant misconduct;

"(D) has been determined to be eligible for access to classified information that is classified at the level Secret or higher; and

"(E) has signed a written agreement to comply with all applicable regulations or instructions for counsel, including any rules of court for conduct during the proceedings.

"(4) Civilian defense counsel shall protect any classified information received during the course of representation of the accused in accordance with all applicable law governing the protection of classified information and may not divulge such information to any person not authorized to receive it.

"(5) If the accused is represented by civilian counsel, detailed military counsel shall act as associate counsel.

"(6) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under section 948k of this title to detail counsel, in that person's sole discretion, may detail additional military counsel to represent the accused.

"(7) Defense counsel may cross-examine each witness for the prosecution who testifies before a military commission under this chapter.

"§ 949d. Sessions

"(a) SESSIONS WITHOUT PRESENCE OF MEMBERS.—(1) At any time after the service of charges which have been referred for trial by military commission under this chapter, the military judge may call the military commission into session without the presence of the members for the purpose of—

"(A) hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

"(B) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members;

"(C) if permitted by regulations prescribed by the Secretary of Defense, receiving the pleas of the accused; and

"(D) performing any other procedural function which may be performed by the military judge under this chapter or under rules prescribed pursuant to section 949a of this title and which does not require the presence of the members.

"(2) Except as provided in subsections (c) and (e), any proceedings under paragraph (1) shall—

"(A) be conducted in the presence of the accused, defense counsel, and trial counsel; and

"(B) be made part of the record.

"(b) PROCEEDINGS IN PRESENCE OF ACCUSED.—Except as provided in subsections (c) and (e), all proceedings of a military commission under this chapter, including any consultation of the members with the military judge or counsel, shall—

"(1) be in the presence of the accused, defense counsel, and trial counsel; and

"(2) be made a part of the record.

"(c) DELIBERATION OR VOTE OF MEMBERS.—When the members of a military commission under this chapter deliberate or vote, only the members may be present.

"(d) CLOSURE OF PROCEEDINGS.—(1) The military judge may close to the public all or part of the proceedings of a military commission under this chapter, but only in accordance with this subsection.

"(2) The military judge may close to the public all or a portion of the proceedings under paragraph (1) only upon making a specific finding that such closure is necessary to—

"(A) protect information the disclosure of which could reasonably be expected to cause damage to the national security, including intelligence or law enforcement sources, methods, or activities; or

"(B) ensure the physical safety of individuals.

"(3) A finding under paragraph (2) may be based upon a presentation, including a presentation ex parte or in camera, by either trial counsel or defense counsel.

"(e) EXCLUSION OF ACCUSED FROM CERTAIN PROCEEDINGS.—The military judge may exclude the accused from any portion of a proceeding upon a determination that, after being warned by the military judge, the accused persists in conduct that justifies exclusion from the courtroom—

"(1) to ensure the physical safety of individuals; or

"(2) to prevent disruption of the proceedings by the accused.

"(f) PROTECTION OF CLASSIFIED INFORMATION.—

"(1) NATIONAL SECURITY PRIVILEGE.—(A) Classified information shall be protected and is privileged from disclosure if disclosure would be detrimental to the national security. The rule in the preceding sentence applies to all stages of the proceedings of military commissions under this chapter.

"(B) The privilege referred to in subparagraph (A) may be claimed by the head of the executive or military department or government agency concerned based on a finding by the head of that department or agency that—

"(i) the information is properly classified; and

"(ii) disclosure of the information would be detrimental to the national security.

"(C) A person who may claim the privilege referred to in subparagraph (A) may authorize a representative, witness, or trial counsel to claim the privilege and make the finding described in subparagraph (B) on behalf of such person. The authority of the representative, witness, or trial counsel to do so is presumed in the absence of evidence to the contrary.

"(2) INTRODUCTION OF CLASSIFIED INFORMATION.—

"(A) ALTERNATIVES TO DISCLOSURE.—To protect classified information from disclosure, the military judge, upon motion of trial counsel, shall authorize, to the extent practicable—

"(i) the deletion of specified items of classified information from documents to be introduced as evidence before the military commission;

"(ii) the substitution of a portion or summary of the information for such classified documents; or

"(iii) the substitution of a statement of relevant facts that the classified information would tend to prove.

"(B) PROTECTION OF SOURCES, METHODS, OR ACTIVITIES.—The military judge, upon motion of trial counsel, shall permit trial counsel to introduce otherwise admissible evidence before the military commission, while protecting from disclosure the sources, methods, or activities by which the United States acquired the evidence if the military judge finds that (i) the sources, methods, or activities by which the United States acquired the evidence are classified, and (ii) the evidence is reliable. The military judge may require trial counsel to present to the military commission and the defense, to the extent practicable and consistent with national security, an unclassified summary of the sources, methods, or activities by which the United States acquired the evidence.

"(C) ASSERTION OF NATIONAL SECURITY PRIVILEGE AT TRIAL.—During the examination of any witness, trial counsel may object to any question, line of inquiry, or motion to admit evidence that would require the disclosure of classified information. Following such an objection, the military judge shall take suitable action to safeguard such classified information. Such action may include the review of trial counsel's claim of privilege by the military judge in camera and on an ex parte basis, and the delay of proceedings to permit trial counsel to consult with the department or agency concerned as to whether the national security privilege should be asserted.

"(3) CONSIDERATION OF PRIVILEGE AND RELATED MATERIALS.—A claim of privilege under this subsection, and any materials submitted in support thereof, shall, upon request of the Government, be considered by the military judge in camera and shall not be disclosed to the accused.

"(4) ADDITIONAL REGULATIONS.—The Secretary of Defense may prescribe additional regulations, consistent with this subsection, for the use and protection of classified information during proceedings of military commissions under this chapter. A report on any regulations so prescribed, or modified, shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives not later than 60 days before the date on which such regulations or modifications, as the case may be, go into effect.

"§ 949e. Continuances

"The military judge in a military commission under this chapter may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

"§ 949f. Challenges

"(a) CHALLENGES AUTHORIZED.—The military judge and members of a military commission under this chapter may be challenged by the accused or trial counsel for cause stated to the commission. The military judge shall determine the relevance and validity of challenges for cause. The military judge may not receive a challenge to more than one person at a time. Challenges by trial counsel shall ordinarily be presented and decided before those by the accused are offered.

"(b) PEREMPTORY CHALLENGES.—Each accused and the trial counsel are entitled to one peremptory challenge. The military judge may not be challenged except for cause.

"(c) CHALLENGES AGAINST ADDITIONAL MEMBERS.—Whenever additional members are detailed to a military commission under this chapter, and after any challenges for cause against such additional members are presented and decided, each accused and the trial counsel are entitled to one peremptory challenge against members not previously subject to peremptory challenge.

"§ 949g. Oaths

"(a) IN GENERAL.—(1) Before performing their respective duties in a military commission under this chapter, military judges, members, trial counsel, defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully.

"(2) The form of the oath required by paragraph (1), the time and place of the taking thereof, the manner of recording the same, and whether the oath shall be taken for all cases in which duties are to be performed or for a particular case, shall be as prescribed in regulations of the Secretary of Defense. Those regulations may provide that—

"(A) an oath to perform faithfully duties as a military judge, trial counsel, or defense counsel may be taken at any time by any judge advocate or other person certified to be qualified or competent for the duty; and

"(B) if such an oath is taken, such oath need not again be taken at the time the judge advocate or other person is detailed to that duty.

"(b) WITNESSES.—Each witness before a military commission under this chapter shall be examined on oath.

"§ 949h. Former jeopardy

"(a) IN GENERAL.—No person may, without his consent, be tried by a military commission under this chapter a second time for the same offense.

"(b) SCOPE OF TRIAL.—No proceeding in which the accused has been found guilty by military commission under this chapter upon any charge or specification is a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

"§ 949i. Pleas of the accused

"(a) ENTRY OF PLEA OF NOT GUILTY.—If an accused in a military commission under this chapter after a plea of guilty sets up matter inconsistent with the plea, or if it appears that the accused has entered the plea of guilty through lack of understanding of its meaning and effect, or if the accused fails or refuses to plead, a plea of not guilty shall be entered in the record, and the military commission shall proceed as though the accused had pleaded not guilty.

"(b) FINDING OF GUILT AFTER GUILTY PLEA.—With respect to any charge or specification to which a plea of guilty has been made by the accused in a military commission under this chapter and accepted by the military judge, a finding of guilty of the charge or specification may be entered immediately without a vote. The finding shall constitute the finding of the commission unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

"§ 949j. Opportunity to obtain witnesses and other evidence

"(a) RIGHT OF DEFENSE COUNSEL.—Defense counsel in a military commission under this chapter shall have a reasonable opportunity to obtain witnesses and other evidence as provided in regulations prescribed by the Secretary of Defense.

"(b) PROCESS FOR COMPULSION.—Process issued in a military commission under this chapter to compel witnesses to appear and testify and to compel the production of other evidence—

"(1) shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue; and

"(2) shall run to any place where the United States shall have jurisdiction thereof.

"(c) PROTECTION OF CLASSIFIED INFORMATION.—(1) With respect to the discovery obligations of trial counsel under this section, the military judge, upon motion of trial counsel, shall authorize, to the extent practicable—

"(A) the deletion of specified items of classified information from documents to be made available to the accused;

"(B) the substitution of a portion or summary of the information for such classified documents; or

"(C) the substitution of a statement admitting relevant facts that the classified information would tend to prove.

"(2) The military judge, upon motion of trial counsel, shall authorize trial counsel, in the course of complying with discovery obligations under this section, to protect from disclosure the sources, methods, or activities by which the United States acquired evidence if the military judge finds that the sources, methods, or activities by which the United States acquired such evidence are classified. The military judge may require trial counsel to provide, to the extent practicable, an unclassified summary of the sources, methods, or activities by which the United States acquired such evidence.

"(d) EXCULPATORY EVIDENCE.—(1) As soon as practicable, trial counsel shall disclose to the defense the existence of any evidence known to trial counsel that reasonably tends to exculpate the accused. Where exculpatory evidence is classified, the accused shall be provided with an adequate substitute in accordance with the procedures under subsection (c).

"(2) In this subsection, the term 'evidence known to trial counsel', in the case of exculpatory evidence, means exculpatory evidence that the prosecution would be required to disclose in a trial by general court-martial under chapter 47 of this title.

"§ 949k. Defense of lack of mental responsibility

"(a) AFFIRMATIVE DEFENSE.—It is an affirmative defense in a trial by military commission under this chapter that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the acts. Mental disease or defect does not otherwise constitute a defense.

"(b) BURDEN OF PROOF.—The accused in a military commission under this chapter has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence.

"(c) FINDINGS FOLLOWING ASSERTION OF DEFENSE.—Whenever lack of mental responsibility of the accused with respect to an offense is properly at issue in a military commission under this chapter, the military judge shall instruct the members of the commission as to the defense of lack of mental responsibility under this section and shall charge them to find the accused—

"(1) guilty;

"(2) not guilty; or

"(3) subject to subsection (d), not guilty by reason of lack of mental responsibility.

"(d) MAJORITY VOTE REQUIRED FOR FINDING.—The accused shall be found not guilty by reason of lack of mental responsibility under subsection (c)(3) only if a majority of the members present at the time the vote is taken determines that the defense of lack of mental responsibility has been established.

"§ 949l. Voting and rulings

"(a) VOTE BY SECRET WRITTEN BALLOT.—Voting by members of a military commission under this chapter on the findings and on the sentence shall be by secret written ballot.

"(b) RULINGS.—(1) The military judge in a military commission under this chapter shall rule upon all questions of law, including the admissibility of evidence and all interlocutory questions arising during the proceedings.

"(2) Any ruling made by the military judge upon a question of law or an interlocutory question (other than the factual issue of mental responsibility of the accused) is conclusive and constitutes the ruling of the military commission. However, a military judge may change his ruling at any time during the trial.

"(c) INSTRUCTIONS PRIOR TO VOTE.—Before a vote is taken of the findings of a military commission under this chapter, the military judge shall, in the presence of the accused and counsel, instruct the members as to the elements of the offense and charge the members—

"(1) that the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond a reasonable doubt;

"(2) that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and he must be acquitted;

"(3) that, if there is reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

"(4) that the burden of proof to establish the guilt of the accused beyond a reasonable doubt is upon the United States.

"§ 949m. Number of votes required

"(a) CONVICTION.—No person may be convicted by a military commission under this chapter of any offense, except as provided in section 949i(b) of this title or by concurrence of two-thirds of the members present at the time the vote is taken.

"(b) SENTENCES.—(1) No person may be sentenced by a military commission to suffer death, except insofar as—

"(A) the penalty of death is expressly authorized under this chapter or the law of war for an offense of which the accused has been found guilty;

"(B) trial counsel expressly sought the penalty of death by filing an appropriate notice in advance of trial;

"(C) the accused is convicted of the offense by the concurrence of all the members present at the time the vote is taken; and

"(D) all the members present at the time the vote is taken concur in the sentence of death.

"(2) No person may be sentenced to life imprisonment, or to confinement for more than 10 years, by a military commission under this chapter except by the concurrence of three-fourths of the members present at the time the vote is taken.

"(3) All other sentences shall be determined by a military commission by the concurrence of two-thirds of the members present at the time the vote is taken.

"(c) NUMBER OF MEMBERS REQUIRED FOR PENALTY OF DEATH.—(1) Except as provided in paragraph (2), in a case in which the penalty of death is sought, the number of members of the military commission under this chapter shall be not less than 12.

"(2) In any case described in paragraph (1) in which 12 members are not reasonably available because of physical conditions or military exigencies, the convening authority shall specify a lesser number of members for the military commission (but not fewer than 9 members), and the military commission may be assembled, and the trial held, with not fewer than the number of members so specified. In such a case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.

"§ 949n. Military commission to announce action

"A military commission under this chapter shall announce its findings and sentence to the parties as soon as determined.

"§ 949o. Record of trial

"(a) RECORD; AUTHENTICATION.—Each military commission under this chapter shall keep a separate, verbatim, record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by a member of the commission if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. Where appropriate, and as provided in regulations prescribed by the Secretary of Defense, the record of a military commission under this chapter may contain a classified annex.

"(b) COMPLETE RECORD REQUIRED.—A complete record of the proceedings and testimony shall be prepared in every military commission under this chapter.

"(c) PROVISION OF COPY TO ACCUSED.—A copy of the record of the proceedings of the military commission under this chapter shall be given the accused as soon as it is authenticated. If the record contains classified information, or a classified annex, the accused shall be given a redacted version of the record consistent with the requirements of section 949d of this title. Defense counsel shall have access to the unredacted record, as provided in regulations prescribed by the Secretary of Defense.

"SUBCHAPTER V—SENTENCES

"Sec.
"949s. Cruel or unusual punishments prohibited.
"949t. Maximum limits.
"949u. Execution of confinement.

"§ 949s. Cruel or unusual punishments prohibited

"Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by a military commission under this chapter or inflicted under this chapter upon any person subject to this chapter. The use of irons, single or double, except for the purpose of safe custody, is prohibited under this chapter.

"§ 949t. Maximum limits

"The punishment which a military commission under this chapter may direct for an offense may not exceed such limits as the President or Secretary of Defense may prescribe for that offense.

"§ 949u. Execution of confinement

"(a) IN GENERAL.—Under such regulations as the Secretary of Defense may prescribe, a sentence of confinement adjudged by a military commission under this chapter may be carried into execution by confinement—

"(1) in any place of confinement under the control of any of the armed forces; or

"(2) in any penal or correctional institution under the control of the United States or its allies, or which the United States may be allowed to use.

"(b) Treatment During Confinement by Other Than the Armed Forces.—Persons confined under subsection (a)(2) in a penal or correctional institution not under the control of an armed force are subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, District of Columbia, or place in which the institution is situated.

"SUBCHAPTER VI—POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS

"Sec.

"950a. Error of law; lesser included offense.
"950b. Review by the convening authority.
"950c. Appellate referral; waiver or withdrawal of appeal.
"950d. Appeal by the United States.
"950e. Rehearings.
"950f. Review by Court of Military Commission Review.
"950g. Review by the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court.
"950h. Appellate counsel.
"950i. Execution of sentence; procedures for execution of sentence of death.
"950j. Finality or proceedings, findings, and sentences.

"§ 950a. Error of law; lesser included offense

"(a) Error of Law.—A finding or sentence of a military commission under this chapter may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

"(b) Lesser Included Offense.—Any reviewing authority with the power to approve or affirm a finding of guilty by a military commission under this chapter may approve or affirm, instead, so much of the finding as includes a lesser included offense.

"§ 950b. Review by the convening authority

"(a) Notice to Convening Authority of Findings and Sentence.—The findings and sentence of a military commission under this chapter shall be reported in writing promptly to the convening authority after the announcement of the sentence.

"(b) Submittal of Matters by Accused to Convening Authority.—(1) The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence of the military commission under this chapter.

"(2)(A) Except as provided in subparagraph (B), a submittal under paragraph (1) shall be made in writing within 20 days after the accused has been given an authenticated record of trial under section 949o(c) of this title.

"(B) If the accused shows that additional time is required for the accused to make a submittal under paragraph (1), the convening authority may, for good cause, extend the applicable period under subparagraph (A) for not more than an additional 20 days.

"(3) The accused may waive his right to make a submittal to the convening authority under paragraph (1). Such a waiver shall be made in writing and may not be revoked. For the purposes of subsection (c)(2), the time within which the accused may make a submittal under this subsection shall be deemed to have expired upon the submittal of a waiver under this paragraph to the convening authority.

"(c) Action by Convening Authority.—(1) The authority under this subsection to modify the findings and sentence of a military commission under this chapter is a matter of the sole discretion and prerogative of the convening authority.

"(2)(A) The convening authority shall take action on the sentence of a military commission under this chapter.

"(B) Subject to regulations prescribed by the Secretary of Defense, action on the sentence under this paragraph may be taken only after consideration of any matters submitted by the accused under subsection (b) or after the time for submitting such matters expires, whichever is earlier.

"(C) In taking action under this paragraph, the convening authority may, in his sole discretion, approve, disapprove, commute, or suspend the sentence in whole or in part. The convening authority may not increase a sentence beyond that which is found by the military commission.

"(3) The convening authority is not required to take action on the findings of a military commission under this chapter. If the convening authority takes action on the findings, the convening authority may, in his sole discretion, may—

"(A) dismiss any charge or specification by setting aside a finding of guilty thereto; or

"(B) change a finding of guilty to a charge to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge.

"(4) The convening authority shall serve on the accused or on defense counsel notice of any action taken by the convening authority under this subsection.

"(d) Order of Revision or Rehearing.—(1) Subject to paragraphs (2) and (3), the convening authority of a military commission under this chapter may, in his sole discretion, order a proceeding in revision or a rehearing.

"(2)(A) Except as provided in subparagraph (B), a proceeding in revision may be ordered by the convening authority if—

"(i) there is an apparent error or omission in the record; or

"(ii) the record shows improper or inconsistent action by the military commission with respect to the findings or sentence that can be rectified without material prejudice to the substantial rights of the accused.

"(B) In no case may a proceeding in revision—

"(i) reconsider a finding of not guilty of a specification or a ruling which amounts to a finding of not guilty;

"(ii) reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation; or

"(iii) increase the severity of the sentence unless the sentence prescribed for the offense is mandatory.

"(3) A rehearing may be ordered by the convening authority if the convening authority disapproves the findings and sentence and states the reasons for disapproval of the findings. If the convening authority disapproves the finding and sentence and does not order a rehearing, the convening authority shall dismiss the charges. A rehearing as to the findings may not be ordered by the convening authority when there is a lack of sufficient evidence in the record to support the findings. A rehearing as to the sentence may be ordered by the convening authority if the convening authority disapproves the sentence.

"§ 950c. Appellate referral; waiver or withdrawal of appeal

"(a) Automatic Referral for Appellate Review.—Except as provided under subsection (b), in each case in which the final decision of a military commission (as approved by the convening authority) includes a finding of guilty, the convening authority shall refer the case to the Court of Military Commission Review. Any such referral shall be made in accordance with procedures prescribed under regulations of the Secretary.

"(b) Waiver of Right of Review.—(1) In each case subject to appellate review under section 950f of this title, except a case in which the sentence as approved under section 950b of this title extends to death, the accused may file with the convening authority a statement expressly waiving the right of the accused to such review.

"(2) A waiver under paragraph (1) shall be signed by both the accused and a defense counsel.

"(3) A waiver under paragraph (1) must be filed, if at all, within 10 days after notice on the action is served on the accused or on defense counsel under section 950b(c)(4) of this title. The convening authority, for good cause, may extend the period for such filing by not more than 30 days.

"(c) Withdrawal of Appeal.—Except in a case in which the sentence as approved under section 950b of this title extends to death, the accused may withdraw an appeal at any time.

"(d) Effect of Waiver or Withdrawal.—A waiver of the right to appellate review or the withdrawal of an appeal under this section bars review under section 950f of this title.

"§ 950d. Appeal by the United States

"(a) Interlocutory Appeal.—(1) Except as provided in paragraph (2), in a trial by military commission under this chapter, the United States may take an interlocutory appeal to the Court of Military Commission Review of any order or ruling of the military judge that—

"(A) terminates proceedings of the military commission with respect to a charge or specification;

"(B) excludes evidence that is substantial proof of a fact material in the proceeding; or

"(C) relates to a matter under subsection (d), (e), or (f) of section 949d of this title or section 949j(c) of this title.

"(2) The United States may not appeal under paragraph (1) an order or ruling that is, or amounts to, a finding of not guilty by the military commission with respect to a charge or specification.

"(b) Notice of Appeal.—The United States shall take an appeal of an order or ruling under subsection (a) by filing a notice of appeal with the military judge within five days after the date of such order or ruling.

"(c) Appeal.—An appeal under this section shall be forwarded, by means specified in regulations prescribed the Secretary of Defense, directly to the Court of Military Commission Review. In ruling on an appeal under this section, the Court may act only with respect to matters of law.

"(d) Appeal From Adverse Ruling.—The United States may appeal an adverse ruling on an appeal under subsection (c) to the United States Court of Appeals for the District of Columbia Circuit by filing a petition for review in the Court of Appeals within 10 days after the date of such ruling. Review under this subsection shall be at the discretion of the Court of Appeals.

"§950e. Rehearings

"(a) Composition of Military Commission for Rehearing.—Each rehearing under this chapter shall take place before a military commission under this chapter composed of members who were not members of the military commission which first heard the case.

"(b) Scope of Rehearing.—(1) Upon a rehearing—

"(A) the accused may not be tried for any offense of which he was found not guilty by the first military commission; and

"(B) no sentence in excess of or more than the original sentence may be imposed unless—

"(i) the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings; or

"(ii) the sentence prescribed for the offense is mandatory.

"(2) Upon a rehearing, if the sentence approved after the first military commission was in accordance with a pretrial agreement and the accused at the rehearing changes his plea with respect to the charges or specifications upon which the pretrial agreement was based, or otherwise does not comply with pretrial agreement, the sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first military commission.

"§950f. Review by Court of Military Commission Review

"(a) Establishment.—The Secretary of Defense shall establish a Court of Military Commission Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appellate military judges. For the purpose of reviewing military commission decisions under this chapter, the court may sit in panels or as a whole in accordance with rules prescribed by the Secretary.

"(b) Appellate Military Judges.—The Secretary shall assign appellate military judges to a Court of Military Commission Review. Each appellate military judge shall meet the qualifications for military judges prescribed by section 948j(b) of this title or shall be a civilian with comparable qualifications. No person may be serve as an appellate military judge in any case in which that person acted as a military judge, counsel, or reviewing official.

"(c) Cases To Be Reviewed.—The Court of Military Commission Review, in accordance with procedures prescribed under regulations of the Secretary, shall review the record in each case that is referred to the Court by the convening authority under section 950c of this title with respect to any matter of law raised by the accused.

"(d) Scope of Review.—In a case reviewed by the Court of Military Commission Review under this section, the Court may act only with respect to matters of law.

"§950g. Review by the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court

"(a) Exclusive Appellate Jurisdiction.—(1)(A) Except as provided in subparagraph (B), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of a final judgment rendered by a military commission (as approved by the convening authority) under this chapter.

"(B) The Court of Appeals may not review the final judgment until all other appeals under this chapter have been waived or exhausted.

"(2) A petition for review must be filed by the accused in the Court of Appeals not later than 20 days after the date on which—

"(A) written notice of the final decision of the Court of Military Commission Review is served on the accused or on defense counsel; or

"(B) the accused submits, in the form prescribed by section 950c of this title, a written notice waiving the right of the accused to review by the Court of Military Commission Review under section 950f of this title.

"(b) Standard for Review.—In a case reviewed by it under this section, the Court of Appeals may act only with respect to matters of law.

"(c) Scope of Review.—The jurisdiction of the Court of Appeals on an appeal under subsection (a) shall be limited to the consideration of—

"(1) whether the final decision was consistent with the standards and procedures specified in this chapter; and

"(2) to the extent applicable, the Constitution and the laws of the United States.

"(d) Supreme Court.—The Supreme Court may review by writ of certiorari the final judgment of the Court of Appeals pursuant to section 1257 of title 28.

"§950h. Appellate counsel

"(a) Appointment.—The Secretary of Defense shall, by regulation, establish procedures for the appointment of appellate counsel for the United States and for the accused in military commissions under this chapter. Appellate counsel shall meet the qualifications for counsel appearing before military commissions under this chapter.

"(b) Representation of United States.—Appellate counsel appointed under subsection (a)—

"(1) shall represent the United States in any appeal or review proceeding under this chapter before the Court of Military Commission Review; and

"(2) may, when requested to do so by the Attorney General in a case arising under this chapter, represent the United States before the United States Court of Appeals for the District of Columbia Circuit or the Supreme Court.

"(c) Representation of Accused.—The accused shall be represented by appellate counsel appointed under subsection (a) before the Court of Military Commission Review, the United States Court of Appeals for the District of Columbia Circuit, and the Supreme Court, and by civilian counsel if retained by the accused. Any such civilian counsel shall meet the qualifications under paragraph (3) of section 949c(b) of this title for civilian counsel appearing before military commissions under this chapter and shall be subject to the requirements of paragraph (4) of that section.

"§950i. Execution of sentence; procedures for execution of sentence of death

"(a) In General.—The Secretary of Defense is authorized to carry out a sentence imposed by a military commission under this chapter in accordance with such procedures as the Secretary may prescribe.

"(b) Execution of Sentence of Death Only Upon Approval by the President.—If the sentence of a military commission under this chapter extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as he sees fit.

"(c) Execution of Sentence of Death Only Upon Final Judgment of Legality of Proceedings.—(1) If the sentence of a military commission under this chapter extends to death, the sentence may not be executed until there is a final judgment as to the legality of the proceedings (and with respect to death, approval under subsection (b)).

"(2) A judgment as to legality of proceedings is final for purposes of paragraph (1) when—

"(A) the time for the accused to file a petition for review by the Court of Appeals for the District of Columbia Circuit has expired and the accused has not filed a timely petition for such review and the case is not otherwise under review by that Court; or

"(B) review is completed in accordance with the judgment of the United States Court of Appeals for the District of Columbia Circuit and—

"(i) a petition for a writ of certiorari is not timely filed;

"(ii) such a petition is denied by the Supreme Court; or

"(iii) review is otherwise completed in accordance with the judgment of the Supreme Court.

"(d) Suspension of Sentence.—The Secretary of the Defense, or the convening authority acting on the case (if other than the Secretary), may suspend the execution of any sentence or part thereof in the case, except a sentence of death.

"§950j. Finality or proceedings, findings, and sentences

"(a) Finality.—The appellate review of records of trial provided by this chapter, and the proceedings, findings, and sentences of military commissions as approved, reviewed, or affirmed as required by this chapter, are final and conclusive. Orders publishing the proceedings of military commissions under this chapter are binding upon all departments, courts, agencies, and officers of the United States, except as otherwise provided by the President.

"(b) Provisions of Chapter Sole Basis for Review of Military Commission Procedures and Actions.—Except as otherwise provided in this chapter and notwithstanding any other provision of law (including section 2241 of title 28 or any other habeas corpus provision), no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.

"SUBCHAPTER VII—PUNITIVE MATTERS

"Sec.
"950p. Statement of substantive offenses.
"950q. Principals.
"950r. Accessory after the fact.
"950s. Conviction of lesser included offense.
"950t. Attempts.
"950u. Solicitation.
"950v. Crimes triable by military commissions.
"950w. Perjury and obstruction of justice; contempt.

"§950p. Statement of substantive offenses

"(a) Purpose.—The provisions of this subchapter codify offenses that have traditionally been triable by military commissions. This chapter does not establish new crimes that did not exist before its enactment, but rather codifies those crimes for trial by military commission.

"(b) Effect.—Because the provisions of this subchapter (including provisions that incorporate definitions in other provisions of law) are declarative of existing law, they do not preclude trial for crimes that occurred before the date of the enactment of this chapter.

“§ 950q. Principals

“Any person is punishable as a principal under this chapter who—

“(1) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures its commission;

“(2) causes an act to be done which if directly performed by him would be punishable by this chapter; or

“(3) is a superior commander who, with regard to acts punishable under this chapter, knew, had reason to know, or should have known, that a subordinate was about to commit such acts or had done so and who failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

“§ 950r. Accessory after the fact

“Any person subject to this chapter who, knowing that an offense punishable by this chapter has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a military commission under this chapter may direct.

“§ 950s. Conviction of lesser included offense

“An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an attempt to commit either the offense charged or an offense necessarily included therein.

“§ 950t. Attempts

“(a) IN GENERAL.—Any person subject to this chapter who attempts to commit any offense punishable by this chapter shall be punished as a military commission under this chapter may direct.

“(b) SCOPE OF OFFENSE.—An act, done with specific intent to commit an offense under this chapter, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

“(c) EFFECT OF CONSUMMATION.—Any person subject to this chapter may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

“§ 950u. Solicitation

“Any person subject to this chapter who solicits or advises another or others to commit one or more substantive offenses triable by military commission under this chapter shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, he shall be punished as a military commission under this chapter may direct.

“§ 950v. Crimes triable by military commissions

“(a) DEFINITIONS AND CONSTRUCTION.—In this section:

“(1) MILITARY OBJECTIVE.—The term ‘military objective’ means—

“(A) combatants; and

“(B) those objects during an armed conflict—

“(i) which, by their nature, location, purpose, or use, effectively contribute to the opposing force's war-fighting or war-sustaining capability; and

“(ii) the total or partial destruction, capture, or neutralization of which would constitute a definite military advantage to the attacker under the circumstances at the time of the attack.

“(2) PROTECTED PERSON.—The term ‘protected person’ means any person entitled to protection under one or more of the Geneva Conventions, including—

“(A) civilians not taking an active part in hostilities;

“(B) military personnel placed hors de combat by sickness, wounds, or detention; and

“(C) military medical or religious personnel.

“(3) PROTECTED PROPERTY.—The term ‘protected property’ means property specifically protected by the law of war (such as buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals, or places where the sick and wounded are collected), if such property is not being used for military purposes or is not otherwise a military objective. Such term includes objects properly identified by one of the distinctive emblems of the Geneva Conventions, but does not include civilian property that is a military objective.

“(4) CONSTRUCTION.—The intent specified for an offense under paragraph (1), (2), (3), (4), or (12) of subsection (b) precludes the applicability of such offense with regard to—

“(A) collateral damage; or

“(B) death, damage, or injury incident to a lawful attack.

“(b) OFFENSES.—The following offenses shall be triable by military commission under this chapter at any time without limitation:

“(1) MURDER OF PROTECTED PERSONS.—Any person subject to this chapter who intentionally kills one or more protected persons shall be punished by death or such other punishment as a military commission under this chapter may direct.

“(2) ATTACKING CIVILIANS.—Any person subject to this chapter who intentionally engages in an attack upon a civilian population as such, or individual civilians not taking active part in hostilities, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(3) ATTACKING CIVILIAN OBJECTS.—Any person subject to this chapter who intentionally engages in an attack upon a civilian object that is not a military objective shall be punished as a military commission under this chapter may direct.

“(4) ATTACKING PROTECTED PROPERTY.—Any person subject to this chapter who intentionally engages in an attack upon protected property shall be punished as a military commission under this chapter may direct.

“(5) PILLAGING.—Any person subject to this chapter who intentionally and in the absence of military necessity appropriates or seizes property for private or personal use, without the consent of a person with authority to permit such appropriation or seizure, shall be punished as a military commission under this chapter may direct.

“(6) DENYING QUARTER.—Any person subject to this chapter who, with effective command or control over subordinate groups, declares, orders, or otherwise indicates to those groups that there shall be no survivors or surrender accepted, with the intent to threaten an adversary or to conduct hostilities such that there would be no survivors or surrender accepted, shall be punished as a military commission under this chapter may direct.

“(7) TAKING HOSTAGES.—Any person subject to this chapter who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(8) EMPLOYING POISON OR SIMILAR WEAPONS.—Any person subject to this chapter who intentionally, as a method of warfare, employs a substance or weapon that releases a substance that causes death or serious and lasting damage to health in the ordinary course of events, through its asphyxiating, bacteriological, or toxic properties, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(9) USING PROTECTED PERSONS AS A SHIELD.—Any person subject to this chapter who positions, or otherwise takes advantage of, a protected person with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(10) USING PROTECTED PROPERTY AS A SHIELD.—Any person subject to this chapter who positions, or otherwise takes advantage of the location of, protected property with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished as a military commission under this chapter may direct.

“(11) TORTURE.—

“(A) OFFENSE.—Any person subject to this chapter who commits an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

“(B) SEVERE MENTAL PAIN OR SUFFERING DEFINED.—In this section, the term ‘severe mental pain or suffering’ has the meaning given that term in section 2340(2) of title 18.

“(12) CRUEL OR INHUMAN TREATMENT.—

“(A) OFFENSE.—Any person subject to this chapter who commits an act intended to inflict severe or serious physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including serious physical abuse, upon another within his custody or control shall be punished, if death results to the victim, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to the victim, by such punishment, other than death, as a military commission under this chapter may direct.

"(B) DEFINITIONS.—In this paragraph:

"(i) The term 'serious physical pain or suffering' means bodily injury that involves—

"(I) a substantial risk of death;

"(II) extreme physical pain;

"(III) a burn or physical disfigurement of a serious nature (other than cuts, abrasions, or bruises); or

"(IV) significant loss or impairment of the function of a bodily member, organ, or mental faculty.

"(ii) The term 'severe mental pain or suffering' has the meaning given that term in section 2340(2) of title 18.

"(iii) The term 'serious mental pain or suffering' has the meaning given the term 'severe mental pain or suffering' in section 2340(2) of title 18, except that—

"(I) the term 'serious' shall replace the term 'severe' where it appears; and

"(II) as to conduct occurring after the date of the enactment of the Military Commissions Act of 2006, the term 'serious and non-transitory mental harm (which need not be prolonged)' shall replace the term 'prolonged mental harm' where it appears.

"(13) INTENTIONALLY CAUSING SERIOUS BODILY INJURY.—

"(A) OFFENSE.—Any person subject to this chapter who intentionally causes serious bodily injury to one or more persons, including lawful combatants, in violation of the law of war shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(B) SERIOUS BODILY INJURY DEFINED.—In this paragraph, the term 'serious bodily injury' means bodily injury which involves—

"(i) a substantial risk of death;

"(ii) extreme physical pain;

"(iii) protracted and obvious disfigurement; or

"(iv) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"(14) MUTILATING OR MAIMING.—Any person subject to this chapter who intentionally injures one or more protected persons by disfiguring the person or persons by any mutilation of the person or persons, or by permanently disabling any member, limb, or organ of the body of the person or persons, without any legitimate medical or dental purpose, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(15) MURDER IN VIOLATION OF THE LAW OF WAR.—Any person subject to this chapter who intentionally kills one or more persons, including lawful combatants, in violation of the law of war shall be punished by death or such other punishment as a military commission under this chapter may direct.

"(16) DESTRUCTION OF PROPERTY IN VIOLATION OF THE LAW OF WAR.—Any person subject to this chapter who intentionally destroys property belonging to another person in violation of the law of war shall punished as a military commission under this chapter may direct.

"(17) USING TREACHERY OR PERFIDY.—Any person subject to this chapter who, after inviting the confidence or belief of one or more persons that they were entitled to, or obliged to accord, protection under the law of war, intentionally makes use of that confidence or belief in killing, injuring, or capturing such person or persons shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(18) IMPROPERLY USING A FLAG OF TRUCE.—Any person subject to this chapter who uses a flag of truce to feign an intention to negotiate, surrender, or otherwise suspend hostilities when there is no such intention shall be punished as a military commission under this chapter may direct.

"(19) IMPROPERLY USING A DISTINCTIVE EMBLEM.—Any person subject to this chapter who intentionally uses a distinctive emblem recognized by the law of war for combatant purposes in a manner prohibited by the law of war shall be punished as a military commission under this chapter may direct.

"(20) INTENTIONALLY MISTREATING A DEAD BODY.—Any person subject to this chapter who intentionally mistreats the body of a dead person, without justification by legitimate military necessity, shall be punished as a military commission under this chapter may direct.

"(21) RAPE.—Any person subject to this chapter who forcibly or with coercion or threat of force wrongfully invades the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object, shall be punished as a military commission under this chapter may direct.

"(22) SEXUAL ASSAULT OR ABUSE.—Any person subject to this chapter who forcibly or with coercion or threat of force engages in sexual contact with one or more persons, or causes one or more persons to engage in sexual contact, shall be punished as a military commission under this chapter may direct.

"(23) HIJACKING OR HAZARDING A VESSEL OR AIRCRAFT.—Any person subject to this chapter who intentionally seizes, exercises unauthorized control over, or endangers the safe navigation of a vessel or aircraft that is not a legitimate military objective shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(24) TERRORISM.—Any person subject to this chapter who intentionally kills or inflicts great bodily harm on one or more protected persons, or intentionally engages in an act that evinces a wanton disregard for human life, in a manner calculated to influence or affect the conduct of government or civilian population by intimidation or coercion, or to retaliate against government conduct, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(25) PROVIDING MATERIAL SUPPORT FOR TERRORISM.—

"(A) OFFENSE.—Any person subject to this chapter who provides material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, an act of terrorism (as set forth in paragraph (24)), or who intentionally provides material support or resources to an international terrorist organization engaged in hostilities against the United States, knowing that such organization has engaged or engages in terrorism (as so set forth), shall be punished as a military commission under this chapter may direct.

"(B) MATERIAL SUPPORT OR RESOURCES DEFINED.—In this paragraph, the term 'material support or resources' has the meaning given that term in section 2339A(b) of title 18.

"(26) WRONGFULLY AIDING THE ENEMY.—Any person subject to this chapter who, in breach of an allegiance or duty to the United States, knowingly and intentionally aids an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished as a military commission under this chapter may direct.

"(27) SPYING.—Any person subject to this chapter who with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign power, collects or attempts to collect information by clandestine means or while acting under false pretenses, for the purpose of conveying such information to an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished by death or such other punishment as a military commission under this chapter may direct.

"(28) CONSPIRACY.—Any person subject to this chapter who conspires to commit one or more substantive offenses triable by military commission under this chapter, and who knowingly does any overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"§950w. Perjury and obstruction of justice; contempt

"(a) PERJURY AND OBSTRUCTION OF JUSTICE.—A military commission under this chapter may try offenses and impose such punishment as the military commission may direct for perjury, false testimony, or obstruction of justice related to military commissions under this chapter.

"(b) CONTEMPT.—A military commission under this chapter may punish for contempt any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder.".

(2) TABLES OF CHAPTERS AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are each amended by inserting after the item relating to chapter 47 the following new item:

"47A. Military Commissions .... 948a".

(b) SUBMITTAL OF PROCEDURES TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the

House of Representatives a report setting forth the procedures for military commissions prescribed under chapter 47A of title 10, United States Code (as added by subsection (a)).

SEC. 4. AMENDMENTS TO UNIFORM CODE OF MILITARY JUSTICE.

(a) Conforming Amendments.—Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended as follows:

(1) APPLICABILITY TO LAWFUL ENEMY COMBATANTS.—Section 802(a) (article 2(a)) is amended by adding at the end the following new paragraph:

"(13) Lawful enemy combatants (as that term is defined in section 948a(2) of this title) who violate the law of war.".

(2) Exclusion of applicability to chapter 47A commissions.—Sections 821, 828, 848, 850(a), 904, and 906 (articles 21, 28, 48, 50(a), 104, and 106) are amended by adding at the end the following new sentence:' "This section does not apply to a military commission established under chapter 47A of this title.".

(3) Inapplicability of requirements relating to regulations.—Section 836 (article 36) is amended—

(A) in subsection (a), by inserting ", except as provided in chapter 47A of this title," after "but which may not"; and

(B) in subsection (b), by inserting before the period at the end ", except insofar as applicable to military commissions established under chapter 47A of this title".

(b) Punitive Article of Conspiracy.—Section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice), is amended—

(1) by inserting "(a)" before "Any person"; and

(2) by adding at the end the following new subsection:

"(b) Any person subject to this chapter who conspires with any other person to commit an offense under the law of war, and who knowingly does an overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a court-martial or military commission may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a court-martial or military commission may direct.".

SEC. 5. TREATY OBLIGATIONS NOT ESTABLISHING GROUNDS FOR CERTAIN CLAIMS.

(a) In General.—No person may invoke the Geneva Conventions or any protocols thereto in any habeas corpus or other civil action or proceeding to which the United States, or a current or former officer, employee, member of the Armed Forces, or other agent of the United States is a party as a source of rights in any court of the United States or its States or territories.

(b) Geneva Conventions Defined.—In this section, the term "Geneva Conventions" means—

(1) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(2) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(3) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(4) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

SEC. 6. IMPLEMENTATION OF TREATY OBLIGATIONS.

(a) Implementation of Treaty Obligations.—

(1) In general.—The acts enumerated in subsection (d) of section 2441 of title 18, United States Code, as added by subsection (b) of this section, and in subsection (c) of this section, constitute violations of common Article 3 of the Geneva Conventions prohibited by United States law.

(2) Prohibition on grave breaches.—The provisions of section 2441 of title 18, United States Code, as amended by this section, fully satisfy the obligation under Article 129 of the Third Geneva Convention for the United States to provide effective penal sanctions for grave breaches which are encompassed in common Article 3 in the context of an armed conflict not of an international character. No foreign or international source of law shall supply a basis for a rule of decision in the courts of the United States in interpreting the prohibitions enumerated in subsection (d) of such section 2441.

(3) Interpretation by the President.—

(A) As provided by the Constitution and by this section, the President has the authority for the United States to interpret the meaning and application of the Geneva Conventions and to promulgate higher standards and administrative regulations for violations of treaty obligations which are not grave breaches of the Geneva Conventions.

(B) The President shall issue interpretations described by subparagraph (A) by Executive Order published in the Federal Register.

(C) Any Executive Order published under this paragraph shall be authoritative (except as to grave breaches of common Article 3) as a matter of United States law, in the same manner as other administrative regulations.

(D) Nothing in this section shall be construed to affect the constitutional functions and responsibilities of Congress and the judicial branch of the United States.

(4) Definitions.—In this subsection:

(A) Geneva conventions.—The term "Geneva Conventions" means—

(i) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3217);

(ii) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(iii) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(iv) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(B) Third geneva convention.—The term "Third Geneva Convention" means the international convention referred to in subparagraph (A)(iii).

(b) Revision to War Crimes Offense Under Federal Criminal Code.—

(1) In general.—Section 2441 of title 18, United States Code, is amended—

(A) in subsection (c), by striking paragraph (3) and inserting the following new paragraph (3):

"(3) which constitutes a grave breach of common Article 3 (as defined in subsection (d)) when committed in the context of and in association with an armed conflict not of an international character; or"; and

(B) by adding at the end the following new subsection:

"(d) Common Article 3 Violations.—

"(1) Prohibited conduct.—In subsection (c)(3), the term 'grave breach of common Article 3' means any conduct (such conduct constituting a grave breach of common Article 3 of the international conventions done at Geneva August 12, 1949), as follows:

"(A) Torture.—The act of a person who commits, or conspires or attempts to commit, an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind.

"(B) Cruel or inhuman treatment.—The act of a person who commits, or conspires or attempts to commit, an act intended to inflict severe or serious physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including serious physical abuse, upon another within his custody or control.

"(C) Performing biological experiments.—The act of a person who subjects, or conspires or attempts to subject, one or more persons within his custody or physical control to biological experiments without a legitimate medical or dental purpose and in so doing endangers the body or health of such person or persons.

"(D) Murder.—The act of a person who intentionally kills, or conspires or attempts to kill, or kills whether intentionally or unintentionally in the course of committing any other offense under this subsection, one or more persons taking no active part in the hostilities, including those placed out of combat by sickness, wounds, detention, or any other cause.

"(E) Mutilation or maiming.—The act of a person who intentionally injures, or conspires or attempts to injure, or injures whether intentionally or unintentionally in the course of committing any other offense under this subsection, one or more persons taking no active part in the hostilities, including those placed out of combat by sickness, wounds, detention, or any other cause, by disfiguring the person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of his body, without any legitimate medical or dental purpose.

"(F) Intentionally causing serious bodily injury.—The act of a person who intentionally causes, or conspires or attempts to cause, serious bodily injury to one or more persons, including lawful combatants, in violation of the law of war.

"(G) Rape.—The act of a person who forcibly or with coercion or threat of force wrongfully invades, or conspires or attempts to invade, the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object.

"(H) Sexual assault or abuse.—The act of a person who forcibly or with coercion or threat of force engages, or conspires or attempts to engage, in sexual contact with one or more persons, or causes, or conspires or attempts to cause, one or more persons to engage in sexual contact.

"(I) Taking hostages.—The act of a person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons.

"(2) DEFINITIONS.—In the case of an offense under subsection (a) by reason of subsection (c)(3)—

"(A) the term 'severe mental pain or suffering' shall be applied for purposes of paragraphs (1)(A) and (1)(B) in accordance with the meaning given that term in section 2340(2) of this title;

"(B) the term 'serious bodily injury' shall be applied for purposes of paragraph (1)(F) in accordance with the meaning given that term in section 113(b)(2) of this title;

"(C) the term 'sexual contact' shall be applied for purposes of paragraph (1)(G) in accordance with the meaning given that term in section 2246(3) of this title;

"(D) the term 'serious physical pain or suffering' shall be applied for purposes of paragraph (1)(B) as meaning bodily injury that involves—

"(i) a substantial risk of death;

"(ii) extreme physical pain;

"(iii) a burn or physical disfigurement of a serious nature (other than cuts, abrasions, or bruises); or

"(iv) significant loss or impairment of the function of a bodily member, organ, or mental faculty; and

"(E) the term 'serious mental pain or suffering' shall be applied for purposes of paragraph (1)(B) in accordance with the meaning given the term 'severe mental pain or suffering' (as defined in section 2340(2) of this title), except that—

"(i) the term 'serious' shall replace the term 'severe' where it appears; and

"(ii) as to conduct occurring after the date of the enactment of the Military Commissions Act of 2006, the term 'serious and non-transitory mental harm (which need not be prolonged)' shall replace the term 'prolonged mental harm' where it appears.

"(3) INAPPLICABILITY OF CERTAIN PROVISIONS WITH RESPECT TO COLLATERAL DAMAGE OR INCIDENT OF LAWFUL ATTACK.—The intent specified for the conduct stated in subparagraphs (D), (E), and (F) or paragraph (1) precludes the applicability of those subparagraphs to an offense under subsection (a) by reasons of subsection (c)(3) with respect to—

"(A) collateral damage; or

"(B) death, damage, or injury incident to a lawful attack.

"(4) INAPPLICABILITY OF TAKING HOSTAGES TO PRISONER EXCHANGE.—Paragraph (1)(I) does not apply to an offense under subsection (a) by reason of subsection (c)(3) in the case of a prisoner exchange during wartime.

"(5) DEFINITION OF GRAVE BREACHES.—The definitions in this subsection are intended only to define the grave breaches of common Article 3 and not the full scope of United States obligations under that Article.".

(2) RETROACTIVE APPLICABILITY.—The amendments made by this subsection, except as specified in subsection (d)(2)(E) of section 2441 of title 18, United States Code, shall take effect as of November 26, 1997, as if enacted immediately after the amendments made by section 583 of Public Law 105–118 (as amended by section 4002(e)(7) of Public Law 107–273).

(c) ADDITIONAL PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—

(1) IN GENERAL.—No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(2) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT DEFINED.—In this subsection, the term "cruel, inhuman, or degrading treatment or punishment" means cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

(3) COMPLIANCE.—The President shall take action to ensure compliance with this subsection, including through the establishment of administrative rules and procedures.

SEC. 7. HABEAS CORPUS MATTERS.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking both the subsection (e) added by section 1005(e)(1) of Public Law 109–148 (119 Stat. 2742) and the subsection (e) added by added by section 1405(e)(1) of Public Law 109–163 (119 Stat. 3477) and inserting the following new subsection (e):

"(e)(1) No court, justice, or judge shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of an alien detained by the United States who has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.

"(2) Except as provided in paragraphs (2) and (3) of section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note), no court, justice, or judge shall have jurisdiction to hear or consider any other action against the United States or its agents relating to any aspect of the detention, transfer, treatment, trial, or conditions of confinement of an alien who is or was detained by the United States and has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to all cases, without exception, pending on or after the date of the enactment of this Act which relate to any aspect of the detention, transfer, treatment, trial, or conditions of detention of an alien detained by the United States since September 11, 2001.

SEC. 8. REVISIONS TO DETAINEE TREATMENT ACT OF 2005 RELATING TO PROTECTION OF CERTAIN UNITED STATES GOVERNMENT PERSONNEL.

(a) COUNSEL AND INVESTIGATIONS.—Section 1004(b) of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd–1(b)) is amended—

(1) by striking "may provide" and inserting "shall provide";

(2) by inserting "or investigation" after "criminal prosecution"; and

(3) by inserting "whether before United States courts or agencies, foreign courts or agencies, or international courts or agencies," after "described in that subsection".

(b) PROTECTION OF PERSONNEL.—Section 1004 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd–1) shall apply with respect to any criminal prosecution that—

(1) relates to the detention and interrogation of aliens described in such section;

(2) is grounded in section 2441(c)(3) of title 18, United States Code; and

(3) relates to actions occurring between September 11, 2001, and December 30, 2005.

SEC. 9. REVIEW OF JUDGMENTS OF MILITARY COMMISSIONS.

Section 1005(e)(3) of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 119 Stat. 2740; 10 U.S.C. 801 note) is amended—

(1) in subparagraph (A), by striking "pursuant to Military Commission Order No. 1. dated August 31, 2005 (or any successor military order)" and inserting "by a military commission under chapter 47A of title 10, United States Code";

(2) by striking subparagraph (B) and inserting the following new subparagraph (B):

"(B) GRANT OF REVIEW.—Review under this paragraph shall be as of right.";

(3) in subparagraph (C)—

(A) in clause (i)—

(i) by striking "pursuant to the military order" and inserting "by a military commission"; and

(ii) by striking "at Guantanamo Bay, Cuba"; and

(B) in clause (ii), by striking "pursuant to such military order" and inserting "by the military commission"; and

(4) in subparagraph (D)(i), by striking "specified in the military order" and inserting "specified for a military commission".

SEC. 10. DETENTION COVERED BY REVIEW OF DECISIONS OF COMBATANT STATUS REVIEW TRIBUNALS OF PROPRIETY OF DETENTION.

Section 1005(e)(2)(B)(i) of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 119 Stat. 2742; 10 U.S.C. 801 note) is amended by striking "the Department of Defense at Guantanamo Bay, Cuba" and inserting "the United States".

The SPEAKER pro tempore. Pursuant to House Resolution 1054, debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes and the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 10 minutes.

The Chair recognizes the gentleman from California.

□ 1200

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 3930.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 3930, the Military Commissions Act of 2006.

Mr. Speaker, as we debated this bill just a few hours ago, again, I say that I can't think of any better way to honor the fifth anniversary of September 11 than by establishing a system to prosecute the terrorists who on that day murdered thousands of civilians and who continue to seek to kill Americans both on and off the battlefield.

Mr. Speaker, I think that Justice Thomas described best the backdrop against which this legislation is being considered when he said, and I quote, "We are not engaged in a traditional battle with a nation state but with a worldwide hydra-headed enemy who lurks in the shadows conspiring to reproduce the atrocities of September 11, 2001, and who has boasted of sending suicide bombers into civilian gatherings, has proudly distributed videotapes of beheadings of civilian workers, and has tortured and dismembered captured American soldiers."

So, Mr. Speaker, we have debated this precisely, this bill, which is precisely the same coming back over from the other body as the bill that we voted on in the full House, where I think we had a robust debate on the issues. But I would just say that this gives us a new body of law that provides a construct under which we can carry out our charge.

And this is an interesting charge to this body and to both Houses of Congress. We were not only requested to do this by the President, but the Supreme Court in the Hamdan case essentially invited, in fact said that we were an essential part of the construct of any tribunal legislation that would set up the new tribunal process; that it had to be a construct that was participated in by Congress. So you could say, I think, Mr. Speaker, that we have been charged not just by the President but by the Supreme Court with doing our job and putting together this process.

We have pursued the terrorists across the globe. We have captured some, and we have killed many. We have pursued them literally to the ends of the earth. We have caught them at 10,000 foot elevation mountain ranges in caves where they thought they were safe, in so-called safe houses that turned out not to be safe houses. We captured some who, according to our intelligence personnel, helped to design the attack against New York and Washington, DC, and Pennsylvania. And I can think of no more important way to memorialize 9/11 than to produce a justice system that allows us to bring to justice, to bring to the courthouse and show justice to the widows and orphans of 9/11, to the American people, to our fellow citizens and to the world. This system is going to allow us to do this.

This system is a product of extensive negotiations, hundreds of provisions that have been agreed upon and worked and looked at by counsel for both this body, the other body, the U.S. Senate and, of course, the administration. I think it is sound. I think it is solid. I think it will allow for the expeditious prosecution of people who attacked our country.

It gives them a lot of rights. It gives a lot of rights to the terrorists that they would never have in their native land. It also gives them rights that American soldiers don't have. There is no American soldier that has the right to an attorney, to a combatant status review and, if he doesn't like that review, to an appellate court, like the D.C. Circuit Court, to prove that he really was not a combatant in that particular conflict.

So as the American people watch these trials unfold, Mr. Speaker, and they watch the defendants, including some of the people who hurt our country and helped to cause the death of thousands of Americans, they are going to watch them with their taxpayer-paid-for attorneys exercising their rights against self-incrimination, their right to a proof standard beyond a reasonable doubt; they are going to watch a jury system or a commission system that uses a secret ballot so that superior officers can't influence junior officers; they are going to watch all these safeguards that we put in place for justice, and I think the American people are going to say, although there will be some who will say they still didn't have enough rights, but I think the American people will come down on the side of what we have done here in the House.

Mr. Speaker, I rise in support of S. 3930, the "Military Commissions Act of 2006." I can think of no better way to honor the fifth anniversary of September 11th than by establishing a system to prosecute the terrorists who, on that day, murdered thousands of innocent civilians, and who continue to seek to kill Americans both on and off the battlefield.

This is vital legislation important to the national security of the United States.

Our foremost consideration in writing this legislation is to protect American troops and American citizens from harm.

The war against terror has produced a new type of battlefield and a new type of enemy. How is it different? We are fighting a ruthless enemy who does not wear a uniform. A savage enemy who kills civilians, women and children and then boasts about it. A barbaric enemy who beheads innocent civilians by sawing their heads off. An uncivilized enemy who does not acknowledge or respect the laws of war, the Geneva Conventions or any of the guarantees which are recognized by civilized nations.

Justice Thomas put it best in Hamdan. He said we are "not engaged in a traditional battle with a nation-state, but with a world-wide, hydra-headed enemy, who lurks in the shadows conspiring to reproduce the atrocities of September 11, 2001, and who has boasted of sending suicide bombers into civilian gatherings, has proudly distributed videotapes of beheadings of civilian workers, and has tortured and dismembered captured American soldiers."

How is the battlefield new? First, it will be a long war. We don't know if this enemy will be defeated this decade, the next decade, or even longer than that. Second, in this new war, where intelligence is more vital than ever, we want to interrogate the enemy. Not to degrade them, but to save the lives of American troops, American civilians, and our allies. But it is not practical on the battlefield to read the enemy their Miranda warnings. On the battlefield we can't have battalions of lawyers. Finally, this is an ongoing conflict and sharing sensitive intelligence sources, methods and other classified information with terrorist detainees could be highly dangerous to national security. I am not prepared to take that risk.

So what we have done is to develop a military commission process that will allow for the effective prosecution of enemy combatants during this ongoing conflict. Without this action, United States has no effective means to try and punish the perpetrators of September 11th, the attack on the USS *Cole* and the embassy bombings.

We provide basic fairness in our prosecutions, but we also preserve the ability of our warfighters to operate effectively on the battlefield.

I think a fair process has two guiding principles:

First, the government must be able to present its case fully and without compromising its intelligence sources or compromising military necessity; and

Second, the prosecutorial process must be done fairly, swiftly and conclusively.

Who are we dealing with in military commissions? We are dealing with the enemy in war, not defendants in our domestic criminal justice system. Some of them have returned to the battlefield after we let them out of Guantanamo. Our primary purpose is to keep them off the battlefield. In doing so, we treat them humanely and if we choose to try them as war criminals we will give them due process rights that the world will respect. But we have to remember they are the enemy in an ongoing war.

In time of war it is not practical to apply to rules of evidence that we do in civilian trials or court-martials for our troops. Commanders and witnesses can't be called from the frontline to testify in a military commission. We need to accommodate rules of evidence, chain of custody and authentication to fit the exigencies of the battlefield. If hearsay is reliable we should use it. If sworn affidavits are reliable, we should use them. I note that the rules of evidence are relaxed in international war crime tribunals for Rwanda and Yugoslavia.

The Supreme Court has suggested that Congress act here to fill the legal void left by the Hamdan decision, but in doing so let's not forget our purpose is to defend the nation against the enemy. We won't lower our standards, we will always treat detainees humanely, but we can't be naive either.

This war started in 1996 with the al Qaeda declaration of jihad against the United States. The Geneva Conventions were written in 1949 and the UCMJ was adopted in 1951. These documents were not written to address the war we are now fighting. In that sense, what we are required to do after Hamdan is broader than war crimes trials, it is the start of a new legal analysis for the long war. It is time for us to think about war crime trials and a process that provides due process and protects national security in the new war.

So what do we do with these new military commissions? We uphold basic human rights and state what our compliance with this standard means for the treatment of detainees. We do this in a way that is fair and the world will acknowledge as fair.

First, we provide accused war criminals at least 26 rights if they are tried by a commission for a war crime. While I will not read them all, here are some of the essential rights we provide.

Right to Counsel, provided by government at trial and throughout appellate proceedings;

Impartial judge;

Presumption of innocence;

Standard of proof beyond a reasonable doubt;

The right to be informed of the charges against him as soon as practicable;

The right to service of charges sufficiently in advance of trial to prepare a defense;

Mr. Speaker, since I am inserting my entire text in the RECORD, I will not read them all at this point.

The right to reasonable continuances;

Right to peremptory challenge against members of the commission and challenges for cause against members of the commission and the military judge;

Witness must testify under oath; judges, counsel and members of military commission must take oath;

Right to enter a plea of not guilty;

The right to obtain witnesses and other evidence;

The right to exculpatory evidence as soon a practicable;

The right to be present at court with the exception of certain classified evidence involving national security, preservation of safety or preventing disruption of proceedings;

The right to a public trial except for national security issues or physical safety issues;

The right to have any findings or sentences announced as soon as detennined;

Right against compulsory self-incrimination;

Right against double jeopardy;

The defense of lack of mental responsibility;

Voting by members of the military commission by secret written ballot;

Prohibitions against unlawful command influence toward members of the commission, counselor military judges;

⅔ vote of members required for conviction; ¾ vote required for sentences of life or over ten years; unanimous verdict required for death penalty;

Verbatim authenticated record of trial;

Cruel or unusual punishments prohibited;

Treatment and discipline during confinement the same as afford to prisoners in U.S. domestic courts;

Right to review of full factual record by convening authority; and

Right to at least two appeals including to a federal Article III appellate court.

We provide all of these rights, and we give them an independent judge, and the right to at least two appeals, including the U.S. Court of Appeals for the District of Columbia and access to the Supreme Court. No one can say this is not a fair system.

I know some of my colleagues are concerned about the issue of reciprocity. I ask them to look at the list of rights I just summarized. And also keep in mind, that these are rights for terrorists. If we are talking about true reciprocity, then we are only concerned about how the enemy will treat American terrorists. These are not our rules for POWs. We treat the legitimate enemy differently and expect them to treat our troops the same.

How do we try the enemy for war crimes? In this Act, Congress authorizes the establishment of military commissions for alien unlawful enemy combatants, which is the legal term we use to define international terrorists and those who aid and support them, in a new separate chapter of Title 10 of the U.S.C. Code, Chapter 47A. While this new chapter is based upon the Uniform Code of Military Justice, it creates an entirely new structure for these trials.

In this bill we provide standards for the admission of evidence, including hearsay evidence and other statements, that are adapted to military exigencies and provide the military judge the necessary discretion to determine if the evidence is reliable and probative.

I want to talk a little bit about how we handle classified evidence. We had three hearings on this bill in addition to briefings and meetings with experts. I asked every witness the same question. If we have an informant, either a CIA agent or an undercover witness of some sort, are we going to tell Kalid Sheik Mohammad who the informant is? This legislation does not allow KSM to learn the identity of the informant. After several twists and turns in the road, after meeting with the Senate and the White House in marathon sessions over the weekend, we have crafted a solution that does not allow the KSM to learn the identify of the informant, yet provides a fair trial. How do we do this? We address this in Section 949d(f) of Section 3. Classified evidence is protected and is privileged from disclosure to the jury and the accused if disclosure would be detrimental to national security. The accused is permitted to be present at all phases of the trial and no evidence is presented to the jury that is not also provided to the accused.

Section 949d(f) makes a clear statement that sources, methods, or activities will be protected and privileged and not shown to the accused, however, the substantive findings of the sources, methods, or activities will be admissible in an unclassified form. This allows the prosecution to present its best case while protecting classified information. In order to do this, the military judge questions the informant outside the presence of the jury and the defendant. In order to give the jury and the defendant a redacted version or the infomant's statement, the just must find: (1) that the sources, methods, or activities by which the U.S. acquired the evidence are classified and (2) the evidence is reliable. Once the judge stamps the informant as reliable, the informant's redacted statement is given to both the jury and the accused. It removes the confrontation issue, yet allows the accused to see the substance of the evidence against him. I think these rules protect classified evidence and yet preserve a fair trial.

Unauthorized disclosures, not only of classified information, but also of our interrogation techniques, are extremely damaging to our intelligence efforts. Our personnel have encountered enemy combatants trained to resist disclosed interrogation techniques thanks to leakers in our media. I'm pleased that with the current Military Commission legislation moving forward, we have reaffirmed our strict adherence to the U.S. anti-torture laws, while at the same time allowing our CIA to move forward with an effective interrogation program whose techniques will not be published in the Federal Register, or God forbid, in another newspaper disclosure. This legislation preserves the necessary flexibility for the President and the CIA to utilize all lawful and effective methods of interrogation. Let me be clear: the bill defines the specific conduct that is prohibited under Common Article 3, but it does not purport to identify interrogation practices to the enemy or to take any particular means of interrogation off the table. Rather, this legislation properly leaves the decision as to the methods of interrogation to the President and to the intelligence professionals at the CIA, so that they may carry forward this vital program that, as the President explained, serves to gather the critical intelligence necessary to protect the country from another catastrophic terrorist attack.

One other point I want to make for the record. As I mentioned earlier, we have modified the rules of evidence to adapt to the battlefield. One of the principles used by the judiciary in criminal prosecutions of our citizens is called the "fruit of the poisonous tree doctrine." The rule provides that evidence derived from information acquired by police officials or the government through unlawful means is not admissible in a criminal prosecution. I want to make it clear that it is our intent with the legislation not to have this doctrine apply to evidence in military commissions. While evidence obtained improperly will not be used directly against an accused, we will not limit the use of any evidence derived from such evidence. The deterrent effect of the exclusionary rule is not something that our soldiers consider when they are fighting a war. The theory of the exclusionary rule is that if the constable blunders, the accused will not suffer. However, we are not going to say that if the soldier blunders, we are not going to punish a savage terrorist. Some rights are reserved for our citizens. Some rights are reserved for civilized people.

Mr. Speaker, this is a complicated piece of legislation. In addition to establishing an entire legal process from start to finish, we address the application of common Article 3 of the Geneva conventions to our current laws.

Section 5 clarifies that the Geneva Conventions are not an enforceable source of rights in any habeas corpus or other civil action or proceeding by an individual in U.S. courts.

Section 6 of the bill amends 18 U.S.C. Section 2441, the War Crimes Act to criminalize grave breaches of common Article 3 of the Geneva Conventions. As amended, the War Crimes Act will fully satisfy our treaty obligations under common Article 3. This amendment is necessary because currently Section (c)(3) of the War Crimes Act defines a war crime as any conduct which constitutes a violation of Common Article 3. Common Article 3 prohibits some actions that are universally condemned, such as murder and torture but also prohibits "outrages upon personal dignity" and "humiliating and degrading treatment," phrases which are vague and do not provide adequate guidance to our personnel. Since violation of Common Article 3 is a felony under the War Crimes Act, it is necessary to amend it to provide clarity and certainty to the of justice. If you pick up two people in New York, one of them is a citizen, they go to the Federal court, and you accuse them of being unlawful enemy combatants, they go to the regular American system of justice. One is awaiting citizenship but is a permanent resident, he goes through this other. He has no rights and can be in jail forever. That is clearly unconstitutional. It is a denial of equal protection.

Mr. HUNTER. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, when the gentleman says the President can make any determination he wanted with regard to status, I would just like the gentleman to know that the determination of one's status is done by a tribunal under article V of the Geneva Conventions.

Mr. NADLER. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from New York.

Mr. NADLER. It is supposed to be done by a tribunal under article V, but the President claims the power. We have never held such a tribunal.

Mr. BUYER. Wait a minute. Reclaiming my time, please do not come to the floor and make things up. As a JAG officer in the first Gulf War, I wrote the practice and procedures for article V tribunals. I participated in the tribunals to determine status, a person's status. The President of the United States does not participate in that process.

So, please, don't be silly and just make things up.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just go to the Detainee Act. It says that review is done by the District of Columbia relating to any aspect of the detention of an alien, and we have expanded it from Guantanamo Bay to anywhere, who has been determined by the United States District Court of Appeals for the District of Columbia Circuit in accordance with the procedures set forth in section 1405. So there is a process whereby the review is made with respect to the status of that alien.

Let me go to a second point. The gentleman spoke about hearsay evidence being allowed. That is true. Hearsay evidence is allowed, with certain restrictions. The judge has to find that it is probative, that it is relevant and that it is reliable.

The war crimes tribunals in Yugoslavia and Rwanda allow hearsay evidence. As I recall, the bill that was offered by Mr. SKELTON, that was voted on in the HASC, in the Armed Services Committee, also allowed for the use of hearsay evidence.

So hearsay evidence, I would say to my friends, is not excluded and has not historically been excluded in war crimes trials in Rwanda, in Yugoslavia.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I would make reference to my friend from Indiana (Mr. BUYER), and thank him for his comments. I am sorry that we don't agree on the basis of this. But thank you for your comments a few moments ago.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Missouri for his defense of basic constitutional principles. I would say that the basic premise of military commissions, that the U.S. military should try unlawful enemy combatants using draconian rules, that basic premise is false.

The jury of commissioned military officers are not peers of these detainees. The detainees are accused of crimes against humanity and should be tried like all other such persons. The U.S. should hand over these detainees to the International Criminal Court. The U.S. should offer evidence that would be legal under our Constitution and the Geneva Conventions. This model of justice would set a precedent for other nations where the rule of law remains unfair, unjust, and inhumane.

The wrong approach is to create a court system that has more in common with the nations that torture, jail and hold indefinitely anyone without legitimate evidence.

The second point: H.R. 6166 and S. 3930 cast a wide net in defining unlawful enemy combatants that would include any American supporter of a national liberation movement which is seeking to overthrow a U.S. Government-supported despot.

For instance, with such a loose definition, the thousands of Americans, many of whom are church clergy, who provided support to the armed and unarmed opposition to the disposed dictatorships of El Salvador and Nicaragua, could have been designated as unlawful enemy combatants.

This hypothetical could occur since, one, it would only take a determination by the President or Secretary of Defense that the opposition to a U.S.-favored dictator was engaged in hostilities against the U.S., and that, two, the act of solidarity by the American clergymen supported the opposition group.

This is very dangerous. It is widely known that the U.S. conducted a dirty war throughout Central and South America to uphold repressive regimes there.

The third point I would like to make is that H.R. 6166 and S. 3930 could make similar solidarity actions in the future a crime. Those crimes should not be triable by military commissions. They would be new crimes and expose Americans to prosecution simply for supporting unfortunate people in other countries who are struggling for their freedom.

The other point is that H.R. 6166 and S. 3930 create a large loophole to keep administration officials out of jail for violations of the War Crimes Act of 1996. Section 4 amends the War Crimes Act to immunize from prosecution civilians who subject people to horrific abuse that may fall short of the definition of torture.

It is clear that senior administrative officials signed off on aggressive and illegal techniques and are potentially liable under the War Crimes Act of 1996. Instead, Congress is going to gut the War Crimes Act to protect those who permitted torture of detainees.

If those who think the so-called war on terror is about ideas such as good versus evil and democracy versus thuggery, then H.R. 6166 sends the wrong message about the true values of Americans. Let's stand up for the principles that this country was founded upon. Let's stand up for the Constitution, for the land of the free, for the home of the brave.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just make a comment about the fact that we enumerate the crimes that might be committed, what we call the grave offenses under article III.

I think that it accrues to the benefit of our soldiers, sailors, airmen and marines and our intelligence agents that they know what the crimes are when they have people in custody, and the fact that those grave crimes, and they are enumerated, are defined, gives clarity to our folks so they know what the offenses are. I think that serves the purpose. It does not disserve the purpose.

But the idea that we have also reserved to the President on nongrave offenses, and again, one of the examples that was given by expert testimony was if you use the term "degrading," you could charge that a female colonel JAG officer interrogating a Muslim male is in and of itself degrading, because it is a female interrogating a male, and in their culture that would be considered to be degrading.

I think it is important not to expose that female JAG officer to liability. And it is important, therefore, when you have what you might consider to be minor infractions to not label that person, that American, a war criminal, but to allow the President as Commander in Chief to put forth regulations.

So I think this is a good fit, and it gives the thing that is most important to personnel, and that is clarity.

Mr. BUYER. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Indiana.

Mr. BUYER. What I would like to share with everyone, having done interrogations, I have interrogated Iraqi high command when I was at the Western Enemy Prisoner of War Camp. I assure you that trying to use any type of method to torture or beat the person you are trying to interrogate, I assure you, you never want to do that as an interrogator, because whatever he is going to say is really not going to be helpful to you. So as an interrogator, it is the last thing. It wouldn't even enter your mind that you want to do this type of thing.

The only time, I won't say the only time, some of the most difficult situations are usually what we find in the field where time is of the essence, where someone has just been killed, you are in a battlefield situation, you have gotten a prisoner and you need to know who they are and where they just went. That is generally where bad things happen. It is not at a garrison, in prison or a detention center.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

(Mr. WU asked and was given permission to revise and extend his remarks.)

Mr. WU. Mr. Speaker, this is a sad day in the long history of this Chamber and of this Congress because today we break faith with the basic tenets of Anglo-American law that have come down from the Magna Carta, through the attempts of Charles I to suspend the writ of habeas corpus, to the challenges that American Presidents have faced in every stressful conflict situation in this Nation's history.

□ 1230

Although we should care about the rights of aliens seized in other countries, we should care, what we are debating today are the rights of American citizens here in the United States.

If my wife, a sixth generation Oregonian, were seized up and detained under the law we are considering today, she would disappear into a black hole of detention with no access to article 3 courts. At best, she would get a military tribunal, and that is not what American citizens deserve. The Koramatsu case from World War II is still the law of the land. It has not been overturned. And what it stands for is the proposition that civilians can be held by the military in this country. The Koramatsu case has been called a gun pointed at the heart of our civil liberties; and today this Congress loads that weapon.

This law is unwise as it is unconstitutional, and we should not be enacting this in haste. The great writ is one of our great protections. It applies to all Americans, and Americans should not be tried by a military tribunal.

Mr. SKELTON. Mr. Speaker, I recognize the ranking member of the Judiciary Committee (Mr. CONYERS) for 1 minute.

Mr. CONYERS. I thank the gentleman for yielding. He has done great legal work from the Armed Services Committee.

I just keep going through my mind, and this is getting to be a night and day job, because I have a Member I respect so much in judiciary, Mr. LUNGREN, who keeps trying to tell us that there are two writs of habeas corpus. A wonderful idea, if it were only true.

The statutory writ of habeas corpus, I say to my colleague from California, is to implement the great writ in the Constitution. So to be telling us repeatedly, repeatedly, and I have got the cases, I have been waiting for this great moment in American judiciary history, that there are two writs and that you have got to know which one you are talking about is absolutely incorrect.

Mr. SKELTON. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas, SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished ranking member of the Armed Services for his very insightful, instructive messages on the dilemma we face in Iraq and Afghanistan. Let me also acknowledge that there are individuals who have had firsthand experience in the military courts.

Having gone to a law school that had a very outstanding JAG school, I understand the importance of military law and was one time a member of the U.S. Military Court of Appeals.

But I think it is important that we make this argument understandable, because in a few hours the President will give to my friends on the other side of the aisle an opportunity of bragging rights by having signed a bill that has been rushed through this process and has totally ignored the Supreme Court's decision.

Why are we standing here on this side of the aisle seemingly making arguments that don't promote security and safety in the United States? Well, that interpretation is totally wrong, because not one of us wants to take away the tools that would ensure America's security. But what we are concerned about are the faces here who represent those who have lost their lives on the front lines of Iraq and Afghanistan, and they continue over and over again. We have concerns about the life they sacrifice and the soldiers that they left behind. We know that soldiers don't leave comrades on the battlefield, injured or lost in the line of battle.

Today, this military tribunal commission will leave our soldiers on the battlefield, for what it does is it creates the atmosphere, no matter whether we are in a guerilla war or we are in the confrontational wars that we know of World War I and II. It is to ensure that the treatment of our soldiers, if caught by the enemy, will reflect the lack of treatment that we have given here.

Mr. SKELTON has made it very clear, we could fix this, because he would have provided an expedited Constitution review of the entire matter to give the opportunity for entry into the courts under habeas. It would also require that these military commissions, because they are eliminating rights, we are not saying releasing people, we are saying eliminating rights, that then get translated to the miserable treatment of those who were incarcerated or taken off the battlefield that are our soldiers.

Secondly, it refuses to give reauthorization language to the military commissions. We don't know where we will be in 3 years. We don't know how negatively this will impact our soldiers on the battlefield, which next conflict that, God forbid, we may have to be engaged in.

Also, the language that my friends have go beyond the scope of the Supreme Court's decision in Hamdan to decide whether or not detainees have habeas rights. The court already decided they do. Or whether or not the habeas provisions in the Detainee Treatment Act are constitutionally legal. The habeas provisions in the legislation are contrary to congressional intent in the Detainee Treatment Act. In that act, Congress did not intend to strip the courts of jurisdiction over the pending habeas.

In addition, although my friends say they fixed it, they also deny the rights which I had an amendment to to utilize the Geneva Conventions language to say that you were tortured or not tortured, even if you would put that defense in a classified presentation.

So in concluding, let me say we owe them a debt of gratitude. Let's vote down this tribunal to save future lives.

I rise in strong opposition to S. 3930, the Military Commissions Act. I oppose this bill because I stand strong for our troops. I stand strong for the Constitution. I stand strong for the values that have made our country, the United States of America, the greatest country in the history of the world. I oppose this legislation because it is not becoming a nation that is strong in its values, confident of its future, and proud of its ancient heritage.

Mr. Speaker, let us be crystal clear: All Americans, and Democrats especially, want those responsible for 9/11 and other terrorist acts to be tried fairly and punished accordingly, and we want those convictions to be upheld by our courts.

Democrats want the President to have the best possible intelligence to prevent future terrorist attacks on the United States and its allies.

Democrats agreed with the President when he said "whether the terrorists are brought to justice or justice brought to the terrorists, justice will be done." But Democrats understand that justice requires the Congress to establish a system for trying suspected terrorists that not only is fundamentally fair but also consistent with the Geneva Convention.

We should abide by the Geneva Convention not out of some slavish devotion to international law or desire to coddle terrorists, but because adherence to the Geneva Convention protects American troops and affirms American values.

S. 3930, the compromise before us, includes some improvements that I strongly support. For example, evidence obtained through torture can no longer be used against the accused. Similarly, the compromise bill provides that hearsay evidence can be challenged as unreliable.

Perhaps the most important improvement over the bill passed by the House is that accused terrorists will have the right to rebut all evidence offered by the prosecution. As is the case in the existing military justice system, classified evidence can be summarized, redacted, declassified, or otherwise made available to the accused without compromising sources or methods. This change to the bill goes a long way toward minimizing the chance that an accused may be convicted with secret evidence, a shameful practice favored by dictators and totalitarians but beneath the dignity of a great nation like the United States. As Senator JOHN MCCAIN said:

> I think it's important that we stand by 200 years of legal precedents concerning classified information because the defendant should have a right to know what evidence is being used.

However, I am concerned that there is reason to believe that even with this compromise legislation, this system of military commissions may lead to endless litigation and get struck down by the courts. Then we would find ourselves back here again next year, or five years from now, trying to develop a system that can finally bring the likes of Khalid Sheik Mohammed to justice. Why would we want to give terrorist detainees a "get out of jail free" card when we can avoid that by establishing military commissions that work. As currently written, the compromise bill has provisions that could lead to the reversal of a conviction.

Specifically, the bill contains a section that strips the federal courts of jurisdiction over habeas corpus petitions filed prior to the passage of the Detainee Treatment Act last December on behalf of detainees at Guantanamo Bay. Mr. Speaker, nine former federal judges were so alarmed by this prospect that they were compelled go public with their concerns:

> Congress would thus be skating on this constitutional ice in depriving the federal courts of their power to hear the cases of Guantanamo detainees. . . . If one goal of the provision is to bring these cases to a speedy conclusion, we can assure from our considerable experience that eliminating habeas would be unconstitutional.

Mr. Speaker, common Article 3 of the Geneva Convention requires that a military commission be a regularly constituted court affording all the necessary "judicial guarantees which are recognized as indispensable by civilized peoples. Notwithstanding the provision in the House bill that the military commissions established therein satisfy this standard, the fact is that other nations will agree. Simply saying so does not make it so. Moreover, they may well be right. Consider this, Mr. Speaker:

> The compromise allows statements to be entered into evidence that were obtained through cruel, inhuman and degrading treatment and lesser forms of coercion if the statement was obtained before passage of the Detainee Treatment Act last December.
>
> To provide limited immunity to government agents involved in the CIA detention and interrogation program, the bill amends the War Crimes Act of 1996 to encompass only "grave breaches" of the Geneva Conventions. U.S. agents could not be tried under the War Crimes Act of 1996 to encompass only "grave breaches" of the Geneva Convention. U.S. agents could not be tried under the War Crimes Act for past actions that degraded and humiliated detainees. The bill also limits any use of international law such as the Geneva Convention in interpreting the War Crimes Act.

Mr. Speaker, what is sometimes lost sight of in all the tumult and commotion is that the reason we have observed the Geneva Conventions " since their adoption in 1949 is to protect members of our military. But as the Judge Advocate Generals pointed out, the compromise bill could place United States servicemembers at risk by establishing an entirely new international standard that American troops could be subjected to if captured overseas. As Rear Admiral Bruce McDonald testified:

> I go back to the reciprocity issue that we raised earlier, that I would be very concerned about other nations looking in on the United States and making a determination that, if it's good enough for the United States, it's good enough for us, and perhaps doing a lot of damage and harm internationally if one of our servicemen or -women were taken and held as a detainee.

What's more, Mr. Speaker, the Geneva Conventions also protect those not in uniform—special forces personnel, diplomatic personnel, CIA agents, contractors, journalists, missionaries, relief workers and all other civilians. Changing our commitment to this treaty could endanger them, as well.

We can fix these deficiencies easily if we only we have the will. What we should do is recommit the bill with instructions to add two important elements: (1) expedited constitutional review of the legislation; and (2) a requirement that these military commissions be reauthorized after three years.

Under expedited review, the constitutionality of the military commission system could be tested and determined quickly and early—before there are trials and convictions. And it would help provide stability and sure-footing for novel legislation that sets up a military commissions system unlike anything in American history.

Such an approach provides no additional rights to alleged terrorists. All it does is give the Supreme Court of the United States the ability to decide whether the military commissions system under this act is legal or not. It simply guarantees rapid judicial review.

REQUIRING REAUTHORIZATION IN THREE YEARS

Second, any system of military commissions to deal with detainees should be required to be reauthorized in three years. There are several good for requiring Congress to reaffirm its judgment that such tribunals are necessary:

The Military Commissions Act of 2006 is a far-reaching measure that implements an entirely new kind of military justice system outside the Uniform Code of Military Justice. It has many complex provisions.

This legislation has been rushed to the floor. It has numerous provisions that are still poorly understood by many in Congress. By requiring a reauthorization in three years, we give Congress the ability to carefully review how this statute is working in the real world.

Providing for a reauthorization in three years is the best way to ensure congressional oversight. This reauthorization requirement will allow Congress to evaluate the effectiveness of the military commission provisions and decide whether they need any modifications in the future.

The reauthorization requirement in the PATRIOT Act has worked well—compelling Congress to review how various provisions in the PATRIOT Act have worked. As a result of congressional review, important modifications in the PATRIOT Act were signed into law in January 2006 when 16 provisions were reauthorized.

Mr. Speaker, even Republicans on the House Judiciary Committee admitted that the only way Congress was able to get information out of the Justice Department about the operation of the PATRIOT Act was that Congress had to reauthorize it—similarly, the only way Congress will be able to perform proper oversight on military commissions is this similar requirement that the program must be reauthorized. The reauthorization requirement is a critical tool in Congress' ability to hold the Administration accountable and review the military commission program's performance.

Mr. Speaker, I cannot recall being asked to render final judgment on a matter of such scope, consequence, and moment in so short a period of time with such a sparsely developed legislative record. Now is not the time to rush blindly forward. Rather, now more than ever, it is important to take our time and make the right decision and establish the right policy. And the right policy is not to jettison the Geneva Convention.

We should not try to redefine the Geneva Convention. We should not do anything to alter our international obligations in an election-year rush. We cannot use international law only when it is convenient and expedient. Our commitment to the Geneva Conventions gives us the moral high ground. This is true in both a long war against radical terrorists and a war for the hearts and minds of people from every religion and every nation. If we compromise our values, the terrorists win. As Senator MCCAIN has said: "This is not about the terrorists are, this is about who we are."

The United States was one of the prime architects of the Geneva Conventions and other international laws. Our goal was to protect prisoners of war in all kinds of armed conflicts and insure that no one would be outside the law of war. Coming shortly after World War II, they knew the horrors of war but they still chose to limit the inhumanity of war by establishing minimum protections of due process and humane treatment, even for those accused of grave breaches of the Conventions.

Mr. Speaker, our nation has the finest military in the world. Our nation also deserves to have the finest military justice system in the world. I oppose S. 3930 because it departs significantly from the tried and true procedures established in the UCMJ.

The United States has long served as the model for the world of a civilized society that effectively blends security and human liberty. When we refuse to observe the very international standards for the treatment of detainees, which we were so instrumental in developing, we provide encouragement for others around the world to do the same. Our British allies have demonstrated that these traditional principles can be adhered to without distinguishing the ability to provide for the security of its citizens. We must do likewise.

Mr. Speaker, the treatment and trials of detainees by the United States is too important not to do it right. In the words of Jonathan Winthrop, often quoted by President Reagan, "for we must consider that we shall be as a City upon a hill. The eyes of all people are upon us." Let us act worthy of ourselves and our nation.

So Mr. Speaker, I stand in opposition to this legislation. But I do not stand alone. I stand with former Secretary of State Colin Powell. I stand with former Chairman of the Joint Chiefs John Vesey. I stand with the 911 Families Opposed to Administration Efforts to Undermine Geneva Conventions. I stand with the retired federal judges and admirals and Judge Advocate Generals.

The bill before us is not the right way to do justice by the American people. I therefore cannot support it and I urge my colleagues to reject it. We have time to come up with a better product and we should. The American people deserve no less. The eyes of the world are upon us. Let us act worthy of ourselves.

Mr. SKELTON. I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, this bill says the term "unlawful enemy combatant," means, one, a person who is engaged in hostilities or who is purposefully and materially supportive of hostilities against the United States; or, two, a person who has been determined to be an unlawful enemy combat status, review tribunal, or another competent tribunal established under the authority of the President.

In other words, you could become an unlawful enemy combatant because you are adjudged by a tribunal; or, one, because the President says so without a tribunal. Otherwise, this language has no meaning. That's page 3 of the bill.

And if you look at page 93 of the bill, you find that no court shall have jurisdiction to hear an application for writ of habeas corpus or for an application relating to any aspect of the detention transfer, treatment, trial, or conditions of confinement of an alien who is an unlawful enemy combatant.

In other words, anyone other than the citizen can be accused by the President or by any bureaucrat of being an unlawful enemy combatant, thrown into jail, and get no benefits.

We have heard repeatedly that we are giving rights to terrorism. No, we are not. We are not trying to give rights to terrorists. We are saying that before someone is accused of rape or murder, you don't string them up; you first give them a trial and then string them up.

And what they are saying, what this bill says is the President or his designee can designate someone as an unlawful enemy combatant, and, with no trial, no hearing, no status review, no nothing, throw them in jail forever. That is un-American. It is worse than what we rebelled against the King of England for in 1776, and we should be ashamed of ourselves.

Mr. HUNTER. I yield myself such time as I may consume, Mr. Speaker. And let me make five points here.

First, there is nothing in this language that directs people to pick up or not pick up people. This is the language. This bill designs and constructs military commissions. On page 8 of the bill it gives the jurisdiction of the commission, and it says: "A military commission under this chapter shall have jurisdiction to try any offense made punishable by this chapter or the law of war when committed by an alien unlawful enemy combatant before, on, or after September 11, 2001." That would allow us also to try those folks from the Cole and the Embassy bombings.

With respect to habeas, there is no soldier in the world, no POW in the world from our research who has a habeas right.

And let me go to Mr. WU's point. Mr. WU said, when we pointed out the Detainee Treatment Act provided for review, he said that he thought it expired because it was attached to an appropriations bill and expired annually. That is not so. It is a permanent code. So the Detainee Treatment Act is in place. And if the gentleman can show me where it is expired, we will be happy to entertain that.

Secondly, the gentleman also said that it was procedural only. I am referring to the Detainee Treatment Act that says that the court has the jurisdiction to review relating to any aspect, and I am quoting, any aspect of the detention of the person in question, relating to any aspect. And, of course, that would go as to whether he was a combatant. So it was not as you stated, it is not simply a procedural review.

So I just want to go over those points.

I reserve the balance of my time.

Mr. SKELTON. I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS), who is a member of the Armed Services Committee.

Mrs. DAVIS of California. Mr. Speaker, I want to give this administration, any administration, the ability to prosecute, convict, and punish individuals who have committed terrorist acts and who are planning acts against the United States. But we must do this under the guidelines outlined by the Supreme Court in Hamdan v. Rumsfeld.

The Court entrusted this Congress with the duty to reform military tribunals in a matter consistent with the Constitution and international treaty obligations.

While the Senate attempted to respect our obligations under Geneva, concern remains. We have heard that on many occasions that this bill will grant the Executive the power to define certain types of interrogation methods that may be inconsistent with common article 3 of the Geneva Conventions.

Now, Mr. Speaker, in response to Hamdan, the House Armed Services Committee heard from current and former judge advocate generals. Mr. Speaker, I listened to them. Their testimony was compelling. Many spoke out against modifying the Geneva Conventions in any way, in anyway, because of the risk that this provision could put our troops in harm's way and could be found to be inconsistent with Hamdan. Congress must ensure that this doesn't happen.

In this bill, I believe, Mr. Speaker, that we miss an opportunity to be absolutely clear on these points and to show the world that America can be tough on terrorism while staying true to the values we hold so dear.

Ms. JACKSON-LEE of Texas. If the gentlewoman would yield just for a moment. I thank you for your comments. I think it should be clear that the framework for soldiers may not be habeas in civilian language, but there is a procedure that soldiers would have to be able to petition their detention, and it is a military term. And what we are seeing in the military tribunals commission language is that doesn't exist.

□ 1245

Mr. SKELTON. Mr. Speaker, in closing, let me say that being tough on terrorists not only centers about a conviction, a judgment rendered on what they did, whether it be the death penalty, life imprisonment or a term of years but also centers upon the fact that there is certainty after a conviction; and the last thing I want to see coming out of this is for there to be a reversal on appeal which destroys certainty because of what we did in this law.

Mr. Speaker, I yield back the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield the balance of my time to the distinguished chairman of our Veterans Committee and former JAG officer, Mr. BUYER, for our closing remarks.

Mr. BUYER. Mr. Speaker, to bring a chill into the debate, the issue of who can be detained is not addressed in this bill. This bill is about trying alien detainees who are unlawful enemy combatants. Nothing in this bill changes the Detainee Treatment Act of 2005.

The SPEAKER pro tempore (Mr. PRICE of Georgia). All time has expired.

The Chair recognizes the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3930, the Military Commissions Act of 2006, which is identical to legislation this House passed in a bipartisan manner on Wednesday evening by a vote

253–168. The other body voted 65–34 to approve this bill last night.

Let me say that the only reason we are here today is because the other body has committed a flagrant act of legislative plagiarism, once again. The House passed its version of the bill first. They would not take up a bill with an "H.R." number but instead picked up the work product that this House did, put an "S." number on it, and thus required us to have an hour debate on this issue for a second time.

I regret that, and I think all of the arguments that were made on Wednesday when we fully and thoroughly debated this bill are just as valid today as they were 2 days ago. Because there is not one word changed in the legislation between the time it passed the House and the time the Senate reintroduced it with an "S." number and put us through an hour debate on the rule and an hour debate on the same bill, in my opinion unnecessarily.

Having said that, on the merits of the bill, the way we treat terrorist enemy combatants sends a strong signal to the rest of the world about our commitment to the rule of law. This legislation says we will not subject enemy combatants in our custody to the cruel and brutal treatment they regularly utilize against our soldiers and civilians.

At the same time, this bill makes it clear to the terrorists and their lawyers in America that America will not allow them to subvert our judicial process nor to disrupt the war on terror with unnecessary or frivolous lawsuits. The bill strikes the right balance. It establishes a mechanism that is full and fair but also is orderly and efficient.

Indeed, the bill provides some 26 new rights to terrorist detainees, far more rights than any other system employed in history to try suspected war criminals. Those who have suggested that this legislation will be found unconstitutional are misguided.

In this legislation, we accomplish precisely what a majority of the Supreme Court, and particularly Justice Breyer, invited us to do in the Hamdan case: construct a full set of rules for conducting military commissions that meet the fundamental test of fairness under our Constitution.

On habeas corpus, let me again restate Congress' understanding of the law, because it is against this backdrop that we pass this legislation today.

The Supreme Court has never held that the Constitution's protections, including habeas corpus, extend to noncitizens held outside the United States. To repeat, the Supreme Court has never held that the habeas corpus protections contained in the Constitution apply to noncitizens held outside the United States.

In fact, the Supreme Court rejected such an argument in the 1950 case of Johnson v. Eisentrager. That portion of Eisentrager is still good law. Moreover, in the 1990 Verdugo case, the court reiterated that aliens detained in the United States but with no substantial connection to our country cannot avail themselves of the Constitution's protections.

If the Supreme Court follows its own precedents and takes seriously its invitation to Congress to legislate in this area, the Court should have no problem concluding that this bill passes constitutional muster.

As we consider this legislation, it is important to remember, first and foremost, that this bill is about prosecuting the most dangerous terrorist that America has ever confronted, individuals like Khalid Sheikh Mohammed, the mastermind of the 9/11 attacks, or Ahbd Nashiri, who planned the attack on the USS *Cole*. None of their victims was treated with the same kind of respect for human life and the rule of law that is embodied in this legislation.

I urge my colleagues to support this legislation, and let me reiterate for my colleagues the 26 rights for terrorist detainees that are created by this legislation. They include:

The right to be informed of the charges against them as soon as practicable;

The right to service of charges sufficiently in advance of trial to prepare a defense;

The right to reasonable continuances;

The right to preemptory challenge against members of the commission and challenges for cause against members of the commission and the military judge;

Witness must testify under oath, and judges, counsels and members of the military commission must take an oath.

There is a right to enter a plea of not guilty.

There is a right to obtain witnesses in other evidence.

There is a right to exculpatory evidence as soon as possible.

There is a right to be present in court with the exception of certain classified evidence involving national security, preservation of safety or preventing disruption of proceedings;

The right to a public trial except for national security issues or physical safety issues;

The right to have any findings or sentences announced as soon as determined;

The right against compulsory self-incrimination;

The right against double jeopardy;

The defense of lack of mental responsibility;

Voting by members of the military commission by secret written ballot;

Prohibition against unlawful command influence toward members of the commission, counsel or military judges;

Two-thirds vote of members required for conviction and three-quarters vote required for sentence of life or over 10 years, and unanimous verdict required for the death penalty;

Verbatim authenticated record of trial;

Cruel or unusual punishments are prohibited;

Treatment and discipline during confinement the same as afforded to prisoners in U.S. domestic courts;

The right to review the full factual record by the convening authority; and

The right to at least two appeals, including to a Federal Article III appellate court.

I submit, Mr. Speaker, that none of the people who have been beheaded by terrorists had any of those rights.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by inserting the New York Times editorial of September 28 entitled "Rushing Off a Cliff."

[From the New York Times, Sept. 28, 2006]

RUSHING OFF A CLIFF

Here's what happens when this irresponsible Congress railroads a profoundly important bill to serve the mindless politics of a midterm election: The Bush administration uses Republicans' fear of losing their majority to push through ghastly ideas about antiterrorism that will make American troops less safe and do lasting damage to our 217-year-old nation of laws—while actually doing nothing to protect the nation from terrorists. Democrats betray their principles to avoid last-minute attack ads. Our democracy is the big loser.

Republicans say Congress must act right now to create procedures for charging and trying terrorists—because the men accused of plotting the 9/11 attacks are available for trial. That's pure propaganda. Those men could have been tried and convicted long ago, but President Bush chose not to. He held them in illegal detention, had them questioned in ways that will make real trials very hard, and invented a transparently illegal system of kangaroo courts to convict them.

It was only after the Supreme Court issued the inevitable ruling striking down Mr. Bush's shadow penal system that he adopted his tone of urgency. It serves a cynical goal: Republican strategists think they can win this fall, not by passing a good law but by forcing Democrats to vote against a bad one so they could be made to look soft on terrorism.

Last week, the White House and three Republican senators announced a terrible deal on this legislation that gave Mr. Bush most of what he wanted, including a blanket waiver for crimes Americans may have committed in the service of his antiterrorism policies. Then Vice President Dick Cheney and his willing lawmakers rewrote the rest of the measure so that it would give Mr. Bush the power to jail pretty much anyone he wants for as long as he wants without charging them, to unilaterally reinterpret the Geneva Conventions, to authorize what normal people consider torture, and to deny justice to hundreds of men captured in error.

These are some of the bill's biggest flaws:

> Enemy Combatants: A dangerously broad definition of "illegal enemy combatant" in the bill could subject legal residents of the United States, as well as foreign citizens living in their own countries, to summary arrest and indefinite detention with no hope of appeal. The president could give the power to apply this label to anyone he wanted.
>
> The Geneva Conventions: The bill would repudiate a half-century of international precedent by allowing Mr. Bush to decide on his own what abusive interrogation methods he considered permissible. And his decision could stay secret—there's no requirement that this list be published.
>
> Habeas Corpus: Detainees in U.S. military prisons would lose the basic right to challenge their imprisonment. These cases do not clog the courts, nor coddle terrorists. They simply give wrongly imprisoned people a chance to prove their innocence.
>
> Judicial Review: The courts would have no power to review any aspect of this new system, except verdicts by military tribunals. The bill would limit appeals and bar legal actions based on the Geneva Conventions, directly or indirectly. All Mr. Bush would have to do to lock anyone up forever is to declare him an illegal combatant and not have a trial.
>
> Coerced Evidence: Coerced evidence would be permissible if a judge considered it reliable—already a contradiction in terms—and relevant. Coercion is defined in a way that exempts anything done before the passage of the 2005 Detainee Treatment Act, and anything else Mr. Bush chooses.
>
> Secret Evidence: American standards of justice prohibit evidence and testimony that is kept secret from the defendant, whether the accused is a corporate executive or a mass murderer. But the bill as redrafted by Mr. Cheney seems to weaken protections against such evidence.
>
> Offenses: The definition of torture is unacceptably narrow, a virtual reprise of the deeply cynical memos the administration produced after 9/11. Rape and sexual assault are defined in a retrograde way that covers only forced or coerced activity, and not other forms of nonconsensual sex. The bill would effectively eliminate the idea of rape as torture.
>
> There is not enough time to fix these bills, especially since the few Republicans who call themselves moderates have been whipped into line, and the Democratic leadership in the Senate seems to have misplaced its spine. If there was ever a moment for a filibuster, this was it.
>
> We don't blame the Democrats for being frightened. The Republicans have made it clear that they'll use any opportunity to brand anyone who votes against this bill as a terrorist enabler. But Americans of the future won't remember the pragmatic arguments for caving in to the administration.
>
> They'll know that in 2006, Congress passed a tyrannical law that will be ranked with the low points in American democracy, our generation's version of the Alien and Sedition Acts.

Mr. Speaker, the New York Times editorial summarizes the simple fact that what we are doing is giving the President the power to jail, and I am quoting from the editorial, pretty much anyone he wants for as long as he wants without charging them, to unilaterally reinterpret the Geneva Conventions, to authorize what normal people consider torture, and to deny justice to hundreds of men captured in error.

I want to repeat that, because I could have taken a lot of time to say the same thing.

The President in this measure would be given the power to jail pretty much anyone he wants for as long as he wants without charging them, to unilaterally reinterpret the Geneva Conventions, to authorize what normal people consider torture, and to deny justice to hundreds of men captured in error.

Is there anybody that would really want to implement a piece of legislation on this last day before recess that would do that?

Well, maybe there is innocent error. I have talked about the very esteemed Attorney General from California who has up until today been arguing that there are two writs of habeas corpus.

But then I come to the gentleman from Indiana who says that there is nothing in this bill that relates to who can be detained. He says absolutely nothing.

The first page of the bill starts off with "unlawful enemy combatant." The term "unlawful enemy combatant" means a person who has engaged in hostilities or who has purposefully or materially supported hostilities against the United States, and they go on to tell you that he can be subjected to a combatant status review tribunal or any other tribunal established under the authority of the President or the Secretary of Defense. That's the first page.

Then I get to my esteemed chairman of the committee that the United States has never held that people can be detained outside of the U.S. and have habeas rights. Well, as my colleague, the gentleman from New York (Mr. NADLER), points out, we are talking about being picked up and held indefinitely from Chicago. You don't have to be outside of the U.S. That's the problem. This is the most drastic piece of legislation that has ever come before the House of Representatives dealing with the writ of habeas corpus.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, the radical nature of this bill is that, as the gentleman from Michigan said, anybody picked up in Chicago can be subject to this bill. The President can determine unilaterally, look at paragraph 1 on page 3, that someone is an unlawful enemy combatant, or they can put the person before a tribunal, paragraph 2 on page 3, to decide if he is an enemy combatant. But you don't have to have a tribunal.

A little later it says that military tribunals are not subject to the speedy trial rule. So someone can be determined by the executive branch to be an unlawful enemy combatant, someone in America, never have a trial, never go before a combat status review tribunal, never go before a military commission, have none of the rights everybody is talking about, and be held in jail forever. That is wrong.

Secondly, the gentleman who was debating me before said soldiers have never had rights to habeas corpus. Certainly, if you pick up someone on the battlefield with a rifle in his arms, he shouldn't have habeas corpus. But if you pick up somebody in Chicago or New York or Los Angeles, who is to say that person is an unlawful enemy combatant? If you pick up somebody in Chicago or New York and say he is a murderer or a rapist and you want to hold him in jail until you can have a trial, you go before a judge and say, here is our evidence. There is some evidence that he is, in fact, a murderer or rapist to justify keeping him in jail.

□ 1300

Under this, though, you say he is an unlawful enemy combatant and that's that. You never hear from him again. That is against all our traditions. It makes the President a dictator because someone who claims the power to put someone in jail forever, with no hearing, no evidence, and no recourse, is a dictator. And on page 93 of the bill it says that no court shall have jurisdiction to entertain habeas corpus, which is simply a request to say show me why you are holding me in jail, or to entertain any action saying, Hey, you are torturing me, about the condition of confinement. So you can take this person because the President says so, put him in jail, subject him to any torture or whatever, and whatever you write in the law doesn't matter because no court can hear the case. There is no one to bring the complaint before it. That is wrong and it is insupportable.

Mr. SENSENBRENNER. Mr. Speaker, the gentleman from California, Mr. LUNGREN, was so moved by the last speech that I yield him 2 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for the time.

Mr. Speaker, let me make clear, first of all, the distinguished ranking member of the full committee referred to the first page of the bill, but he needs to go on further, to section 948b subsection (a), which defines the purpose of the military tribunals, where it says: "This chapter establishes procedures governing the use of military commissions to try alien unlawful enemy combatants." So where initially he referred to the definition of unlawful enemy combatants, this bill refers to "alien" unlawful enemy combatants engaged in hostilities against the U.S. So you can't pick up just anybody in the United States.

Section 948a(3) defines an alien as a person who is not a citizen of the United States. Therefore, the language of the bill before us precludes the use of military commissions to try citizens of the U.S.

Second, the limitations on habeas corpus also only apply to alien enemy combatants. By its very terms, section 7 says that "no court, justice, or judge shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of an alien detained by the United States who has been determined by the United States to have been properly detained . . . " Therefore, under the expressed terms of the bill, an American citizen will have the unencumbered ability to challenge his or her detention as they have under the Constitution.

So let's not confuse it. Let's read all sections of the bill. We are dealing with, as the bill says, "alien unlawful enemy combatants," those people who are not in uniform, those people who are not following the rules of international law with respect to war, those people who hide behind women and children, those people who use the very fact that they are not identified as "legal combatants" to try to kill and maim Americans around the world.

That is what this tribunal is set up for, and to give them more rights than they would have virtually anywhere else and in any other system, as articulated by the chairman of the full committee. So let's not confuse the facts.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), a superlative member of the committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman. He has waged a powerful argument.

My good friend from California is arguing, if we had taken the time to clarify this bill. Let me tell you what is really in the bill.

First of all, as I continue to acknowledge the existence of the lost lives of our soldiers, the bill does not clarify this whole definition. We have 11,000 non-U.S. citizens serving in the United States Army. We have individuals who are U.S. legal aliens, United States citizens. There is no clarification that they could not be defined as an unlawful enemy combatant. The definition of "alien" is unclear. In some places it is defined; in some places it is not.

In addition, the Geneva Conventions is not respected. We have taken this away from the McCain-Warner compromise, and we have destroyed it because what we have done is given the President, not this President, any President, the ability to adjudge what the Geneva Conventions, how to interpret it, how to utilize it.

This is a wrong way to ago. This should have more time. This is not a political opportunity. This is not a campaign speech. These are the lives of our soldiers.

Mr. Speaker, at this time I will insert into the RECORD a letter from admirals and, as well, the 9/11 families opposing the military tribunal commission.

SEPTEMBER 12, 2006.

Senator JOHN WARNER,
Chairman, U.S. Senate Committee on Armed Services, Russell Office Building, U.S. Senate, Washington, DC.
Senator CARL LEVIN,
Ranking Member, U.S. Senate Committee on Armed Services, Russell Office Building, U.S. Senate, Washington, DC.

We find it necessary yet again to communicate with you about issues arising out of our policies concerning detainees held at Guantanamo Bay. It would appear that each time the U.S. Supreme Court speaks, efforts are taken to reverse by legislation the decision of the Court. We refer, of course, to the Supreme Court's Rasul and Hamdan decisions and to the provision in the Administration's proposed Military Comissions Act of 2006 that would strip the federal courts of jurisdiction over even the pending habeas cases that have been brought by the detainees at Guantanamo to challenge the basis for their detention. We urge you to reject any such habeas-stripping provision.

As we have argued and agreed since 9/11, it is necessary for Congress to enact legislation to create military commissions that recognize both the basic notions of due process and the need for specialized rules and procedures to deal with the new paradigm we call the war on terror. This effort must cover those already charged with violating the laws of war and those newly transferred to Guantanamo Bay.

But the military commissions we are now fashioning will have no application to the vast majority of the detainees who have never been charged, and most likely never will be charged. These detainees will not go before any commissions, but will continue to be held as "enemy combatants." It is critical to these detainees, who have not been charged with any crime, that Congress not strip the courts of jurisdiction to hear their pending habeas cases. The habeas cases are the only avenue open for them to challenge the bases for their detention—potentially life imprisonment—as "enemy combatants."

We strongly agree with those who have argued that we must arrive at a position worthy of American values, i.e., that we will not allow military commissions to rely on secret evidence, hearsay, and evidence obtained by torture. But it would be utterly inconsistent, and unworthy of American values, to include language in the draft bill that would, at the same time, strip the courts of habeas jurisdiction and allow detainees to be held, potentially for life, based on CSRT determinations that relied on just such evidence. The effect would be to give greater protections to the likes of Khalid Sheikh Mohammed than to the vast majority of the Guantanamo detainees, who claim that they had nothing to do with al Qaeda or the Taliban.

We are on a course that should have been plotted and navigated years ago, and we might be close to consensus. We ask that, in the closing moments of your consideration of this vital bill, you restore the faith of those who long have been a voice for simple commitment to our longstanding basic principles, to our integrity as a nation, and to the rule of law. We urge you to oppose any further erosion of the proper authority of our courts and to reject any provision that would strip the courts of habeas jurisdiction.

As Alexander Hamilton and James Madison emphasized in the Federalist Papers, the writ of habeas corpus embodies principles fundamental to our nation. It is the essence of the rule of law, ensuring that neither king nor executive may deprive a person of liberty without some independent review to ensure that the detention has a reasonable basis in law and fact. That right must be preserved. Fair hearings do not jeopardize our security. They are what our country stands for.

Sincerely,

JOHN D. HUTSON,
Rear Admiral, JAGC, USN (Ret.).
DONALD J. GUTER,
Rear Admiral JAGC, USN (Ret.).
DAVID M. BRAHMS,
Brigadier General, USMC (Ret.).

9/11 FAMILIES OPPOSE ADMINISTRATION EFFORTS TO UNDERMINE GENEVA CONVENTIONS

WASHINGTON, D.C.—Today 9/11 family members sent a letter to the Senate strongly opposing the Bush Administration's proposals to undermine the Geneva Conventions, decriminalize brutal interrogations and create military commissions lacking fundamental due process guarantees.

The letter challenges the Administration's claim that the Military Commissions Act of 2006 is needed to make America safer. "There are those who would like to portray the legislation as a choice between supporting the rights of terrorists and keeping the United States safe. We reject this argument. We believe that adopting policies against terrorism which honor our values and our international commitments makes us safer and is the smarter strategy."

The letter urges members of Congress to reject any legislation which is at all ambiguous on the criminality of brutal interrogation techniques and to oppose supporting military trials that lack due process and judicial accountability.

The letter was signed by the parents of a FDNY fireman killed in the World Trade Center collapse, the mother of a NYPD policeman, along with relatives of victims from all four of the attacks, including a passenger on Flight 93 that crashed in Pennsylvania.

The letter closes by urging members of Congress to "reject the Administration's ill-conceived proposals which will make us both less safe and less proud as a nation."

SEPTEMBER 14, 2006.

DEAR SENATOR: As members of families who lost loved ones in the 9/11 attacks, we are writing to express our deep concern over the provisions of the Administration's proposed Military Commissions Act of 2006.

There are those who would like to portray the legislation as a choice between supporting the rights of terrorists and keeping the United States safe. We reject this argument. We believe that adopting policies against terrorism which honor our values and our international commitments makes us safer and is the smarter strategy.

We do not believe that the United States should decriminalize cruel and inhuman interrogations. The Geneva Convention rules against brutal interrogations have long had the strong support of the U.S. because they protect our citizens. We should not be sending a message to the world that we now believe that torture and cruel treatment is sometimes acceptable. Moreover, the Administration's own representatives at the Pentagon have strongly affirmed in just the last few days that torture and abuse do not produce reliable information. No legislation should have your support if it is at all ambiguous on this issue.

Nor do we believe that it is in the interest of the United States to create a system of military courts that violate basic notions of due process and lack truly independent judicial oversight. Not only does this violate our most cherished values and send the wrong message to the world, it also runs the risk that the system will again be struck down resulting in even more delay.

We believe that we must have policies that reflect what is best in the United States rather than compromising our values out of fear. As John McCain has said, "This is not about who the terrorists are, this is about who we are." We urge you to reject the Administration's ill-conceived proposals which will make us both less safe and less proud as a nation.

Sincerely,

Marilynn Rosenthal, Nicholas H. Ruth, Adele Welty, Nissa Youngren, Terry Greene, John LeBlanc, Andrea LeBlanc, Ryan Amundson, Barry Amundson, Colleen Kelly, Terry Kay Rockefeller, John William Harris.

David Potorti, Donna Marsh O' Connor, Kjell Youngren, Blake Allison, Tia Kminek, Jennifer Glick, Lorie Van Auken, Mindy Kleinberg, Anthony Aversano, Paula Shapiro, Valerie Lucznikowska, Lloyd Glick.

James and Patricia Perry, Anne M. Mulderry, Marion Kminek, Alissa Rosenberg-Torres, Kelly Campbell, Bruce Wallace, John M. Leinung, Kristen Breitweiser, Patricia Casazza, Michael A. Casazza, Loretta J. Filipov, Joan Glick.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), our distinguished whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Michigan for yielding.

I rise to talk about briefly coddling terrorists.

There is no one in this body, no one in this country who wants to coddle terrorists. But let me remind my friends that Saddam Hussein was taken out of a hole and captured. And we did not torture him, and we have accorded him legal rights to hear the evidence, to address the court, and be represented by counsel. Why did we do that? Because we wanted to coddle Saddam Hussein? Did this administration want to coddle Saddam Hussein? Absolutely not. But because our values and the values of the international community suggested that.

And the "Butcher of Belgrade," Milosevic, who murdered tens of thousands of people and ethnically cleansed 2 million people, we accorded him legal rights because we wanted to coddle him? No. Because that was our value system.

And, yes, even the butchers of Berlin, those who murdered millions of people in the Second World War, at Nuremburg were given their rights to see the evidence, to confront their accusers, and to have the proof adduced at trial. Why did we do that? Because we wanted to coddle the butchers of Berlin? Absolutely not. It was because those are our values, the values of the international community, and the values of our Founding Fathers.

Let us not rush to judgment in this instance. Let us recognize and honor our values. That does not mean that we coddle the murderer, the rapist, or the terrorist. It means that we want a civilized society in which to live in this country and, yes, around the world.

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to my colleague from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, we do a grave injustice today because this statute applies to American citizens as well as everybody else.

Fred Korematsu was a U.S. citizen. He was picked up on a U.S. street. And we issued an apology years later.

If we pass this bill today, some future Congress, long after we are out of office, long after we are dead, some future Congress will be issuing an apology.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this has been an exceedingly interesting discussion here today. I only close by reminding the distinguished member of the Judiciary Committee from California that in the opening parts of this law, this bill, there is no word "alien" anywhere in it. It is referring to an unlawful enemy combatant. An unlawful enemy combatant could be an American.

And so I oppose this legislation, finally, because it endangers our troops because we are lowering the standards set forth in the Geneva Conventions by allowing the President to unilaterally interpret the conventions and that can be operative against our own troops. Don't endanger our own troops.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there is one issue that really has not come up in this debate, and that is the immunity that is given in this bill to the people who are interrogating the enemy combatants.

We need to pass this bill so that interrogations can start up again because without the immunity, anybody who is hired by the United States Government to try to find out whom they are planning on blowing up next would be subject to a lawsuit that would be filed by some attorney that would claim that he was representing the public interest.

This is a protection bill for the interrogators. It is something that is needed, and that is another reason why it ought to pass.

Mr. MCGOVERN. Mr. Speaker, I will not take up any more time speaking about why I oppose this bill. I spoke at length during the House debate, and nothing has changed over the past 48 hours to make me believe that undermining our history, values and constitutional commitment to human rights, civil rights, the rule of law, due process and judicial review is the right thing to do.

Instead, I would like to submit for the RECORD the views of others in the face of this monumental mistake this Congress is making in submitting to the demands of an imperial White House.

I ask unanimous consent to submit into the RECORD the following materials:

1. Resolution Condemning Torture by the Conference of Major Superiors of Men;

2. A September 22, 2006 letter from human rights organizations to the U.S. Senate regarding the Military Commissions Act of 2006;

3. September 28, 2006 New York Times editorial, "Rushing Off a Cliff;" and

4. "Questions for the Interrogators," Commentary by Fareed Zakaria, September 25, 2006, Newsweek

RESOLUTION CONDEMNING TORTURE

CMSM condemns torture in all its forms regardless of putative justification, and encourages support and help for victims of torture throughout the world, but especially in areas under the control of the United States Government.

Rationale: Jesus' death and resurrection revealed the infinite value of each human being in God's eyes. [Cf. Mt 5:44–48; 10:29–31] Torture is a denial of that value. The Catechism of the Catholic Church condemns torture as "contrary to respect for the person and for human dignity," and Gaudium et Spes of the Second Vatican Council [#27] characterizes as criminal "all violations of the integrity of the human person, such as mutilation, physical and mental torture, undue psychological pressures," including them in a list that also contains "all offenses against life itself, such as murder, genocide, abortion, euthanasia and willful suicide."

Resolution: Given the universal condemnation of torture in both International Law and religious documents, the Conference of Major Superiors of Men resolves:

To condemn unequivocally any use of torture by agents of any government for any reason;

To encourage its constituencies to use their resources of education, preaching and advocacy to eliminate use of torture as contrary to both natural law and human dignity, and in fundamental opposition to God's salvific love for humanity:

To join with others to work in advocacy for the abolition of torture, and to offer help and support to victims of torture.

The Justice and Peace office will be responsible for implementation.

Additional Facts/Related Circumstances: Background: "The torturer has become like the pirate and slave trader before him hostis humani generis, an enemy of all mankind." So proclaimed the US Court of Appeals for the Second Circuit in 1980 [Filartiga v. Pena-Irala, 630 F.2d 876 (2nd Cir.(N.Y.) Jun 30, 1980)]. In his 1958 Chicago address to the Radio and Television News Directors Association, Edward R. Murrow said, "Not every story has two sides."

The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [1984] defines torture as follows:

For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person. or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions. [A listing of other international documents that condemn torture is available at www.apt.ch/un/Torture%20Definition.doc.]

Recent actions brought to light about the involvement of the U.S. military and other branches of the government in the application of torture to prisoners demand a faith-based response. The USCCB has spoken as follows on the issue:

The United States has a long history of leadership and strong support for human rights around the world. Ratifications of the Convention on Civil and Political Rights and the Convention Against Torture embody our nation's commitment to establishing standards of conduct and prohibiting torture and other acts of inhumane treatment of persons in U.S. custody. Tragically, our nation's record has been marred by reported instances of abusive treatment of enemy combatants held in military prisons in Iraq, Afghanistan and Guantanamo Bay, Cuba. [The complete document is available at www.usccb.org/sdwp/international/senateletterretorture100405.pdf.]

The CMSM Executive Committee issued a statement in May of 2004 that included the following:

The Executive Committee of the Conference of Major Superiors of Men is greatly disturbed by the revelations of torture and abuse by U.S. military personnel. We have consistently called for U.S. troops to abide by international standards and laws that govern the treatment of detainees and have questioned the lack of access that international monitoring organizations such as the Red Cross, the Red Crescent, Amnesty International have had at detention centers in Iraq, Afghanistan, and Guantanamo Bay. Reports by independent organizations and military personnel, combined with the photographs and the admission by Administration officials of the abuses indicate that the U.S. military personnel and others contracted by the U.S. to work in the detention centers must be monitored to protect the rights and dignity of detainees.

As people of faith and as leaders of the Catholic congregations of the nearly 23,000 brothers and priests in the United States we believe that we must address this issue. Each human being is created with God-given dignity and each life is precious. This dignity must always be upheld and protected but especially so when an individual is being detained and his or her rights are already limited. They deserved to be treated with dignity and protected from violence and humiliation. As Christians we are deeply troubled that much of the humiliation and abuse violates the beliefs and practices of Islam. As U.S. citizens we are ashamed that those who represent our nation are perpetrating these abuses. We believe that as a nation we stand for the protection of human rights and uphold the dignity of all peoples regardless of their ethnic or religious background and we hold our national and military leaders responsible for the conditions that made these abuses not only possible, but who refused to acknowledge them even after they knew of the abuses.

George Hunsinger of the National Religious Campaign against Torture adapted these words from Dr. Martin Luther King, Jr., delivered at Riverside Church in New York in 1967:

A time comes when silence is betrayal. [People] do not easily assume the task of opposing their government's policy, especially in time of war. We must speak with all the humility that is appropriate to our limited vision, but we must speak. For we are deeply in need of a new way beyond the darkness so close around us. We are called upon to speak for the weak, for the voiceless, for the victims of our nation, for those it calls "enemy," for no document from human hands can make these humans any less our brothers and sisters.

Resources: A powerful article by Gary Haugen titled "Silence on Suffering: Where are the voices from the Christian community on cruel and degrading treatment of detainees?" appeared in Christianity Today in October of 2005.

Other useful links: The National Religious Campaign against Torture; Torture Abolition and Survivors Network International; Amnesty International; and Center for the Victims of Torture.

Origin of Proposal: CMSM Justice and Peace Committee.

Budget: none.

Contact Person: T. Michael McNulty, SJ, Justice and Peace Director.

SEPTEMBER 22, 2006.

Hon. JOHN WARNER,
Hon. JOHN MCCAIN,
Hon. LINDSEY GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATORS WARNER, MCCAIN AND GRAHAM: We write to express our grave concerns over the reported agreement reached with the White House on the text of the Military Commissions Act of 2006.

While the agreement rejects the Administration's proposal to define and narrow the scope of US obligations under Common Article Three of the Geneva Conventions, its language concerning the War Crimes Act contains potentially dangerous ambiguities. These ambiguities create serious risks for American servicemembers as well as detainees in US custody. We believe that a good faith interpretation of U.S. law, including the Detainee Treatment Act, and U.S. international obligations make it absolutely clear that practices such as waterboarding, cold cell, prolonged standing, sleep deprivation, threats and assaults on prisoners are illegal. These and similar abusive techniques manifestly cause serious mental and physical suffering and constitute grave breaches of Common Article 3. Nonetheless, for several years there have been persistent reports that such techniques have been used on detainees. Moreover, troubling legal justifications for them have been devised and provided to U.S. interrogators. Some of those spurious legal justifications, such as the Bybee Memorandum, have now been abandoned; but there are continuing reports that other legal justifications have been provided for conduct we consider to be indisputably illegal under both U.S. and international law.

Against this background of repeated legal contortions used to justify and permit torture and abuse—some abandoned, some apparently still in effect—it is absolutely essential that the Congress be clear that these kinds of abusive interrogation techniques are illegal and covered by the War Crimes Act. We urge you to leave no shred of doubt on these crucial issues by naming specific techniques which amount to per se violations of the War Crimes Act or, at a minimum, creating a legislative record that these techniques are prohibited.

We also oppose the provisions in the bill that strip individuals who are detained by the United States of the ability to challenge the factual and legal basis of their detention. Habeas corpus is necessary to avoid wrongful deprivations of liberty and to ensure that executive detentions are not grounded in torture or other abuse. Likewise, we are deeply concerned about the provisions that permit the use of evidence obtained through coercion.

This letter is not intended to offer a comprehensive catalogue of the provisions in the proposed compromise legislation which are of great concern. We appreciate the efforts you have made to insure that abusive interrogations cannot take place and to provide fair judicial procedures for detainees. However, we do not believe that the proposed compromise can be said to have satisfied those important goals and feel strongly that these issues must be resolved.

Sincerely,

Center for Victims of Torture; Brennan Center for Justice at NYU Law School; Center for American Progress Action Fund; Physicians for Human Rights; Washington Office on Latin America; Open Society Policy Center; Amnesty International USA; Human Rights Watch; Center for National Security Studies; Human Rights First; American Civil Liberties Union; Robert F. Kennedy Memorial Center for Human Rights; Center for Human Rights and Global Justice, NYU School of Law.

[From the New York Times, Sept. 28, 2006]

RUSHING OFF A CLIFF

Here's what happens when this irresponsible Congress railroads a profoundly important bill to serve the mindless politics of a midterm election: The Bush administration uses Republicans' fear of losing their majority to push through ghastly ideas about antiterrorism that will make American troops less safe and do lasting damage to our 217-year-old nation of laws—while actually doing nothing to protect the nation from terrorists. Democrats betray their principles to avoid last-minute attack ads. Our democracy is the big loser.

Republicans say Congress must act right now to create procedures for charging and trying terrorists—because the men accused of plotting the 9/11 attacks are available for trial. That's pure propaganda. Those men could have been tried and convicted long ago, but President Bush chose not to. He held them in illegal detention, had them questioned in ways that will make real trials very hard, and invented a transparently illegal system of kangaroo courts to convict them.

It was only after the Supreme Court issued the inevitable ruling striking down Mr. Bush's shadow penal system that he adopted his tone of urgency. It serves a cynical goal: Republican strategists think they can win this fall, not by passing a good law but by forcing Democrats to vote against a bad one so they could be made to look soft on terrorism.

Last week, the White House and three Republican senators announced a terrible deal on this legislation that gave Mr. Bush most of what he wanted, including a blanket waiver for crimes Americans may have committed in the service of his antiterrorism policies. Then Vice President Dick Cheney and his willing lawmakers rewrote the rest of the measure so that it would give Mr. Bush the power to jail pretty much anyone he wants for as long as he wants without charging them, to unilaterally reinterpret the Geneva Conventions, to authorize what normal people consider torture, and to deny justice to hundreds of men captured in error.

These are some of the bill's biggest flaws:

Enemy Combatants: A dangerously broad definition of "illegal enemy combatant" in the bill could subject legal residents of the United States, as well as foreign citizens living in their own countries, to summary arrest and indefinite detention with no hope of appeal. The president could give the power to apply this label to anyone he wanted.

The Geneva Conventions: 'The bill would repudiate a half-century of international precedent by allowing Mr. Bush to decide on his own what abusive interrogation methods he considered permissible. And his decision could stay secret—there's no requirement that this list be published.

Habeas Corpus: Detainees in U.S. military prisons would lose the basic right to challenge their imprisonment. These cases do not clog the courts, nor coddle terrorists. They simply give wrongly imprisoned people a chance to prove their innocence.

Judicial Review: The courts would have no power to review any aspect of this new system, except verdicts by military tribunals. The bill would limit appeals and bar legal actions based on the Geneva Conventions, directly or indirectly. All Mr. Bush would have to do to lock anyone up forever is to declare him an illegal combatant and not have a trial.

Coerced Evidence: Coerced evidence would be permissible if a judge considered it reliable—already a contradiction in terms—and relevant. Coercion is defined in a way that exempts anything done before the passage of the 2005 Detainee Treatment Act, and anything else Mr. Bush chooses.

Secret Evidence: American standards of justice prohibit evidence and testimony that is kept secret from the defendant, whether the accused is a corporate executive or a mass murderer. But the bill as redrafted by Mr. Cheney seems to weaken protections against such evidence.

Offenses: The definition of torture is unacceptably narrow, a virtual reprise of the deeply cynical memos the administration produced after 9/11. Rape and sexual assault are defined in a retrograde way that covers only forced or coerced activity, and not other forms of nonconsensual sex. The bill would effectively eliminate the idea of rape as torture.

There is not enough time to fix these bills, especially since the few Republicans who call themselves moderates have been whipped into line, and the Democratic leadership in the Senate seems to have misplaced its spine. If there was ever a moment for a filibuster, this was it.

We don't blame the Democrats for being frightened. The Republicans have made it clear that they'll use any opportunity to brand anyone who votes against this bill as a terrorist enabler. But Americans of the future won't remember the pragmatic arguments for caving in to the administration.

They'll know that in 2006, Cohgress passed a tyrannical law that will be ranked with the low points in American democracy, our generation's version of the Alien and Sedition Acts.

[From Newsweek, Sept. 25, 2006]

QUESTIONS FOR THE INTERROGATORS

(By Fareed Zakaria]

A fierce debate over military tribunals has erupted in Washington. This is great news. The American constitutional system is finally working. The idea that the war on terror should be fought unilaterally by the executive branch—a theory the Bush administration promulgated for its entire first term—has died. The secret prisons have come out of the dark. Guantánamo will have to be closed or transformed.

The president and the legislative branch are negotiating a new system to determine the guilt or innocence of terrorism suspects, and it will have to pass muster with the courts. It is heartening as well that some of the key senators challenging the president's position are senior Republicans. Principle is triumphing over partisanship. Let's hope the debate will end with the United States' embracing a position that will allow America to reclaim the moral high ground.

The administration's policy has undergone a sea change. The executive branch has abandoned the idea that "enemy combatants"—that is, anyone so defined by the White House or Defense Department—may be locked up indefinitely without ever being charged, that secret prisons can be maintained, that congressional input or oversight is unnecessary and that international laws and treaties are irrelevant. The Geneva Conventions, in particular, were dismissed during the administration's first term by the then White House counsel Alberto Gonzales for their "quaint" protections of prisoners and "obsolete" limitations on interrogations. Donald Rumsfeld publicly announced that the Conventions no longer applied. The Bush administration's basic legal argument, formulated by officials like the Justice Department's John Yoo, was that this was a new kind of war, that the executive branch needed complete freedom and flexibility, with no checks or balances.

"There has been a paradigm shift on this whole issue,' a senior administration official told me last week. "The whole legal framework that underpinned the administration's approach in the first term is gone. John Yoo's arguments are simply no longer applicable. You may disagree with where we draw the lines, but we're now using concepts, principles and approaches that are familiar, within the American legal tradition and that of other civilized nations."

The administration was forced to do much of this by the Supreme Court's recent Hamdan decision and by the bold opposition of senators like John McCain and Lindsey Graham. But several officials, wishing to remain anonymous because of the sensitivity of the matter, said Secretary of State Condoleezza Rice and national security adviser Stephen Hadley had been urging movement in this direction for some time. "We concluded that this whole structure of prisoners, interrogations, trials and tribunals had to be placed on a sustainable basis," said one official. "That meant Congress had to be involved and the president had to explain the programs and procedures publicly."

The crucial issue, on which former Secretary of State Colin Powell and other distinguished military figures have stood up to Bush, is the treatment of prisoners under the Geneva Conventions. Powell explained to me his deep concerns about safeguarding American troops if "we start monkeying around with the common understanding of the Conventions." The administration claims that it merely wants to provide specific guidelines, but the real aim appears to be to let CIA employees engage in "rough" interrogations without fear of legal sanctions.

Powell and the senators argue that the guidelines are better left as they are—with a kind of calculated ambiguity that deters U.S. interrogators from testing the limits. "Clarifying' our treaty obligations will be seen as 'withdrawing' from them," warns Senator Graham, a former staff judge advocate in the Air National Guard. He's right. No other nation has sought to narrow the Geneva Conventions' scope by "clarifying" them. Does the United States want to be the first? Why not retain the status quo and then consult with other countries that are also grappling with terror suspects and arrive at a genuinely "common" clarification of the Conventions? If we "clarify" the Conventions to allow, say, waterboarding and other "rough" procedures, what happens to a CIA operative who is captured in a foreign country? Can that country "clarify" the Conventions and torture him? If it does, would the United States have any basis to condemn it and take action under international law?

Powell made another argument to me. "Part of the war on terror is an ideological and political struggle," he said. "Our moral posture is one of our best weapons. We're not doing so well on the public-diplomacy front. This would be the wrong signal to send the world." The administration seems blind to this political reality. After Guantánamo, Abu Ghraib, Haditha and more, America desperately needs a symbol that showcases its basic decency. Quibbling with the Geneva Conventions is the wrong signal, by the wrong administration, at the wrong time.

Mr. UDALL of Colorado. Mr. Speaker, the Senate-passed bill before us today is identical to H.R. 6166. I could not support that bill when the House considered it earlier this week, and nothing that has happened since then has caused me to change my view that it should not be enacted. So, I must continue to oppose it.

As I said earlier, I agree that Congress should establish clear statutory authority for detaining unlawful enemy combatants and using military tribunals to try them. In fact, I thought this should have been done long age because I took seriously the warnings of legal experts who said the system established by President Bush's unilateral Executive Order lacked departed too far from America's fundamental legal traditions to be immune from serious legal challenges.

That is why for several years I have cosponsored bills to replace that Executive Order with a sound statute that would allow prosecutions to proceed without the same vulnerability to challenge.

Unfortunately, until recently neither the president nor the Republican leadership thought there was a need for Congress to act—the president preferred to insist on unilateral assertions of executive authority, and the leadership was content with an indolent abdication of Congressional authority and responsibility.

Then, earlier this year, the Supreme Court put an end to that approach with its decision in the case of Hamdan v. Rumsfeld, which struck down the system established by the Executive Order—just what many of us had seen coming, and which we had sought to avoid through legislation.

So, we are voting on this bill only because the Supreme Court has forced the Administration to do what it should have done much sooner—come to Congress for legislation. And the voting is occurring this week, under rushed procedures that do not permit consideration of any changes, because, above all, the Republicans have decided they need to claim a legislative victory when they go home to campaign, to help take voters' minds off the Administration's missteps and their own failures.

But I think it is less important to get the job done before the election than to do it right. And, regrettably, I remain convinced that this bill fails that test.

I remain concerned about the bill's specific provisions. But just as serious are my concerns about what the bill does not say. In particular, I am concerned about the lack of any provisions to prevent indefinite detentions of American citizens who have never left the United States.

I cannot support any legislation intended to give the president—any president, of any party authority to throw an American citizen into prison without what the Supreme Court has described as "a meaningful opportunity to contest the factual basis for that detention before a neutral decisionmaker."

As I said when the House first debated this legislation, I prefer to err on the side of caution when I must vote on a measure that is not more clear on this point. And since that earlier debate, my concern—and my unwillingness to vote for this legislation—has been heightened by analyses of experts such as Professor Bruce Akerman of the Yale Law School.

In an analysis published after the earlier vote here in the House—which I am attaching for the benefit of our colleagues—Professor Akerman says: "The legislation . . . authorizes the president to seize American citizens as enemy combatants, even if they have never left the United States. And once thrown into military prison, they cannot expect a trial by their peers or any other of the normal protections of the Bill of Rights. . . . This grants the president enormous power over citizens and legal residents. They can be designated as enemy combatants if they have contributed money to a Middle Eastern charity, and they can be held indefinitely in a military prison. . . . What is worse, if the federal courts support the president's initial detention decision, ordinary Americans would be required to defend themselves before a military tribunal without the constitutional guarantees provided in criminal trials."

And, as Professor Akerman notes: "We are not dealing with hypothetical abuses. The president has already subjected a citizen to military confinement. Consider the case of Jose Padilla. A few months after 9/11, he was seized by the Bush administration as an "enemy combatant" upon his arrival at Chicago's O'Hare International Airport. He was wearing civilian clothes and had no weapons. Despite his American citizenship, he was held for more than three years in a military brig, without any chance to challenge his detention before a military or civilian tribunal. After a federal appellate court upheld the president's extraordinary action, the Supreme Court refused to hear the case, handing the administration's lawyers a terrible precedent. . . .

"But the bill also reinforces the presidential claims, made in the Padilla case, that the commander in chief has the right to designate a U.S. citizen on American soil as an enemy combatant and subject him to military justice. Congress is poised to authorize this presidential overreaching. Under existing constitutional doctrine, this show of explicit congressional support would be a key factor that the Supreme Court would consider in assessing the limits of presidential authority."

I do not have the legal expertise to say that Professor Akerman is completely right in this analysis. But I cannot in good conscience vote for this bill on the mere hope that he is wrong.

And, as I said when the House first considered this bill, it is clear that several of its provisions raise enough legal questions that military lawyers say there is a good chance the Supreme Court will rule it unconstitutional.

They may or may not be right about that, but their views deserve to be taken seriously—not only because we in Congress have sworn to uphold the Constitution but also because if our goal truly is to avoid unnecessary delays in bringing terrorists to justice, we need to take care to craft legislation that can and will operate soon, not only after prolonged legal challenges.

Finally, I remain concerned that the bill gives the president the authority to "interpret the meaning and application" of U.S. obligations under the Geneva Conventions. Instead of clearly banning abuse and torture, the bill leaves in question whether or not we are authorizing the Executive Branch to carry out some of the very things the Geneva Conventions seek to ban.

I cannot forget or discount the words of RADM Bruce MacDonald, the Navy's Judge Advocate General, who told the Armed Services Committee "I go back to the reciprocity issue that we raised earlier, that I would be very concerned about other nations looking in on the United States and making a determination that, if it's good enough for the United States, it's good enough for us, and perhaps doing a lot of damage and harm internationally if one of our service men or women were taken and held as a detainee."

I share that concern, and could not in good conscience support legislation that could put our men and women in uniform at risk.

Mr. Speaker, as I said earlier, establishing a system of military tribunals to bring to trial some of the worst terrorists in the world shouldn't be a partisan matter. It also should not be handled in a rush, without adequate care to get it right. Unfortunately, that has been the process used to develop this legislation and the result is a measure that I think has too many flaws to deserve enactment as it stands.

So, as I said earlier, I cannot support it.

[From the Los Angeles Times, Sept. 28, 2006]

THE WHITE HOUSE WARDEN

(By Bruce Ackerman)

Buried in the complex Senate compromise on detainee treatment is a real shocker, reaching far beyond the legal struggles about foreign terrorist suspects in the Guantanamo Bay fortress. The compromise legislation, which is racing toward the White House, authorizes the president to seize American citizens as enemy combatants, even if they have never left the United States. And once thrown into military prison, they cannot expect a trial by their peers or any other of the normal protections of the Bill of Rights.

This dangerous compromise not only authorizes the president to seize and hold terrorists who have fought against our troops "during an armed conflict," it also allows him to seize anybody who has "purposefully and materially supported hostilities against the United States." This grants the president enormous power over citizens and legal residents. They can be designated as enemy combatants if they have contributed money to a Middle Eastern charity, and they can be held indefinitely in a military prison.

Not to worry, say the bill's defenders. The president can't detain somebody who has given money innocently, just those who contributed to terrorists on purpose.

But other provisions of the bill call even this limitation into question. What is worse, if the federal courts support the president's initial detention decision, ordinary Americans would be required to defend themselves before a military tribunal without the constitutional guarantees provided in criminal trials.

Legal residents who aren't citizens are treated even more harshly. The bill entirely cuts off their access to federal habeas corpus, leaving them at the mercy of the president's suspicions.

We are not dealing with hypothetical abuses. The president has already subjected a citizen to military confinement. Consider the case of Jose Padilla. A few months after 9/11, he was seized by the Bush administration as an "enemy combatant" upon his arrival at Chicago's O'Hare International Airport. He was wearing civilian clothes and had no weapons. Despite his American citizenship, he was held for more than three years in a military brig, without any chance to challenge his detention before a military or civilian tribunal. After a federal appellate court upheld the president's extraordinary action, the Supreme Court refused to hear the case, handing the administration's lawyers a terrible precedent.

The new bill, if passed, would further entrench presidential power. At the very least, it would encourage the Supreme Court to draw an invidious distinction between citizens and legal residents. There are tens of millions of legal immigrants living among us, and the bill encourages the justices to uphold mass detentions without the semblance of judicial review.

But the bill also reinforces the presidential claims, made in the Padilla case, that the commander in chief has the right to designate a U.S. citizen on American soil as an enemy combatant and subject him to military justice. Congress is poised to authorize this presidential overreaching. Under existing constitutional doctrine, this show of explicit congressional support would be a key factor that the Supreme Court would consider in assessing the limits of presidential authority.

This is no time to play politics with our fundamental freedoms. Even without this massive congressional expansion of the class of enemy combatants, it is by no means clear that the present Supreme Court will protect the Bill of Rights. The Korematsu case—upholding the military detention of tens of thousands of Japanese Americans during World War II—has never been explicitly overruled. It will be tough for the high court to condemn this notorious decision, especially if passions are inflamed by another terrorist incident. But congressional support of presidential power will make it much easier to extend the Korematsu decision to future mass seizures.

Though it may not feel that way, we are living at a moment of relative calm. It would be tragic if the Republican leadership rammed through an election-year measure that would haunt all of us on the morning after the next terrorist attack.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in opposition to S. 3930, the Military Commission Act of 2006 because it is too broad, overly inclusive and potentially unconstitutional. While I also vividly remember the horrors of the 9/11 terrorist attacks, I believe that Congress should carefully and constitutionally craft a bill which effectively punishes all terrorists and potential terrorists while at the same time maintaining the safety and security of our citizens from future terrorist attacks.

The definition of an "unlawful combatant" in Section 948(a.) of this bill is indicative of its over-inclusiveness. It creates legal loopholes and in my view, leaves even U.S. Citizens vulnerable to being classified as unlawful combatants. This definition does not exclude nor does it seek to exclude U.S. Citizens from being indefinitely detained. The President or one of his designees can simply determine that a fellow U.S. Citizen is an "unlawful enemy combatant" and this would suffice as sufficient evidence to detain this citizen indefinitely without any access to his family, an attorney or any form of judicial review.

Furthermore, the term "purposefully and materially supported hostilities" is overly broad and would lead to many innocent acts being transformed into terrorist activities.

In an article, Aziz Huq astutely demonstrates the broadness of the term by showing how a fictional character that owns a bodega and allowed Lebanese immigrants to use its services to send money to "West Beqaa", an area within the Hezbollah controlled area of Lebanon protectorate is found to have "purposefully and materially supported hostilities. This scenario is not very far-fetched, this piece of legislation has the potential to impact the very foundation of civil liberties and fundamental freedoms on which this country is built. It will impact the American Citizen's freedom of speech, freedom of association and the list could go on.

The bill also further undermines U.S. credibility in the eyes of the international community by granting the President the authority to interpret Art. III of the Geneva Convention an international treaty to which the U.S. is a signatory. This language sets a bad precedence in the international community and only frustrates the goals of established international laws, norms and customs.

If the U.S. President is allowed to reinterpret and apply an international treaty, what would stop other nations from doing the same? Additionally, as noted in his letter to Senator MCCAIN, former U.S. Secretary of State Colin Powell, posited that allowing the President to interpret the Geneva Convention would expose U.S. soldiers to more dangers. Colin Powell emphatically opposed this provision.

S. 3930 also violates separation of powers and the constitutional protection this provides, by stripping the federal court of its habeas review. The independence of the judiciary is one of the fundamental principles on which this democracy is built. Under this bill, the normal appeals process would not be available to the detained "unlawful enemy combatant." Instead the detainee who wishes to appeal an adverse decision has to appeal to a newly established "Court of Military Commission Review".

Terrorists must be brought to justice and we must act accordingly to secure our country and our citizens. However, these same goals can be achieved in a constitutional manner. I urge my colleagues to oppose this unworthy bill.

Mr. MICHAUD. Mr. Speaker, the final language for the bill was brought to the floor quickly and without thorough review by the House. I believe that it is important to have a system to try accused terrorists for their war crimes in a quick and fair way. In my original review of the bill, I believed that it took steps to protect fundamental human rights, prevent torture and provide for a fair legal process.

As I have heard from more and more legal experts and from my constituents, it is clear that this bill does not create a system that meets our high American standards for a fair trial and human rights.

Make no mistake; I believe that convicted terrorists must be punished for their war crimes. But it must be done in such a way that the American people are confident that our values are upheld. I do not believe that this bill makes this clear to the American people or to the international community that looks to us as a place of human rights and fairness.

Some people may question me for changing my vote. I believe that elected officials must have the strength to recognize new information and to take it into account to make the right decision. I wish President Bush would do the same thing with our policies in Iraq.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1054, the Senate bill is considered read and the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

CONFERENCE REPORT ON H.R. 5122, JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. HUNTER of California (during consideration of H. Res. 1053) submitted the following conference report and statement on the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes:

CONFERENCE REPORT (H. REPT. 109–702)

The Committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5122), to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "John Warner National Defense Authorization Act for Fiscal Year 2007".

(b) FINDINGS.—Congress makes the following findings:

(1) Senator John Warner of Virginia was elected a member of the United States Senate on November 7, 1978, for a full term beginning on January 3, 1979. He was subsequently appointed by the Governor of Virginia to fill a vacancy on January 2, 1979, and has served continuously since that date. He was appointed a member of the Committee on Armed Services in January 1979, and has served continuously on the Committee since that date, a period of nearly 28 years. Senator Warner's service on the Committee represents nearly half of its existence since it was established after World War II.

(2) Senator Warner came to the Senate and the Committee on Armed Services after a distinguished record of service to the Nation, including combat service in the Armed Forces and high civilian office.

(3) Senator Warner enlisted in the United States Navy upon graduation from high school in 1945, and served until the summer of 1946, when he was discharged as a Petty Officer 3rd Class. He then attended Washington and Lee University on the G.I. Bill. He graduated in 1949 and entered the University of Virginia Law School.

(4) Upon the outbreak of the Korean War in 1950, Senator Warner volunteered for active duty, interrupting his education to accept a commission in the United States Marine Corps. He served in combat in Korea as a ground officer in the First Marine Air Wing. Following his active service, he remained in the Marine Corps Reserve for several years, attaining the rank of captain.

(5) Senator Warner resumed his legal education upon returning from the Korean War and graduated from the University of Virginia Law School in 1953. He was selected by the late Chief Judge E. Barrett Prettyman of the United States Court of Appeals for the District of Columbia Circuit as his law clerk. After his service to Judge Prettyman, Senator Warner became an Assistant United States Attorney in the District of Columbia, and later entered private law practice.

(6) In 1969, the Senate gave its advice and consent to the appointment of Senator Warner as Under Secretary of the Navy. He served in this position until 1972, when he was confirmed and appointed as the 61st Secretary of the Navy since the office was established in 1798. As Secretary, Senator Warner was the principal United States negotiator and signatory of the Incidents at Sea Executive Agreement with the Soviet Union, which was signed in 1972 and remains in effect today. It has served as the model

for similar agreements between states covering the operation of naval ships and aircraft in international sea lanes throughout the world.

(7) Senator Warner left the Department of the Navy in 1974. His next public service was as Administrator of the American Revolution Bicentennial Commission. In this capacity, he coordinated the celebration of the Nation's founding, directing the Federal role in all 50 States and in over 20 foreign nations.

(8) Senator Warner has served as chairman of the Committee on Armed Services of the United States Senate from 1999 to 2001, and again since January 2003. He served as ranking minority member of the committee from 1987 to 1993, and again from 2001 to 2003. Senator Warner concludes his service as chairman at the end of the 109th Congress, but will remain a member of the committee.

(9) This Act is the twenty-eighth annual authorization Act for the Department of Defense for which Senator Warner has taken a major responsibility as a member of the Committee on Armed Services of the United States Senate, and the fourteenth for which he has exercised a leadership role as chairman or ranking minority member of the committee.

(10) Senator Warner, as seaman, Marine officer, Under Secretary and Secretary of the Navy, and member, ranking minority member, and chairman of the Committee on Armed Services of the United States Senate, has made unique and lasting contributions to the national security of the United States.

(11) It is altogether fitting and proper that this Act, the last annual authorization Act for the national defense managed by Senator Warner in and for the United States Senate as chairman of the Committee on Armed Services, be named in his honor, as provided in subsection (a).

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; findings.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.

Subtitle B—Army Programs

Sec. 111. Sense of Congress on future multiyear procurement authority for Family of Medium Tactical Vehicles.
Sec. 112. Multiyear procurement authority for MH-60R helicopters and mission equipment.
Sec. 113. Funding profile for Modular Force Initiative of the Army.
Sec. 114. Bridge to Future Networks program.
Sec. 115. Comptroller General report on the contract for the Future Combat Systems program.
Sec. 116. Priority for allocation of replacement equipment to operational units based on combat mission deployment schedule.

Subtitle C—Navy Programs

Sec. 121. CVN-21 class aircraft carrier procurement.
Sec. 122. Adherence to Navy cost estimates for CVN-21 class of aircraft carriers.
Sec. 123. Modification of limitation on total cost of procurement of CVN-77 aircraft carrier.
Sec. 124. Construction of first two vessels under the DDG-1000 Next-Generation Destroyer program.
Sec. 125. Adherence to Navy cost estimates for LHA Replacement amphibious assault ship program.
Sec. 126. Cost limitation for San Antonio (LPD-17) class amphibious ship program.
Sec. 127. Multiyear procurement authority for V-22 tiltrotor aircraft program.
Sec. 128. Alternative technologies for future surface combatants.
Sec. 129. Sense of Congress regarding the size of the attack submarine force.
Sec. 130. Quality control in procurement of ship critical safety items and related services.

Subtitle D—Air Force Programs

Sec. 131. Bomber force structure.
Sec. 132. Strategic airlift force structure.
Sec. 133. Limitation on retirement of U-2 aircraft.
Sec. 134. Multiyear procurement authority for F-22A Raptor fighter aircraft.
Sec. 135. Limitation on retirement of KC-135E aircraft during fiscal year 2007.
Sec. 136. Limitation on retirement of F-117A aircraft during fiscal year 2007.
Sec. 137. Limitation on retirement of C-130E tactical airlift aircraft.
Sec. 138. Procurement of Joint Primary Aircraft Training System aircraft after fiscal year 2006.
Sec. 139. Minuteman III intercontinental ballistic missile modernization.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Clarification of limitation on initiation of new unmanned aerial vehicle systems.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Acquisition of, and independent cost analyses for, the Joint Strike Fighter propulsion system.
Sec. 212. Expansion and extension of authority to award prizes for advanced technology achievements.
Sec. 213. Defense Acquisition Challenge Program extension, enhancement, and modification to address critical cost growth threshold breaches in major defense acquisition programs.
Sec. 214. Future Combat Systems milestone review.
Sec. 215. Dedicated amounts for implementing or evaluating Navy shipbuilding technology proposals under Defense Acquisition Challenge Program.
Sec. 216. Independent estimate of costs of the Future Combat Systems.
Sec. 217. Funding of defense science and technology programs.
Sec. 218. Hypersonics development.
Sec. 219. Report on program for replacement of nuclear warheads on certain Trident sea-launched ballistic missiles with conventional warheads.

Subtitle C—Missile Defense Programs

Sec. 221. Fielding of ballistic missile defense capabilities.
Sec. 222. Limitation on use of funds for space-based interceptor.
Sec. 223. Policy of the United States on priorities in the development, testing, and fielding of missile defense capabilities.
Sec. 224. One-year extension of Comptroller General assessments of ballistic missile defense programs.
Sec. 225. Submittal of plans for test and evaluation of the operational capability of the Ballistic Missile Defense System.
Sec. 226. Annual reports on transition of ballistic missile defense programs to the military departments.

Subtitle D—Other Matters

Sec. 231. Policies and practices on test and evaluation to address emerging acquisition approaches.
Sec. 232. Extension of requirement for Global Research Watch Program.
Sec. 233. Sense of Congress on technology sharing of Joint Strike Fighter technology.
Sec. 234. Report on vehicle-based active protection systems for certain battlefield threats.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Other Department of Defense programs.

Subtitle B—Environmental Provisions

Sec. 311. Revision of requirement for unexploded ordnance program manager.
Sec. 312. Funding of cooperative agreements under environmental restoration program.
Sec. 313. Response plan for remediation of unexploded ordnance, discarded military munitions, and munitions constituents.
Sec. 314. Research on effects of ocean disposal of munitions.
Sec. 315. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 316. Transfer of Government-furnished uranium stored at Sequoyah Fuels Corporation, Gore, Oklahoma.
Sec. 317. Extension of authority to grant exemptions to certain requirements.
Sec. 318. National Academy of Sciences study on human exposure to contaminated drinking water at Camp Lejeune, North Carolina.

Subtitle C—Program Requirements, Restrictions, and Limitations

Sec. 321. Limitation on financial management improvement and audit initiatives within the Department of Defense.
Sec. 322. Funds for exhibits for the national museums of the Armed Forces.
Sec. 323. Prioritization of funds for equipment readiness and strategic capability.
Sec. 324. Limitation on deployment of Marine Corps Total Force System to Navy.

Subtitle D—Workplace and Depot Issues

Sec. 331. Permanent exclusion of certain contract expenditures from percentage limitation on the performance of depot-level maintenance.

Sec. 332. Minimum capital investment for certain depots.
Sec. 333. Extension of temporary authority for contractor performance of security guard functions.

Subtitle E—Reports

Sec. 341. Report on Navy Fleet Response Plan.
Sec. 342. Report on Navy surface ship rotational crew programs.
Sec. 343. Report on Army live-fire ranges in Hawaii.
Sec. 344. Comptroller General report on joint standards and protocols for access control systems at Department of Defense installations.
Sec. 345. Comptroller General report on readiness of Army and Marine Corps ground forces.
Sec. 346. Report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado.
Sec. 347. Annual report on Personnel Security Investigations for Industry and National Industrial Security Program.
Sec. 348. Five-year extension of annual report on training range sustainment plan and training range inventory.
Sec. 349. Reports on withdrawal or diversion of equipment from reserve units for support of reserve units being mobilized and other units.

Subtitle F—Other Matters

Sec. 351. Department of Defense strategic policy on prepositioning of materiel and equipment.
Sec. 352. Authority to make Department of Defense horses available for adoption.
Sec. 353. Sale and use of proceeds of recyclable munitions materials.
Sec. 354. Recovery and transfer to Corporation for the Promotion of Rifle Practice and Firearms Safety of certain firearms, ammunition, and parts granted to foreign countries.
Sec. 355. Extension of Department of Defense telecommunications benefit program.
Sec. 356. Extension of availability of funds for commemoration of success of the Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom.
Sec. 357. Capital security cost sharing.
Sec. 358. Utilization of fuel cells as back-up power systems in Department of Defense operations.
Sec. 359. Improving Department of Defense support for civil authorities.
Sec. 360. Energy efficiency in weapons platforms.
Sec. 361. Prioritization of funds within Navy mission operations, ship maintenance, combat support forces, and weapons system support.
Sec. 362. Provision of adequate storage space to secure personal property outside of assigned military family housing unit.
Sec. 363. Expansion of payment of replacement value of personal property damaged during transport at Government expense.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.
Sec. 403. Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2008 and 2009.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2007 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.
Sec. 422. Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

PART I—OFFICER PERSONNEL POLICY GENERALLY

Sec. 501. Military status of officers serving in certain intelligence community positions.
Sec. 502. Extension of age for mandatory retirement for active-duty general and flag officers.
Sec. 503. Increased mandatory retirement ages for reserve officers.
Sec. 504. Standardization of grade of senior dental officer of the Air Force with that of senior dental officer of the Army.
Sec. 505. Management of chief warrant officers.
Sec. 506. Extension of temporary reduction of time-in-grade requirement for eligibility for promotion for certain active-duty list officers in grades of first lieutenant and lieutenant (junior grade).
Sec. 507. Grade and exclusion from active-duty general and flag officer distribution and strength limitations of officer serving as Attending Physician to the Congress.
Sec. 508. Modification of qualifications for leadership of the Naval Postgraduate School.

PART II—OFFICER PROMOTION POLICY

Sec. 511. Revisions to authorities relating to authorized delays of officer promotions.
Sec. 512. Consideration of adverse information by selection boards in recommendations on officers to be promoted.
Sec. 513. Expanded authority for removal from reports of selection boards of officers recommended for promotion to grades below general and flag grades.
Sec. 514. Special selection board authorities.
Sec. 515. Removal from promotion list of officers not promoted within 18 months of approval of list by the President.

PART III—JOINT OFFICER MANAGEMENT REQUIREMENTS

Sec. 516. Modification and enhancement of general authorities on management of officers who are joint qualified.
Sec. 517. Modification of promotion policy objectives for joint officers.
Sec. 518. Applicability of joint duty assignment requirements limited to graduates of National Defense University schools.
Sec. 519. Modification of certain definitions relating to jointness.

Subtitle B—Reserve Component Matters

PART I—RESERVE COMPONENT MANAGEMENT

Sec. 521. Recognition of former Representative G. V. 'Sonny' Montgomery for his 30 years of service in the House of Representatives.
Sec. 522. Revisions to reserve call-up authority.
Sec. 523. Military retirement credit for certain service by National Guard members performed while in a State duty status immediately after the terrorist attacks of September 11, 2001.

PART II—AUTHORITIES RELATING TO GUARD AND RESERVE DUTY

Sec. 524. Title 10 definition of Active Guard and Reserve duty.
Sec. 525. Authority for Active Guard and Reserve duties to include support of operational missions assigned to the reserve components and instruction and training of active-duty personnel.
Sec. 526. Governor's authority to order members to Active Guard and Reserve duty.
Sec. 527. Expansion of operations of civil support teams.
Sec. 528. Modification of authorities relating to the Commission on the National Guard and Reserves.
Sec. 529. Additional matters to be reviewed by Commission on the National Guard and Reserves.

Subtitle C—Education and Training

PART I—SERVICE ACADEMIES

Sec. 531. Expansion of service academy exchange programs with foreign military academies.
Sec. 532. Revision and clarification of requirements with respect to surveys and reports concerning sexual harassment and sexual violence at the service academies.
Sec. 533. Department of Defense policy on service academy and ROTC graduates seeking to participate in professional sports before completion of their active-duty service obligations.

PART II—SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAMS

Sec. 535. Authority to permit members who participate in the guaranteed reserve forces duty scholarship program to participate in the health professions scholarship program and serve on active duty.
Sec. 536. Detail of commissioned officers as students at medical schools.
Sec. 537. Increase in maximum amount of repayment under education loan repayment for officers in specified health professions.
Sec. 538. Health Professions Scholarship and Financial Assistance Program for Active Service.

PART III—JUNIOR ROTC PROGRAM

Sec. 539. Junior Reserve Officers' Training Corps instructor qualifications.
Sec. 540. Expansion of members eligible to be employed to provide Junior Reserve Officers' Training Corps instruction.
Sec. 541. Expansion of Junior Reserve Officers' Training Corps program.
Sec. 542. Review of legal status of Junior ROTC program.

PART IV—OTHER EDUCATION AND TRAINING PROGRAMS

Sec. 543. Expanded eligibility for enlisted members for instruction at Naval Postgraduate School.

Subtitle D—General Service Authorities

Sec. 546. Test of utility of test preparation guides and education programs in enhancing recruit candidate performance on the Armed Services Vocational Aptitude Battery (ASVAB) and Armed Forces Qualification Test (AFQT).
Sec. 547. Clarification of nondisclosure requirements applicable to certain selection board proceedings.
Sec. 548. Report on extent of provision of timely notice of long-term deployments.

Subtitle E—Military Justice Matters

Sec. 551. Applicability of Uniform Code of Military Justice to members of the Armed Forces ordered to duty overseas in inactive duty for training status.
Sec. 552. Clarification of application of Uniform Code of Military Justice during a time of war.

Subtitle F—Decorations and Awards

Sec. 555. Authority for presentation of Medal of Honor Flag to living Medal of Honor recipients and to living primary next-of-kin of deceased Medal of Honor recipients.
Sec. 556. Review of eligibility of prisoners of war for award of the Purple Heart.
Sec. 557. Report on Department of Defense process for awarding decorations.

Subtitle G—Matters Relating to Casualties

Sec. 561. Authority for retention after separation from service of assistive technology and devices provided while on active duty.
Sec. 562. Transportation of remains of casualties dying in a theater of combat operations.
Sec. 563. Annual budget display of funds for POW/MIA activities of Department of Defense.
Sec. 564. Military Severely Injured Center.
Sec. 565. Comprehensive review on procedures of the Department of Defense on mortuary affairs.
Sec. 566. Additional elements of policy on casualty assistance to survivors of military decedents.
Sec. 567. Requirement for deploying military medical personnel to be trained in preservation of remains under combat or combat-related conditions.

Subtitle H—Impact Aid and Defense Dependents Education System

Sec. 571. Enrollment in defense dependents' education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe.
Sec. 572. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 573. Impact aid for children with severe disabilities.
Sec. 574. Plan and authority to assist local educational agencies experiencing growth in enrollment due to force structure changes, relocation of military units, or base closures and realignments.
Sec. 575. Pilot program on parent education to promote early childhood education for dependent children affected by military deployment or relocation of military units.

Subtitle I—Armed Forces Retirement Home

Sec. 578. Report on leadership and management of the Armed Forces Retirement Home.
Sec. 579. Report on Local Boards of Trustees of the Armed Forces Retirement Home.

Subtitle J—Reports

Sec. 581. Report on personnel requirements for airborne assets identified as Low-Density, High-Demand Airborne Assets.
Sec. 582. Report on feasibility of establishment of Military Entrance Processing Command station on Guam.
Sec. 583. Inclusion in annual Department of Defense report on sexual assaults of information on results of disciplinary actions.
Sec. 584. Report on provision of electronic copy of military records on discharge or release of members from the Armed Forces.
Sec. 585. Report on omission of social security account numbers from military identification cards.
Sec. 586. Report on maintenance and protection of data held by the Secretary of Defense as part of the Department of Defense Joint Advertising, Market Research and Studies (JAMRS) program.
Sec. 587. Comptroller General report on military conscientious objectors.

Subtitle K—Other Matters

Sec. 591. Modification in Department of Defense contributions to Military Retirement Fund.
Sec. 592. Revision in Government contributions to Medicare-Eligible Retiree Health Care Fund.
Sec. 593. Dental Corps of the Navy Bureau of Medicine and Surgery.
Sec. 594. Permanent authority for presentation of recognition items for recruitment and retention purposes.
Sec. 595. Persons authorized to administer enlistment and appointment oaths.
Sec. 596. Military voting matters.
Sec. 597. Physical evaluation boards.
Sec. 598. Military ID cards for retiree dependents who are permanently disabled.
Sec. 599. United States Marine Band and United States Marine Drum and Bugle Corps.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2007 increase in military basic pay and reform of basic pay rates.
Sec. 602. Increase in maximum rate of basic pay for general and flag officer grades to conform to increase in pay cap for Senior Executive Service personnel.
Sec. 603. One-year extension of prohibition against requiring certain injured members to pay for meals provided by military treatment facilities.
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Sec. 2864. Modification of certain transportation projects.

Sec. 2865. Availability of funds for South County Commuter Rail project, Providence, Rhode Island.

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Sec. 3506. United States Merchant Marine Academy graduates: service obligation performance reporting requirement.

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Sec. 3508. Qualifying Reserve duty for receipt of student incentive payments.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

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Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Army as follows:

(1) For aircraft, $3,451,429,000.

(2) For missiles, $1,328,859,000.

(3) For weapons and tracked combat vehicles, $2,278,604,000.

(4) For ammunition, $1,984,325,000.

(5) For other procurement, $7,687,502,000.

(6) For National Guard Equipment, $318,000,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Navy as follows:

(1) For aircraft, $10,734,071,000.

(2) For weapons, including missiles and torpedoes, $2,549,020,000.

(3) For shipbuilding and conversion, $11,021,553,000.

(4) For other procurement, $4,995,033,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Marine Corps in the amount of $1,253,813,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement of ammunition for the Navy and the Marine Corps in the amount of $797,943,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Air Force as follows:

(1) For aircraft, $12,179,154,000.

(2) For ammunition, $1,072,749,000.

(3) For missiles, $4,171,886,000.

(4) For other procurement, $15,443,286,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2007 for Defense-wide procurement in the amount of $2,886,361,000.

Subtitle B—Army Programs

SEC. 111. SENSE OF CONGRESS ON FUTURE MULTIYEAR PROCUREMENT AUTHORITY FOR FAMILY OF MEDIUM TACTICAL VEHICLES.

(a) FUTURE ACQUISITION STRATEGY.—It is the sense of Congress that, as part of the Army's planning, programming, and budgeting process for fiscal year 2008, the Secretary of the Army should request from Congress authority by law to enter into a multiyear procurement (MYP) contract for the Family of Medium Tactical Vehicles (FMTV) program and that, in support of such request, the Secretary should submit to Congress the necessary justification materials required by law to justify a multiyear procurement (MYP) contract, including the material required by section 2306b of title 10, United States Code.

(b) INCORPORATION OF PRODUCT IMPROVEMENTS.—It is the sense of Congress that any proposal by the Secretary of the Army for multiyear procurement authority for procurement of vehicles under the Family of Medium Tactical Vehicles program should provide for incorporation into the vehicles to be procured through such authority of improvements from—

(1) lessons learned from operations involving the Global War on Terrorism; and

(2) product improvement programs carried out for the Family of Medium Tactical Vehicles program in the areas of force protection, survivability, reliability, network communications, situational awareness, and safety.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR MH-60R HELICOPTERS AND MISSION EQUIPMENT.

(a) MH-60R HELICOPTER.—Subject to subsection (c), the Secretary of the Army, acting as executive agent for the Department of the Navy, may enter into a multiyear contract for the procurement of MH–60R helicopters.

(b) MH–60R HELICOPTER MISSION EQUIPMENT.—Subject to subsection (c), the Secretary of the Navy may enter into a multiyear contract for the procurement of MH–60R helicopter mission equipment for the helicopters covered by a multiyear contract under subsection (a).

(c) CONTRACT REQUIREMENTS.—Any multiyear contract under this section—

(1) shall be entered into in accordance with section 2306b of title 10, United States Code, and shall commence with the fiscal year 2007 program year; and

(2) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose.

SEC. 113. FUNDING PROFILE FOR MODULAR FORCE INITIATIVE OF THE ARMY.

The Secretary of the Army shall set forth in the budget presentation materials of the Army submitted to Congress in support of the President's budget for any fiscal year after fiscal year 2007, and in other relevant materials submitted to Congress with respect to the budget of the Army for any such fiscal year, all amounts for procurement for the M1A2 Abrams tank System Enhancement Program (SEP) and for the Bradley A3 fighting vehicle as elements within the amounts requested for the Modular Force Initiative of the Army, in accordance with the report of the Army titled "The Army Modular Force Initiative", submitted to Congress in March 2006.

SEC. 114. BRIDGE TO FUTURE NETWORKS PROGRAM.

(a) LIMITATION ON FISCAL YEAR 2007 AMOUNT.—Of the amount authorized to be appropriated for the Army for fiscal year 2007 for Other Procurement, Army, that is available for the program of the Army designated as the Bridge to Future Networks, not more than 75 percent shall be made available for obligation until the Secretary of the Army submits to the congressional defense committees a report on that program that includes the matters specified in subsection (b)

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) An analysis of how the systems specified in subsection (c) will fit together, including, for each such system, an analysis of whether there are opportunities to leverage technologies and equipment from that system as part of the development of the other systems.

(2) A description of the extent to which components of the systems specified in subsection (c) could be used together as elements of a single tactical network.

(3) A description of the strategy of the Army for completing the systems engineering necessary to ensure the end-to-end interoperability of a single tactical network referred to in paragraph (2).

(4) An assessment of the costs of acquiring each of the systems specified in subsection (c).

(5) An assessment of the technical compatibility of the systems specified in subsection (c).

(6) A description of the plans of the Army for fielding the systems specified in subsection (c).

(7) A description of the plans of the Army for sustaining the Joint Network Node through fiscal year 2020 and an assessment of the need to upgrade its technologies and equipment.

(8) A description of the plans of the Army for the insertion of new technology into the Joint Network Node.

(c) SPECIFIED SYSTEMS.—The systems referred to in subsection (b) are as follows:

(1) The Joint Network Node (JNN) element of the Bridge to Future Networks program.

(2) The Warfighter Information Network-Tactical (WIN–T) program.

(3) The Mounted Battle Command On-the-Move (MBCOTM) system.

SEC. 115. COMPTROLLER GENERAL REPORT ON THE CONTRACT FOR THE FUTURE COMBAT SYSTEMS PROGRAM.

(a) Report Required.—Not later than March 15, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the participation and activities of the lead systems integrator in the Future Combat Systems (FCS) program under the contract of the Army for the Future Combat Systems.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) A description of the responsibilities of the lead systems integrator in managing the Future Combat Systems program under the contract for the Future Combat Systems, and an assessment of the manner in which such responsibilities differ from the typical responsibilities of a lead systems integrator under acquisition contracts of the Department of Defense.

(2) A description and assessment of the responsibilities of the Army in managing the Future Combat Systems program, including oversight of the activities of the lead systems integrator and the decisions made by the lead systems integrator.

(3) An assessment of the manner in which the Army—

(A) ensures that the lead systems integrator meets goals for the Future Combat Systems in a timely manner; and

(B) evaluates the extent to which such goals are met.

(4) An identification of the mechanisms in place to ensure the protection of the interests of the United States in the Future Combat Systems program.

(5) An identification of the mechanisms in place to mitigate organizational conflicts of interest with respect to competition on Future Combat Systems technologies and equipment under subcontracts under the Future Combat Systems program.

SEC. 116. PRIORITY FOR ALLOCATION OF REPLACEMENT EQUIPMENT TO OPERATIONAL UNITS BASED ON COMBAT MISSION DEPLOYMENT SCHEDULE.

The Secretary of Defense shall ensure that priority for the distribution of new and combat-serviceable replacement equipment acquired using funds authorized to be appropriated by this title (together with associated support and test equipment) is given to operational units (regardless of component) based on combat mission deployment schedule.

Subtitle C—Navy Programs

SEC. 121. CVN–21 CLASS AIRCRAFT CARRIER PROCUREMENT.

(a) Contract Authority for Construction.—In the fiscal year immediately following the last fiscal year of the contract for advance procurement for a CVN–21 class aircraft carrier designated CVN–78, CVN–79, or CVN–80, as applicable, the Secretary may enter into a contract for the construction of such aircraft carrier to be funded in the fiscal year of such contract for construction and the succeeding three fiscal years.

(b) Condition for Out-Year Contract Payments.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for any subsequent fiscal year is subject to the availability of appropriations for that purpose for such subsequent fiscal year.

(c) Repeal of Superceded Provision.—Section 128 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3159) is repealed.

SEC. 122. ADHERENCE TO NAVY COST ESTIMATES FOR CVN–21 CLASS OF AIRCRAFT CARRIERS.

(a) Limitation.—

(1) Lead ship.—The total amount obligated or expended from funds appropriated or otherwise made available for Shipbuilding and Conversion, Navy, or for any other procurement account, for the aircraft carrier designated as CVN–21 may not exceed $10,500,000,000 (as adjusted pursuant to subsection (b)).

(2) Follow-on ships.—The total amount obligated or expended from funds appropriated or otherwise made available for Shipbuilding and Conversion, Navy, or for any other procurement account, for the construction of any ship that is constructed in the CVN–21 class of aircraft carriers after the lead ship of that class may not exceed $8,100,000,000 (as adjusted pursuant to subsection (b)).

(b) Adjustment of Limitation Amount.—The Secretary of the Navy may adjust the amount set forth in subsection (a) for any ship constructed in the CVN–21 class of aircraft carriers by the following:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2006.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2006.

(3) The amounts of outfitting costs and post-delivery costs incurred for that ship.

(4) The amounts of increases or decreases in costs of that ship that are attributable to insertion of new technology into that ship, as compared to the technology baseline as it was defined in the approved acquisition program baseline estimate of December 2005.

(5) The amounts of increases or decreases to nonrecurring design and engineering cost attributable to achieving compliance with the cost limitation.

(6) The amounts of increases or decreases to cost required to correct deficiencies that may affect the safety of the ship and personnel or otherwise preclude the ship from safe operations and crew certification.

(c) Limitation on Technology Insertion Cost Adjustment.—The Secretary of the Navy may use the authority under paragraph (4) of subsection (b) to adjust the amount set forth in subsection (a) for a ship referred to in that subsection with respect to insertion of new technology into that ship only if—

(1) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology would lower the life-cycle cost of the ship; or

(2) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology is required to meet an emerging threat and the Secretary of Defense certifies to those committees that such threat poses grave harm to national security.

(d) Written Notice of Change in Amount.—

(1) Requirement.—The Secretary of the Navy shall submit to the congressional defense committees each year, at the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for the next fiscal year, written notice of any change in the amount set forth in subsection (a) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in subsection (b).

(2) Effective date.—The requirement in paragraph (1) shall become effective with the budget request for the year of procurement of the first ship referred to in subsection (a).

SEC. 123. MODIFICATION OF LIMITATION ON TOTAL COST OF PROCUREMENT OF CVN–77 AIRCRAFT CARRIER.

Section 122(f)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1650) is amended by striking "$4,600,000,000 (such amount being the estimated cost for the procurement of the CVN–77 aircraft carrier in the March 1997 procurement plan)" and inserting "$6,057,000,000".

SEC. 124. CONSTRUCTION OF FIRST TWO VESSELS UNDER THE DDG–1000 NEXT-GENERATION DESTROYER PROGRAM.

(a) Availability of Funds.—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2007 for Shipbuilding and Conversion, Navy, $2,568,000,000 may be available for the construction of the first two vessels under the DDG–1000 Next-Generation Destroyer program.

(b) Contract Authority.—

(1) In general.—The Secretary of the Navy may enter into a contract beginning with the fiscal year 2007 program year for procurement of each of the first two vessels under the DDG–1000 Next-Generation Destroyer program.

(2) Limitation.—Not more than one contract described in paragraph (1) may be awarded under that paragraph to a single shipyard.

(3) Split funding authorized.—Each contract under paragraph (1) shall contemplate funding for the procurement of a vessel under such contract using a combination of funds appropriated for fiscal year 2007 and funds appropriated for fiscal year 2008.

(4) Condition on out-year contract payments.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under such contract for any fiscal year after fiscal year 2007 is subject to the availability of appropriations for that purpose for such fiscal year.

(c) Sense of Congress on Funding for Follow-on Ships.—It is the sense of Congress that there is sufficient benefit to authorizing the one-time exception provided in this section to the full funding policy in order to support the competitive procurement of the follow-on ships of the DDG–1000 Next-Generation Destroyer program. However, it is the expectation of Congress that the Secretary of the Navy will structure the DDG–1000 program so that each ship, after the first two ships, is procured using the method of full funding in a single year.

SEC. 125. ADHERENCE TO NAVY COST ESTIMATES FOR LHA REPLACEMENT AMPHIBIOUS ASSAULT SHIP PROGRAM.

(a) Limitation.—The total amount obligated or expended from funds appropriated or otherwise made available for Shipbuilding and Conversion, Navy, or for any other procurement account, for procurement of any ship that is constructed under the LHA Replacement (LHA(R)) amphibious assault ship program may not exceed $2,813,600,000 (as adjusted pursuant to subsection (b)).

(b) Adjustment of Limitation Amount.—The Secretary of the Navy may adjust the amount set forth in subsection (a) for any ship constructed under the LHA Replacement amphibious assault ship program by the following:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2006.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2006.

(3) The amounts of outfitting costs and post-delivery costs incurred for that ship.

(4) The amounts of increases or decreases in costs of that ship that are attributable to insertion of new technology into that ship, as compared to the technology baseline as it was defined at the development stage referred to as Milestone B.

(5) The amounts of increases or decreases to nonrecurring design and engineering cost attributable to achieving compliance with the cost limitation.

(6) The amounts of increases or decreases to cost required to correct deficiencies that may affect the safety of the ship and personnel or otherwise preclude the ship from safe operations and crew certification.

(7) Contract cost adjustments directly attributed to the effect of Hurricane Katrina in August 2005 or other force majeure contract modifications.

(c) LIMITATION ON TECHNOLOGY INSERTION COST ADJUSTMENT.—The Secretary of the Navy may use the authority under paragraph (4) of subsection (b) to adjust the amount set forth in subsection (a) for a ship referred to in that subsection with respect to insertion of new technology into that ship only if—

(1) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology would lower the life-cycle cost of the ship; or

(2) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology is required to meet an emerging threat and the Secretary of Defense certifies to those committees that such threat poses grave harm to national security.

(d) WRITTEN NOTICE OF CHANGE IN AMOUNT.—

(1) REQUIREMENT.—The Secretary of the Navy shall submit to the congressional defense committees each year, at the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for the next fiscal year, written notice of any change in the amount set forth in subsection (a) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in subsection (b).

(2) EFFECTIVE DATE.—The requirement in paragraph (1) shall become effective with the budget request for the year of procurement of the first ship referred to in subsection (a).

SEC. 126. COST LIMITATION FOR SAN ANTONIO (LPD–17) CLASS AMPHIBIOUS SHIP PROGRAM.

(a) LIMITATION.—

(1) PROCUREMENT COST.—The total amount obligated or expended from funds appropriated or otherwise made available for Shipbuilding and Conversion, Navy, for the San Antonio-class amphibious ships designated as LPD–22, LPD–23, LPD–24, and LPD–25 may not exceed the amount for each such vessel specified in paragraph (2).

(2) SPECIFIED COST LIMIT BY VESSEL.—The limitation under this subsection for each vessel specified in paragraph (1) is the following:

(A) For the LPD–22 ship, $1,523,000,000 (as adjusted pursuant to subsection (b)).

(B) For the LPD–23 ship, $1,477,000,000 (as adjusted pursuant to subsection (b)).

(C) For the LPD–24 ship, $1,633,000,000 (as adjusted pursuant to subsection (b)).

(D) For the LPD–25 ship, $1,927,000,000 (as adjusted pursuant to subsection (b)).

(b) ADJUSTMENT OF LIMITATION AMOUNTS.—The Secretary of the Navy may adjust the amount set forth in subsection (a) for any ship specified in that subsection by the following:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2006.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2006.

(3) The amounts of outfitting costs and post-delivery costs incurred for that ship.

(4) The amounts of increases or decreases in costs of that ship that are attributable to insertion of new technology into that ship, as compared to the technology built into the U.S.S. San Antonio (LPD–17), the lead ship of the LPD–17 class.

(5) Contract cost adjustments directly attributed to the effect of Hurricane Katrina in August 2005 or other force majeure contract modifications.

(6) The amounts of closeout costs associated with completion of the LPD–17 class program.

(c) LIMITATION ON TECHNOLOGY INSERTION COST ADJUSTMENT.—The Secretary of the Navy may use the authority under paragraph (4) of subsection (b) to adjust the amount set forth in subsection (a) for any LPD–17 class ship with respect to insertion of new technology into that ship only if—

(1) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology would lower the life-cycle cost of the ship; or

(2) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology is required to meet an emerging threat and the Secretary of Defense certifies to those committees that such threat poses grave harm to national security.

(d) WRITTEN NOTICE OF CHANGE IN AMOUNT.—

(1) REQUIREMENT.—The Secretary of the Navy shall submit to the congressional defense committees each year, at the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for the next fiscal year, written notice of any change in the amount set forth in subsection (a) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in subsection (b).

(2) EFFECTIVE DATE.—The requirement in paragraph (1) shall become effective with the budget request for the year of procurement of the first ship referred to in subsection (a).

SEC. 127. MULTIYEAR PROCUREMENT AUTHORITY FOR V–22 TILTROTOR AIRCRAFT PROGRAM.

The Secretary of the Navy, in accordance with section 2306b of title 10, United States Code, and acting as executive agent for the Secretary of the Air Force and the commander of the United States Special Operations Command, may enter into a multiyear contract, beginning with the fiscal year 2008 program year, for procurement of V–22 tiltrotor aircraft.

SEC. 128. ALTERNATIVE TECHNOLOGIES FOR FUTURE SURFACE COMBATANTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Securing and maintaining access to affordable and plentiful sources of energy is a vital national security interest for the United States.

(2) The Nation's dependence upon foreign oil is a threat to national security due to the inherently volatile nature of the global oil market and the political instability of some of the world's largest oil producing states.

(3) Given the recent increase in the cost of crude oil, which cannot realistically be expected to improve over the long term, other energy sources must be seriously considered.

(4) Alternate propulsion sources such as nuclear power offer many advantages over conventional power for major surface combatant ships of the Navy, including—

(A) virtually unlimited high-speed endurance;

(B) elimination of vulnerable refueling; and

(C) reduction in the requirement for replenishment vessels and the need to protect those vessels.

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of Congress that the Navy should make greater use of alternative technologies, including expanded application of integrated power systems, fuel cells, and nuclear power, for propulsion of future major surface combatant ships.

(c) REQUIREMENT.—The Secretary of the Navy shall include integrated power systems, fuel cells, and nuclear power as propulsion alternatives to be evaluated within the analysis of alternatives for future major surface combatant ships.

SEC. 129. SENSE OF CONGRESS REGARDING THE SIZE OF THE ATTACK SUBMARINE FORCE.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Navy must be large enough, agile enough, and lethal enough to deter any threat and defeat any foe.

(2) The proliferation of modern nuclear and nonnuclear submarines in the navies of nations around the globe will make undersea superiority a more significant challenge in the future.

(3) The unique combination of firepower, stealth, sensors, and communications equipment contained in a modern attack submarine make the attack submarine a critical component of the Armed Forces of the United States.

(4) The report entitled "Report to Congress on Annual Long-Range Plan for Construction of Naval Vessels for fiscal year 2007", submitted to Congress by the Secretary of the Navy pursuant to section 231 of title 10, United States Code—

(A) identifies future naval force structure requirements indexed to Department of Defense fiscal year 2020 threat assessments and compliant with the Fiscal Year 2006 Quadrennial Defense Review and, with respect to the attack submarine force, identifies a need for the Navy to maintain a fleet of not less than 48 attack submarines; and

(B) projects that the attack submarine force will fall below 48 vessels between 2020 and 2032.

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of Congress that the Secretary of the Navy should take all reasonable effort to accelerate the construction of Virginia Class submarines to maintain the attack submarine force structure at not less than 48 submarines and (if the number of attack submarines should fall below 48), to minimize the period the attack submarine force remains below 48 vessels.

SEC. 130. QUALITY CONTROL IN PROCUREMENT OF SHIP CRITICAL SAFETY ITEMS AND RELATED SERVICES.

(a) QUALITY CONTROL POLICY.—The Secretary of Defense shall prescribe in regulations a quality control policy for the procurement of the following:

(1) Ship critical safety items.

(2) Modifications, repair, and overhaul of ship critical safety items.

(b) ELEMENTS.—The policy required under subsection (a) shall include requirements as follows:

(1) That the head of the design control activity for ship critical safety items establish processes to identify and manage the procurement, modification, repair, and overhaul of such items.

(2) That the head of the contracting activity for a ship critical safety item enter into a contract for the procurement, modification, repair, or overhaul of such item only with a source on a qualified manufacturers list or a source approved by the design control activity in accordance with section 2319 of title 10, United States Code (as amended by subsection (d)).

(3) That the ship critical safety items delivered, and the services performed with respect to such items, meet all technical and quality requirements specified by the design control activity.

(c) DEFINITIONS.—In this section, the terms "ship critical safety item" and "design control activity" have the meanings given such terms in subsection (g) of 2319 of title 10, United States Code (as so amended).

(d) CONFORMING AMENDMENTS.—Section 2319 of title 10, United States Code, is amended—

(1) in subsection (c)(3), by inserting "or ship critical safety item" after "aviation critical safety item"; and

(2) in subsection (g)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) The term 'ship critical safety item' means any ship part, assembly, or support equipment containing a characteristic the failure, malfunction, or absence of which could cause a catastrophic or critical failure resulting in loss of or serious damage to the ship or unacceptable risk of personal injury or loss of life."; and

(C) in paragraph (3), as so redesignated—

(i) by inserting "or ship critical safety item" after "aviation critical safety item";

(ii) by inserting ", or the seaworthiness of a ship or ship equipment," after "equipment"; and

(iii) by striking "the item" and inserting "such item".

Subtitle D—Air Force Programs

SEC. 131. BOMBER FORCE STRUCTURE.

(a) REQUIREMENT FOR B–52 FORCE STRUCTURE.—

(1) RETIREMENT LIMITATION.—During the B–52 retirement limitation period, the Secretary of the Air Force—

(A) may not retire more than 18 B–52 aircraft; and

(B) shall maintain not less than 44 such aircraft as combat-coded aircraft.

(2) B–52 RETIREMENT LIMITATION PERIOD.—For purposes of paragraph (1), the B–52 retirement limitation period is the period beginning on the date of the enactment of this Act and ending on the date that is the earlier of—

(A) January 1, 2018; and

(B) the date as of which a long-range strike replacement aircraft with equal or greater capability than the B-52H model aircraft has attained initial operational capability status.

(b) LIMITATION ON RETIREMENT PENDING REPORT ON BOMBER FORCE STRUCTURE.—

(1) LIMITATION.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for retiring any of the 93 B–52H bomber aircraft in service in the Air Force as of the date of the enactment of this Act until 45 days after the date on which the Secretary of the Air Force submits the report specified in paragraph (2).

(2) REPORT.—A report specified in this subsection is a report submitted by the Secretary of the Air Force to the Committees on Armed Services of the Senate and the House of Representatives on the amount and type of bomber force structure of the Air Force, including the matters specified in paragraph (4).

(3) AMOUNT AND TYPE OF BOMBER FORCE STRUCTURE DEFINED.—In this subsection, the term "amount and type of bomber force structure" means the number of each of the following types of aircraft that are required to carry out the national security strategy of the United States:

(A) B-2 bomber aircraft.

(B) B-52H bomber aircraft.

(C) B-1 bomber aircraft.

(4) MATTER TO BE INCLUDED.—A report under paragraph (2) shall include the following:

(A) The plan of the Secretary of the Air Force for the modernization of the B–52, B–1, and B–2 bomber aircraft fleets.

(B) The amount and type of bomber force structure for the conventional mission and strategic nuclear mission in executing two overlapping "swift defeat" campaigns.

(C) A justification of the cost and projected savings of any reductions to the B-52H bomber aircraft fleet as a result of the retirement of the B-52H bomber aircraft covered by the report.

(D) The life expectancy of each bomber aircraft to remain in the bomber force structure.

(E) The capabilities of the bomber force structure that would be replaced, augmented, or superseded by any new bomber aircraft.

(5) PREPARATION OF REPORT.—A report under paragraph (2) shall be prepared by the Institute for Defense Analyses and submitted to the Secretary of the Air Force for submittal by the Secretary in accordance with that paragraph.

SEC. 132. STRATEGIC AIRLIFT FORCE STRUCTURE.

Section 8062 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g)(1) Effective October 1, 2008, the Secretary of the Air Force shall maintain a total aircraft inventory of strategic airlift aircraft of not less than 299 aircraft.

"(2) In this subsection:

"(A) The term 'strategic airlift aircraft' means an aircraft—

"(i) that has a cargo capacity of at least 150,000 pounds; and

"(ii) that is capable of transporting outsized cargo an unrefueled range of at least 2,400 nautical miles.

"(B) The term 'outsized cargo' means any single item of equipment that exceeds 1,090 inches in length, 117 inches in width, or 105 inches in height.".

SEC. 133. LIMITATION ON RETIREMENT OF U–2 AIRCRAFT.

(a) FISCAL YEAR 2007.—The Secretary of the Air Force may not retire any U–2 aircraft of the Air Force in fiscal year 2007.

(b) YEARS AFTER FISCAL YEAR 2007.—

(1) CERTIFICATION REQUIRED.—After fiscal year 2007, the Secretary of the Air Force may retire a U–2 aircraft only if the Secretary of Defense certifies to Congress that the intelligence, surveillance, and reconnaissance (ISR) capabilities provided by the U–2 aircraft no longer contribute to mitigating any gaps in intelligence, surveillance, and reconnaissance capabilities identified in the 2006 Quadrennial Defense Review.

(2) LIMITATIONS.—No action may be taken by the Department of Defense to retire (or to prepare to retire) any U–2 aircraft before a certification specified in paragraph (1) is submitted to Congress. If such a certification is submitted, no such action may be taken until after the end of the 60-day period beginning on the date on which the certification is submitted.

SEC. 134. MULTIYEAR PROCUREMENT AUTHORITY FOR F–22A RAPTOR FIGHTER AIRCRAFT.

(a) PROHIBITION ON USE OF INCREMENTAL FUNDING.—The Secretary of the Air Force may not use incremental funding for the procurement of F–22A aircraft.

(b) MULTIYEAR AUTHORITY.—The Secretary of the Air Force may enter into a multiyear contract for the procurement of up to 60 F–22A Raptor fighter aircraft beginning with the 2007 program year.

(c) COMPLIANCE WITH LAW APPLICABLE TO MULTIYEAR CONTRACTS.—A contract under subsection (b) for the procurement of F–22A aircraft shall be entered into in accordance with section 2306b of title 10, United States Code, except that, notwithstanding subsection (k) of that section, such a contract may not be for a period in excess of three program years.

(d) SECRETARY OF DEFENSE CERTIFICATION.—In the case of a contract under subsection (b) for the procurement of F–22A aircraft, a certification under subsection (i)(1)(A) of section 2306b of title 10, United States Code, with respect to that contract may only be submitted if the certification includes an additional certification by the Secretary that each of the conditions specified in subsection (a) of that section has been satisfied with respect to that contract, as follows:

(1) That the use of such contract will result in substantial savings of the total anticipated costs of carrying out the program through annual contracts.

(2) That the minimum need for the property to be purchased is expected to remain substantially unchanged during the contemplated contract period in terms of production rate, procurement rate, and total quantities.

(3) That there is a reasonable expectation that throughout the contemplated contract period the Secretary of the Air Force will request funding for the contract at the level required to avoid contract cancellation.

(4) That there is a stable design for the property to be acquired and that the technical risks associated with such property are not excessive.

(5) That the estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract are realistic.

(6) That the use of such contract will promote the national security of the United States.

In certifying that the cost savings are substantial, the Secretary shall duly consider the historical cost savings that led to a decision to proceed with a multiyear procurement contract under section 2306b of title 10, United States Code, in the case of previous aviation-related multiyear contracts authorized by law dating back to fiscal year 1982.

(e) FFRDC COST REPORT.—The Secretary of Defense shall provide for a federally funded research and development center (other than the Institute for Defense Analyses) to report on the cost estimates for a three year, 60-aircraft, F-22A multiyear procurement program, beginning in fiscal year 2007, compared to a corresponding annual procurement program.

(f) NOTICE-AND-WAIT REQUIREMENT.—Upon submission to Congress of a certification referred to in subsection (d) with respect to a proposed contract under subsection (b) for the procurement of F–22A aircraft and the Secretary's submission to the congressional defense committees of the report referred to in subsection (e), the contract may then be entered into only after the end of the 30-day period beginning on the later of the date of the submission of the certification or the date of the submission of the report.

SEC. 135. LIMITATION ON RETIREMENT OF KC-135E AIRCRAFT DURING FISCAL YEAR 2007.

(a) LIMITATION.—The number of KC-135E aircraft retired by the Secretary of the Air Force during fiscal year 2007 may not exceed 29.

(b) TREATMENT OF RETIRED AIRCRAFT.—The Secretary of the Air Force shall maintain each KC-135E aircraft that is retired by the Secretary after September 30, 2006, in a condition that would allow recall of that aircraft to future service in the Air Force Reserve, Air National Guard, or active forces aerial refueling force structure.

SEC. 136. LIMITATION ON RETIREMENT OF F-117A AIRCRAFT DURING FISCAL YEAR 2007.

(a) LIMITATION.—The number of F-117A aircraft retired by the Secretary of the Air Force during fiscal year 2007 may not exceed 10.

(b) TREATMENT OF RETIRED AIRCRAFT.—The Secretary of the Air Force shall maintain each F-117A aircraft that is retired by the Secretary after September 30, 2006, in a condition that would allow recall of that aircraft to future service.

SEC. 137. LIMITATION ON RETIREMENT OF C–130E TACTICAL AIRLIFT AIRCRAFT.

(a) LIMITATION.—The number of C–130E tactical airlift aircraft retired by the Secretary of the Air Force during fiscal year 2007 may not exceed 51.

(b) TREATMENT OF RETIRED AIRCRAFT.—The Secretary of the Air Force shall maintain each C-130E tactical airlift aircraft that is retired by the Secretary after September 30, 2006, in a condition that would allow recall of that aircraft to future service.

SEC. 138. PROCUREMENT OF JOINT PRIMARY AIRCRAFT TRAINING SYSTEM AIRCRAFT AFTER FISCAL YEAR 2006.

Any Joint Primary Aircraft Training System (JPATS) aircraft procured after fiscal year 2006 shall be procured through a contract under part 15 of the Federal Acquisition Regulation (FAR), relating to acquisition of items by negotiated contract (48 C.F.R. 15.000 et seq.), rather than through a contract under part 12 of the Federal Acquisition Regulation, relating to acquisition of commercial items (48 C.F.R. 12.000 et seq.).

SEC. 139. MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILE MODERNIZATION.

(a) MODERNIZATION OF INTERCONTINENTAL BALLISTIC MISSILES REQUIRED.—The Secretary of the Air Force shall modernize Minuteman III intercontinental ballistic missiles in the United States inventory as required to maintain a sufficient supply of launch test assets and spares to sustain the deployed force of such missiles through 2030.

(b) LIMITATION ON TERMINATION OF MODERNIZATION PROGRAMS PENDING REPORT.—

(1) LIMITATION.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for the termination of any ICBM modernization program with respect to the Minuteman III intercontinental ballistic missile system, or for the withdrawal of any Minuteman III intercontinental ballistic missile from the active force, until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a report described in subsection (c).

(2) ICBM MODERNIZATION PROGRAM DEFINED.—In this subsection, the term "ICBM Modernization program" means each of the following:

(A) The Guidance Replacement Program (GRP).

(B) The Propulsion Replacement Program (PRP).

(C) The Propulsion System Rocket Engine (PSRE) program.

(D) The Safety Enhanced Reentry Vehicle (SERV) program.

(c) REPORT ELEMENTS.—A report under subsection (b)(1) is a report setting forth the following:

(1) A detailed strategic justification for the proposal to reduce the Minuteman III intercontinental ballistic missile force from 500 to 450 missiles, including an analysis of the effects of the reduction on the ability of the United States to assure allies and dissuade potential competitors.

(2) A detailed analysis of the strategic ramifications of continuing to equip a portion of the Minuteman III missile force with multiple independent warheads rather than single warheads.

(3) An assessment of the test assets and spares required to maintain a force of 500 deployed Minuteman III missiles through 2030.

(4) An assessment of the test assets and spares required to maintain a force of 450 deployed Minuteman III missiles through 2030.

(5) An inventory of currently available Minuteman III missile test assets and spares.

(6) A plan to sustain and complete the modernization of all deployed and spare Minuteman III missiles, a test plan, and an analysis of the funding required to carry out modernization of all deployed and spare Minuteman III missiles.

(7) An assessment of whether halting upgrades to the Minuteman III missiles withdrawn from the deployed force would compromise the ability of those missiles to serve as test assets.

(8) A description of the plan of the Department of Defense for extending the life of the Minuteman III missile force beyond fiscal year 2030.

Subtitle E—Joint and Multiservice Matters

SEC. 141. CLARIFICATION OF LIMITATION ON INITIATION OF NEW UNMANNED AERIAL VEHICLE SYSTEMS.

(a) APPLICABILITY OF LIMITATION ONLY TO PROCUREMENT FUNDS.—Subsection (a) of section 142 of National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3164) is amended—

(1) by inserting "for procurement" after "the Department of Defense"; and

(2) by inserting before the period at the end the following: "(or by an official within the Office of the Under Secretary designated by the Under Secretary for that purpose)".

(b) APPLICABILITY ONLY TO NEW SYSTEMS.—Subsection (b) of that section is amended to read as follows:

"(b) EXCEPTION FOR EXISTING SYSTEMS.—The limitation in subsection (a) does not apply with respect to an unmanned aerial vehicle (UAV) system (or any component or other item of associated equipment of any such system described in subsection (a)) if as of January 6, 2006—

"(1) the system (or component or item of associated equipment) to be procured is otherwise under contract or has previously been procured by the Department; or

"(2) funds have been appropriated but not yet obligated for the system (or component or item of associated equipment) .".

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations
Sec. 201. Authorization of appropriations.
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Sec. 214. Future Combat Systems milestone review.
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Sec. 221. Fielding of ballistic missile defense capabilities.
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Sec. 231. Policies and practices on test and evaluation to address emerging acquisition approaches.
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Sec. 233. Sense of Congress on technology sharing of Joint Strike Fighter technology.
Sec. 234. Report on vehicle-based active protection systems for certain battlefield threats.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,876,609,000.

(2) For the Navy, $17,383,857,000.

(3) For the Air Force, $24,235,951,000.

(4) For Defense-wide activities, $21,111,559,000, of which $181,520,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2007.—Of the amounts authorized to be appropriated by section 201, $11,662,554,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research, applied research, and advanced technology development" means work funded in program elements for defense research and development under Department of Defense budget activity 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. ACQUISITION OF, AND INDEPENDENT COST ANALYSES FOR, THE JOINT STRIKE FIGHTER PROPULSION SYSTEM.

(a) ACQUISITION.—

(1) IN GENERAL.—The Secretary of Defense shall provide for the development and procurement of the propulsion system for the Joint Strike Fighter aircraft through the continued development and sustainment of two interchangeable propulsion systems for that aircraft by two separate contractors throughout the life cycle of the aircraft.

(2) MODIFICATIONS PROHIBITED.—Except as provided by paragraph (3), the Secretary may not carry out any modification to the acquisition program for the Joint Strike Fighter aircraft that would result in the development or procurement of the propulsion system for that aircraft in a manner other than that required by paragraph (1).

(3) MODIFICATIONS ALLOWED.—Notwithstanding paragraph (1), a modification described in paragraph (2) may be carried out to the extent that each of the following requirements is met:

(A) The Secretary of Defense has notified the congressional defense committees of the modification.

(B) Each of the reports required by subsection (b) has been submitted.

(C) Funds are appropriated for that purpose pursuant to an authorization of appropriations.

(b) INDEPENDENT COST ANALYSES.—

(1) IN GENERAL.—A comprehensive and detailed cost analysis of the Joint Strike Fighter engine program shall be independently performed by each of the following:

(A) The Comptroller General.

(B) A federally funded research and development center selected by the Secretary of Defense.

(C) The Secretary of Defense, acting through the Cost Analysis Improvement Group of the Office of the Secretary of Defense.

(2) MATTERS COVERED.—Each such cost analysis shall cover—

(A) an alternative under which the Joint Strike Fighter aircraft is capable of using the F135 engine only;

(B) an alternative under which the program executes a one-time firm-fixed price contract for a selected propulsion system for the Joint Strike Fighter aircraft for the life cycle of the aircraft following the Initial Service Release of the propulsion system in fiscal year 2008;

(C) an alternative under which the Joint Strike Fighter aircraft is capable of using either the F135 engine or the F136 engine, and the engine selection is carried out on a competitive basis; and

(D) any other alternative, whether competitive or sole source, that would reduce total life-cycle cost, improve program schedule, or both.

(3) REPORTS.—Not later than March 15, 2007, the Secretary of Defense, the Comptroller General, and the chief executive officer of the federally funded research and development center selected under paragraph (1)(B) shall independently submit to the congressional defense committees a report on the cost analysis carried out under paragraph (1). Each such report shall include each of the following matters:

(A) The key assumptions used in carrying out the cost analysis.

(B) The methodology and techniques used in carrying out the cost analysis.

(C) For each alternative required by paragraph (2)—

(i) a comparison of the life-cycle costs, including costs in current and constant dollars and a net-present-value analysis;

(ii) estimates of—

(I) supply, maintenance, and other operations manpower required to support the alternative;

(II) the number of flight hours required to achieve engine maturity and the year in which that is expected to be achieved; and

(III) the total number of engines expected to be procured over the lifetime of the Joint Strike Fighter program; and

(iii) an evaluation of benefits, other than cost, provided by competition, to include an assessment of improved performance, operational readiness and warfighting capability, risk reduction, technology innovation, and contractor responsiveness.

(D) A description of the acquisition strategies (including development and production) that were used for, and experience with respect to cost, schedule, and performance under, past acquisition programs for engines for tactical fighter aircraft, including the F–15, F–16, F–18, and F–22 aircraft.

(E) A comparison of the experiences under past acquisition programs carried out on a sole-source basis with respect to performance, savings, maintainability, reliability, and technical innovation.

(F) The impact that canceling the F136 competitive engine would have on the high-performance military engine industrial base, and on the Department of Defense's ability to make competitive engine choices for future combat aircraft systems beyond the Joint Strike Fighter.

(G) Conclusions and recommendations.

(4) CERTIFICATIONS.—In submitting the report required by paragraph (3), the Comptroller General and the chief executive officer of the federally funded research and development center shall also submit a certification as to whether the Secretary of Defense provided access to sufficient information to enable the Comptroller General or the chief executive officer, as the case may be, to make informed judgments on the matters required to be included in the report.

(c) LIFE-CYCLE COSTS DEFINED.—In this section, the term "life-cycle costs" includes—

(1) those elements of cost that would be considered for a life-cycle cost analysis for a major defense acquisition program, including procurement of engines, procurement of spare engines, and procurement of engine components and parts; and

(2) good-faith estimates of routine engine costs (such as performance upgrades and component improvement) that historically have occurred in tactical fighter engine programs.

SEC. 212. EXPANSION AND EXTENSION OF AUTHORITY TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

(a) EXPANSION.—

(1) IN GENERAL.—Subsection (a) of section 2374a of title 10, United States Code, is amended—

(A) by striking "Director of the Defense Advanced Research Projects Agency" and inserting "Director of Defense Research and Engineering and the service acquisition executive for each military department"; and

(B) by striking "a program" and inserting "programs".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b), by striking "The program" and inserting "Each program"; and

(B) in subsection (d)—

(i) by striking "The program" and inserting "A program"; and

(ii) by striking "the Director" and inserting "an official referred to in that subsection".

(b) EXTENSION.—Subsection (f) of such section is amended by striking "September 30, 2007" and inserting "September 30, 2010".

(c) MODIFICATION OF REPORTING REQUIREMENT.—Subsection (e) of such section is amended to read as follows:

"(e) ANNUAL REPORT.—

"(1) IN GENERAL.—Not later than March 1 of each year, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the activities carried out during the preceding fiscal year under the authority in subsection (a).

"(2) INFORMATION INCLUDED.—The report for a fiscal year under this subsection shall include, for each program under subsection (a), the following:

"(A) A description of the proposed goals of the competitions established under the program, including the areas of research, technology development, or prototype development to be promoted by such competitions and the relationship of such areas to the military missions of the Department of Defense.

"(B) An analysis of why the utilization of the authority in subsection (a) was the preferable method of achieving the goals described in subparagraph (A) as opposed to other authorities available to the Department, such as contracts, grants, and cooperative agreements.

"(C) The total amount of cash prizes awarded under the program, including a description of the manner in which the amounts of cash prizes awarded and claimed were allocated among the accounts of the Department for recording as obligations and expenditures.

"(D) The methods used for the solicitation and evaluation of submissions under the program, together with an assessment of the effectiveness of such methods.

"(E) A description of the resources, including personnel and funding, used in the execution of the program, together with a detailed description of the activities for which such resources were used and an accounting of how funding for execution was allocated among the accounts of the Department for recording as obligations and expenditures.

"(F) A description of any plans to transition the technologies or prototypes developed as a result of the program into an acquisition program of the Department.

"(3) SUSPENSION OF AUTHORITY FOR FAILURE TO INCLUDE INFORMATION.—For each program under subsection (a), the authority to obligate or expend funds under that program is suspended as of the date specified in paragraph (1) if the Secretary does not, by that date, submit a report that includes, for that program, all the information required by paragraph (2). As of the date on which the Secretary does submit a report that includes, for that program, all the information required by paragraph (2), the suspension is lifted.".

SEC. 213. DEFENSE ACQUISITION CHALLENGE PROGRAM EXTENSION, ENHANCEMENT, AND MODIFICATION TO ADDRESS CRITICAL COST GROWTH THRESHOLD BREACHES IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ASSESSMENT OF ADDITIONAL ISSUES REQUIRED IN THE EVENT OF CRITICAL COST GROWTH.—Section 2433(e)(2)(A) of title 10, United States Code, is amended—

(1) by redesignating clauses (i), (ii), and (iii) as clauses (ii), (iii), and (iv) respectively; and

(2) by inserting before clause (ii) (as so redesignated) the following new clause:

"(i) any design, engineering, manufacturing, or technology integration issues that contributed significantly to the cost growth of the program;".

(b) REQUIREMENT FOR CHALLENGE PROGRAM TO ADDRESS CRITICAL COST GROWTH THRESHOLD BREACHES IN MAJOR DEFENSE ACQUISITION PROGRAMS.—

(1) SOLICITATION OF CHALLENGE PROPOSALS.—Section 2359b(c) of title 10, United States Code, is amended—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following new paragraph (4):

"(4)(A) The Under Secretary shall establish procedures for the prompt issuance of a solicitation for challenge proposals addressing—

"(i) any acquisition program for which, since the last such announcement, the Secretary concerned has determined under section 2433(d) of this title that the program's acquisition unit cost or procurement unit cost has increased by a percentage equal to or greater than the critical cost growth threshold for the program (in this section referred to as a 'critical cost growth threshold breach'); and

"(ii) any design, engineering, manufacturing, or technology integration issues, in accordance with the assessment required by section 2433(e)(2)(A) of this title, that have contributed significantly to the cost growth of such program.

"(B) A solicitation under this paragraph may be included in a broad agency announcement issued pursuant to paragraph (3) as long as the broad agency announcement is released in an expeditious manner following the determination of the Secretary concerned that a critical cost growth threshold breach has occurred with respect to a major defense acquisition program.".

(2) REQUIREMENT FOR GUIDELINES FOR COVERING COSTS OF CHALLENGE PROPOSALS.—Section 2359b(e) of such title is amended by adding at the end the following new paragraph:

"(3) In the case of a challenge proposal submitted in response to a solicitation issued as a result of a critical cost growth threshold breach that is determined under full review and evaluation to satisfy each of the criteria specified in subsection (c)(5), the Under Secretary shall establish guidelines for covering the costs of the *challenge proposal. If appropriate, such guidelines shall not be restricted to funding provided by the Defense Acquisition Challenge Program, but shall also consider alternative funding sources, such as the acquisition program with respect to which the breach occurred.".*

(3) ACTION UPON UNFAVORABLE FULL REVIEW AND EVALUATION.—Section 2359b of such title is amended—

(A) by redesignating subsections (f), (g), (h), (i), and (j) as subsections (g), (h), (i), (j), and (k) respectively; and

(B) by inserting after subsection (e) the following new subsection (f):

"(f) ACTION UPON UNFAVORABLE FULL REVIEW AND EVALUATION.—Under procedures prescribed by the Under Secretary, if a challenge proposal is determined by a Panel to satisfy each of the criteria specified in subsection (c)(5), but is not determined under a full review and evaluation to satisfy such criteria, the following provisions apply:

"(1) The office carrying out the full review and evaluation shall provide to the Panel that conducted the preliminary evaluation a statement containing a summary of the rationale for the unfavorable evaluation.

"(2) If the Panel disagrees with the rationale provided under paragraph (1), the Panel may return the challenge proposal to the office for further consideration.".

(4) ADDITIONAL INFORMATION REQUIRED TO BE INCLUDED IN ANNUAL REPORT.—Section 2359b(j) of such title, as redesignated by paragraph (3), is amended by striking "No report is required for a fiscal year in which the Challenge Program is not carried out." and inserting "The report shall also include a list of each challenge proposal that was determined by a Panel to satisfy each of the criteria specified in subsection (c)(5), but was not determined under a full review and evaluation to satisfy such criteria, together with a detailed rationale for the Department's determination that such criteria were not satisfied.".

(c) EVALUATION AND REPORT REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics, in coordination with the service acquisition executives, shall—

(1) evaluate the efficacy of the incentives provided to encourage the adoption of each challenge proposal receiving favorable full review and evaluation, as required by section 2359b(e)(2) of title 10, United States Code;

(2) identify additional incentives and authorities required, if any, to further facilitate the adoption of each challenge proposal receiving favorable full review and evaluation, particularly in the case of challenge proposals submitted in response to critical cost growth threshold breaches (as such term is used in section 2359b of such title); and

(3) not later than March 1, 2007, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of such evaluation and identification.

(d) PRIORITY FOR PROPOSALS FROM CERTAIN BUSINESSES.—Paragraph (6) of section 2359b(c) of such title, as redesignated by paragraph (b)(1)(A), is amended to read as follows:

"(6) The Under Secretary—

"(A) may establish procedures to ensure that the Challenge Program does not become an avenue for the repetitive submission of proposals that have been previously reviewed and found not to have merit; and

"(B) may establish procedures to ensure that the Challenge Program establishes appropriate priorities for proposals from businesses that are not major contractors with the Department of Defense.".

(e) CONFIDENTIALITY.—Subsection (h) of section 2359b of such title, as redesignated by subsection (b)(3), is amended—

(1) by amending the heading to read as follows: "CONFLICTS OF INTEREST AND CONFIDENTIALITY"; and

(2) by striking the period at the end and inserting the following: "and that the identity of any person or activity submitting a challenge proposal is not disclosed outside the Federal Government, prior to contract award, without the consent of the person or activity. For purposes of the proceeding sentence, the term 'Federal Government' includes both employees of the Federal Government and employees of Federal Government contractors providing advisory and assistance services as described in part 37 of the Federal Acquisition Regulation.".

(f) EXTENSION.—Subsection (k) of section 2359b of title 10, United States Code, as redesignated by subsection (b)(3), is amended by striking "September 30, 2007" and inserting "September 30, 2012".

(g) ADDITIONAL CONFORMING AMENDMENTS.—Section 2359b of such title is further amended—

(1) in subsection (c)(7), as redesignated by subsection (b), by striking "paragraph (4)" and inserting "paragraph (5)";

(2) in subsection (d)(1), by striking "subsection (c)(6)" and inserting "subsection (c)(7)";

(3) in subsection (d)(2), by striking "subsection (c)(4)" and inserting "subsection (c)(5)"; and

(4) in subsection (e)(1), by striking "subsection (c)(4)" and inserting "subsection (c)(5)".

SEC. 214. FUTURE COMBAT SYSTEMS MILESTONE REVIEW.

(a) MILESTONE REVIEW REQUIRED.—Not later than 120 days after the preliminary design review of the Future Combat Systems program is completed, the Secretary of Defense shall carry out a Defense Acquisition Board milestone review of the Future Combat Systems program. The milestone review shall include an assessment as to each of the following:

(1) Whether the warfighter's needs are valid and can be best met with the concept of the program.

(2) Whether the concept of the program can be developed and produced within existing resources.

(3) Whether the program should—

(A) continue as currently structured;

(B) continue in restructured form; or

(C) be terminated.

(b) DETERMINATIONS TO BE MADE IN ASSESSING WHETHER PROGRAM SHOULD CONTINUE.—In making the assessment required by subsection (a)(3), the Secretary shall make a determination with respect to each of the following:

(1) Whether each critical technology for the program is at least Technical Readiness Level 6.

(2) For each system and network component of the program, what the key design and technology risks are, based on System Functional Reviews, Preliminary Design Reviews, and Technical Readiness Levels.

(3) Whether actual demonstrations, rather than simulations, have shown that the concept of the program will work.

(4) Whether actual demonstrations, rather than plans, have shown that the software for the program is functional.

(5) What the cost estimate for the program is.

(6) What the affordability assessment for the program is, based on that cost estimate.

(c) REPORT.—The Secretary shall submit to the congressional defense committees a report on the findings and conclusions of the milestone review required by subsection (a). The report shall include, and display, each of the assessments required by subsection (a) and each of the determinations required by subsection (b).

(d) RESTRICTION ON PROCUREMENT FUNDS EFFECTIVE FISCAL 2009.—

(1) IN GENERAL.—For fiscal years beginning with 2009, the Secretary may not obligate any funds for procurement for the Future Combat Systems program.

(2) EXCEPTIONS.—Paragraph (1) does not apply with respect to—

(A) the obligation of funds for costs attributable to an insertion of new technology (to include spinout systems) into the current force, if the insertion is approved by the Under Secretary of Defense for Acquisition, Technology, and Logistics; or

(B) the obligation of funds for the non-line-of-sight cannon system.

(3) TERMINATION.—The requirement of paragraph (1) terminates after the report required by subsection (c) is submitted.

SEC. 215. DEDICATED AMOUNTS FOR IMPLEMENTING OR EVALUATING NAVY SHIPBUILDING TECHNOLOGY PROPOSALS UNDER DEFENSE ACQUISITION CHALLENGE PROGRAM.

(a) AMOUNTS REQUIRED.—Of the amounts appropriated pursuant to the authorization of appropriations in section 201(4) for research, development, test, and evaluation, Defense-wide, $4,000,000 may be available to implement or evaluate challenge proposals specified in subsection (b).

(b) CHALLENGE PROPOSALS COVERED.—A challenge proposal referred to in subsection (a) is a proposal under the Defense Acquisition Challenge Program established by section 2359b of title 10, United States Code, that relates to technology directly contributing to combat systems and open architecture design for Navy ship platforms.

SEC. 216. INDEPENDENT ESTIMATE OF COSTS OF THE FUTURE COMBAT SYSTEMS.

(a) INDEPENDENT ESTIMATE REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for the preparation of an independent estimate of the anticipated costs of systems development and demonstration with respect to the Future Combat Systems.

(2) CONDUCT OF ESTIMATE.—The estimate required by this subsection shall be prepared by a federally funded research and development center selected by the Secretary for purposes of this subsection.

(3) MATTERS TO BE ADDRESSED.—The independent estimate prepared under this subsection shall address costs of research, development, test, and evaluation, and costs of procurement, for—

(A) the system development and demonstration phase of the core Future Combat Systems;

(B) the Future Combat Systems technologies to be incorporated into the equipment of the current force of the Army (often referred to as "spinouts");

(C) the installation kits for the incorporation of such technologies into such equipment;

(D) the systems treated as complementary systems for the Future Combat Systems;

(E) science and technology initiatives that support the Future Combat Systems program; and

(F) any pass-through charges anticipated to be assessed by the lead systems integrator of the Future Combat Systems and its major subcontractors.

(4) SUBMITTAL TO CONGRESS.—Upon completion of the independent estimate required by this subsection, the Secretary shall submit to the congressional defense committees a report on the estimate.

(5) DEADLINE FOR SUBMITTAL.—The report described in paragraph (4) shall be submitted not later than April 1, 2007.

(b) PASS-THROUGH CHARGE DEFINED.—In this section, the term "pass-through charge" has the meaning given that term in section 805(c)(5) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3373).

SEC. 217. FUNDING OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAMS.

(a) FAILURE TO COMPLY WITH FUNDING OBJECTIVE.—Section 212 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 2501 note) is amended in subsection (a) by striking "especially the Air Force Science and Technology Program,".

(b) EXTENSION OF FUNDING OBJECTIVE.—Such section is amended in subsection (b) by striking "through 2009" and inserting "through 2012".

(c) ACTIONS FOLLOWING FAILURE TO COMPLY WITH OBJECTIVE.—Such section is further amended by adding at the end the following new subsection:

"(c) ACTIONS FOLLOWING FAILURE TO COMPLY WITH OBJECTIVE.—If the proposed budget for a fiscal year covered by subsection (b) fails to comply with the objective set forth in that subsection, the Secretary of Defense shall submit to the congressional defense committees, at the same time that the Department of Defense budget justification materials for the next fiscal year are submitted to Congress—

"(1) a detailed, prioritized list, including estimates of required funding, of highly-rated science and technology projects received by the Department through competitive solicitations and broad agency announcements which—

"(A) are not funded solely due to lack of resources, but

"(B) represent science and technology opportunities that support the research and development programs and goals of the military departments and the Defense Agencies; and

"(2) a report, in both classified and unclassified form, containing an analysis and evaluation of international research and technology capabilities, including an identification of any technology areas in which the United States may not have global technical leadership within the next 10 years, in each of the technology areas described in the following plans:

"(A) The most current Joint Warfighting Science and Technology Plan required by section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note).

"(B) The Defense Technology Area Plan of the Department of Defense.

"(C) The Basic Research Plan of the Department of Defense.".

SEC. 218. HYPERSONICS DEVELOPMENT.

(a) ESTABLISHMENT OF JOINT TECHNOLOGY OFFICE ON HYPERSONICS.—The Secretary of Defense shall establish within the Office of the Secretary of Defense a joint technology office on hypersonics. The office shall carry out the program required under subsection (b), and shall have such other responsibilities relating to hypersonics as the Secretary shall specify.

(b) PROGRAM ON HYPERSONICS.—The joint technology office established under subsection (a) shall carry out a program for the development of hypersonics for defense purposes.

(c) RESPONSIBILITIES.—In carrying out the program required by subsection (b), the joint technology office established under subsection (a) shall do the following:

(1) Coordinate and integrate current and future research, development, test, and evaluation programs and system demonstration programs of the Department of Defense on hypersonics.

(2) Undertake appropriate actions to ensure—

(A) close and continuous integration of the programs on hypersonics of the military departments with the programs on hypersonics of the Defense Agencies;

(B) coordination of the programs referred to in subparagraph (A) with the programs on hypersonics of the National Aeronautics and Space Administration; and

(C) that developmental testing resources are adequate and facilities are made available in a timely manner to support hypersonics research, demonstration programs, and system development.

(3) Approve demonstration programs on hypersonic systems.

(4) Ensure that any demonstration program on hypersonic systems that is carried out in any year after its approval under paragraph (3) is carried out only if certified under subsection (e) as being consistent with the roadmap under subsection (d).

(d) ROADMAP.—

(1) ROADMAP REQUIRED.—The joint technology office established under subsection (a) shall develop, and every two years revise, a roadmap for the hypersonics programs of the Department of Defense.

(2) COORDINATION.—The roadmap shall be developed and revised under paragraph (1) in coordination with the Joint Staff and in consultation with the National Aeronautics and Space Administration.

(3) ELEMENTS.—The roadmap shall include the following matters:

(A) Anticipated or potential mission requirements for hypersonics.

(B) Short-term, mid-term, and long-term goals for the Department of Defense on hypersonics, which shall be consistent with the missions and anticipated requirements of the Department over the applicable period.

(C) A schedule for meeting such goals, including—

(i) the activities and funding anticipated to be required for meeting such goals; and

(ii) the activities of the National Aeronautics and Space Administration to be leveraged by the Department to meet such goals.

(D) The test and evaluation facilities required to support the activities identified in subparagraph (C), along with the schedule and funding required to upgrade those facilities, as necessary.

(E) Acquisition transition plans for hypersonics.

(4) SUBMITTAL TO CONGRESS.—The Secretary shall submit to the congressional defense committees—

(A) at the same time as the submittal to Congress of the budget for fiscal year 2008 (as submitted pursuant to section 1105 of title 31, United States Code), the roadmap developed under paragraph (1); and

(B) at the same time as the submittal to Congress of the budget for each even-numbered fiscal year after 2008, the roadmap revised under paragraph (1).

(e) ANNUAL REVIEW AND CERTIFICATION OF FUNDING.—

(1) ANNUAL REVIEW.—The joint technology office established under subsection (a) shall conduct on an annual basis a review of—

(A) the funding available for research, development, test, and evaluation and demonstration programs within the Department of Defense for hypersonics, in order to determine whether or not such funding is consistent with the roadmap developed under subsection (d); and

(B) the hypersonics demonstration programs of the Department, in order to determine whether or not such programs avoid duplication of effort and support the goals of the Department in a manner consistent with the roadmap developed under subsection (d).

(2) CERTIFICATION.—The joint technology office shall, as a result of each review under paragraph (1), certify to the Secretary whether or not the funding and programs subject to such review are consistent with the roadmap developed under subsection (d).

(3) TERMINATION.—The requirements of this subsection shall terminate after the submittal to Congress of the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code.

(f) REPORTS TO CONGRESS.—If, as a result of a review under subsection (e), funding or a program on hypersonics is certified under that subsection not to be consistent with the roadmap developed under subsection (d), the Secretary shall submit to the congressional defense committees, at the same time as the submittal to Congress of the budget (as submitted pursuant to section 1105 of title 31, United States Code), a report on such funding or program, as the case may be, describing how such funding or program is not consistent with the roadmap, together with a statement of the actions to be taken by the Department.

SEC. 219. REPORT ON PROGRAM FOR REPLACEMENT OF NUCLEAR WARHEADS ON CERTAIN TRIDENT SEA-LAUNCHED BALLISTIC MISSILES WITH CONVENTIONAL WARHEADS.

(a) REPORT REQUIRED.—Not later than February 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a proposal to replace nuclear warheads on 24 Trident D-5 sea-launched ballistic missiles with conventional kinetic warheads for deployment on submarines that carry Trident sea-launched ballistic missiles. The report shall be prepared in consultation with the Secretary of State.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the types of scenarios, types of targets, and circumstances in which a conventional sea-launched ballistic missile might be used.

(2) A discussion of the weapon systems or weapons, whether current or planned, that could be used as an alternative for each of the scenarios, target types, and circumstances set forth under paragraph (1), and a statement of any reason why each such weapon system or weapon is not a suitable alternative to a conventional sea-launched ballistic missile.

(3) A description of the command and control arrangements for conventional sea-launched ballistic missiles, including launch authority and the use of Permissive Action Links (PALs).

(4) An assessment of the capabilities of other countries to detect and track the launch of a conventional or nuclear sea-launched ballistic missile.

(5) An assessment of the capabilities of other countries to discriminate between the launch of a nuclear sea-launched ballistic missile and a conventional sea-launched ballistic missile, other than in a testing scenario.

(6) An assessment of the notification and other protocols that would have to be in place before using any conventional sea-launched ballistic missile and a plan for entering into such protocols.

(7) An assessment of the adequacy of the intelligence that would be needed to support an attack involving conventional sea-launched ballistic missiles.

(8) A description of the total program cost, including the procurement costs of additional D-5 missiles, of the conventional Trident sea-launched ballistic missile program, by fiscal year.

(9) An analysis and assessment of the implications for ballistic missile proliferation if the United States decides to go forward with the conventional Trident sea-launched ballistic missile program or any other conventional long-range ballistic missile program.

(10) An analysis and assessment of the implications for the United States missile defense system if other countries use conventional long-range ballistic missiles.

(11) An analysis of any problems created by the ambiguity that results from the use of the same ballistic missile for both conventional and nuclear warheads.

(12) An analysis and assessment of the methods that other countries might use to resolve the

ambiguities associated with a nuclear or conventional sea-launched ballistic missile.

(13) An analysis, by the Secretary of State, of the international, treaty, and other concerns that would be associated with the use of a conventional sea-launched ballistic missile and recommendations for measures to mitigate or eliminate such concerns.

(14) A joint statement by the Secretary of Defense and the Secretary of State on how to ensure that the use of a conventional sea-launched ballistic missile will not result in an intentional, inadvertent, mistaken, or accidental reciprocal or responsive launch of a nuclear strike by any other country.

Subtitle C—Missile Defense Programs

SEC. 221. FIELDING OF BALLISTIC MISSILE DEFENSE CAPABILITIES.

Upon approval by the Secretary of Defense, funds authorized to be appropriated for fiscal years 2007 and 2008 for research, development, test, and evaluation for the Missile Defense Agency may be used for the development and fielding of ballistic missile defense capabilities.

SEC. 222. LIMITATION ON USE OF FUNDS FOR SPACE-BASED INTERCEPTOR.

(a) LIMITATION.—No funds appropriated or otherwise made available to the Department of Defense may be obligated or expended fot the testing or deployment of a space-based interceptor until 90 days after the date on which a report described in subsection (c) is submitted.

(b) SPACE-BASED INTERCEPTOR DEFINED.—For purposes of this section, the term "space-based interceptor" means a kinetic or directed energy weapon that is stationed on a satellite or orbiting platform and that is intended to destroy another satellite in orbit or a ballistic missile launched from earth.

(c) REPORT.—A report described in this subsection is a report prepared by the Director of the Missile Defense Agency and submitted to the congressional defense committees containing the following:

(1) A description of the essential components of a proposed space-based interceptor system, including a description of how the system proposed would enhance or complement other missile defense systems.

(2) An estimate of the acquisition and lifecycle cost of the system described under paragraph (1), including lift cost and periodic replacement cost due to depreciation and attrition.

(3) An analysis of the vulnerability of such a system to counter-measures, including direct ascent and co-orbital interceptors, and an analysis of the functionality of such a system in the aftermath of a nuclear detonation in space.

(4) A projection of the foreign policy and national security implications of a space-based interceptor program, including the probable response of United States adversaries and United States allies.

SEC. 223. POLICY OF THE UNITED STATES ON PRIORITIES IN THE DEVELOPMENT, TESTING, AND FIELDING OF MISSILE DEFENSE CAPABILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) In response to the threat posed by ballistic missiles, President George W. Bush in December 2002 directed the Secretary of Defense to proceed with the fielding of an initial set of missile defense capabilities in 2004 and 2005.

(2) According to assessments by the intelligence community of the United States, North Korea tested in 2005 a new solid propellant short-range ballistic missile, conducted a launch of a Taepodong-2 ballistic missile/space launch vehicle in 2006, and is likely developing intermediate-range and intercontinental ballistic missile capabilities that could someday reach as far as the United States with a nuclear payload.

(3) According to assessments by the intelligence community of the United States, Iran continued in 2005 to test its medium-range ballistic missile, and the danger that Iran will acquire a nuclear weapon and integrate it with a ballistic missile Iran already possesses is a reason for immediate concern.

(b) POLICY.—It is the policy of the United States that the Department of Defense accord a priority within the missile defense program to the development, testing, fielding, and improvement of effective near-term missile defense capabilities, including the ground-based midcourse defense system, the Aegis ballistic missile defense system, the Patriot PAC-3 system, the Terminal High Altitude Area Defense system, and the sensors necessary to support such systems.

SEC. 224. ONE-YEAR EXTENSION OF COMPTROLLER GENERAL ASSESSMENTS OF BALLISTIC MISSILE DEFENSE PROGRAMS.

Section 232(g) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

(1) in paragraph (1), by striking "through 2007" and inserting "through 2008"; and

(2) in paragraph (2), by striking "through 2008" and inserting "through 2009".

SEC. 225. SUBMITTAL OF PLANS FOR TEST AND EVALUATION OF THE OPERATIONAL CAPABILITY OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

Section 234(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3174; 10 U.S.C. 2431 note) is amended by adding at the end the following new paragraph:

"(3) SUBMITTAL TO CONGRESS.—Each plan prepared under this subsection and approved by the Director of Operational Test and Evaluation shall be submitted to the congressional defense committees not later than 30 days after the date of the approval of such plan by the Director.".

SEC. 226. ANNUAL REPORTS ON TRANSITION OF BALLISTIC MISSILE DEFENSE PROGRAMS TO THE MILITARY DEPARTMENTS.

(a) REPORT REQUIRED.—Not later than March 1, 2007, and annually thereafter through 2013, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the plans of the Department of Defense for the transition of missile defense programs from the Missile Defense Agency to the military departments.

(b) SCOPE OF REPORTS.—Each report required by subsection (a) shall cover the period covered by the future-years defense program that is submitted under section 221 of title 10, United States Code, in the year in which such report is submitted.

(c) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) An identification of—

(A) the missile defense programs planned to be transitioned from the Missile Defense Agency to the military departments; and

(B) the missile defense programs, if any, not planned for transition to the military departments.

(2) The schedule for transition of each missile defense program planned to be transitioned to a military department, and an explanation of such schedule.

(3) A description of—

(A) the status of the plans of the Missile Defense Agency and the military departments for the transition of missile defense programs from that agency to the military departments; and

(B) the status of any agreement between the Missile Defense Agency and one or more of the military departments on the transition of any such program from that agency to the military departments, including any agreement on the operational test criteria that must be achieved before such transition.

(4) An identification of the entity of the Department of Defense (whether the Missile Defense Agency, a military department, or both) that will be responsible for funding each missile defense program to be transitioned to a military department, and at what date.

(5) A description of the type of funds that will be used (whether funds for research, development, test, and evaluation, procurement, military construction, or operation and maintenance) for each missile defense program to be transitioned to a military department.

(6) An explanation of the number of systems planned for procurement for each missile defense program to be transitioned to a military department, and the schedule for procurement of each such system.

Subtitle D—Other Matters

SEC. 231. POLICIES AND PRACTICES ON TEST AND EVALUATION TO ADDRESS EMERGING ACQUISITION APPROACHES.

(a) REVISION TO REPORT REQUIREMENT.—Section 2399(b) of title 10, United States Code, is amended—

(1) by amending paragraph (2) to read as follows:

"(2) The Director shall analyze the results of the operational test and evaluation conducted for each major defense acquisition program. At the conclusion of such testing, the Director shall prepare a report stating—

"(A) the opinion of the Director as to—

"(i) whether the test and evaluation performed were adequate; and

"(ii) whether the results of such test and evaluation confirm that the items or components actually tested are effecive and suitable for combat; and

"(B) additional information on the operational capabilities of the items or components that the Director considers appropriate based on the testing conducted.";

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

"(5) If, before a final decision described in paragraph (4) is made for a major defense acquisition program, a decision is made within the Department of Defense to proceed to operational use of that program or to make procurement funds available for that program, the Director shall submit to the Secretary of Defense and the congressional defense committees the report with respect to that program under paragraph (2) as soon as practicable after the decision described in this paragraph is made.".

(b) REVIEW AND REVISION OF POLICIES AND PRACTICES.—

(1) REVIEW.—During fiscal year 2007, the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Director of Operational Test and Evaluation shall review Department of Defense policies and practices on test and evaluation in order to—

(A) reaffirm the test and evaluation principles that should guide traditional acquisition programs; and

(B) determine how best to apply appropriate test and evaluation principles to emerging acquisition approaches.

(2) REVISED GUIDANCE.—If the Under Secretary determines as a result of the review under paragraph (1) that a revision of the policies and practices referred to in that paragraph is necessary, the Under Secretary and the Director shall jointly issue new or revised guidance for the Department of Defense on test and evaluation to address that determination.

(c) ISSUES TO BE ADDRESSED.—In carrying out subsection (b), the Under Secretary shall address policies and practices on test and evaluation in order to—

(1) ensure the performance of test and evaluation activities with regard to—

(A) items that are acquired pursuant to the authority for rapid acquisition and deployment of items in section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note);

(B) programs that are conducted pursuant to the authority for spiral development in section 803 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2603; 10 U.S.C. 2430 note), or other authority for the conduct of incremental acquisition programs;

(C) systems that are acquired pursuant to other emerging acquisition approaches, as approved by the Under Secretary; and

(D) equipment that is not subject to the operational test and evaluation requirements in sections 2366 and 2399 of title 10, United States Code, but that may require limited operational test and evaluation for the purpose of ensuring the safety and survivability of such equipment and personnel using such equipment; and

(2) ensure the appropriate use, if any, of operational test and evaluation resources to assess technology readiness levels for the purpose of section 2366a of title 10, United States Code, and other applicable technology readiness requirements.

(d) INCLUSION OF TESTING NEEDS IN STRATEGIC PLAN.—The Director, Test Resource Management Center, shall ensure that the strategic plan for Department of Defense test and evaluation resources developed pursuant to section 196 of title 10, United States Code—

(1) reflects any testing needs of the Department of Defense that are identified as a result of activities under subsection (b); and

(2) includes an assessment of the test and evaluation facilities, resources, and budgets that will be required to meet such needs.

(e) REPORT TO CONGRESS.—Not later than nine months after the date of the enactment of this Act, the Under Secretary and the Director of Operational Test and Evaluation shall submit to the congressional defense committees a report on the review conducted under paragraph (1) of subsection (b), including any new or revised guidance issued pursuant to paragraph (2) of that subsection.

(f) CLARIFICATION OF DUTIES WITH RESPECT TO FORCE PROTECTION EQUIPMENT.—Section 139(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) provide guidance to and consult with the officials described in paragraph (2) with respect to operational test and evaluation or survivability testing (or both) within the Department of Defense of force protection equipment (including non-lethal weapons), which, in such a case—

"(A) shall be guidance and consultation for the purposes of—

"(i) expediting suitable operational test and evaluation;

"(ii) providing objective subject-matter expertise;

"(iii) encouraging data sharing between Department of Defense components; and

"(iv) where appropriate, facilitating the use of common test standards; and

"(B) does not authorize the Director—

"(i) to approve test and evaluation plans for such equipment; or

"(ii) to in any manner delay deployment of such equipment;".

SEC. 232. EXTENSION OF REQUIREMENT FOR GLOBAL RESEARCH WATCH PROGRAM.

Section 2365(f) of title 10, United States Code, is amended by striking "September 30, 2006" and inserting "September 30, 2011".

SEC. 233. SENSE OF CONGRESS ON TECHNOLOGY SHARING OF JOINT STRIKE FIGHTER TECHNOLOGY.

It is the sense of Congress that the Secretary of Defense should share technology with regard to the Joint Strike Fighter between the United States Government and the Government of the United Kingdom consistent with the national security interests of both nations.

SEC. 234. REPORT ON VEHICLE-BASED ACTIVE PROTECTION SYSTEMS FOR CERTAIN BATTLEFIELD THREATS.

(a) INDEPENDENT ASSESSMENT.—The Secretary of Defense shall enter into a contract with an appropriate entity independent of the United States Government to conduct an assessment of various foreign and domestic technological approaches to vehicle-based active protection systems for defense against both chemical energy and kinetic energy top-attack and direct fire threats, including anti-tank missiles and rocket propelled grenades, mortars, and other similar battlefield threats.

(b) REPORT.—

(1) REPORT REQUIRED.—The contract required by subsection (a) shall require the entity entering into such contract to submit to the Secretary of Defense, and to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report on the assessment required by that subsection.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a detailed comparative analysis and assessment of the technical approaches covered by the assessment under subsection (a), including the feasibility, military utility, cost, and potential short-term and long-term development and deployment schedule of such approaches; and

(B) any other elements specified by the Secretary in the contract under subsection (a).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

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Sec. 315. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
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Subtitle C—Program Requirements, Restrictions, and Limitations

Sec. 321. Limitation on financial management improvement and audit initiatives within the Department of Defense.
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Sec. 347. Annual report on Personnel Security Investigations for Industry and National Industrial Security Program.
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Subtitle F—Other Matters

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Sec. 362. Provision of adequate storage space to secure personal property outside of assigned military family housing unit.

Sec. 363. Expansion of payment of replacement value of personal property damaged during transport at Government expense.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $24,416,352,000.

(2) For the Navy, $31,157,639,000.

(3) For the Marine Corps, $3,863,462,000.

(4) For the Air Force, $31,081,257,000.

(5) For Defense-wide activities, $20,093,876,000.

(6) For the Army Reserve, $2,260,802,000.

(7) For the Naval Reserve, $1,275,764,000.

(8) For the Marine Corps Reserve, $211,311,000.

(9) For the Air Force Reserve, $2,698,400,000.

(10) For the Army National Guard, $4,776,421,000.

(11) For the Air National Guard, $5,292,517,000.

(12) For the United States Court of Appeals for the Armed Forces, $11,721,000.

(13) For Environmental Restoration, Army, $413,794,000.

(14) For Environmental Restoration, Navy, $304,409,000.

(15) For Environmental Restoration, Air Force, $423,871,000.

(16) For Environmental Restoration, Defense-wide, $18,431,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $282,790,000.

(18) For Former Soviet Union Threat Reduction programs, $372,128,000.

(19) For Overseas Humanitarian Disaster and Civic Aid, $63,204,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $161,998,000.

(2) For the National Defense Sealift Fund, $1,071,932,000.

(3) For the Defense Working Capital Fund, Defense Commissary, $1,184,000,000.

(4) For the Pentagon Reservation Maintenance Revolving Fund, $18,500,000.

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for the Defense Health Program, $21,426,621,000, of which—

(1) $20,894,663,000 is for Operation and Maintenance;

(2) $135,603,000 is for Research, Development, Test, and Evaluation; and

(3) $396,355,000 is for Procurement.

(b) CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.—(1) Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, $1,277,304,000, of which—

(A) $1,046,290,000 is for Operation and Maintenance; and

(B) $231,014,000 is for Research, Development, Test, and Evaluation.

(2) Amounts authorized to be appropriated under paragraph (1) are authorized for—

(A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act for Fiscal Year 1986 (50 U.S.C. 1521); and

(B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

(c) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, $926,890,000.

(d) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, $216,297,000, of which—

(1) $214,897,000 is for Operation and Maintenance; and

(2) $1,400,000 is for Procurement.

Subtitle B—Environmental Provisions

SEC. 311. REVISION OF REQUIREMENT FOR UNEXPLODED ORDNANCE PROGRAM MANAGER.

Section 2701(k) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "establish" and inserting "designate"; and

(B) by inserting "research," after "characterization,";

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) The position of program manager shall be filled by—

"(A) an employee in a position that is equivalent to pay grade O-6 or above; or

"(B) a member of the armed forces who is serving in the grade of colonel or, in the case of the Navy, captain, or in a higher grade.

"(3) The program manager shall report to the Deputy Under Secretary of Defense for Installations and Environment.".

SEC. 312. FUNDING OF COOPERATIVE AGREEMENTS UNDER ENVIRONMENTAL RESTORATION PROGRAM.

Section 2701(d)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: "This two-year limitation does not apply to an agreement funded using amounts in the Department of Defense Base Closure Account 1990 or the Department of Defense Base Closure Account 2005 established under sections 2906 and 2906A of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).".

SEC. 313. RESPONSE PLAN FOR REMEDIATION OF UNEXPLODED ORDNANCE, DISCARDED MILITARY MUNITIONS, AND MUNITIONS CONSTITUENTS.

(a) PERFORMANCE GOALS FOR REMEDIATION.—The Secretary of Defense shall set the following remediation goals with regard to unexploded ordnance, discarded military munitions, and munitions constituents:

(1) To complete, by not later than September 30, 2007, preliminary assessments of unexploded ordnance, discarded military munitions, and munitions constituents at all active installations and formerly used defense sites (other than operational ranges).

(2) To complete, by not later than September 30, 2010, site inspections of unexploded ordnance, discarded military munitions, and munitions constituents at all active installations and formerly used defense sites (other than operational ranges).

(3) To achieve, by not later than September 30, 2009, a remedy in place or response complete for unexploded ordnance, discarded military munitions, and munitions constituents at all military installations closed or realigned as part of a round of defense base closure and realignment occurring prior to the 2005 round.

(4) To achieve, by a date certain established by the Secretary of Defense, a remedy in place or response complete for unexploded ordnance, discarded military munitions, and munitions constituents at all active installations and formerly used defense sites (other than operational ranges) and all military installations realigned or closed under the 2005 round of defense base closure and realignment.

(b) RESPONSE PLAN REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for addressing the remediation of unexploded ordnance, discarded military munitions, and munitions constituents at current and former defense sites (other than operational ranges).

(2) CONTENT.—The plan required by paragraph (1) shall include—

(A) a schedule, including interim goals, for achieving the goals described in paragraphs (1) through (3) of subsection (a), based upon the Munitions Response Site Prioritization Protocol established by the Department of Defense;

(B) such interim goals as the Secretary determines feasible for efficiently achieving the goal required under paragraph (4) of such subsection; and

(C) an estimate of the funding required to achieve the goals established pursuant to such subsection and the interim goals established pursuant to subparagraphs (A) and (B).

(3) UPDATES.—Not later than March 15 of 2008, 2009, and 2010, the Secretary shall submit to the congressional defense committees an update of the plan required under paragraph (1). The Secretary may include the update in the report on environmental restoration activities that is submitted to Congress under section 2706(a) of title 10, United States Code, in the year in which that update is required and may include in the update any adjustment to the remediation goals established under subsection (a) that the Secretary determines necessary to respond to unforeseen circumstances.

(c) REPORT ON REUSE STANDARDS AND PRINCIPLES.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the efforts of the Department of Defense to achieve agreement with relevant regulatory agencies on appropriate reuse standards or principles, including—

(1) a description of any standards or principles that have been agreed upon; and

(2) a discussion of any issues that remain in disagreement, including the impact that any such disagreement is likely to have on the ability of the Department of Defense to carry out the response plan required by subsection (b).

(d) DEFINITIONS.—In this section:

(1) The terms "unexploded ordnance" and "operational range" have the meanings given such terms in section 101(e) of title 10, United States Code.

(2) The terms "discarded military munitions", "munitions constituents", and "defense site" have the meanings given such terms in section 2710(e) of such title.

(e) CONFORMING REPEAL.—Section 313 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1051; 10 U.S.C. 2706 note) is repealed.

SEC. 314. RESEARCH ON EFFECTS OF OCEAN DISPOSAL OF MUNITIONS.

(a) IDENTIFICATION OF DISPOSAL SITES.—

(1) HISTORICAL REVIEW.—The Secretary of Defense shall conduct a historical review of available records to determine the number, size, and

probable locations of sites where the Armed Forces disposed of military munitions in coastal waters. The historical review shall, to the extent possible, identify the types of munitions at individual sites.

(2) COOPERATION.—The Secretary shall request the assistance of the Coast Guard, the National Oceanic and Atmospheric Administration, and other relevant Federal agencies in conducting the review required by this subsection.

(3) INTERIM REPORTS.—The Secretary shall periodically, but no less often than annually, release any new information obtained during the historical review conducted under paragraph (1). The Secretary may withhold from public release the exact nature and locations of munitions the potential unauthorized retrieval of which could pose a significant threat to the national defense or public safety.

(4) INCLUSION OF INFORMATION IN ANNUAL REPORT ON ENVIRONMENTAL RESTORATION ACTIVITIES.—The Secretary shall include the information obtained pursuant to the review conducted under paragraph (1) in the annual report on environmental restoration activities submitted to Congress under section 2706 of title 10, United States Code.

(5) FINAL REPORT.—The Secretary shall complete the historical review required under paragraph (1) and submit a final report on the findings of such review in the annual report on environmental restoration activities submitted to Congress for fiscal year 2009.

(b) IDENTIFICATION OF NAVIGATIONAL AND SAFETY HAZARDS.—

(1) IDENTIFICATION OF HAZARDS.—The Secretary of Defense shall provide available information to the Secretary of Commerce to assist the National Oceanic and Atmospheric Administration in preparing nautical charts and other navigational materials for coastal waters that identify known or potential hazards posed by disposed military munitions to private activities, including commercial shipping and fishing operations.

(2) CONTINUATION OF INFORMATION ACTIVITIES.—The Secretary of Defense shall continue activities to inform potentially affected users of the ocean environment, particularly fishing operations, of the possible hazards from contact with disposed military munitions and the proper methods to mitigate such hazards.

(c) RESEARCH.—

(1) IN GENERAL.—The Secretary of Defense shall continue to conduct research on the effects on the ocean environment and those who use it of military munitions disposed of in coastal waters.

(2) SCOPE.—Research under paragraph (1) shall include—

(A) the sampling and analysis of ocean waters and sea beds at or adjacent to military munitions disposal sites selected pursuant to paragraph (3) to determine whether the disposed military munitions have caused or are causing contamination of such waters or sea beds;

(B) investigation into the long-term effects of seawater exposure on disposed military munitions, particularly effects on chemical munitions;

(C) investigation into the impacts any such contamination may have on the ocean environment and those who use it, including public health risks;

(D) investigation into the feasibility of removing or otherwise remediating the military munitions; and

(E) the development of effective safety measures for dealing with such military munitions.

(3) RESEARCH CRITERIA.—In conducting the research required by this subsection, the Secretary shall ensure that the sampling, analysis, and investigations are conducted at representative sites, taking into account factors such as depth, water temperature, nature of the military munitions present, and relative proximity to onshore populations. In conducting such research, the Secretary shall select at least two representative sites each in the areas of the Atlantic coast, the Pacific coast (including Alaska), and the Hawaiian Islands.

(4) AUTHORITY TO MAKE GRANTS AND ENTER INTO COOPERATIVE AGREEMENTS.—In conducting research under this subsection, the Secretary may make grants to, and enter into cooperative agreements with, qualified research entities.

(d) MONITORING.—If the historical review required by subsection (a) or the research required by subsection (c) indicates that contamination is being released into the ocean waters from disposed military munitions at a particular site or that the site poses a significant public health or safety risk, the Secretary of Defense shall institute appropriate monitoring mechanisms at that site and report to the congressional defense committees on any additional measures that may be necessary to address the release or risk, as applicable.

(e) DEFINITIONS.—In this section:

(1) The term "coastal waters" means that part of the ocean extending from the coast line of the United States to the outer boundary of the outer Continental Shelf.

(2) The term "coast line" has the meaning given that term in section 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

(3) The term "military munitions" has the meaning given that term in section 101(e) of title 10, United States Code.

(4) The term "outer Continental Shelf" has the meaning given that term in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

SEC. 315. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b), the Secretary of Defense may transfer not more than $111,114.03 to the Moses Lake Wellfield Superfund Site 10–6J Special Account.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield Superfund Site.

SEC. 316. TRANSFER OF GOVERNMENT-FURNISHED URANIUM STORED AT SEQUOYAH FUELS CORPORATION, GORE, OKLAHOMA.

(a) TRANSPORT AND DISPOSAL.—Subject to subsection (c), the Secretary of the Army shall transport to an authorized disposal facility for appropriate disposal all of the Government-furnished uranium in the chemical and physical form in which it is stored at the Sequoyah Fuels Corporation site in Gore, Oklahoma.

(b) SOURCE OF FUNDS.—Funds authorized to be appropriated pursuant to section 301(1) for operation and maintenance for the Army may be used for the transport and disposal required under subsection (a).

(c) LIABILITY.—The Secretary may only transport uranium under subsection (a) after receiving from Sequoyah Fuels Corporation a written agreement satisfactory to the Secretary that provides that—

(1) the United States assumes no liability, legal or otherwise, of Sequoyah Fuels Corporation by transporting the uranium; and

(2) the Sequoyah Fuels Corporation waives any and all claims it may have against the United States related to the transported uranium.

(d) COMPLETION OF TRANSPORT.—The Secretary shall complete the transport of uranium under subsection (a) not later than March 31, 2007.

SEC. 317. EXTENSION OF AUTHORITY TO GRANT EXEMPTIONS TO CERTAIN REQUIREMENTS.

(a) AMENDMENT TO TOXIC SUBSTANCES CONTROL ACT.—Section 6(e)(3) of the Toxic Substances Control Act (15 U.S.C. 2605(e)(3)) is amended—

(1) in subparagraph (A), by striking "subparagraphs (B) and (C)" and inserting "subparagraphs (B), (C), and (D)";

(2) in subparagraph (B), by striking "but not more than one year from the date it is granted" and inserting "but not more than 1 year from the date it is granted, except as provided in subparagraph (D)"; and

(3) by adding at the end the following new subparagraph:

"(D) The Administrator may extend an exemption granted pursuant to subparagraph (B) that has not yet expired for a period not to exceed 60 days for the purpose of authorizing the Secretary of Defense and the Secretaries of the military departments to provide for the transportation into the customs territory of the United States of polychlorinated biphenyls generated by or under the control of the Department of Defense for purposes of their disposal, treatment, or storage in the customs territory of the United States if those polychlorinated biphenyls are already in transit from their storage locations but the Administrator determines, in the sole discretion of the Administrator, they would not otherwise arrive in the customs territory of the United States within the period of the original exemption. The Administrator shall promptly publish notice of such extension in the Federal Register.".

(b) SUNSET DATE.—The amendments made by subsection (a) shall cease to have effect on September 30, 2012. The termination of the authority to grant exemptions pursuant to such amendments shall not effect the validity of any exemption granted prior to such date.

(c) REPORT.—Not later than March 1, 2011, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Environment and Public Works of the Senate and the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives a report on the status of foreign-manufactured polychlorinated biphenyls under the control of the Department of Defense outside the United States. The report shall address, at a minimum—

(1) the remaining volume of such foreign-manufactured polychlorinated biphenyls that may require transportation into the customs territory of the United States for disposal, treatment, or storage; and

(2) the efforts that have been made by the Department of Defense and other Federal agencies to reduce such volume by—

(A) reducing the volume of foreign-manufactured polychlorinated biphenyls under the control of the Department of Defense outside the United States; or

(B) developing alternative options for the disposal, treatment, or storage of such foreign-manufactured polychlorinated biphenyls.

SEC. 318. NATIONAL ACADEMY OF SCIENCES STUDY ON HUMAN EXPOSURE TO CONTAMINATED DRINKING WATER AT CAMP LEJEUNE, NORTH CAROLINA.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Navy shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive review and evaluation of the available scientific and medical evidence regarding associations between pre-natal, child, and adult exposure to drinking water contaminated with trichloroethylene (TCE) and tetrachloroethylene (PCE) at Camp Lejeune, North Carolina, as well as other pre-natal, child, and adult exposures to levels of trichloroethylene and tetrachloroethylene similar to those experienced at Camp Lejeune, and birth defects or diseases and any other adverse health effects.

(2) ELEMENTS.—In conducting the review and evaluation, the Academy shall review and summarize the scientific and medical evidence and assess the strength of that evidence in establishing a link or association between exposure to trichloroethylene and tetrachloroethylene and each birth defect or disease suspected to be associated with such exposure. For each birth defect or disease reviewed, the Academy shall determine, to the extent practicable with available scientific and medical data, whether—

(A) a statistical association with such contaminant exposures exists; and

(B) there exist plausible biological mechanisms or other evidence of a causal relationship between contaminant exposures and the birth defect or disease.

(3) SCOPE OF REVIEW.—In conducting the review and evaluation, the Academy shall include a review and evaluation of—

(A) the toxicologic and epidemiologic literature on adverse health effects of trichloroethylene and tetrachloroethylene, including epidemiologic and risk assessment reports from government agencies;

(B) recent literature reviews by the National Research Council, Institute of Medicine, and other groups;

(C) the completed and on-going Agency for Toxic Substances Disease Registry (ATSDR) studies on potential trichloroethylene and tetrachloroethylene exposure at Camp Lejeune; and

(D) published meta-analyses.

(4) PEER REVIEW.—The Academy shall obtain the peer review of the report prepared as a result of the review and evaluation under applicable Academy procedures.

(5) SUBMITTAL.—The Academy shall submit the report prepared as a result of the review and evaluation to the Secretary and Congress not later than 18 months after entering into the agreement for the review and evaluation under paragraph (1).

(b) NOTICE ON EXPOSURE.—

(1) NOTICE REQUIRED.—Upon completion of the current epidemiological study by the Agency for Toxic Substances Disease Registry, known as the Exposure to Volatile Organic Compounds in Drinking Water and Specific Birth Defects and Childhood Cancers, United States Marine Corps Base Camp Lejeune, North Carolina, the Commandant of the Marine Corps shall take appropriate actions, including the use of national media such as newspapers, television, and the Internet, to notify former Camp Lejeune residents and employees who may have been exposed to drinking water impacted by trichloroethylene and tetrachloroethylene of the results of the study.

(2) ELEMENTS.—The information provided by the Commandant of the Marine Corps under paragraph (1) shall be prepared in conjunction with the Agency for Toxic Substances Disease Registry and shall include a description of sources of additional information relating to such exposure, including, but not be limited to, the following:

(A) A description of the events resulting in exposure to contaminated drinking water at Camp Lejeune.

(B) A description of the duration and extent of the contamination of drinking water at Camp Lejeune.

(C) The known and suspected health effects of exposure to the drinking water impacted by trichloroethylene and tetrachloroethylene at Camp Lejeune.

Subtitle C—Program Requirements, Restrictions, and Limitations

SEC. 321. LIMITATION ON FINANCIAL MANAGEMENT IMPROVEMENT AND AUDIT INITIATIVES WITHIN THE DEPARTMENT OF DEFENSE.

(a) LIMITATION.—The Secretary of Defense may not obligate or expend any funds for the purpose of any financial management improvement activity relating to the preparation, processing, or auditing of financial statements until the Secretary submits to the congressional defense committees a written determination that each activity proposed to be funded is—

(1) consistent with the financial management improvement plan of the Department of Defense required by section 376(a)(1J of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 190–163; 119 Stat. 3213); and

(2) likely to improve internal controls or otherwise result in sustained improvements in the ability of the Department to produce timely, reliable, and complete financial management information.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to an activity directed exclusively at assessing the adequacy of internal controls and remediating any inadequacy identified pursuant to such assessment.

SEC. 322. FUNDS FOR EXHIBITS FOR THE NATIONAL MUSEUMS OF THE ARMED FORCES.

(a) NATIONAL MUSEUM OF THE UNITED STATES ARMY.—Of the amounts authorized to be appropriated by section 301(1) for operation and maintenance for the Army, not less than $3,000,000 may be available to the Secretary of the Army for the acquisition, installation, and maintenance of exhibits at the facility designated by the Secretary as the National Museum of the United States Army. The Secretary may enter into a contract with the Army Historical Foundation for the purpose of performing such acquisition, installation, and maintenance.

(b) NATIONAL MUSEUM OF THE UNITED STATES NAVY.—Of the amounts authorized to be appropriated by section 301(2) for operation and maintenance for the Navy, not less than $3,000,000 may be available to the Secretary of the Navy for the acquisition, installation, and maintenance of exhibits at the facility designated by the Secretary as the National Museum of the United States Navy. The Secretary may enter into a contract with the Naval Historical Foundation for the purpose of performing such acquisition, installation, and maintenance.

(c) NATIONAL MUSEUM OF THE MARINE CORPS AND HERITAGE CENTER.—Of the amounts authorized to be appropriated by section 301(3) for operation and maintenance for the Marine Corps, not less than $3,000,000 may be available to the Secretary of the Navy for the acquisition, installation, and maintenance of exhibits at the National Museum of the Marine Corps and Heritage Center. The Secretary may enter into a contract with the United States Marine Corps Heritage Foundation for the purpose of performing such acquisition, installation, and maintenance.

(d) NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE.—Of the amounts authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force, not less than $3,000,000 may be available to the Secretary of the Air Force for the acquisition, installation, and maintenance of exhibits at the facility designated by the Secretary as the National Museum of the United States Air Force. The Secretary may enter into a contract with the Air Force Museum Foundation for the purpose of performing such acquisition, installation, and maintenance.

(e) REIMBURSEMENT.—

(1) AUTHORITY TO ACCEPT REIMBURSEMENT.—After September 30, 2006, the Secretary of a military department may accept funds from any non-profit entity authorized to support the national museum of the applicable Armed Force to reimburse the Secretary for amounts obligated and expended by the Secretary from amounts made available to the Secretary under this section.

(2) TREATMENT.—Amounts accepted as reimbursement under paragraph (1) shall be credited to the account that was used to cover the costs for which the reimbursement was provided. Amounts so credited shall be merged with amounts in that account, and shall be available for the same purposes, and subject to the same conditions and limitations, as other amounts in that account.

SEC. 323. PRIORITIZATION OF FUNDS FOR EQUIPMENT READINESS AND STRATEGIC CAPABILITY.

(a) PRIORITIZATION OF FUNDS.—The Secretary of Defense shall take such steps as may be necessary through the planning, programming, budgeting, and execution systems of the Department of Defense to ensure that financial resources are provided for each fiscal year as necessary to enable—

(1) the Secretary of each military department to meet the requirements of that military department for that fiscal year for the repair, recapitalization, and replacement of equipment used in the global war on terrorism; and

(2) the Secretary of the Army to meet the requirements of the Army for that fiscal year, in addition to the requirements under paragraph (1), for—

(A) the fulfillment of the equipment requirements of units transforming to modularity in accordance with the Modular Force Initiative report submitted to Congress in March 2006; and

(B) the reconstitution of equipment and materiel in prepositioned stocks in accordance with requirements under the Army Prepositioned Stocks Strategy 2012 or a subsequent strategy implemented under the guidelines in section 2229 of title 10, United States Code.

(b) SUBMISSION OF BUDGET INFORMATION.—

(1) SUBMISSION OF INFORMATION.—As part of the budget justification materials submitted to Congress in support of the President's budget for a fiscal year or a request for supplemental appropriations, the Secretary of Defense shall include the following:

(A) The information described in paragraph (2) for the fiscal year for which the budget justification materials are submitted, the fiscal year during which the materials are submitted, and the preceding fiscal year.

(B) The information described in paragraph (2) for each of the fiscal years covered by the future-years defense program for the fiscal year in which the report is submitted based on estimates

of any amounts required to meet each of the requirements under subsection (a) that are not met for that fiscal year and are deferred to the future-years defense program.

(C) A consolidated budget justification summary of the information submitted under subparagraphs (A) and (B).

(2) INFORMATION DESCRIBED.—The information described in this paragraph is information that clearly and separately identifies, by appropriations account, budget activity, activity group, sub-activity group, and program element or line item, the amounts requested for the programs, projects, and activities of—

(A) each of the military departments for the repair, recapitalization, or replacement of equipment used in the global war on terrorism; and

(B) the Army for—

(i) the fulfillment of the equipment requirements of units transforming to modularity; and

(ii) the reconstitution of equipment and materiel in prepositioned stocks.

(3) ADDITIONAL INFORMATION IN FIRST REPORT.—As part of the budget justification materials submitted to Congress in support of the President's budget for fiscal year 2008, the Secretary of Defense shall also include the information described in paragraph (2) for fiscal years 2003, 2004, and 2005.

(c) ANNUAL REPORT ON ARMY PROGRESS.—On the date on which the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, the Secretary of the Army shall submit to the congressional defense committees a report setting forth the progress of the Army in meeting the requirements of subsection (a). Any information required to be included in the report concerning funding priorities under paragraph (1) or (2) of subsection (a) shall be itemized by active duty component and reserve component. Each such report shall include the following:

(1) A complete itemization of the requirements for the funding priorities in subsection (a), including an itemization for all types of modular brigades and an itemization for the replacement of equipment withdrawn or diverted from the reserve component for use in the global war on terrorism.

(2) A list of any shortfalls that exist between available funding, equipment, supplies, and industrial capacity and required funding, equipment, supplies, and industrial capacity in accordance with the funding priorities in subsection (a).

(3) A list of the requirements for the funding priorities in subsection (a) that the Army has included in the budget for that fiscal year, including a detailed listing of the type, quantity, and cost of the equipment the Army plans to repair, recapitalize, or procure, set forth by appropriations account and Army component.

(4) An assessment of the progress made during that fiscal year toward meeting the overall requirements of the funding priorities in subsection (a).

(5) A schedule for meeting the requirements of subsection (a).

(6) A description of how the Army defines costs associated with modularity versus the costs associated with modernizing equipment platforms and the reset (repair, recapitalization, or replacement) of equipment used during the global war on terrorism, including the funding expended on, and the future funding required for, such reset requirements.

(7) A complete itemization of the amount of funds expended to date on the modular brigades.

(8) The results of Army assessments of modular force capabilities, including lessons learned from existing modular units and any modifications that have been made to modularity.

(9) The comments of the Chief of the National Guard Bureau and the Chief of the Army Reserve on each of the items described in paragraphs (1) through (8).

(d) ANNUAL COMPTROLLER GENERAL REPORT ON ARMY PROGRESS.—Not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the congressional defense committees a report containing the assessment of the Comptroller General on the following:

(1) The progress of the Army in meeting the requirements of subsection (a), including progress in equipping and manning modular units in the regular components and reserve components of the Armed Forces.

(2) The use of funds by the Army for meeting the requirements of subsection (a).

(3) The progress of the Army in conducting further testing and evaluations of designs under the modularity initiative.

(e) TERMINATION OF REPORT REQUIREMENTS.—The requirement for the submission of a report under subsection (c) or (d) shall terminate on the date of the submission of the report required to be submitted under that subsection to accompany or follow the President's budget submission for fiscal year 2012.

SEC. 324. LIMITATION ON DEPLOYMENT OF MARINE CORPS TOTAL FORCE SYSTEM TO NAVY.

(a) LIMITATION.—The Secretary of the Navy may not deploy the Marine Corps Total Force System (MCTFS) (or any derivative system of the MCTFS) to the Navy until the date on which the congressional defense committees and the Secretary of the Navy receive the written determination of the Chairman of the Defense Business Systems Management Committee submitted under subsection (d) that the deployment of the MCTFS to the Navy is in the best interests of the Department of Defense.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees and the Comptroller General a report on the Marine Corps Total Force System (MCTFS). The report shall include the following:

(1) An analysis of alternatives to the MCTFS, including a detailed comparison between the cost of deploying and operating the MCTFS within the Navy and the cost of including the Navy in the Defense Integrated Military Human Resources System.

(2) A business case analysis, including an analysis of the costs and benefits to both the Department of Navy and the Department of Defense of the alternatives to the MCTFS considered under the analysis required by paragraph (1).

(3) An analysis of the compatibility of the MCTFS with the enterprise architecture of the Department of Defense, including a detailed estimate of all interface costs with current or planned Department-wide military manpower, personnel, and pay information technology systems.

(c) COMPTROLLER GENERAL ASSESSMENT.—Not later than 90 days after the date on which the Comptroller General receives the report submitted under subsection (b), the Comptroller General shall submit to the congressional defense committees and to the Chairman of the Defense Business Systems Management Committee a written assessment of the report.

(d) DETERMINATION OF CHAIRMAN OF DEFENSE BUSINESS SYSTEMS MANAGEMENT COMMITTEE.—Not sooner than 120 days after the date on which the Comptroller General receives the report submitted under subsection (b), the Chairman of the Defense Business Systems Management Committee shall review the analysis included in the report, together with any other relevant information available to the Chairman, and submit to the congressional defense committees and the Secretary of the Navy the written determination of the Chairman of whether the deployment of the MCTFS to the Navy is in the best interests of the Department of Defense.

Subtitle D—Workplace and Depot Issues

SEC. 331. PERMANENT EXCLUSION OF CERTAIN CONTRACT EXPENDITURES FROM PERCENTAGE LIMITATION ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

(a) PERMANENT EXCLUSION.—Section 2474(f) of title 10, United States Code, is amended—

(1) by striking "(1) Amounts" and inserting "Amounts";

(2) by striking "entered into during fiscal years 2003 through 2009"; and

(3) by striking paragraph (2).

(b) INCLUSION OF CERTAIN ITEMS IN ANNUAL REPORT.—

(1) INCLUSION OF CERTAIN ITEMS.—Paragraph (2) of section 2466(d) of such title is amended to read as follows:

"(2) Each report required under paragraph (1) shall include as a separate item any expenditure covered by section 2474(f) of this title that was made during the fiscal year covered by the report and shall specify the amount and nature of each such expenditure.".

(2) CONFORMING AMENDMENT.—The heading for subsection (d) of section 2466 of such title is amended to read as follows: "ANNUAL REPORT.—".

SEC. 332. MINIMUM CAPITAL INVESTMENT FOR CERTAIN DEPOTS.

(a) MINIMUM INVESTMENT LEVELS.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2476. Minimum capital investment for certain depots

"(a) MINIMUM INVESTMENT.—Each fiscal year, the Secretary of a military department shall invest in the capital budgets of the covered depots of that military department a total amount equal to not less than six percent of the average total combined workload funded at all the depots of that military department for the preceding three fiscal years.

"(b) CAPITAL BUDGET.—For purposes of this section, the capital budget of a depot includes investment funds spent on depot infrastructure, equipment, and process improvement in direct support of depot operations.

"(c) WAIVER.—The Secretary of Defense may waive the requirement under subsection (a) with respect to a military department for a fiscal year if the Secretary determines that the waiver is necessary for reasons of national security. Whenever the Secretary makes such a waiver, the Secretary shall notify the congressional defense committees of the waiver and the reasons for the waiver.

"(d) ANNUAL REPORT.—(1) Not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year under section 1105 of title 31, the Secretary of Defense shall submit to the congressional defense committees a report containing budget justification documents summarizing the level of capital investment for each military department as of the end of the preceding fiscal year.

"(2) Each report submitted under paragraph (1) shall include the following:

"(A) A specification of any statutory, regulatory, or operational impediments to achieving the requirement under subsection (a) with respect to each military department.

"(B) A description of the benchmarks for capital investment established for each covered depot and military department and the relationship of the benchmarks to applicable performance measurement methods used in the private sector.

"(C) If the requirement under subsection (a) is not met for a military department for the fiscal year covered by the report, a statement of the reasons why the requirement was not met and a plan of actions for meeting the requirement for the fiscal year beginning in the year in which such report is submitted.

"(e) COVERED DEPOT.—In this section, the term 'covered depot' means any of the following:

"(1) With respect to the Department of the Army:

"(A) Anniston Army Depot, Alabama.

"(B) Letterkenny Army Depot, Pennsylvania.

"(C) Tobyhanna Army Depot, Pennsylvania.

"(D) Corpus Christi Army Depot, Texas.

"(E) Red River Army Depot, Texas.

"(2) With respect to the Department of the Navy:

"(A) Fleet Readiness Center East Site, Cherry Point, North Carolina.

"(B) Fleet Readiness Center Southwest Site, North Island, California.

"(C) Fleet Readiness Center Southeast Site, Jacksonville, Florida.

"(D) Portsmouth Naval Shipyard, Maine.

"(E) Pearl Harbor Naval Shipyard, Hawaii.

"(F) Puget Sound Naval Shipyard, Washington.

"(G) Norfolk Naval Shipyard, Virginia.

"(H) Marine Corps Logistics Base, Albany, Georgia.

"(I) Marine Corps Logistics Base, Barstow, California.

"(3) With respect to the Department of the Air Force:

"(A) Warner-Robins Air Logistics Center, Georgia.

"(B) Ogden Air Logistics Center, Utah.

"(C) Oklahoma City Air Logistics Center, Oklahoma.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2476. Minimum capital investment for certain depots.".

(c) EFFECTIVE DATE.—Section 2476 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2006.

(d) TWO YEAR PHASE-IN FOR DEPARTMENTS OF THE ARMY AND THE NAVY.—

(1) REDUCED PERCENTAGE OF REQUIRED INVESTMENT FOR FISCAL YEARS 2007 AND 2008.—The Secretary of the Army shall apply subsection (a) of section 2476 of title 10, United States Code, as added by subsection (a), to the covered depots of the Army, and the Secretary of the Navy shall apply such subsection to the covered depots of the Department of the Navy—

(A) for fiscal year 2007, by substituting "four percent" for "six percent"; and

(B) for fiscal year 2008, by substituting "five percent" for "six percent".

(2) COVERED DEPOTS.—In this subsection, the term "covered depot" has the meaning given that term in subsection (e) of section 2476 of title 10, United States Code, as added by subsection (a).

SEC. 333. EXTENSION OF TEMPORARY AUTHORITY FOR CONTRACTOR PERFORMANCE OF SECURITY GUARD FUNCTIONS.

(a) EXTENSION AND LIMITATION ON TOTAL NUMBER OF CONTRACTORS.—Section 332(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) is amended—

(1) by striking "September 30, 2007" both places it appears and inserting "September 30, 2009";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection (d):

"(d) LIMITATION.—The total number of personnel employed to perform security guard functions under all contracts entered into pursuant to this section shall not exceed—

"(1) for fiscal year 2007, the total number of such personnel employed under such contracts on October 1, 2006;

"(2) for fiscal year 2008, the number equal to 90 percent of the total number of such personnel employed under such contracts on October 1, 2006; and

"(3) for fiscal year 2009, the number equal to 80 percent of the total number of such personnel employed under such contracts on October 1, 2006.".

(b) REPORT ON CONTRACTOR PERFORMANCE OF SECURITY-GUARD FUNCTIONS.—Not later than February 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on contractor performance of security guard functions under section 332 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314). The report shall include the following:

(1) An explanation of progress made toward implementing each of the seven recommendations in the Comptroller General report entitled "Contract Security Guards: Army's Guard Program Requires Greater Oversight and Reassessment of Acquisition Approach" (GAO-06-284).

(2) An assessment, taking into considerations the observations made by the Comptroller General on the report of the Department of Defense of November 2005 that is entitled "Department of Defense Installation Security Guard Requirement Assessment and Plan", of the following:

(A) The cost-effectiveness of using contractors rather than Department of Defense employees to perform security-guard functions.

(B) The performance of contractors employed as security guards compared with the performance of military personnel who have served as security guards.

(C) Specific results of on-site visits made by officials designated by the Secretary of Defense to military installations using contractors to perform security-guard functions.

(c) CONTRACT LIMITATION.—No contract may be entered into under section 332 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) after September 30, 2007, until the report required under subsection (b) is submitted.

Subtitle E—Reports

SEC. 341. REPORT ON NAVY FLEET RESPONSE PLAN.

(a) REPORT REQUIRED.—Not later than December 1, 2006, the Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the program of the Navy referred to as the Fleet Response Plan. The report shall include the following:

(1) A directive that provides guidance for the conduct of the Plan and standardizes terms and definitions.

(2) Performance measures for evaluation of the Plan.

(3) Costs and resources needed to achieve objectives of the Plan, including any incremental effect on the Navy Operation and Maintenance budget.

(4) Operational tests, exercises, war games, experiments, and deployments used to test performance.

(5) A collection and synthesis of lessons learned from the implementation of the Plan as of the date on which the report is submitted.

(6) Evaluation of each of the following with respect to each ship participating in the Plan:

(A) Combat readiness, including training requirements.

(B) Ship material condition, including trending data for mission degrading casualty reports rated as C3 or C4.

(C) Professional development training requirements accomplished during a deployment and at home station.

(D) Crew retention statistics.

(7) Any proposed changes to the Surface Force Training Manual.

(8) The amount of funding required to effectively implement the operation and maintenance requirements of the Plan by ship class.

(9) Any recommendations of the Secretary of the Navy with respect to expanding the Plan to include Expeditionary Strike Groups.

(b) COMPTROLLER GENERAL REPORT.—Not later than 120 days after the date on which the Secretary of the Navy submits the report required under subsection (a), the Comptroller General shall submit to the congressional defense committees a report containing a review of the report required under that subsection. The Comptroller General's report shall include the following:

(1) An examination of the management approaches of the Navy in implementing the Fleet Response Plan.

(2) An assessment of the adequacy of Navy directives and guidance with respect to maintenance and training requirements and procedures.

(3) An analysis and assessment of the adequacy of the Navy's evaluation criteria for the Plan.

(4) An evaluation of Navy data on aircraft carriers, destroyers, and cruisers that participated in the Plan with respect to readiness, response time, and availability for routine or unforeseen deployments.

(5) An assessment of the Navy's progress in identifying the amount of funding required to effectively implement the operations and maintenance requirements of the Plan and the effect of providing funding in an amount less than that amount.

(6) Any recommendations of the Comptroller General with respect to expanding the Plan to include Expeditionary Strike Groups.

(c) POSTPONEMENT OF EXPANSION.—The Secretary of the Navy may not expand the implementation of the Fleet Response Plan beyond the Carrier Strike Groups until the date that is six months after the date on which the Secretary of the Navy submits the report required under subsection (a).

SEC. 342. REPORT ON NAVY SURFACE SHIP ROTATIONAL CREW PROGRAMS.

(a) REPORT REQUIRED.—Not later than April 1, 2007, the Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the ship rotational crew experiment referred to in subsection (c)(1). The report shall include the following:

(1) A comparison between the three destroyers participating in that experiment and destroyers not participating in the experiment that takes into consideration each of the following:

(A) Cost-effectiveness, including a comparison of travel and per diem expenses, maintenance costs, and other costs.

(B) Maintenance procedures, impacts, and deficiencies, including the number and characterization of maintenance deficiencies, the extent of voyage repairs, post-deployment assessments of the material condition of the ships, and the extent to which work levels were maintained.

(C) Mission training requirements.

(D) Professional development requirements and opportunities.

(E) Liberty port of call opportunities.

(F) Movement and transportation of crew.

(G) Inventory and property accountability.

(H) Policies and procedures for assigning billets for rotating crews.

(I) Crew retention statistics.

(J) Readiness and mission capability data.

(2) Results from surveys administered or focus groups held to obtain representative views from commanding officers, officers, and enlisted members on the effects of rotational crew experiments on quality of life, training, professional development, maintenance, mission effectiveness, and other issues.

(3) The extent to which standard policies and procedures were developed and used for participating ships.

(4) Lessons learned from the experiment.

(5) An assessment from the combatant commanders on the crew mission performance when deployed.

(6) An assessment from the commander of the Fleet Forces Command on the material condition, maintenance, and crew training of each participating ship.

(7) Any recommendations of the Secretary of the Navy with respect to the extension of the ship rotational crew experiment or the implementation of the experiment for other surface vessels.

(b) POSTPONEMENT OF IMPLEMENTATION.—The Secretary of the Navy may not begin implementation of any new surface ship rotational crew experiment or program during the period beginning on the date of the enactment of this Act and ending on October 1, 2009.

(c) TREATMENT OF EXISTING EXPERIMENTS.—

(1) DESTROYER EXPERIMENT.—Not later than January 1, 2007, the Secretary of the Navy shall terminate the existing ship rotational crew experiment involving the U.S.S. Gonzalez (DDG-66), the U.S.S. Stout (DDG-55), and the U.S.S. Laboon (DDG-58) that is known as the "sea swap".

(2) PATROL COASTAL CLASS SHIP EXPERIMENT.—The Secretary of the Navy may continue the existing ship rotational crew program that is currently in use by overseas-based Patrol Coastal class ships.

(3) MINE COUNTERMEASURES SHIPS.—The Secretary of the Navy may continue the existing ship rotational crew program that is currently in use by MCM and MHC ships.

(4) LITTORAL COMBAT SHIPS.—The Secretary of the Navy may employ a two crew for one ship (commonly referred to as Blue-Gold) rotational crew program for the first two ships of each Littoral combat ship design (LCS 1-4).

(d) COMPTROLLER GENERAL REPORT.—Not later than July 15, 2007, the Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the ship rotational crew experiment referred to in subsection (c)(1). The report shall include the following:

(1) A review of the report submitted by the Secretary of the Navy under subsection (a) and an assessment of the extent to which the Secretary fully addressed costs, quality of life, training, maintenance, and mission effectiveness, and other relevant issues in that report.

(2) An assessment of the extent to which the Secretary established and applied a comprehensive framework for assessing the use of ship rotational crew experiments, including formal objectives, metrics, and methodology for assessing the cost-effectiveness of such experiments.

(3) An assessment of the extent to which the Secretary established effective guidance for the use of ship rotational crew experiments.

(4) Lessons learned from recent ship rotational crew experiments and an assessment of the extent to which the Navy systematically collects and shares lessons learned.

(e) CONGRESSIONAL BUDGET OFFICE REPORT.—Not later than July 15, 2007, the Director of the Congressional Budget Office shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the long-term implications of the use of crew rotation on Navy ships on the degree of forward presence provided by Navy ships. The report shall include the following:

(1) An analysis of different approaches to crew rotation and the degree of forward presence each approach would provide.

(2) A comparison of the degree of forward presence provided by the fleet under the long-term shipbuilding plan of the Navy with and without the widespread use of crew rotation.

(3) The long-term benefits and costs of using crew rotation on Navy ships.

SEC. 343. REPORT ON ARMY LIVE-FIRE RANGES IN HAWAII.

Not later than March 1, 2007, the Secretary of the Army shall submit to Congress a report on the adequacy of the live-fire ranges of the Army in the State of Hawaii with respect to current and future training requirements. The report shall include the following:

(1) An evaluation of the capacity of the existing live-fire ranges to meet the training requirements of the Army, including the training requirements of Stryker Brigade Combat Teams.

(2) A description of any existing plan to modify or expand any range in Hawaii for the purpose of meeting anticipated live-fire training requirements.

(3) A description of the current live-fire restrictions at the Makua Valley range and the effect of these restrictions on unit readiness.

(4) Cost and schedule estimates for the construction of new ranges or the modification of existing ranges that are necessary to support future training requirements if existing restrictions on training at the Makua Valley range remain in place.

SEC. 344. COMPTROLLER GENERAL REPORT ON JOINT STANDARDS AND PROTOCOLS FOR ACCESS CONTROL SYSTEMS AT DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the assessment of the Comptroller General of—

(1) the extent to which consistency exists in standards, protocols, and procedures for access control across installations of the Department of Defense; and

(2) whether the establishment of joint standards and protocols for access control at such installations would be likely to—

(A) address any need of the Department identified by the Comptroller General; or

(B) improve access control across such installations by providing greater consistency and improved force protection.

(b) ISSUES TO BE ASSESSED.—In conducting the assessment required by subsection (a), the Comptroller General shall assess the extent to which each installation of the Department of Defense has or would benefit from having an access control system with the ability to—

(1) electronically check any identification card issued by any Federal agency or any State or local government within the United States, including any identification card of a visitor to the installation who is a citizen or legal resident of the United States;

(2) verify that an identification card used to obtain access to the installation was legitimately issued and has not been reported lost or stolen;

(3) check on a real-time basis all relevant watch lists maintained by the Government, including terrorist watch lists and lists of persons wanted by Federal, State, or local law enforcement authorities;

(4) maintain a log of individuals seeking access to the installation and of individuals who are denied access to the installation; and

(5) exchange information with any installation with a system that complies with the joint standards and protocols.

SEC. 345. COMPTROLLER GENERAL REPORT ON READINESS OF ARMY AND MARINE CORPS GROUND FORCES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than June 1, 2007, the Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the readiness of the active component and reserve component ground forces of the Army and the Marine Corps.

(2) ONE OR MORE REPORTS.—In complying with the requirements of this section, the Comptroller General may submit a single report addressing all the elements specified in subsection (b) or two or more reports addressing any combination of such elements. If the Comptroller General submits more than one report under this section, all such reports shall be submitted not later than the date specified in paragraph (1).

(b) ELEMENTS.—The elements specified in this subsection are the following:

(1) An analysis of the current readiness status of each of the active component and reserve component ground forces of the Army and the Marine Corps, including a description of any major deficiency identified, an analysis of the trends in readiness of such forces during not less than the ten-year period preceding the date on which the report is submitted, and a comparison of the current readiness indicators of such ground forces with historical patterns.

(2) An assessment of the ability of the Army and the Marine Corps to provide trained and ready forces for ongoing operations as well as other commitments assigned to the Army and the Marine Corps in defense planning documents.

(3) An analysis of the availability of equipment for training by units of the Army and the Marine Corps in the United States in configurations comparable to the equipment being used by units of the Army and the Marine Corps, as applicable, in ongoing operations.

(4) An analysis of the current and projected requirements for repair or replacement of equipment of the Army and the Marine Corps due to ongoing operations and the effect of such required repair or replacement of equipment on the availability of equipment for training.

(5) An assessment of the current personnel tempo of Army and Marine Corps forces, including—

(A) a comparison of such tempos to historical trends;

(B) an identification of particular occupational specialties that are experiencing unusually high or low deployment rates; and

(C) an analysis of retention rates in the occupational specialties identified under subparagraph (B).

(6) An assessment of the efforts of the Army and the Marine Corps to mitigate the impact of high operational tempos, including cross-leveling of personnel and equipment or cross training of personnel or units for new or additional mission requirements.

(7) A description of the current policy of the Army and the Marine Corps with respect to the mobilization of reserve component personnel, together with an analysis of the number of reserve component personnel in each of the Army and the Marine Corps that are projected to be available for deployment under such policy.

(c) FORM OF REPORT.—Any report submitted under subsection (a) shall be submitted in both classified and unclassified form.

SEC. 346. REPORT ON AIR FORCE SAFETY REQUIREMENTS FOR AIR FORCE FLIGHT TRAINING OPERATIONS AT PUEBLO MEMORIAL AIRPORT, COLORADO.

(a) REPORT REQUIRED.—Not later than February 15, 2007, the Secretary of the Air Force shall submit to the congressional defense committees a report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado.

(b) ELEMENTS.—The report required under subsection (a) shall include each of the following:

(1) A description of the Air Force flying operations at Pueblo Memorial Airport, including the Initial Flight Screening program.

(2) An assessment of the impact of Air Force operations at Pueblo Memorial Airport on non-Air Force activities at the airport.

(3) A description of the requirements necessary at Pueblo Memorial Airport to ensure safe Air Force flying operations, including the continuous availability of fire protection, crash rescue, and other emergency response capabilities.

(4) An assessment of the necessity of providing for a continuous fire-fighting capability at Pueblo Memorial Airport.

(5) A description and analysis of any alternatives for Air Force flying operations at Pueblo Memorial Airport, including the cost and availability of any such alternatives.

(6) A description of Air Force funding of fire-fighting and crash rescue support at Pueblo Memorial Airport through the services contract for the Initial Flight Screening program.

(7) An assessment of whether Air Force funding is required to assist the City of Pueblo, Colorado, in meeting Air Force requirements for safe Air Force flight operations at Pueblo Memorial Airport, and if such funding is required, the plan of the Secretary of the Air Force to provide such funding to the city.

SEC. 347. ANNUAL REPORT ON PERSONNEL SECURITY INVESTIGATIONS FOR INDUSTRY AND NATIONAL INDUSTRIAL SECURITY PROGRAM.

(a) ANNUAL REPORT REQUIRED.—The Secretary of Defense shall include in the budget justification documents submitted to Congress in support of the President's budget for the Department of Defense for each fiscal year, a report on the future requirements of the Department of Defense with respect to the Personnel Security Investigations for Industry and the National Industrial Security Program of the Defense Security Service.

(b) CONTENTS OF REPORT.—Each report required to be submitted under subsection (a) shall include the following:

(1) The funding requirements of the personnel security clearance investigation program and ability of the Secretary of Defense to fund the program.

(2) The size of the personnel security clearance investigation process backlog.

(3) The length of the average delay for an individual case pending in the personnel security clearance investigation process.

(4) Any progress made by the Secretary of Defense during the 12 months preceding the date on which the report is submitted toward implementing planned changes in the personnel security clearance investigation process.

(5) A determination certified by the Secretary of Defense of whether the personnel security clearance investigation process has improved during the 12 months preceding the date on which the report is submitted.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the Secretary of Defense submits the first report required under subsection (a), the Comptroller General shall submit to Congress a report that contains a review of such report. The Comptroller General's report shall include the following:

(1) The number of personnel security clearance investigations conducted during the period beginning on October 1, 1999, and ending on September 30, 2006.

(2) The number of each type of security clearance granted during that period.

(3) The unit cost to the Department of Defense of each security clearance granted during that period.

(4) The amount of any fee or surcharge paid to the Office of Personnel Management as a result of conducting a personnel security clearance investigation.

(5) A description of the procedures used by the Secretary of Defense to estimate the number of personnel security clearance investigations to be conducted during a fiscal year.

(6) A description of any plan developed by the Secretary of Defense to reduce delays and backlogs in the personnel security clearance investigation process.

(7) A description of any plan developed by the Secretary of Defense to adequately fund the personnel security clearance investigation process.

(8) A description of any plan developed by the Secretary of Defense to establish a more stable and effective Personnel Security Investigations Program.

SEC. 348. FIVE-YEAR EXTENSION OF ANNUAL REPORT ON TRAINING RANGE SUSTAINMENT PLAN AND TRAINING RANGE INVENTORY.

Section 366 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2522; 10 U.S.C. 113 note) is amended—

(1) in subsections (a)(5) and (c)(2), by striking "fiscal years 2005 through 2008" and inserting "fiscal years 2005 through 2013"; and

(2) in subsection (d), by striking "within 60 days of receiving a report" and inserting "within 90 days of receiving a report".

SEC. 349. REPORTS ON WITHDRAWAL OR DIVERSION OF EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF RESERVE UNITS BEING MOBILIZED AND OTHER UNITS.

(a) REPORT REQUIRED ON WITHDRAWAL OR DIVERSION OF EQUIPMENT.—Not later than 90 days after the date on which the Secretary concerned (as that term is defined in section 101(a)(9) of title 10, United States Code) withdraws or diverts equipment from any reserve component unit for the purpose of transferring such equipment to a reserve component unit that is ordered to active duty under section 12301, 12302, or 12304 of title 10, United States Code, or to an active component unit for the purpose of discharging the mission of the unit to which the equipment is diverted, the Secretary concerned shall submit to the Secretary of Defense a status report on such withdrawal or diversion of equipment.

(b) ELEMENTS OF STATUS REPORT.—Each status report under subsection (a) shall include the following:

(1) A plan to repair, recapitalize, or replace the equipment withdrawn or diverted within the unit from which it is being withdrawn or diverted.

(2) In the case of equipment that is to remain in a theater of operations while the unit from which the equipment is withdrawn or diverted leaves the theater of operations, a plan to provide that unit with equipment appropriate to ensure the continuation of the readiness training of the unit.

(3) A signed memorandum of understanding between the active or reserve component to which the equipment is diverted and the reserve component from which the equipment is withdrawn or diverted that specifies—

(A) how the equipment will be accounted for; and

(B) when the equipment will be returned to the component from which it was withdrawn or diverted.

(c) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act and every 90 days thereafter, the Secretary of Defense shall submit to Congress all status reports submitted under subsection (a) during the 90-day period preceding the date on which the Secretary of Defense submits such reports.

(d) TERMINATION.—This section shall terminate on the date that is five years after the date of the enactment of this Act.

Subtitle F—Other Matters

SEC. 351. DEPARTMENT OF DEFENSE STRATEGIC POLICY ON PREPOSITIONING OF MATERIEL AND EQUIPMENT.

(a) STRATEGIC POLICY REQUIRED.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§2229. Strategic policy on prepositioning of materiel and equipment

"(a) POLICY REQUIRED.—The Secretary of Defense shall maintain a strategic policy on the programs of the Department of Defense for the prepositioning of materiel and equipment. Such policy shall take into account national security threats, strategic mobility, service requirements, and the requirements of the combatant commands.

"(b) LIMITATION OF DIVERSION OF PREPOSITIONED MATERIEL.—The Secretary of a military department may not divert materiel or equipment from prepositioned stocks except—

"(1) in accordance with a change made by the Secretary of Defense to the policy maintained under subsection (a); or

"(2) for the purpose of directly supporting a contingency operation or providing humanitarian assistance under chapter 20 of this title.

"(c) CONGRESSIONAL NOTIFICATION.—The Secretary of Defense may not implement or change the policy required under subsection (a) until the Secretary submits to the congressional defense committees a report describing the policy or change to the policy.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2229. Strategic policy on prepositioning of materiel and equipment.".

(c) DEADLINE FOR ESTABLISHMENT OF POLICY.—

(1) DEADLINE.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall establish the strategic policy on the programs of the Department of Defense for the prepositioning of materiel and equipment required under section 2229 of title 10, United States Code, as added by subsection (a).

(2) LIMITATION ON DIVERSION OF PREPOSITIONED MATERIEL.—During the period beginning on the date of the enactment of this Act and ending on the date on which the Secretary of Defense submits the report required under section 2229(c) of title 10, United States Code, on the policy referred to in paragraph (1), the Secretary of a military department may not divert materiel or equipment from prepositioned stocks except for the purpose of directly supporting a contingency operation or providing humanitarian assistance under chapter 20 of that title.

SEC. 352. AUTHORITY TO MAKE DEPARTMENT OF DEFENSE HORSES AVAILABLE FOR ADOPTION.

(a) INCLUSION OF DEPARTMENT OF DEFENSE HORSES IN EXISTING AUTHORITY.—Section 2583 of title 10, United States Code, is amended—

*(1) in the section heading, by striking "**working dogs**" and inserting "**animals**";*

(2) by striking "working" each place it appears;

(3) by striking "dog" and "dogs" each place they appear and inserting "animal" and "animals", respectively;

(4) by striking "dog's" in paragraphs (1) and (2) of subsection (a) and inserting "animal's";

(5) by striking "a dog's adoptability" in subsection (b) and inserting "the adoptability of the animal"; and

(6) by adding at the end the following new subsection:

"(g) Military Animal Defined.—In this section, the term 'military animal' means the following:

"(1) A military working dog.

"(2) A horse owned by the Department of Defense.".

(b) Clerical Amendment.—The item relating to such section in the table of sections at the beginning of chapter 153 of such title is amended to read as follows:

"2583. Military animals: transfer and adoption.".

SEC. 353. SALE AND USE OF PROCEEDS OF RECYCLABLE MUNITIONS MATERIALS.

(a) Establishment of Program.—Chapter 443 of title 10, United States Code, is amended by adding at the end the following new section:

"§4690. Recyclable munitions materials: sale; use of proceeds

"(a) Authority for Program.—Notwithstanding section 2577 of this title, the Secretary of the Army may carry out a program to sell recyclable munitions materials resulting from the demilitarization of conventional military munitions without regard to chapter 5 of title 40 and use any proceeds in accordance with subsection (c).

"(b) Method of Sale.—The Secretary shall use competitive procedures to sell recyclable munitions materials under this section in a manner consistent with Federal procurement laws and regulations.

"(c) Proceeds.—(1) Proceeds from the sale of recyclable munitions materials under this section shall be credited to an account that is specified as being for Army ammunition demilitarization from funds made available for the procurement of ammunition, to be available only for reclamation, recycling, and reuse of conventional military munitions (including research and development and equipment purchased for such purpose).

"(2) Amounts credited under this subsection shall be available for obligation for the fiscal year during which the funds are so credited and for three subsequent fiscal years.

"(d) Regulations.—The Secretary shall prescribe regulations to carry out the program established under this section. Such regulations shall be consistent and in compliance with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and the regulations implementing that Act.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4690. Recyclable munitions materials: sale; use of proceeds.".

SEC. 354. RECOVERY AND TRANSFER TO CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY OF CERTAIN FIREARMS, AMMUNITION, AND PARTS GRANTED TO FOREIGN COUNTRIES.

(a) Authority to Recover; Transfer to Corporation.—Subchapter II of chapter 407 of title 36, United States Code, is amended by inserting after section 40728 the following new section:

"§40728A. Recovery of excess firearms, ammunition, and parts granted to foreign countries and transfer to corporation

"(a) Authority to Recover.—The Secretary of the Army may recover from any country to which rifles, ammunition, repair parts, or other supplies described in section 40731(a) of this title are furnished on a grant basis under the conditions imposed by section 505 of the Foreign Assistance Act of 1961 (22 U.S.C. 2314) any such rifles, ammunition, repair parts, or supplies that become excess to the needs of such country.

"(b) Cost of Recovery.—(1) Except as provided in paragraph (2), the cost of recovery of any rifles, ammunition, repair parts, or supplies under subsection (a) shall be treated as incremental direct costs incurred in providing logistical support to the corporation for which reimbursement shall be required as provided in section 40727(a) of this title.

"(2) The Secretary may require the corporation to pay costs of recovery described in paragraph (1) in advance of incurring such costs. Amounts so paid shall not be subject to the provisions of section 3302 of title 31, but shall be administered in accordance with the last sentence of section 40727(a) of this title.

"(c) Availability for Transfer to Corporation.—Any rifles, ammunition, repair parts, or supplies recovered under subsection (a) shall be available for transfer to the corporation in accordance with section 40728 of this title under such additional terms and conditions as the Secretary shall prescribe for purposes of this section.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 40728 the following new item:

"40728A. Recovery of excess firearms, ammunition, and parts granted to foreign countries and transfer to corporation.".

SEC. 355. EXTENSION OF DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT PROGRAM.

(a) Termination at End of Contingency Operation.—Subsection (c) of section 344 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) is amended to read as follows:

"(c) Termination of Benefit.—The authority to provide a benefit under subsection (a)(1) to a member directly supporting a contingency operation shall terminate on the date that is 60 days after the date on which the Secretary determines that the contingency operation has ended.".

(b) Application to Other Contingency Operations.—Such section is further amended—

(1) in subsection (a), by striking "Operation Iraqi Freedom and Operation Enduring Freedom" and inserting "a contingency operation"; and

(2) by adding at the end the following new subsection:

"(g) Contingency Operation Defined.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code. The term includes Operation Iraqi Freedom and Operation Enduring Freedom.".

(c) Extension to Hospitalized Members.—Subsection (a) of such section is further amended—

(1) by striking "As soon as possible after the date of the enactment of this Act, the" and inserting "(1) The"; and

(2) by adding at the end the following new paragraph:

"(2) As soon as possible after the date of the enactment of the John Warner National Defense Authorization Act for Fiscal Year 2007, the Secretary shall provide, wherever practicable, prepaid phone cards, packet based telephony service, or an equivalent telecommunications benefit which includes access to telephone service to members of the Armed Forces who, although are no longer directly supporting a contingency operation, are hospitalized as a result of wounds or other injuries incurred while serving in direct support of a contingency operation.".

(d) Report on Implementation of Modified Benefits.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the status of the efforts of the Department of Defense to implement the modifications of the Department of Defense telecommunications benefit required by section 344 of the National Defense Authorization Act for Fiscal Year 2004 that result from the amendments made by this section.

SEC. 356. EXTENSION OF AVAILABILITY OF FUNDS FOR COMMEMORATION OF SUCCESS OF THE ARMED FORCES IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

Section 378(b)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3214) is amended by striking "fiscal year 2006" and inserting "fiscal years 2006 and 2007".

SEC. 357. CAPITAL SECURITY COST SHARING.

(a) Reconciliation Required.—For each fiscal year, the Secretary of Defense shall reconcile (1) the estimate of overseas presence of the Secretary of Defense under subsection (b) for that fiscal year, with (2) the determination of the Secretary of State under section 604(e)(1) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note) of the total overseas presence of the Department of Defense for that fiscal year.

(b) Annual Estimate of Overseas Presence.—Not later than February 1 of each year, the Secretary of Defense shall submit to the congressional defense committees an estimate of the total number of Department of Defense overseas personnel subject to chief of mission authority pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) during the fiscal year that begins on October 1 of that year.

SEC. 358. UTILIZATION OF FUEL CELLS AS BACK-UP POWER SYSTEMS IN DEPARTMENT OF DEFENSE OPERATIONS.

The Secretary of Defense shall consider the utilization of fuel cells as replacements for current back-up power systems in a variety of Department of Defense operations and activities, including in telecommunications networks, perimeter security, individual equipment items, and remote facilities, in order to increase the operational longevity of back-up power systems and stand-by power systems in such operations and activities.

SEC. 359. IMPROVING DEPARTMENT OF DEFENSE SUPPORT FOR CIVIL AUTHORITIES.

(a) Consultation.—In the development of concept plans for the Department of Defense for providing support to civil authorities, the Secretary of Defense may consult with the Secretary of Homeland Security and State governments.

(b) Prepositioning of Department of Defense Assets.—The Secretary of Defense may provide for the prepositioning of prepackaged or preidentified basic response assets, such as medical supplies, food and water, and communications equipment, in order to improve the ability of the Department of Defense to rapidly provide support to civil authorities. The prepositioning of basic response assets shall be carried out in a manner consistent with Department of Defense concept plans for providing support to civil authorities and section 2229 of title 10, United States Code, as added by section 351.

(c) Reimbursement.—To the extent required by section 1535 of title 31, United States Code, or other applicable law, the Secretary of Defense shall require that the Department of Defense be *reimbursed for costs incurred by the Department in the prepositioning of basic response assets under subsection (b).*

(d) Military Readiness.—The Secretary of Defense shall ensure that the prepositioning of basic response assets under subsection (b) does not adversely affect the military preparedness of the United States.

(e) Procedures and Guidelines.—The Secretary may develop procedures and guidelines applicable to the prepositioning of basic response assets under subsection (b).

SEC. 360. ENERGY EFFICIENCY IN WEAPONS PLATFORMS.

(a) Policy.—It shall be the policy of the Department of Defense to improve the fuel efficiency of weapons platforms, consistent with mission requirements, in order to—

(1) enhance platform performance;

(2) reduce the size of the fuel logistics systems;

(3) reduce the burden high fuel consumption places on agility;

(4) reduce operating costs; and

(5) dampen the financial impact of volatile oil prices.

(b) Report Required.—

(1) In general.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of the Department of Defense in implementing the policy established by subsection (a).

(2) Elements.—The report shall include the following:

(A) An assessment of the feasibility of designating a senior Department of Defense official to be responsible for implementing the policy established by subsection (a).

(B) A summary of the recommendations made as of the time of the report by—

(i) the Energy Security Integrated Product Team established by the Secretary of Defense in April 2006;

(ii) the Defense Science Board Task Force on Department of Defense Energy Strategy established by the Under Secretary of Defense for Acquisition, Technology and Logistics on May 2, 2006; and

(iii) the January 2001 Defense Science Board Task Force report on Improving Fuel Efficiency of Weapons Platforms.

(C) For each recommendation summarized under subparagraph (B)—

(i) the steps that the Department has taken to implement such recommendation;

(ii) any additional steps the Department plans to take to implement such recommendation; and

(iii) for any recommendation that the Department does not plan to implement, the reasons for the decision not to implement such recommendation.

(D) An assessment of the extent to which the research, development, acquisition, and logistics guidance and directives of the Department for weapons platforms are appropriately designed to address the policy established by subsection (a).

(E) An assessment of the extent to which such guidance and directives are being carried out in the research, development, acquisition, and logistics programs of the Department.

(F) A description of any additional actions that, in the view of the Secretary, may be needed to implement the policy established by subsection (a).

SEC. 361. PRIORITIZATION OF FUNDS WITHIN NAVY MISSION OPERATIONS, SHIP MAINTENANCE, COMBAT SUPPORT FORCES, AND WEAPONS SYSTEM SUPPORT.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the President's budget for fiscal year 2007 failed to fund the required number of ship steaming days per quarter for Navy ship operations as well as deferring projected depot maintenance for Navy ships and aircraft; and

(2) the Secretary of Defense should ensure that sufficient financial resources are provided for each fiscal year to support the critical training and depot maintenance accounts of the Navy in order to enable the Navy to maintain the current readiness levels required to support the national military strategy without putting future readiness at risk by underfunding investment in modernization, including ship construction programs.

(b) Certification.—The Secretary of Defense shall submit to the congressional defense committees a written certification, at the same time the President submits the budget for each of fiscal years 2008, 2009, and 2010, that the Navy has budgeted and programmed funding to fully meet the requirements for that fiscal year for each of the following:

(1) Ship steaming days per quarter for deployed and non-deployed ship operations.

(2) Projected depot maintenance requirements for ships and aircraft.

(c) Limitation.—Of the funds available for Operation and Maintenance, Defense-Wide, for the Office of the Secretary of Defense for each of fiscal years 2008, 2009, and 2010, no more than 80 percent may be obligated in that fiscal year until after the submission of the certification required by subsection (b) for the annual budget submitted in February of that year for the following fiscal year.

(d) Annual Report.—Beginning with the fiscal year 2008 budget of the President, the Secretary of the Navy shall submit to the congressional defense committees an annual report (to be submitted when the budget is submitted) setting forth the progress toward funding the requirements of subsection (a). The annual reporting requirement shall terminate after the fiscal year 2010 budget submission. Each such report shall include the following:

(1) An assessment of the deployed and non-deployed quarterly ship steaming day requirements, itemized by active-duty component and reserve component.

(2) An assessment of the associated budget request for each of the following:

(A) Deployed and non-deployed ship steaming days per quarter.

(B) Chief of Naval Operations ship depot maintenance availabilities, shown by type of maintenance availability and by location.

(C) Air depot maintenance workload, shown by type of airframe and by location.

(e) Report on Riverine Squadrons.—

(1) Report required.—The Secretary of Navy shall submit to the congressional defense committees a report on the Riverine Squadrons of the Navy. The report shall be submitted with the President's budget for fiscal year 2008 and shall include the following:

(A) The total amount funded for fiscal year 2006 and projected funding for fiscal year 2007 and fiscal year 2008 for those squadrons.

(B) The operational requirement of the commander of the United States Central Command for those squadrons and the corresponding Department of Navy concept of operations for deployments of those squadrons to support Operation Iraqi Freedom or Operation Enduring Freedom.

(C) The military table of organization and equipment for those squadrons.

(D) A summary of existing Department of Navy equipment that has been assigned in fiscal year 2006 or will be provided in fiscal year 2007 and fiscal year 2008 for those squadrons.

(E) The Department of Navy directive for the mission assigned to those squadrons.

(2) Limitation.—Of the amount made available for fiscal year 2007 to the Department of Navy for operation and maintenance for the Office of the Secretary of the Navy, not more than 80 percent may be obligated before the date on which the report required under paragraph (1) is submitted.

SEC. 362. PROVISION OF ADEQUATE STORAGE SPACE TO SECURE PERSONAL PROPERTY OUTSIDE OF ASSIGNED MILITARY FAMILY HOUSING UNIT.

The Secretary of a military department shall ensure that a member of the Armed Forces under the jurisdiction of the Secretary who occupies a unit of military family housing is provided with adequate storage space to secure personal property that the member is unable to secure within the unit whenever—

(1) the member is assigned to duty in an area for which special pay under section 310 of title 37, United States Code, is available and the assignment is pursuant to orders specifying an assignment of 180 days or more; and

(2) the dependents of the member who otherwise occupy the unit of military family housing are absent from the unit for more than 30 consecutive days during the period of the assignment of the member.

SEC. 363. EXPANSION OF PAYMENT OF REPLACEMENT VALUE OF PERSONAL PROPERTY DAMAGED DURING TRANSPORT AT GOVERNMENT EXPENSE.

(a) Coverage of Property of Civilian Employees of Department of Defense.—Subsection (a) of section 2636a of title 10, United States Code, is amended by striking "of baggage and household effects for members of the armed forces at Government expense" and inserting "at Government expense of baggage and household effects for members of the armed forces or civilian employees of the Department of Defense (or both)".

(b) Requirement for Payment and Deduction Upon Failure of Carrier to Settle.—Effective March 1, 2008, such section is further amended—

(1) in subsection (a), by striking "may include" and inserting "shall include"; and

(2) in subsection (b), by striking "may be deducted" and inserting "shall be deducted".

(c) Certification on Families First Program.—The Secretary of Defense shall submit to the congressional defense committees a report containing the certifications of the Secretary with respect to the program of the Department of Defense known as "Families First" on the following matters:

(1) Whether there is an alternative to the system under the program that would provide equal or greater capability at a lower cost.

(2) Whether the estimates on costs, and the anticipated schedule and performance parameters, for the program and system are reasonable.

(3) Whether the management structure for the program is adequate to manage and control program costs.

(d) Comptroller General Reports on Families First Program.—

(1) Review and assessment required.—The Comptroller General of the United States shall conduct a review and assessment of the progress of the Department of Defense in implementing the program of the Department of Defense known as "Families First".

(2) Elements of review and assessment.—In conducting the review and assessment required by paragraph (1), the Comptroller General shall—

(A) assess the progress of the Department in achieving the goals of the Families First program, including progress in the development and deployment of the Defense Personal Property System;

(B) assess the organization, staffing, resources, and capabilities of the Defense Personal Property System Project Management Office established on April 7, 2006;

(C) evaluate the growth in cost of the program since the previous assessment of the program by

Subtitle H—Impact Aid and Defense Dependents Education System

Sec. 571. Enrollment in defense dependents' education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe.

Sec. 572. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 573. Impact aid for children with severe disabilities.

Sec. 574. Plan and authority to assist local educational agencies experiencing growth in enrollment due to force structure changes, relocation of military units, or base closures and realignments.

Sec. 575. Pilot program on parent education to promote early childhood education for dependent children affected by military deployment or relocation of military units.

Subtitle I—Armed Forces Retirement Home

Sec. 578. Report on leadership and management of the Armed Forces Retirement Home.

Sec. 579. Report on Local Boards of Trustees of the Armed Forces Retirement Home.

Subtitle J—Reports

Sec. 581. Report on personnel requirements for airborne assets identified as Low-Density, High-Demand Airborne Assets.

Sec. 582. Report on feasibility of establishment of Military Entrance Processing Command station on Guam.

Sec. 583. Inclusion in annual Department of Defense report on sexual assaults of information on results of disciplinary actions.

Sec. 584. Report on provision of electronic copy of military records on discharge or release of members from the Armed Forces.

Sec. 585. Report on omission of social security account numbers from military identification cards.

Sec. 586. Report on maintenance and protection of data held by the Secretary of Defense as part of the Department of Defense Joint Advertising, Market Research and Studies (JAMRS) program.

Sec. 587. Comptroller General report on military conscientious objectors.

Subtitle K—Other Matters

Sec. 591. Modification in Department of Defense contributions to Military Retirement Fund.

Sec. 592. Revision in Government contributions to Medicare-Eligible Retiree Health Care Fund.

Sec. 593. Dental Corps of the Navy Bureau of Medicine and Surgery.

Sec. 594. Permanent authority for presentation of recognition items for recruitment and retention purposes.

Sec. 595. Persons authorized to administer enlistment and appointment oaths.

Sec. 596. Military voting matters.

Sec. 597. Physical evaluation boards.

Sec. 598. Military ID cards for retiree dependents who are permanently disabled.

Sec. 599. United States Marine Band and United States Marine Drum and Bugle Corps.

Subtitle A—Officer Personnel Policy

PART I—OFFICER PERSONNEL POLICY GENERALLY

SEC. 501. MILITARY STATUS OF OFFICERS SERVING IN CERTAIN INTELLIGENCE COMMUNITY POSITIONS.

(a) CLARIFICATION OF MILITARY STATUS.—Section 528 of title 10, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) MILITARY STATUS.—An officer of the armed forces, while serving in a position covered by this section—

"(1) shall not be subject to supervision or control by the Secretary of Defense or any other officer or employee of the Department of Defense, except as directed by the Secretary of Defense concerning reassignment from such position; and

"(2) may not exercise, by reason of the officer's status as an officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

"(b) DIRECTOR AND DEPUTY DIRECTOR OF CIA.—When the position of Director or Deputy Director of the Central Intelligence Agency is held by an officer of the armed forces, the officer serving in that position, while so serving, shall be excluded from the limitations in sections 525 and 526 of this title. However, if both such positions are held by an officer of the armed forces, only one such officer may be excluded from those limitation while so serving."; and

(2) by adding at the end the following new subsections:

"(e) EFFECT OF APPOINTMENT.—Except as provided in subsection (a), the appointment or assignment of an officer of the armed forces to a position covered by this section shall not affect—

"(1) the status, position, rank, or grade of such officer in the armed forces; or

"(2) any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

"(f) MILITARY PAY AND ALLOWANCES.—(1) An officer of the armed forces on active duty who is appointed or assigned to a position covered by this section shall, while serving in such position and while remaining on active duty, continue to receive military pay and allowances and shall not receive the pay prescribed for such position.

"(2) Funds from which pay and allowances under paragraph (1) are paid to an officer while so serving shall be reimbursed as follows:

"(A) For an officer serving in a position within the Central Intelligence Agency, such reimbursement shall be made from funds available to the Director of the Central Intelligence Agency.

"(B) For an officer serving in a position within the Office of the Director of National Intelligence, such reimbursement shall be made from funds available to the Director of National Intelligence.

"(g) COVERED POSITIONS.—The positions covered by this section are the positions specified in subsections (b) and (c) and the positions designated under subsection (d).".

(b) CLERICAL AMENDMENTS.—

(1) The heading of such section is amended to read as follows:

"§ 528. Officers serving in certain intelligence positions: military status; exclusion from distribution and strength limitations; pay and allowances".

(2) The item relating to section 528 in the table of sections at the beginning of chapter 32 of such title is amended to read as follows:

"528. Officers serving in certain intelligence positions: military status; exclusion from distribution and strength limitations; pay and allowances.".

SEC. 502. EXTENSION OF AGE FOR MANDATORY RETIREMENT FOR ACTIVE-DUTY GENERAL AND FLAG OFFICERS.

(a) REVISED AGE LIMITS FOR GENERAL AND FLAG OFFICERS.—Chapter 63 of title 10, United States Code, is amended by inserting after section 1252 the following new section:

"§ 1253. Age 64: regular commissioned officers in general and flag officer grades; exception

"(a) GENERAL RULE.—Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, or Marine Corps serving in a general or flag officer grade shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

"(b) EXCEPTION FOR OFFICERS SERVING IN O–9 AND O–10 POSITIONS.—In the case of an officer serving in a position that carries a grade above major general or rear admiral, the retirement under subsection (a) of that officer may be deferred—

"(1) by the President, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age; or

"(2) by the Secretary of Defense, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age.".

(b) RESTATEMENT AND MODIFICATION OF CURRENT AGE LIMITS FOR OTHER OFFICERS.—Section 1251 of such title is amended to read as follows:

"§ 1251. Age 62: regular commissioned officers in grades below general and flag officer grades; exceptions

"(a) GENERAL RULE.—Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, or Marine Corps (other than an officer covered by section 1252 of this title or a commissioned warrant officer) serving in a grade below brigadier general or rear admiral (lower half), in the case of an officer in the Navy, shall be retired on the first day of the month following the month in which the officer becomes 62 years of age.

"(b) DEFERRED RETIREMENT OF HEALTH PROFESSIONS OFFICERS.—(1) The Secretary of the military department concerned may, subject to subsection (d), defer the retirement under subsection (a) of a health professions officer if during the period of the deferment the officer will be performing duties consisting primarily of providing patient care or performing other clinical duties.

"(2) For purposes of this subsection, a health professions officer is—

"(A) a medical officer;

"(B) a dental officer; or

"(C) an officer in the Army Nurse Corps, an officer in the Navy Nurse Corps, or an officer in the Air Force designated as a nurse.

"(c) DEFERRED RETIREMENT OF CHAPLAINS.—The Secretary of the military department concerned may, subject to subsection (d), defer the retirement under subsection (a) of an officer who is appointed or designated as a chaplain if the Secretary determines that such deferral is in the best interest of the military department concerned.

"(d) LIMITATION ON DEFERMENT OF RETIREMENTS.—(1) Except as provided in paragraph (2), a deferment under subsection (b) or (c) may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.

"(2) The Secretary of the military department concerned may extend a deferment under subsection (b) or (c) beyond the day referred to in paragraph (1) if the Secretary determines that extension of the deferment is necessary for the needs of the military department concerned. Such an extension shall be made on a case-by-

case basis and shall be for such period as the Secretary considers appropriate.''.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 63 of such title is amended—

(1) by striking the item relating to section 1251 and inserting the following new item:

''1251. Age 62: regular commissioned officers in grades below general and flag officer grades; exceptions.''; and

(2) by inserting after the item relating to section 1252 the following new item:

''1253. Age 64: regular commissioned officers in general and flag officer grades; exception.''.

(d) CONFORMING AMENDMENTS.—Chapter 71 of such title is amended—

(1) in the table in section 1401(a), by inserting at the bottom of the column under the heading ''For sections'', in the entry for Formula Number 5, the following: ''1253''; and

(2) in the table in section 1406(b)(1), by inserting at the bottom of the first column the following: ''1253''.

SEC. 503. INCREASED MANDATORY RETIREMENT AGES FOR RESERVE OFFICERS.

(a) MAJOR GENERALS AND REAR ADMIRALS.—

(1) INCREASED AGE.—Section 14511 of title 10, United States Code, is amended by striking ''62 years'' and inserting ''64 years''.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 14511. Separation at age 64: major generals and rear admirals''.

(b) BRIGADIER GENERALS AND REAR ADMIRALS (LOWER HALF).—

(1) INCREASED AGE.—Section 14510 of such title is amended by striking ''60 years'' and inserting ''62 years''.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 14510. Separation at age 62: brigadier generals and rear admirals (lower half)''.

(c) Officers Below Brigadier General or Rear Admiral (Lower Half)—

(1) INCREASED AGE.—Section 14509 of such title is amended by striking ''60 years'' and inserting ''62 years''.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 14509. Separation at age 62: reserve officers in grades below brigadier general or rear admiral (lower half)''.

(d) CERTAIN OTHER OFFICERS.—

(1) INCREASED AGE.—Section 14512 of such title is amended by striking ''64 years'' both places it appears and inserting ''66 years''.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 14512. Separation at age 66: officers holding certain offices''.

(e) CONFORMING AMENDMENTS.—Section 14508 of such title is amended—

(1) in subsection (c), by striking ''60 years'' and inserting ''62 years''; and

(2) in subsection (d), by striking ''62 years'' and inserting ''64 years''.

(f) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1407 of such title is amended by striking the items relating to sections 14509, 14510, 14511, and 14512 and inserting the following new items:

''14509. Separation at age 62: reserve officers in grades below brigadier general or rear admiral (lower half).
''14510. Separation at age 62: brigadier generals and rear admirals (lower half).
''14511. Separation at age 64: major generals and rear admirals.
''14512. Separation at age 66: officers holding certain offices.''.

SEC. 504. STANDARDIZATION OF GRADE OF SENIOR DENTAL OFFICER OF THE AIR FORCE WITH THAT OF SENIOR DENTAL OFFICER OF THE ARMY.

(a) AIR FORCE ASSISTANT SURGEON GENERAL FOR DENTAL SERVICES.—Section 8081 of title 10, United States Code, is amended by striking ''brigadier general'' in the second sentence and inserting ''major general''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the occurrence of the next vacancy in the position of Assistant Surgeon General for Dental Services in the Air Force that occurs after the date of the enactment of this Act or, if earlier, on the date of the appointment to the grade of major general of the officer who is the incumbent in that position on the date of the enactment of the Act.

SEC. 505. MANAGEMENT OF CHIEF WARRANT OFFICERS.

(a) RETENTION OF CHIEF WARRANT OFFICERS, W-4, WHO HAVE TWICE FAILED OF SELECTION FOR PROMOTION.—Paragraph (1) of section 580(e) of title 10, United States Code, is amended by striking ''continued on active duty if'' and all that follows and inserting ''continued on active duty if—

''(A) in the case of a warrant officer in the grade of chief warrant officer, W–2, or chief warrant officer, W–3, the warrant officer is selected for continuation on active duty by a selection board convened under section 573(c) of this title; and

''(B) in the case of a warrant officer in the grade of chief warrant officer, W–4, the warrant officer is selected for continuation on active duty by the Secretary concerned under such procedures as the Secretary may prescribe.''.

(b) ELIGIBILITY FOR CONSIDERATION FOR PROMOTION OF WARRANT OFFICERS CONTINUED ON ACTIVE DUTY.—Paragraph (2) of such section is amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following new subparagraph:

''(B) A warrant officer in the grade of chief warrant officer, W–4, who is retained on active duty pursuant to procedures prescribed under paragraph (1)(B) is eligible for further consideration for promotion while remaining on active duty.''.

(c) MANDATORY RETIREMENT FOR LENGTH OF SERVICE.—Section 1305(a) of such title is amended—

(1) by striking ''(1) Except as'' and all the follows through ''W–5)'' and inserting ''A regular warrant officer'';

(2) by inserting ''as a warrant officer'' after ''years of active service'';

(3) by inserting ''the date on which'' after ''60 days after''; and

(4) by striking paragraph (2).

SEC. 506. EXTENSION OF TEMPORARY REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR ELIGIBILITY FOR PROMOTION FOR CERTAIN ACTIVE-DUTY LIST OFFICERS IN GRADES OF FIRST LIEUTENANT AND LIEUTENANT (JUNIOR GRADE).

Section 619(a)(1)(B) of title 10, United States Code, is amended by striking ''October 1, 2005'' and inserting ''October 1, 2008''.

SEC. 507. GRADE AND EXCLUSION FROM ACTIVE-DUTY GENERAL AND FLAG OFFICER DISTRIBUTION AND STRENGTH LIMITATIONS OF OFFICER SERVING AS ATTENDING PHYSICIAN TO THE CONGRESS.

(a) GRADE.—

(1) REGULAR OFFICER.—(A) Chapter 41 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 722. Attending Physician to the Congress: grade

''A general officer serving as Attending Physician to the Congress, while so serving, holds the grade of major general. A flag officer serving as Attending Physician to the Congress, while so serving, holds the grade of rear admiral.''.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''722. Attending Physician to the Congress: grade.''.

(2) RESERVE OFFICER.—(A) Section 12210 of such title is amended by striking ''who holds'' and all that follows and inserting ''holds the reserve grade of major general or rear admiral, as appropriate.''.

(B) The heading of such section is amended to read as follows:

''§ 12210. Attending Physician to the Congress: reserve grade''.

(C) The table of sections at the beginning of chapter 1205 of such title is amended by striking the item relating to section 12210 and inserting the following new item:

''12210. Attending Physician to the Congress: reserve grade.''.

(b) DISTRIBUTION LIMITATIONS.—Section 525 of such title is amended by adding at the end the following new subsection:

''(f) An officer while serving as Attending Physician to the Congress is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above brigadier general or rear admiral (lower half) under subsection (a).''.

(c) ACTIVE-DUTY STRENGTH LIMITATIONS.—Section 526 of such title is amended by adding at the end the following new subsection:

''(f) EXCLUSION OF ATTENDING PHYSICIAN TO THE CONGRESS.—The limitations of this section do not apply to the general or flag officer who is serving as Attending Physician to the Congress.''.

SEC. 508. MODIFICATION OF QUALIFICATIONS FOR LEADERSHIP OF THE NAVAL POSTGRADUATE SCHOOL.

Subsection (a) of section 7042 of title 10, United States Code, is amended to read as follows:

''(a)(1) The President of the Naval Postgraduate School shall be one of the following:

''(A) An active-duty officer of the Navy or Marine Corps in a grade not below the grade of captain, or colonel, respectively, who is assigned or detailed to such position.

''(B) A civilian individual, including an individual who was retired from the Navy or Marine Corps in a grade not below captain, or colonel, respectively, who has the qualifications appropriate to the position of President and is selected by the Secretary of the Navy as the best qualified from among candidates for the position in accordance with—

''(i) the criteria specified in paragraph (4);

''(ii) a process determined by the Secretary; and

''(iii) other factors the Secretary considers essential.

''(2) Before making an assignment, detail, or selection of an individual for the position of President of the Naval Postgraduate School, the Secretary shall—

''(A) consult with the Board of Advisors for the Naval Postgraduate School;

''(B) consider any recommendation of the leadership and faculty of the Naval Postgraduate School regarding the assignment or selection to that position; and

''(C) consider the recommendations of the Chief of Naval Operations and the Commandant of the Marine Corps.

''(3) An individual selected for the position of President of the Naval Postgraduate School under paragraph (1)(B) shall serve in that position for a term of not more than five years and may be continued in that position for an additional term of up to five years.

"(4) The qualifications appropriate for selection of an individual for detail or assignment to the position of President of the Naval Postgraduate School include the following:

"(A) An academic degree that is either—

"(i) a doctorate degree in a field of study relevant to the mission and function of the Naval Postgraduate School; or

"(ii) a master's degree in a field of study relevant to the mission and function of the Naval Postgraduate School, but only if—

"(I) the individual is an active-duty or retired officer of the Navy or Marine Corps in a grade not below the grade of captain or colonel, respectively; and

"(II) at the time of the selection of that individual as President, the individual permanently appointed to the position of Provost and Academic Dean has a doctorate degree in such a field of study.

"(B) A comprehensive understanding of the Department of the Navy, the Department of Defense, and joint and combined operations.

"(C) Leadership experience at the senior level in a large and diverse organization.

"(D) Demonstrated ability to foster and encourage a program of research in order to sustain academic excellence.

"(E) Other qualifications, as determined by the Secretary of the Navy.".

PART II—OFFICER PROMOTION POLICY

SEC. 511. REVISIONS TO AUTHORITIES RELATING TO AUTHORIZED DELAYS OF OFFICER PROMOTIONS.

(a) OFFICERS ON ACTIVE-DUTY LIST.—

(1) SECRETARY OF DEFENSE REGULATIONS FOR DELAYS OF APPOINTMENT UPON PROMOTION.—Paragraphs (1) and (2) of subsection (d) of section 624 of title 10, United States Code, are amended by striking "prescribed by the Secretary concerned" in and inserting "prescribed by the Secretary of Defense".

(2) ADDITIONAL BASIS FOR DELAY OF APPOINTMENT BY REASON OF INVESTIGATIONS AND PROCEEDINGS.—Subsection (d)(1) of such section is further amended—

(A) by striking "or" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "; or";

(C) by inserting after subparagraph (D) the following new subparagraph:

"(E) substantiated adverse information about the officer that is material to the decision to appoint the officer is under review by the Secretary of Defense or the Secretary concerned."; and

(D) in the flush matter following subparagraph (E), as inserted by subparagraph (C) of this paragraph—

(i) by striking "or" after "chapter 60 of this title"; and

(ii) by inserting after "brought against him," the following: "or if, after a review of substantiated adverse information about the officer regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion,".

(3) ADDITIONAL BASIS FOR DELAY IN APPOINTMENT FOR LACK OF QUALIFICATIONS.—Subsection (d)(2) of such section is further amended—

(A) in the first sentence, by inserting before "is mentally, physically," the following: "has not met the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, or"; and

(B) in the second sentence, by striking "If the Secretary concerned later determines that the officer is qualified for promotion to such grade" and inserting "If it is later determined by a civilian official of the Department of Defense (not below the level of Secretary of a military department) that the officer is qualified for promotion to such grade and, after a review of adverse information regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion to such grade".

(b) OFFICERS ON RESERVE ACTIVE-STATUS LIST.—

(1) SECRETARY OF DEFENSE REGULATIONS FOR DELAYS OF APPOINTMENT UPON PROMOTION.—Subsections (a)(1) and (b) of section 14311 of such title are amended by striking "Secretary of the military department concerned" and inserting "Secretary of Defense".

(2) ADDITIONAL BASIS FOR ORIGINAL DELAY OF APPOINTMENT BY REASON OF INVESTIGATIONS AND PROCEEDINGS.—Section 14311(a) of such title is further amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

"(E) Substantiated adverse information about the officer that is material to the decision to appoint the officer is under review by the Secretary of Defense or the Secretary concerned."; and

(B) in paragraph (2)—

(i) by striking "or" after "show cause for retention,"; and

(ii) by inserting after "of the charges," the following: "or if, after a review of substantiated adverse information about the officer regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion,".

(3) ADDITIONAL BASIS FOR DELAY IN APPOINTMENT FOR LACK OF QUALIFICATIONS.—Section 14311(b) of such section is further amended—

(A) in the first sentence, by inserting before "is mentally, physically," the following: "has not met the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, or"; and

(B) in the second sentence, by striking "If the Secretary concerned later determines that the officer is qualified for promotion to the higher grade" and inserting "If it is later determined by a civilian official of the Department of Defense (not below the level of Secretary of a military department) that the officer is qualified for promotion to the higher grade and, after a review of adverse information regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion to the higher grade".

(c) DEADLINE FOR UNIFORM REGULATIONS ON DELAY OF PROMOTIONS.—

(1) DEADLINE.—The Secretary of Defense shall prescribe the regulations required by section 624(d) of title 10, United States Code (as amended by subsection (a)(1) of this section), and the regulations required by section 14311 of such title (as amended by subsection (b)(1) of this section) not later than March 1, 2008.

(2) SAVINGS CLAUSE FOR EXISTING REGULATIONS.—Until the Secretary of Defense prescribes regulations pursuant to paragraph (1), regulations prescribed by the Secretaries of the military departments under the sections referred to in paragraph (1) shall remain in effect.

(d) TECHNICAL AMENDMENTS TO CLARIFY DATE OF ESTABLISHMENT OF PROMOTION LISTS.—

(1) PROMOTION LISTS FOR ACTIVE-DUTY LIST OFFICERS.—Section 624(a)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: "A promotion list is considered to be established under this section as of the date of the approval of the report of the selection board under the preceding sentence.".

(2) PROMOTION LISTS FOR RESERVE ACTIVE-STATUS LIST OFFICERS.—Section 14308(a) of title 10, United States Code, is amended by adding at the end the following new sentence: "A promotion list is considered to be established under this section as of the date of the approval of the report of the selection board under the preceding sentence.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to officers on promotion lists established on or after the date of the enactment of this Act.

SEC. 512. CONSIDERATION OF ADVERSE INFORMATION BY SELECTION BOARDS IN RECOMMENDATIONS ON OFFICERS TO BE PROMOTED.

(a) OFFICERS ON ACTIVE-DUTY LIST.—Section 616(c) of title 10, United States Code, is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end in paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) a majority of the members of the board, after consideration by all members of the board of any adverse information about the officer that is provided to the board under section 615 of this title, finds that the officer is among the officers best qualified for promotion to meet the needs of the armed force concerned consistent with the requirement of exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable.".

(b) OFFICERS ON RESERVE-ACTIVE STATUS LIST.—Section 14108(b) of such title is amended—

(1) in the heading, by striking "MAJORITY REQUIRED.—" and inserting "ACTIONS REQUIRED.—";

(2) by striking "and" at the end of paragraph (1);

(3) by striking the period at the end in paragraph (2) and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(3) a majority of the members of the board, after consideration by all members of the board of any adverse information about the officer that is provided to the board under section 14107 of this title, finds that the officer is among the officers best qualified for promotion to meet the needs of the armed force concerned consistent with the requirement of exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to selection boards convened on or after that date.

SEC. 513. EXPANDED AUTHORITY FOR REMOVAL FROM REPORTS OF SELECTION BOARDS OF OFFICERS RECOMMENDED FOR PROMOTION TO GRADES BELOW GENERAL AND FLAG GRADES.

(a) OFFICERS ON ACTIVE-DUTY LIST.—Section 618(d) of title 10, United States Code, is amended—

(1) by striking "The name" and inserting "(1) Except as provided in paragraph (2), the name"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of an officer recommended by a selection board for promotion to a grade below brigadier general or rear admiral (lower half), the name of the officer may also be removed from the report of the selection board by the Secretary of Defense or the Deputy Secretary of Defense.".

(b) OFFICERS ON RESERVE-ACTIVE STATUS LIST.—Section 14111(b) of such title is amended—

(1) by striking "The name" and inserting "(1) Except as provided in paragraph (2), the name"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of an officer recommended by a selection board for promotion to a grade below brigadier general or rear admiral (lower half), the name of the officer may also be removed from the report of the selection board by the Secretary of Defense or the Deputy Secretary of Defense.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to selection boards convened on or after the date of the enactment of this Act.

SEC. 514. SPECIAL SELECTION BOARD AUTHORITIES.

(a) OFFICERS ON ACTIVE-DUTY LIST.—

(1) BOARDS FOR ADMINISTRATIVE ERROR AVAILABLE ONLY TO OFFICERS IN OR ABOVE PROMOTION ZONE.—Subsection (a)(1) of section 628 of title 10, United States Code, is amended by inserting "from in or above the promotion zone" after "for selection for promotion".

(2) ACTIONS TREATABLE AS MATERIAL UNFAIRNESS.—Subsection (b)(1)(A) of such section is amended by inserting "in a matter material to the decision of the board" after "contrary to law".

(b) OFFICERS ON RESERVE ACTIVE-STATUS LIST.—Section 14502(b)(1)(A) of such title is amended by inserting "in a matter material to the decision of the board" after "contrary to law".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2007, and shall apply with respect to selection boards convened on or after that date.

SEC. 515. REMOVAL FROM PROMOTION LIST OF OFFICERS NOT PROMOTED WITHIN 18 MONTHS OF APPROVAL OF LIST BY THE PRESIDENT.

(a) OFFICERS ON ACTIVE-DUTY LISTS.—

(1) CLARIFICATION OF REMOVAL DUE TO SENATE NOT GIVING ADVICE AND CONSENT.—Subsection (b) of section 629 of title 10, United States Code, is amended—

(A) by inserting "REMOVAL DUE TO SENATE NOT GIVING ADVICE AND CONSENT.—" after "(b)"; and

(B) by inserting "to a grade for which appointment is required by section 624(c) of this title to be made by and with the advice and consent of the Senate" after "the President".

(2) REMOVAL AFTER 18 MONTHS.—Such section is further amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection (c):

"(c) REMOVAL AFTER 18 MONTHS.—(1) If an officer whose name is on a list of officers approved for promotion under section 624(a) of this title to a grade for which appointment is required by section 624(c) of this title to be made by and with the advice and consent of the Senate is not appointed to that grade under such section during the officer's promotion eligibility period, the officer's name shall be removed from the list unless as of the end of such period the Senate has given its advice and consent to the appointment.

"(2) Before the end of the promotion eligibility period with respect to an officer under paragraph (1), the President may extend that period for purposes of paragraph (1) by an additional 12 months.

"(3) In this subsection, the term 'promotion eligibility period' means, with respect to an officer whose name is on a list of officers approved for promotion under section 624(a) of this title to a grade for which appointment is required by section 624(c) of this title to be made by and with the advice and consent of the Senate, the period beginning on the date on which the list is so approved and ending on the first day of the eighteenth month following the month during which the list is so approved.".

(3) CROSS-REFERENCE AMENDMENT.—Paragraph (1) of subsection (d) of such section, as redesignated by paragraph (2)(A) of this subsection, is amended by striking "or (b)" and inserting "(b), or (c)".

(4) STYLISTIC AMENDMENTS.—Such section is further amended—

(A) in subsection (a), by inserting "REMOVAL BY PRESIDENT.—" after "(a)"; and

(B) in subsection (d) (as amended by paragraph (3)), by inserting "CONTINUED ELIGIBILITY FOR PROMOTION.—" before "(1)".

(b) OFFICERS ON RESERVE ACTIVE STATUS LIST.—

(1) REMOVAL FOLLOWING RETURN.—Section 14310 of such title is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection (c):

"(c) REMOVAL AFTER 18 MONTHS.—(1) If an officer whose name is on a list of officers approved for promotion under section 14308(a) of this title to a grade for which appointment is required by section 12203(a) of this title to be made by and with the advice and consent of the Senate is not appointed to that grade under such section during the officer's promotion eligibility period, the officer's name shall be removed from the list unless as of the end of such period the Senate has given its advice and consent to the appointment.

"(2) Before the end of the promotion eligibility period with respect to an officer under paragraph (1), the President may extend that period for purposes of paragraph (1) by an additional 12 months.

"(3) In this subsection, the term 'promotion eligibility period' means, with respect to an officer whose name is on a list of officers approved for promotion under section 14308(a) of this title to a grade for which appointment is required by section 12203(a) of this title to be made by and with the advice and consent of the Senate, the period beginning on the date on which the list is so approved and ending on the first day of the eighteenth month following the month during which the list is so approved.".

(2) CROSS-REFERENCE AMENDMENT.—Paragraph (1) of subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking "or (b)" and inserting "(b), or (c)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any promotion list approved by the President after January 1, 2007.

PART III—JOINT OFFICER MANAGEMENT REQUIREMENTS

SEC. 516. MODIFICATION AND ENHANCEMENT OF GENERAL AUTHORITIES ON MANAGEMENT OF OFFICERS WHO ARE JOINT QUALIFIED.

(a) REDESIGNATION OF APPLICABILITY OF POLICIES TOWARD JOINT QUALIFICATION.—Subsection (a) of section 661 of title 10, United States Code, is amended by striking the last sentence.

(b) REVISION TO GENERAL AUTHORITIES.—Subsections (b), (c), and (d) of such section are amended to read as follows:

"(b) LEVELS, DESIGNATION, AND NUMBERS.—(1)(A) The Secretary of Defense shall establish different levels of joint qualification, as well as the criteria for qualification at each level. Such levels of joint qualification shall be established by the Secretary with the advice of the Chairman of the Joint Chiefs of Staff. Each level shall, as a minimum, have both joint education criteria and joint experience criteria. The purpose of establishing such qualification levels is to ensure a systematic, progressive, career-long development of officers in joint matters and to ensure that officers serving as general and flag officers have the requisite experience and education to be highly proficient in joint matters.

"(B) The number of officers who are joint qualified shall be determined by the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff. Such number shall be large enough to meet the requirements of subsection (d).

"(2) Certain officers shall be designated as joint qualified by the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff.

"(3) An officer may be designated as joint qualified under paragraph (2) only if the officer—

"(A) meets the education and experience criteria of subsection (c);

"(B) meets such additional criteria as prescribed by the Secretary of Defense; and

"(C) holds the grade of captain or, in the case of the Navy, lieutenant or a higher grade.

"(4) The authority of the Secretary of Defense under paragraph (2) to designate officers as joint qualified may be delegated only to the Deputy Secretary of Defense or an Under Secretary of Defense.

"(c) EDUCATION AND EXPERIENCE REQUIREMENTS.—(1) An officer may not be designated as joint qualified until the officer—

"(A) successfully completes an appropriate program of joint professional military education, as described in subsections (b) and (c) of section 2155 of this title, at a joint professional military education school; and

"(B) successfully completes—

"(i) a full tour of duty in a joint assignment, as described in section 664(f) of this title; or

"(ii) such other assignments and experiences in a manner that demonstrate the officer's mastery of knowledge, skills, and abilities in joint matters, as determined under such regulations and policy as the Secretary of Defense may prescribe.

"(2) Subject to paragraphs (3) through (6), the Secretary of Defense may waive the requirement under paragraph (1)(A) that an officer have successfully completed a program of education, as described in subsections (b) and (c) of section 2155 of this title.

"(3) In the case of an officer in a grade below brigadier general or rear admiral (lower half), a waiver under paragraph (2) may be granted only if—

"(A) the officer has completed two full tours of duty in a joint duty assignment, as described in section 664(f) of this title, in such a manner as to demonstrate the officer's mastery of knowledge, skills, and abilities on joint matters; and

"(B) the Secretary of Defense determines that the types of joint duty experiences completed by the officer have been of sufficient breadth to prepare the officer adequately for service as a general or flag officer in a joint duty assignment position.

"(4) In the case of a general or flag officer, a waiver under paragraph (2) may be granted only—

"(A) under unusual circumstances justifying the variation from the education requirement under paragraph (1)(A); and

"(B) under circumstances in which the waiver is necessary to meet a critical need of the armed forces, as determined by the Chairman of the Joint Chiefs of Staff.

"(5) In the case of officers in grades below brigadier general or rear admiral (lower half), the total number of waivers granted under paragraph (2) for officers in the same pay grade during a fiscal year may not exceed 10 percent of the total number of officers in that pay grade

designated as joint qualified during that fiscal year.

"(6) There may not be more than 32 general and flag officers on active duty at the same time who, while holding a general or flag officer position, were designated joint qualified (or were selected for the joint specialty before October 1, 2007) and for whom a waiver was granted under paragraph (2).

"(d) NUMBER OF JOINT DUTY ASSIGNMENTS.—(1) The Secretary of Defense shall ensure that approximately one-half of the joint duty assignment positions in grades above major or, in the case of the Navy, lieutenant commander are filled at any time by officers who have the appropriate level of joint qualification.

"(2) The Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, shall designate an appropriate number of joint duty assignment positions as critical joint duty assignment positions. A position may be designated as a critical joint duty assignment position only if the duties and responsibilities of the position make it important that the occupant be particularly trained in, and oriented toward, joint matters.

"(3)(A) Subject to subparagraph (B), a position designated under paragraph (2) may be held only by an officer who—

"(i) was designated as joint qualified in accordance with this chapter; or

"(ii) was selected for the joint specialty before October 1, 2007.

"(B) The Secretary of Defense may waive the requirement in subparagraph (A) with respect to the assignment of an officer to a position designated under paragraph (2). Any such waiver shall be granted on a case-by-case basis. The authority of the Secretary to grant such a waiver may be delegated only to the Chairman of the Joint Chiefs of Staff.

"(4) The Secretary of Defense shall ensure that, of those joint duty assignment positions that are filled by general or flag officers, a substantial portion are among those positions that are designated under paragraph (2) as critical joint duty assignment positions.".

(c) CAREER GUIDELINES.—Subsection (e) of such section is amended by striking "officers with the joint specialty" and inserting "officers to achieve joint qualification and for officers who have been designated as joint qualified".

(d) TECHNICAL AMENDMENT REGARDING TREATMENT OF CERTAIN SERVICE.—Subsection (f) of such section is amended by striking "section 619(e)(1)" and inserting "section 619a".

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§661. Management policies for officers who are joint qualified".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 38 of such title is amended by striking the item relating to section 661 and inserting the following new item:

"661. Management policies for officers who are joint qualified.".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

(g) TREATMENT OF CURRENT JOINT SPECIALTY OFFICERS.—For the purposes of chapter 38 of title 10, United States Code, and sections 154, 164, and 619a of such title, an officer who, as of September 30, 2007, has been selected for or has the joint specialty under section 661 of such title, as in effect on that date, shall be considered after that date to be an officer designated as joint qualified by the Secretary of Defense under section 661(b)(2) of such title, as amended by this section.

(h) IMPLEMENTATION PLAN.—

(1) PLAN REQUIRED.—Not later than March 31, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a plan for the implementation of the joint officer management system, which will take effect on October 1, 2007, as provided in subsection (f), as a result of the amendments made by this section and other provisions of this Act to provisions of chapter 38 of title 10, United States Code.

(2) ELEMENTS OF PLAN.—In developing the plan required by this subsection, the Secretary shall pay particular attention to matters related to the transition of officers from the joint specialty system in effect before October 1, 2007, to the joint officer management system in effect after that date. At a minimum, the plan shall include the following:

(A) The policies and criteria to be used for designating officers as joint qualified on the basis of service performed by such officers before that date, had the amendments made by this section and other provisions of this Act to provisions of chapter 38 of title 10, United States Code, taken effect before the date of the enactment of this Act.

(B) The policies and criteria prescribed by the Secretary of Defense to be used in making determinations under section 661(c)(1)(B)(ii) of such title, as amended by this section.

(C) The recommendations of the Secretary for any legislative changes that may be necessary to effectuate the joint officer management system.

SEC. 517. MODIFICATION OF PROMOTION POLICY OBJECTIVES FOR JOINT OFFICERS.

Section 662(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "and" after the semicolon; and

(2) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

"(2) officers who are serving in or have served in joint duty assignments are expected, as a group, to be promoted to the next higher grade at a rate not less than the rate for all officers of the same armed force in the same grade and competitive category.".

SEC. 518. APPLICABILITY OF JOINT DUTY ASSIGNMENT REQUIREMENTS LIMITED TO GRADUATES OF NATIONAL DEFENSE UNIVERSITY SCHOOLS.

(a) APPLICABILITY.—Section 663 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "a joint professional military education school" and inserting "a school within the National Defense University specified in subsection (c)"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "a joint professional military education school" and inserting "a school within the National Defense University specified in subsection (c)"; and

(B) in paragraph (2), by striking "a joint professional military education school" and inserting "a school referred to in paragraph (1)".

(b) COVERED SCHOOLS WITHIN NDU.—Such section is further amended by adding at the end the following new subsection:

"(c) COVERED SCHOOLS WITHIN THE NATIONAL DEFENSE UNIVERSITY.—For purposes of this section, a school within the National Defense University specified in this subsection is one of the following:

"(1) The National War College.

"(2) The Industrial College of the Armed Forces.

"(3) The Joint Forces Staff College.".

SEC. 519. MODIFICATION OF CERTAIN DEFINITIONS RELATING TO JOINTNESS.

(a) DEFINITION OF JOINT MATTERS.—Subsection (a) of section 668 of title 10, United States Code, is amended to read as follows:

"(a) JOINT MATTERS.—(1) In this chapter, the term 'joint matters' means matters related to the achievement of unified action by multiple military forces in operations conducted across domains such as land, sea, or air, in space, or in the information environment, including matters relating to—

"(A) national military strategy;

"(B) strategic planning and contingency planning;

"(C) command and control of operations under unified command;

"(D) national security planning with other departments and agencies of the United States; and

"(E) combined operations with military forces of allied nations.

"(2) In the context of joint matters, the term 'multiple military forces' refers to forces that involve participants from the armed forces and one or more of the following:

"(A) Other departments and agencies of the United States.

"(B) The military forces or agencies of other countries.

"(C) Non-governmental persons or entities.".

(b) DEFINITION OF JOINT DUTY ASSIGNMENT.—Paragraph (1) of subsection (b) of such section is amended by striking "That definition shall" and all that follows and inserting the following: "That definition—

"(A) shall be limited to assignments in which the officer gains significant experience in joint matters; and

"(B) shall exclude assignments for joint training and education, except an assignment as an instructor responsible for preparing and presenting courses in areas of the curricula designated in section 2155(c) of this title as part of a program designated by the Secretary of Defense as joint professional military education Phase II.".

(c) DEFINITION OF CRITICAL OCCUPATIONAL SPECIALTY.—Such section is further amended by adding at the end the following new subsection:

"(d) CRITICAL OCCUPATIONAL SPECIALTY.—(1) In this chapter, the term 'critical occupational specialty' means a military occupational specialty involving combat operations within the combat arms, in the case of the Army, or the equivalent arms, in the case of the Navy, Air Force, and Marine Corps, that the Secretary of Defense designates as critical.

"(2) At a minimum, the Secretary of Defense shall designate as a critical occupational specialty under paragraph (1) any military occupational specialty within a combat arms (or the equivalent) that is experiencing a severe shortage of trained officers in that specialty, as determined by the Secretary.".

(d) CONFORMING AMENDMENTS.—

(1) INITIAL ASSIGNMENT OF OFFICERS WITH CRITICAL OCCUPATIONAL SPECIALTIES.—Section 664(c) of such title is amended—

(A) in the matter before paragraph (1) by striking "section 661(c)(2)" and inserting "section 661(c)(1)(B)";

(B) by striking paragraph (1);

(C) by redesignating paragraph (2) as paragraph (1) and, in such paragraph, by striking "section 661(c)(2)" and inserting "section 668(d)"; and

(D) by redesignating paragraph (3) as paragraph (2).

(2) ANNUAL REPORT ON NUMBER OF OFFICERS WITH CRITICAL OCCUPATIONAL SPECIALTIES.—Section 667(3) of such title is amended by striking "section 661(c)(2)" and inserting "section 668(d)".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

Subtitle B—Reserve Component Matters

PART I—RESERVE COMPONENT MANAGEMENT

SEC. 521. RECOGNITION OF FORMER REPRESENTATIVE G. V. 'SONNY' MONTGOMERY FOR HIS 30 YEARS OF SERVICE IN THE HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) G.V. "Sonny" Montgomery was elected to the House of Representatives in 1967 and served the people of east-central Mississippi for 30 years with distinction, dedication, and conviction.

(2) Sonny Montgomery had a distinguished military career both before and during his service in Congress, serving in World War II and the Korean War, and retired from the Mississippi National Guard with the rank of Major General.

(3) As a Member of the House of Representatives, Sonny Montgomery served on the Committee on Armed Services and served with great distinction as the Chairman of the Committee on Veterans' Affairs for 13 years from 1981 through 1994.

(4) Representative Montgomery's colleagues knew him as a statesman of the institution and as a tireless advocate for policies that would improve the lives of persons who serve the United States.

(5) Representative Montgomery was deeply committed to all members of the Armed Forces who served in combat and traveled to Korea and Southeast Asia to recover remains and help determine the fate of POW/MIAs from the Korean and Vietnam Wars.

(6) Through his years of service on the Committee on Armed Services, Representative Montgomery made great contributions to the capabilities of the National Guard and Reserves, by improving their training and equipment and by better integrating them with the active force.

(7) Under the revised GI Bill that bears his name and was signed into law in 1984, Representative Montgomery brought educational benefits to millions of veterans, including those members who had served in the National Guard and Reserves, and strengthened the all-volunteer force.

(8) Representative Montgomery had received many honors and commendations before his passing on May 12, 2006, including most recently and notably the Presidential Medal of Freedom, the highest civilian honor accorded by the United States.

(b) RECOGNITION.—Congress recognizes and commends former Representative G.V. "Sonny" Montgomery for his 30 years of service to benefit the people of Mississippi, members of the Armed Forces and their families, veterans, and the United States.

SEC. 522. REVISIONS TO RESERVE CALL-UP AUTHORITY.

(a) MAXIMUM NUMBER OF DAYS.—Subsection (a) of section 12304 of title 10, United States Code, is amended by striking "270 days" and inserting "365 days."

(b) FAIR TREATMENT.—Such section is further amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

"(i) CONSIDERATIONS FOR INVOLUNTARY ORDER TO ACTIVE DUTY.—(1) In determining which members of the Selected Reserve and Individual Ready Reserve will be ordered to duty without their consent under this section, appropriate consideration shall be given to—

"(A) the length and nature of previous service, to assure such sharing of exposure to hazards as the national security and military requirements will reasonably allow;

"(B) the frequency of assignments during service career;

"(C) family responsibilities; and

"(D) employment necessary to maintain the national health, safety, or interest.

"(2) The Secretary of Defense shall prescribe such policies and procedures as the Secretary considers necessary to carry out this subsection.".

SEC. 523. MILITARY RETIREMENT CREDIT FOR CERTAIN SERVICE BY NATIONAL GUARD MEMBERS PERFORMED WHILE IN A STATE DUTY STATUS IMMEDIATELY AFTER THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

Subsection (c) of section 514 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3232) is amended by adding at the end the following new paragraph:

"(3) In the State of New Jersey: Bergen, Hudson, Union, and Middlesex.".

PART II—AUTHORITIES RELATING TO GUARD AND RESERVE DUTY

SEC. 524. TITLE 10 DEFINITION OF ACTIVE GUARD AND RESERVE DUTY.

Section 101 of title 10, United States Code, is amended—

(1) by adding at the end of subsection (b) the following new paragraph:

"(16) The term 'Active Guard and Reserve' means a member of a reserve component who is on active duty pursuant to section 12301(d) of this title or, if a member of the Army National Guard or Air National Guard, is on full-time National Guard duty pursuant to section 502(f) of title 32, and who is performing Active Guard and Reserve duty."; and

(2) in paragraph (6)(A) of subsection (d)—

(A) by striking "or full-time National Guard duty" after "means active duty"; and

(B) by striking ", pursuant to an order to active duty or full-time National Guard duty" and inserting "pursuant to an order to full-time National Guard duty,".

SEC. 525. AUTHORITY FOR ACTIVE GUARD AND RESERVE DUTIES TO INCLUDE SUPPORT OF OPERATIONAL MISSIONS ASSIGNED TO THE RESERVE COMPONENTS AND INSTRUCTION AND TRAINING OF ACTIVE-DUTY PERSONNEL.

(a) AGR DUTY UNDER TITLE 10.—Subsections (a) and (b) of section 12310 of title 10, United States Code, are amended to read as follows:

"(a) AUTHORITY.—(1) The Secretary concerned may order a member of a reserve component under the Secretary's jurisdiction to active duty pursuant to section 12301(d) of this title to perform Active Guard and Reserve duty organizing, administering, recruiting, instructing, or training the reserve components.

"(2) A Reserve ordered to active duty under paragraph (1) shall be ordered in the Reserve's reserve grade. While so serving, the Reserve continues to be eligible for promotion as a Reserve, if otherwise qualified.

"(b) DUTIES.—A Reserve on active duty under subsection (a) may perform the following additional duties to the extent that the performance of those duties does not interfere with the performance of the Reserve's primary Active Guard and Reserve duties described in subsection (a)(1):

"(1) Supporting operations or missions assigned in whole or in part to the reserve components.

"(2) Supporting operations or missions performed or to be performed by—

"(A) a unit composed of elements from more than one component of the same armed force; or

"(B) a joint forces unit that includes—

"(i) one or more reserve component units; or

"(ii) a member of a reserve component whose reserve component assignment is in a position in an element of the joint forces unit.

"(3) Advising the Secretary of Defense, the Secretaries of the military departments, the Joint Chiefs of Staff, and the commanders of the combatant commands regarding reserve component matters.

"(4) Instructing or training in the United States or the Commonwealth of Puerto Rico or possessions of the United States of—

"(A) active-duty members of the armed forces;

"(B) members of foreign military forces (under the same authorities and restrictions applicable to active-duty members providing such instruction or training);

"(C) Department of Defense contractor personnel; or

"(D) Department of Defense civilian employees.".

(b) MILITARY TECHNICIANS UNDER TITLE 10.—Section 10216(a) of such title is amended—

(1) in paragraph (1)(C), by striking "administration and" and inserting "organizing, administering, instructing, or"; and

(2) by adding at the end the following new paragraph:

"(3) A military technician (dual status) who is employed under section 3101 of title 5 may perform the following additional duties to the extent that the performance of those duties does not interfere with the performance of the primary duties described in paragraph (1):

"(A) Supporting operations or missions assigned in whole or in part to the technician's unit.

"(B) Supporting operations or missions performed or to be performed by—

"(i) a unit composed of elements from more than one component of the technician's armed force; or

"(ii) a joint forces unit that includes—

"(I) one or more units of the technician's component; or

"(II) a member of the technician's component whose reserve component assignment is in a position in an element of the joint forces unit.

"(C) Instructing or training in the United States or the Commonwealth of Puerto Rico or possessions of the United States of—

"(i) active-duty members of the armed forces;

"(ii) members of foreign military forces (under the same authorities and restrictions applicable to active-duty members providing such instruction or training);

"(iii) Department of Defense contractor personnel; or

"(iv) Department of Defense civilian employees.".

(c) NATIONAL GUARD TITLE 32 TRAINING DUTY.—Section 502(f) of title 32, United States Code, title is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" before "Under regulations"; and

(3) by striking the last sentence and inserting the following:

"(2) The training or duty ordered to be performed under paragraph (1) may include the following:

"(A) Support of operations or missions undertaken by the member's unit at the request of the President or Secretary of Defense.

"(B) Support of training operations and training missions assigned in whole or in part to the National Guard by the Secretary concerned, but only to the extent that such training missions and training operations—

"(i) are performed in the United States or the Commonwealth of Puerto Rico or possessions of the United States; and

"(ii) are only to instruct active duty military, foreign military (under the same authorities and restrictions applicable to active duty troops), Department of Defense contractor personnel, or Department of Defense civilian employees.

"(3) Duty without pay shall be considered for all purposes as if it were duty with pay.".

(d) National Guard Technicians Under Title 32.—Section 709(a) of title 32, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "administration and" and inserting "organizing, administering, instructing, or"; and

(B) by striking "and" at the end of such paragraph;

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) the performance of the following additional duties to the extent that the performance of those duties does not interfere with the performance of the duties described by paragraphs (1) and (2):

"(A) Support of operations or missions undertaken by the technician's unit at the request of the President or the Secretary of Defense.

"(B) Support of Federal training operations or Federal training missions assigned in whole or in part to the technician's unit.

"(C) Instructing or training in the United States or the Commonwealth of Puerto Rico or possessions of the United States of—

"(i) active-duty members of the armed forces;

"(ii) members of foreign military forces (under the same authorities and restrictions applicable to active-duty members providing such instruction or training);

"(iii) Department of Defense contractor personnel; or

"(iv) Department of Defense civilian employees.".

SEC. 526. GOVERNOR'S AUTHORITY TO ORDER MEMBERS TO ACTIVE GUARD AND RESERVE DUTY.

(a) In General.—Chapter 3 of title 32, United States Code, is amended by adding at the end the following new section:

"§ 328. Active Guard and Reserve duty: Governor's authority

"(a) Authority.—The Governor of a State or the Commonwealth of Puerto Rico, Guam, or the Virgin Islands, or the commanding general of the District of Columbia National Guard, as the case may be, with the consent of the Secretary concerned, may order a member of the National Guard to perform Active Guard and Reserve duty, as defined by section 101(d)(6) of title 10, pursuant to section 502(f) of this title.

"(b) Duties.—A member of the National Guard performing duty under subsection (a) may perform the additional duties specified in section 502(f)(2) of this title to the extent that the performance of those duties does not interfere with the performance of the member's primary Active Guard and Reserve duties of organizing, administering, recruiting, instructing, and training the reserve components.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"328. Active Guard and Reserve duty: Governor's authority.".

SEC. 527. EXPANSION OF OPERATIONS OF CIVIL SUPPORT TEAMS.

(a) In General.—Section 12310(c) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "involving—" and inserting "involving any of the following:"; and

(B) by striking subparagraphs (A) and (B) and inserting the following:

"(A) The use or threatened use of a weapon of mass destruction (as defined in section 12304(i)(2) of this title) in the United States.

"(B) A terrorist attack or threatened terrorist attack in the United States that results, or could result, in catastrophic loss of life or property.

"(C) The intentional or unintentional release of nuclear, biological, radiological, or toxic or poisonous chemical materials in the United States that results, or could result, in catastrophic loss of life or property.

"(D) A natural or manmade disaster in the United States that results in, or could result in, catastrophic loss of life or property.";

(2) by amending paragraph (3) to read as follows:

"(3) A Reserve may perform duty described in paragraph (1) only while assigned to a reserve component weapons of mass destruction civil support team."; and

(3) by adding at the end the following new paragraph:

"(7) In this subsection, the term 'United States' includes the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.".

(b) Technical and Conforming Amendments.—Such section is further amended—

(1) by striking the subsection heading and inserting "Operations Relating to Defense Against Weapons of Mass Destruction and Terrorist Attacks.—";

(2) in paragraph (5), by striking "rapid assessment element team" and inserting "weapons of mass destruction civil support team"; and

(3) in paragraph (6)—

(A) in the matter preceding subparagraph (A), by striking "paragraph (3)" and inserting "paragraphs (1) and (3)"; and

(B) in subparagraph (B), by striking "paragraph (3)(B)" and inserting "paragraph (3)".

SEC. 528. MODIFICATION OF AUTHORITIES RELATING TO THE COMMISSION ON THE NATIONAL GUARD AND RESERVES.

(a) Annuities and Pay of Members on Federal Reemployment.—Subsection (e) of section 513 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1882), as amended by section 516 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3237), is further amended by adding at the end the following new paragraph:

"(3) If warranted by circumstances described in subparagraph (A) or (B) of section 8344(i)(1) of title 5, United States Code, or by circumstances described in subparagraph (A) or (B) of section 8468(f)(1) of such title, as applicable, the chairman of the Commission may exercise, with respect to the members of the Commission, the same waiver authority as would be available to the Director of the Office of Personnel Management under such section.".

(b) Final Report.—Subsection (f)(2) of such section 513 (118 Stat. 1882) is amended by striking "Not later than one year after the first meeting of the Commission" and inserting "Not later than January 31, 2008".

(c) Effective Date.—The amendments made by this section shall take effect as of October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005. The amendment made by subsection (a) shall apply to members of the Commission on the National Guard and Reserves appointed on or after that date.

SEC. 529. ADDITIONAL MATTERS TO BE REVIEWED BY COMMISSION ON THE NATIONAL GUARD AND RESERVES.

(a) Additional Matters to Be Reviewed by Commission.—The Commission on the National Guard and Reserves shall include among the matters it studies (in addition to the matters specified in subsection (c) of the commission charter) each of the following:

(1) National Guard Bureau Enhancement Proposals.—The advisability and feasibility of implementing the provisions of S. 2658 and H.R. 5200 of the 109th Congress, as introduced in the Senate and the House of Representatives, respectively, on April 26, 2006.

(2) Chief of National Guard Bureau.—As an alternative to implementation of the provisions of the bills specified in paragraph (1) that provide for the Chief of the National Guard Bureau to be a member of the Joint Chiefs of Staff and to hold the grade of general, the advisability and feasibility of providing for the Chief of the National Guard Bureau to hold the grade of general in the performance of the current duties of that office.

(3) National Guard Officers Authority to Command.—The advisability and feasibility of implementing the provisions of section 544 of H.R. 5122 of the 109th Congress, as passed the House of Representatives on May 11, 2006.

(4) National Guard Equipment and Funding Requirements.—The adequacy of the Department of Defense processes for defining the equipment and funding necessary for the National Guard to conduct both its responsibilities under title 10, United States Code, and its responsibilities under title 32, United States Code, including homeland defense and related homeland missions, including as part of such study—

(A) consideration of the extent to which those processes should be developed taking into consideration the views of the Chief of the National Guard Bureau, as well as the views of the 54 Adjutant Generals and the views of the Chiefs of the Army National Guard and the Air Guard; and

(B) whether there should be an improved means by which National Guard equipment requirements are validated by the Joint Chiefs of Staff and are considered for funding by the Secretaries of the Army and Air Force.

(b) Priority Review and Report.—

(1) Priority review.—The Commission on the National Guard and Reserves shall carry out its study of the matters specified in paragraphs (1), (2), and (3) of subsection (a) on a priority basis, with a higher priority for matters under those paragraphs relating to the grade and functions of the Chief of the National Guard Bureau.

(2) Report.—In addition to the reports required under subsection (f) of the commission charter, the Commission shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an interim report, not later than March 1, 2007, specifically on the matters covered by paragraph (1). In such report, the Commission shall set forth its findings and any recommendations it considers appropriate with respect to those matters.

(c) Commission Charter Defined.—For purposes of this section, the term "commission charter" means section 513 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1880).

Subtitle C—Education and Training

PART I—SERVICE ACADEMIES

SEC. 531. EXPANSION OF SERVICE ACADEMY EXCHANGE PROGRAMS WITH FOREIGN MILITARY ACADEMIES.

(a) United States Military Academy.—

(1) Number of participants in exchange program.—Subsection (b) of section 4345 of title 10, United States Code, is amended by striking "24" and inserting "100".

(2) Costs and expenses.—Subsection (c) of such section is amended—

(A) by striking "for the Academy" in paragraph (3) and all that follows in that paragraph and inserting "for the Academy and such additional funds as may be available to the Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program."; and

(B) by adding at the end the following new paragraph:

"(4) Expenditures in support of the exchange program from funds appropriated for the Academy may not exceed $1,000,000 during any fiscal year.".

(b) UNITED STATES NAVAL ACADEMY.—

(1) NUMBER OF PARTICIPANTS IN EXCHANGE PROGRAM.—Subsection (b) of section 6957a of title 10, United States Code, is amended by striking "24" and inserting "100".

(2) COSTS AND EXPENSES.—Subsection (c) of such section is amended—

(A) by striking "for the Academy" in paragraph (3) and all that follows in that paragraph and inserting "for the Academy and such additional funds as may be available to the Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program."; and

(B) by adding at the end the following new paragraph:

"(4) Expenditures in support of the exchange program from funds appropriated for the Naval Academy may not exceed $1,000,000 during any fiscal year.".

(c) UNITED STATES AIR FORCE ACADEMY.—

(1) NUMBER OF PARTICIPANTS IN EXCHANGE PROGRAM.—Subsection (b) of section 9345 of title 10, United States Code, is amended by striking "24" and inserting "100".

(2) COSTS AND EXPENSES.—Subsection (c) of such section is amended—

(A) by striking "for the Academy" in paragraph (3) and all that follows in that paragraph and inserting "for the Academy and such additional funds as may be available to the Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program."; and

(B) by adding at the end the following new paragraph:

"(4) Expenditures in support of the exchange program from funds appropriated for the Academy may not exceed $1,000,000 during any fiscal year.".

(d) EFFECTIVE DATES.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act. The amendments made by subsections (b) and (c) shall take effect on October 1, 2008.

SEC. 532. REVISION AND CLARIFICATION OF REQUIREMENTS WITH RESPECT TO SURVEYS AND REPORTS CONCERNING SEXUAL HARASSMENT AND SEXUAL VIOLENCE AT THE SERVICE ACADEMIES.

(a) CODIFICATION AND REVISION TO EXISTING REQUIREMENT FOR SERVICE ACADEMY POLICY ON SEXUAL HARASSMENT AND SEXUAL VIOLENCE.—

(1) UNITED STATES MILITARY ACADEMY.—Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

"§4361. Policy on sexual harassment and sexual violence

"(a) REQUIRED POLICY.—Under guidance prescribed by the Secretary of Defense, the Secretary of the Army shall direct the Superintendent of the Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

"(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

"(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

"(2) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

"(A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

"(B) a specification of any other person whom the victim should contact; and

"(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

"(3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel.

"(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

"(5) Required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual hdrassment or sexual violence involving Academy personnel.

"(c) ANNUAL ASSESSMENT.—(1) The Secretary of Defense, through the Secretary of the Army, shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment, to be administered by the Department of Defense, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

"(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Secretary of the Army shall conduct a survey, to be administered by the Department of Defense, of Academy personnel—

"(A) to measure—

"(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

"(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

"(B) to assess the perceptions of Academy personnel of—

"(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

"(ii) the enforcement of such policies;

"(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

"(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

"(d) ANNUAL REPORT.—(1) The Secretary of the Army shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

"(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

"(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

"(B) The policies, procedures, and processes implemented by the Secretary of the Army and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

"(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

"(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

"(4)(A) The Secretary of the Army shall transmit to the Secretary of Defense, and to the Board of Visitors of the Academy, each report received by the Secretary under this subsection, together with the Secretary's comments on the report.

"(B) The Secretary of Defense shall transmit each such report, together with the Secretary's comments on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.".

(2) UNITED STATES NAVAL ACADEMY.—Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

"§6980. Policy on sexual harassment and sexual violence

"(a) REQUIRED POLICY.—Under guidance prescribed by the Secretary of Defense, the Secretary of the Navy shall direct the Superintendent of the Naval Academy to prescribe a policy on sexual harassment and sexual violence applicable to the midshipmen and other personnel cf the Naval Academy.

"(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

"(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve midshipmen or other Academy personnel.

"(2) Procedures that a midshipman should follow in the case of an occurrence of sexual harassment or sexual violence, including—

"(A) if the midshipman chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

"(B) a specification of any other person whom the victim should contact; and

"(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

"(3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a midshipman or other Academy personnel.

"(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a midshipman or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

"(5) Required training on the policy for all midshipmen and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

"(c) ANNUAL ASSESSMENT.—(1) The Secretary of Defense, through the Secretary of the Navy, shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment, to be administered by the Department of Defense, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

"(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Secretary of the Navy shall conduct a survey, to be administered by the Department of Defense, of Academy personnel—

"(A) to measure—

"(i) the incidence, during that program year, of sexual harassment and sexual violence

events, on or off the Academy reservation, that have been reported to officials of the Academy; and

"(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

"(B) to assess the perceptions of Academy personnel of—

"(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

"(ii) the enforcement of such policies;

"(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

"(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

"(d) ANNUAL REPORT.—(1) The Secretary of the Navy shall direct the Superintendent of the Naval Academy to submit to the Secretary a report on sexual harassment and sexual violence involving midshipmen or other personnel at the Academy for each Academy program year.

"(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

"(A) The number of sexual assaults, rapes, and other sexual offenses involving midshipmen or other Academy personnel that have been reported to Naval Academy officials during the program year and, of those reported cases, the number that have been substantiated.

"(B) The policies, procedures, and processes implemented by the Secretary of the Navy and the leadership of the Naval Academy in response to sexual harassment and sexual violence involving midshipmen or other Academy personnel during the program year.

"(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving midshipmen or other Academy personnel.

"(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

"(4)(A) The Secretary of the Navy shall transmit to the Secretary of Defense, and to the Board of Visitors of the Naval Academy, each report received by the Secretary under this subsection, together with the Secretary's comments on the report.

"(B) The Secretary of Defense shall transmit each such report, together with the Secretary's comments on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.".

(3) UNITED STATES AIR FORCE ACADEMY.—Chapter 903 of title 10, United States Code, is amended by adding at the end the following new section:

"§9361. Policy on sexual harassment and sexual violence

"(a) REQUIRED POLICY.—Under guidance prescribed by the Secretary of Defense, the Secretary of the Air Force shall direct the Superintendent of the Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

"(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

"(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

"(2) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

"(A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

"(B) a specification of any other person whom the victim should contact; and

"(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

"(3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel.

"(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

"(5) Required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

"(c) ANNUAL ASSESSMENT.—(1) The Secretary of Defense, through the Secretary of the Air Force, shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment, to be administered by the Department of Defense, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

"(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Secretary of the Air Force shall conduct a survey, to be administered by the Department of Defense, of Academy personnel—

"(A) to measure—

"(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

"(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

"(B) to assess the perceptions of Academy personnel of—

"(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

"(ii) the enforcement of such policies;

"(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

"(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

"(d) ANNUAL REPORT.—(1) The Secretary of the Air Force shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

"(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

"(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

"(B) The policies, procedures, and processes implemented by the Secretary of the Air Force and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

"(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

"(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

"(4)(A) The Secretary of the Air Force shall transmit to the Secretary of Defense, and to the Board of Visitors of the Academy, each report received by the Secretary under this subsection, together with the Secretary's comments on the report.

"(B) The Secretary of Defense shall transmit each such report, together with the Secretary's comments on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.".

(b) FURTHER INFORMATION FROM CADETS AND MIDSHIPMEN AT THE SERVICE ACADEMIES ON SEXUAL ASSAULT AND SEXUAL HARASSMENT ISSUES.—

(1) USE OF FOCUS GROUPS FOR YEARS WHEN SURVEY NOT REQUIRED.—In any year in which the Secretary of a military department is not required by law to conduct a survey at the service academy under the Secretary's jurisdiction on matters relating to sexual assault and sexual harassment issues at that Academy, the Secretary shall provide for focus groups to be conducted at that Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at that Academy.

(2) INCLUSION IN REPORT.—Information ascertained from a focus group conducted pursuant to paragraph (1) shall be included in the Secretary's annual report to Congress on sexual harassment and sexual violence at the service academies.

(3) SERVICE ACADEMIES.—For purposes of this subsection, the term "service academy" means the following:

(A) The United States Military Academy.

(B) The United States Naval Academy.

(C) The United States Air Force Academy.

(c) REPEAL OF PRIOR LAW.—Section 527 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1469; 10 U.S.C. 4331 note) is repealed.

(d) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 403 of title 10, United States Code, is amended by adding at the end the following new item:

"4361. Policy on sexual harassment and sexual violence.".

(2) The table of sections at the beginning of chapter 603 of such title is amended by adding at the end the following new item:

"6980. Policy on sexual harassment and sexual violence.".

(3) The table of sections at the beginning of chapter 903 of such title is amended by adding at the end the following new item:

"9361. Policy on sexual harassment and sexual violence.".

SEC. 533. DEPARTMENT OF DEFENSE POLICY ON SERVICE ACADEMY AND ROTC GRADUATES SEEKING TO PARTICIPATE IN PROFESSIONAL SPORTS BEFORE COMPLETION OF THEIR ACTIVE-DUTY SERVICE OBLIGATIONS.

(a) POLICY REQUIRED.—

(1) IN GENERAL.—Not later than July 1, 2007, the Secretary of Defense shall prescribe the policy of the Department of Defense on—

(A) whether to authorize graduates of the service academies and the Reserve Officers' Training Corps to participate in professional sports before the completion of their obligations for service on active duty as commissioned officers; and

(B) if so, the obligations for service on active duty as commissioned officers of such graduates who participate in professional sports before the satisfaction of the obligations referred to in subparagraph (A).

(2) REVIEW OF CURRENT POLICIES.—In prescribing the policy, the Secretary shall review current policies, practices, and regulations of the military departments on the obligations for service on active duty as commissioned officers of graduates of the service academies and the Reserve Officers' Training Corps, including policies on authorized leaves of absence and policies under excess leave programs.

(3) CONSIDERATIONS.—In prescribing the policy, the Secretary shall take into account the following:

(A) The compatibility of participation in professional sports (including training for professional sports) with service on active duty in the Armed Forces or as a member of a reserve component of the Armed Forces.

(B) The benefits for the Armed Forces of waiving obligations for service on active duty for cadets, midshipmen, and commissioned officers in order to permit such individuals to participate in professional sports.

(C) The manner in which the military departments have resolved issues relating to the participation of personnel in professional sports, including the extent of and any reasons for, differences in the resolution of such issues by such departments.

(D) The recoupment of the costs of education provided by the service academies or under the Reserve Officers' Training Corps program if graduates of the service academies or the Reserve Officers' Training Corps, as the case may be, do not complete the period of obligated service to which they have agreed by reason of participation in professional sports.

(E) Any other matters that the Secretary considers appropriate.

(b) ELEMENTS OF POLICY.—The policy prescribed under subsection (a) shall address the following matters:

(1) The eligibility of graduates of the service academies and the Reserve Officers' Training Corps for a reduction in the obligated length of service on active duty as a commissioned officer otherwise required of such graduates on the basis of their participation in professional sports.

(2) Criteria for the treatment of an individual as a participant or potential participant in professional sports.

(3) The effect on obligations for service on active duty as a commissioned officer of any unsatisfied obligations under prior enlistment contracts or other forms of advanced education assistance.

(4) Any authorized variations in the policy that are warranted by the distinctive requirements of a particular Armed Force.

(5) The eligibility of individuals for medical discharge or disability benefits as a result of injuries incurred while participating in professional sports.

(6) A prospective effective date for the policy and for the application of the policy to individuals serving on such effective date as a commissioned officer, cadet, or midshipman.

(c) APPLICATION OF POLICY TO ARMED FORCES.—Not later than December 1, 2007, the Secretary of each military department shall prescribe regulations, or modify current regulations, in order to implement the policy prescribed by the Secretary of Defense under subsection (a) with respect to the Armed Forces under the jurisdiction of such Secretary.

PART II—SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAMS

SEC. 535. AUTHORITY TO PERMIT MEMBERS WHO PARTICIPATE IN THE GUARANTEED RESERVE FORCES DUTY SCHOLARSHIP PROGRAM TO PARTICIPATE IN THE HEALTH PROFESSIONS SCHOLARSHIP PROGRAM AND SERVE ON ACTIVE DUTY.

Paragraph (3) of section 2107a(b) of title 10, United States Code, is amended—

(1) by inserting "or a cadet or former cadet under this section who signs an agreement under section 2122 of this title," after "military junior college,"; and

(2) by inserting ", or former cadet," after "consent of the cadet" and after "submitted by the cadet".

SEC. 536. DETAIL OF COMMISSIONED OFFICERS AS STUDENTS AT MEDICAL SCHOOLS.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2004 the following new section:

"§2004a. Detail of commissioned officers as students at medical schools

"(a) DETAIL AUTHORIZED.—The Secretary of each military department may detail commissioned officers of the armed forces as students at accredited medical schools or schools of osteopathy located in the United States for a period of training leading to the degree of doctor of medicine. No more than 25 officers from each military department may commence such training in any single fiscal year.

"(b) ELIGIBILITY FOR DETAIL.—To be eligible for detail under subsection (a), an officer must be a citizen of the United States and must—

"(1) have served on active duty for a period of not less than two years nor more than six years and be in the pay grade 0–3 or below as of the time the training is to begin; and

"(2) sign an agreement that unless sooner separated the officer will—

"(A) complete the educational course of medical training;

"(B) accept transfer or detail as a medical officer within the military department concerned when the officer's training is completed; and

"(C) agree to serve, following completion of the officer's training, on active duty (or on active duty and in the Selected Reserve) for a period as specified pursuant to subsection (c).

"(c) SERVICE OBLIGATION.—An agreement under subsection (c) shall provide that the officer shall serve on active duty for two years for each year or part thereof of the officer's medical training under subsection (a), except that the agreement may authorize the officer to serve a portion of the officer's service obligation on active duty and to complete the service obligation that remains upon separation from active duty in the Selected Reserve, in which case the officer shall serve three years in the Selected Reserve for each year or part thereof of the officer's medical training under subsection (a) for any service obligation that was not completed before separation from active duty.

"(d) SELECTION OF OFFICERS FOR DETAIL.—Officers detailed for medical training under subsection (a) shall be selected on a competitive basis by the Secretary of the military department concerned.

"(e) RELATION OF SERVICE OBLIGATIONS TO OTHER SERVICE OBLIGATIONS.—Any service obligation incurred by an officer under an agreement entered into under subsection (b) shall be in addition to any service obligation incurred by the officer under any other provision of law or agreement.

"(f) EXPENSES.—Expenses incident to the detail of officers under this section shall be paid from any funds appropriated for the military department concerned.

"(g) FAILURE TO COMPLETE PROGRAM.—(1) An officer who is dropped from a program of medical training to which detailed under subsection (a) for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed on the officer under regulations issued by the Secretary of Defense for purposes of this section.

"(2) In no case shall an officer be required to serve on active duty under paragraph (1) for any period in excess of one year for each year or part thereof the officer participated in the program.

"(h) LIMITATION ON DETAILS.—No agreement detailing an officer of the armed forces to an accredited medical school or school of osteopathy may be entered into during any period in which the President is authorized by law to induct persons into the armed forces involuntarily. Nothing in this subsection shall affect any agreement entered into during any period when the President is not authorized by law to so induct persons into the armed forces".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2004 the following new item:

"2004a. Detail of commissioned officers as students at medical schools.".

SEC. 537. INCREASE IN MAXIMUM AMOUNT OF REPAYMENT UNDER EDUCATION LOAN REPAYMENT FOR OFFICERS IN SPECIFIED HEALTH PROFESSIONS.

(a) INCREASE IN MAXIMUM AMOUNT.—Section 2173(e)(2) of title 10, United States Code, is amended by striking "$22,000" and inserting "$60,000".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply to agreements entered into or revised under section 2173 of title 10, United States Code, on or after that date.

(2) PROHIBITION ON ADJUSTMENT.—The adjustment required by the second sentence of section 2173(e)(2) of title 10, United States Code, to be made on October 1, 2006, shall not be made.

SEC. 538. HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM FOR ACTIVE SERVICE.

(a) MAXIMUM STIPEND AMOUNT.—Section 2121(d) of title 10, United States Code, is amended—

(1) by striking "at the rate of $579 per month" and inserting "at a monthly rate established by the Secretary of Defense, but not to exceed a total of $30,000 per year"; and

(2) by striking "That rate" and inserting "The maximum annual amount of the stipend".

(b) MAXIMUM ANNUAL GRANT.—Section 2127(e) of such title is amended—

(1) by striking "$15,000" and inserting "in an amount not to exceed $45,000"; and

(2) by striking "The amount" and inserting "The maximum amount".

(c) REPORT ON PROGRAM.—Not later than March 1, 2007, the Secretary of Defense shall submit to the Congress a report on the Health Professions Scholarship and Financial Assistance Program for Active Service under subchapter I of chapter 105 of title 10, United States Code. The report shall include the following:

(1) An assessment of the success of each military department in achieving its recruiting goals under the program during each of fiscal years 2000 through 2006.

(2) If any military department failed to achieve its recruiting goals under the program during any fiscal year covered by paragraph (1), an explanation of the failure of the military department to achieve such goal during such fiscal year.

(3) An assessment of the adequacy of the stipend authorized by section 2121(d) of title 10, United States Code, in meeting the objectives of the program.

(4) Such recommendations for legislative or administrative action as the Secretary considers appropriate to enhance the effectiveness of the program in meeting the annual recruiting goals of the military departments for medical personnel covered by the program.

(d) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on October 1, 2006.

(2) Prohibition on adjustments.—The adjustments required by the second sentence of subsection (d) of section 2121 of title 10, United States Code, and the second sentence of subsection (e) of section 2127 of such title to be made in 2007 shall not be made.

PART III—JUNIOR ROTC PROGRAM

SEC. 539. JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTOR QUALIFICATIONS.

(a) In General.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2033. Instructor qualifications

"(a) In General.—In order for a retired officer or noncommissioned officer to be employed as an instructor in the program, the officer must be certified by the Secretary of the military department concerned as a qualified instructor in leadership, wellness and fitness, civics, and other courses related to the content of the program, according to the qualifications set forth in subsection (b)(2) or (c)(2), as appropriate.

"(b) Senior Military Instructors.—

"(1) Role.—Senior military instructors shall be retired officers of the armed forces and shall serve as instructional leaders who oversee the program.

"(2) Qualifications.—A senior military instructor shall have the following qualifications:

"(A) Professional military qualification, as determined by the Secretary of the military department concerned.

"(B) Award of a baccalaureate degree from an institution of higher learning.

"(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

"(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

"(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

"(ii) professional development to meet content knowledge and instructional skills; and

"(iii) performance evaluation of competencies and standards within the program through site visits and inspections.

"(c) Non-Senior Military Instructors.—

"(1) Role.—Non-senior military instructors shall be retired noncommissioned officers of the armed forces and shall serve as instructional leaders and teach independently of, but share program responsibilities with, senior military instructors.

"(2) Qualifications.—A non-senior military instructor shall demonstrate a depth of experience, proficiency, and expertise in coaching, mentoring, and practical arts in executing the program, and shall have the following qualifications:

"(A) Professional military qualification, as determined by the Secretary of the military department concerned.

"(B) Award of an associates degree from an institution of higher learning within five years of employment.

"(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

"(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

"(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

"(ii) professional development to meet content knowledge and instructional skills; and

"(iii) performance evaluation of competencies and standards within the program through site visits and inspections.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2033. Instructor qualifications.".

SEC. 540. EXPANSION OF MEMBERS ELIGIBLE TO BE EMPLOYED TO PROVIDE JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTION.

(a) Eligibility of "Gray-Area" Guard and Reserve Members.—Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) Instead of, or in addition to, detailing officers and noncommissioned officers on active duty under subsection (c)(1) and authorizing the employment of retired officers and noncommissioned officers who are in receipt of retired pay and members of the Fleet Reserve and Fleet Marine Corps Reserve under subsection (d), the Secretary of the military department concerned may authorize qualified institutions to employ as administrators and instructors in the program officers and noncommissioned officers who are under 60 years of age and who, but for age, would be eligible for retired pay for non-regular service under section 12731 of this title and whose qualifications are approved by the Secretary and the institution concerned and who request such employment, subject to the following:

"(1) The Secretary concerned shall pay to the institution an amount equal to one-half of the amount paid to the member by the institution for any period, up to a maximum of one-half of the difference between—

"(A) the retired or retainer pay for an active duty officer or noncommissioned officer of the same grade and years of service for such period; and

"(B) the active duty pay and allowances which the member would have received for that period if on active duty.

"(2) Notwithstanding the limitation in paragraph (1), the Secretary concerned may pay to the institution more than one-half of the amount paid to the member by the institution if (as determined by the Secretary)—

"(A) the institution is in an educationally and economically deprived area; and

"(B) the Secretary determines that such action is in the national interest.

"(3) Payments by the Secretary concerned under this subsection shall be made from funds appropriated for that purpose.

"(4) Amounts may be paid under this subsection with respect to a member after the member reaches the age of 60.

"(5) Notwithstanding any other provision of law, a member employed by a qualified institution pursuant to an authorization under this subsection is not, while so employed, considered to be on active duty or inactive duty training for any purpose.".

(b) Clarification of Status of Retired Members Providing Instruction.—Subsection (d) of such section is amended in the matter preceding paragraph (1) by inserting "who are in receipt of retired pay" after "retired officers and noncommissioned officers".

SEC. 541. EXPANSION OF JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

(a) In General.—The Secretaries of the military departments shall take appropriate actions to increase the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps is organized under chapter 102 of title 10, United States Code.

(b) Expansion Targets.—In increasing under subsection (a) the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps is organized, the Secretaries of the military departments shall seek to organize units at an additional number of institutions as follows:

(1) In the case of Army units, 15 institutions.

(2) In the case of Navy units, 10 institutions.

(3) In the case of Marine Corps units, 15 institutions.

(4) In the case of Air Force units, 10 institutions.

SEC. 542. REVIEW OF LEGAL STATUS OF JUNIOR ROTC PROGRAM.

(a) Review.—The Secretary of Defense shall conduct a review of the 1976 legal opinion issued by the General Counsel of the Department of Defense regarding instruction of non-host unit students participating in Junior Reserve Officers' Training Corps programs. The review shall consider whether changes to law after the issuance of that opinion allow in certain circumstances for the arrangement for assignment of instructors that provides for the travel of an instructor from one educational institution to another once during the regular school day for the purposes of the Junior Reserve Officers' Training Corps program as an authorized arrangement that enhances administrative efficiency in the management of the program. If the Secretary, as a result of the review, determines that such authority is not available, the Secretary should also consider whether such authority should be available and whether there should be authority to waive the restrictions under certain circumstances.

(b) Report.—The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the review not later than 180 days after the date of the enactment of this Act.

(c) Interim Authority.—A current institution that has more than 70 students and is providing support to another educational institutional with more than 70 students and has been providing for the assignment of instructors from one school to the other may continue to provide such support until 180 days following receipt of the report under subsection (b).

PART IV—OTHER EDUCATION AND TRAINING PROGRAMS

SEC. 543. EXPANDED ELIGIBILITY FOR ENLISTED MEMBERS FOR INSTRUCTION AT NAVAL POSTGRADUATE SCHOOL.

(a) Certificate Programs and Courses.—Subparagraph (C) of subsection (a)(2) of section 7045 of title 10, United States Code, is amended by striking "Navy or Marine Corps" and inserting "armed forces".

(b) Graduate-Level Instruction.—Such subsection is further amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

"(D)(i) The Secretary may permit an eligible enlisted member of the armed forces to receive graduate-level instruction at the Naval Postgraduate School in a program leading to a master's degree in a technical, analytical, or engineering curriculum.

"(ii) To be eligible to be provided instruction under this subparagraph, the enlisted member must have been awarded a baccalaureate degree by an institution of higher education.

"(iii) Instruction under this subparagraph may be provided only on a space-available basis.

"(iv) An enlisted member who successfully completes a course of instruction under this subparagraph may be awarded a master's degree under section 7048 of this title.

"(v) Instruction under this subparagraph shall be provided pursuant to regulations prescribed by the Secretary. Such regulations may include criteria for eligibility of enlisted members for instruction under this subparagraph and specification of obligations for further service in the armed forces relating to receipt of such instruction.".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subparagraph (E) of subsection (a)(2), as redesignated by subsection (b)(1), by striking "and (C)" and inserting "(C), and (D)"; and

(2) in subsection (b)(2), by striking "(a)(2)(D)" and inserting "(a)(2)(E)".

(d) DEADLINE FOR SUBMISSION OF PREVIOUSLY REQUIRED REPORT.—The report required by subsection (c) of section 526 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3246), relating to the rationale and plans of the Navy to provide enlisted members an opportunity to obtain graduate degrees, shall be submitted, in accordance with that subsection, not later than March 30, 2007.

(e) REPEAL OF REQUIREMENT FOR REPORT ON PILOT PROGRAM.—

(1) REPEAL.—Subsection (d) of section 526 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3246) is repealed.

(2) CONFORMING AMENDMENT.—Subsection (c)(2) of such section is amended by striking ", particularly in the career fields under consideration for the pilot program referred to in subsection (d)".

(f) REPORT ON USE OF NPS AND AFIT.—Not later than March 30, 2007, the Secretary of the Navy and the Secretary of the Air Force shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a joint report on the manner by which each Secretary intends to use the Naval Postgraduate School and the Air Force Institute of Technology during fiscal years 2008 through 2013 to meet the overall requirements of the Navy and Marine Corps and of the Air Force for enlisted members with graduate degrees. The report shall include the following:

(1) The numbers and occupational specialities of enlisted members that each Secretary plans to enroll as candidates for graduate degrees each year in each of the two schools.

(2) A description of the graduate degrees that those enlisted members will pursue at those schools.

(3) Other matters that the two Secretaries jointly consider to be useful for the committees to better understand the future role that the two schools will each have in meeting service requirements for enlisted members with graduate degrees.

Subtitle D—General Service Authorities

SEC. 546. TEST OF UTILITY OF TEST PREPARATION GUIDES AND EDUCATION PROGRAMS IN ENHANCING RECRUIT CANDIDATE PERFORMANCE ON THE ARMED SERVICES VOCATIONAL APTITUDE BATTERY (ASVAB) AND ARMED FORCES QUALIFICATION TEST (AFQT).

(a) REQUIREMENT FOR TEST.—The Secretary of Defense shall conduct a test of the utility of commercially available test preparation guides and education programs designed to assist recruit candidates achieve scores on military recruit qualification testing that better reflect the full potential of those recruit candidates in terms of aptitude and mental category. The test shall be conducted through the Secretaries of the Army, Navy, and Air Force.

(b) ASSESSMENT OF COMMERCIALLY AVAILABLE GUIDES AND PROGRAMS.—The test shall assess commercially available test preparation guides and education programs designed to enhance test performance. The test preparation guides assessed shall test both written formats and self-paced computer-assisted programs. Education programs assessed may test both self-study textbook and computer-assisted courses and instructor-led courses.

(c) OBJECTIVES.—The objectives of the test are to determine the following:

(1) The degree to which test preparation assistance degrades test reliability and accuracy.

(2) The degree to which test preparation assistance allows more accurate testing of skill aptitudes and mental capability.

(3) The degree to which test preparation assistance allows individuals to achieve higher scores without sacrificing reliability and accuracy.

(4) What role is recommended for test preparation assistance in military recruiting.

(d) CONTROL GROUP.—As part of the test, the Secretary shall identify a population of recruit candidates who will not receive test preparation assistance and will serve as a control group for the test. Data from recruit candidates participating in the test and data from recruit candidates in the control group shall be compared in terms of both (1) test performance, and (2) subsequent duty performance in training and unit settings following entry on active duty.

(e) NUMBER OF PARTICIPANTS.—The Secretary shall provide test preparation assistance to a minimum of 2,000 recruit candidates and shall identify an equal number to be established as the control group population.

(f) DURATION OF TEST.—The Secretary shall begin the test not later than nine months after the date of the enactment of this Act. The test shall identify participants over a one-year period from the start of the test and shall assess duty performance for each participant for 18 months following entry on active duty. The last participant shall be identified, but other participants may not be identified.

(g) REPORT ON FINDINGS.—Not later than six months after completion of the duty performance assessment of the last identified participant in the test, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report providing the findings of the Secretary with respect to each of the objectives specified in subsection (c) and the Secretary's recommendations.

SEC. 547. CLARIFICATION OF NONDISCLOSURE REQUIREMENTS APPLICABLE TO CERTAIN SELECTION BOARD PROCEEDINGS.

(a) ACTIVE-DUTY SELECTION BOARD PROCEEDINGS.—

(1) EXTENSION TO ALL ACTIVE-DUTY BOARDS.—Chapter 36 of title 10, United States Code, is amended by inserting after section 613 the following new section:

"§ 613a. Nondisclosure of board proceedings

"(a) NONDISCLOSURE.—The proceedings of a selection board convened under section 611 this title may not be disclosed to any person not a member of the board.

"(b) PROHIBITED USES OF BOARD DISCUSSIONS, DELIBERATIONS, AND RECORDS.—The discussions and deliberations of a selection board described in subsection (a) and any written or documentary record of such discussions and deliberations—

"(1) are immune from legal process;

"(2) may not be admitted as evidence; and

"(3) may not be used for any purpose in any action, suit, or judicial or administrative proceeding without the consent of the Secretary of the military department concerned.".

(2) CONFORMING AMENDMENT.—Section 618 of such title is amended by striking subsection (f).

(b) RESERVE SELECTION BOARD PROCEEDINGS.—Section 14104 of such title is amended to read as follows:

"§ 14104. Nondisclosure of board proceedings

"(a) NONDISCLOSURE.—The proceedings of a selection board convened under section 14101 of this title may not be disclosed to any person not a member of the board.

"(b) PROHIBITED USES OF BOARD DISCUSSIONS, DELIBERATIONS, AND RECORDS.—The discussions and deliberations of a selection board described in subsection (a) and any written or documentary record of such discussions and deliberations—

"(1) are immune from legal process;

"(2) may not be admitted as evidence; and

"(3) may not be used for any purpose in any action, suit, or judicial or administrative proceeding without the consent of the Secretary of the military department concerned.".

(c) APPLICABILITY.—Section 613a of title 10, United States Code, as added by subsection (a), shall apply with respect to the proceedings of all selection boards convened under section 611 of that title, including selection boards convened before the date of the enactment of this Act. Section 14104 of such title, as amended by subsection (b), shall apply with respect to the proceedings of all selection boards convened under section 14101 of that title, including selection boards convened before the date of the enactment of this Act.

(d) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of subchapter I of chapter 36 of title 10, United States Code, is amended by inserting after the item relating to section 613 the following new item:

"613a. Nondisclosure of board proceedings.".

(2) The item relating to section 14104 in the table of sections at the beginning of chapter 1403 of such title is amended to read as follows:

"14104. Nondisclosure of board proceedings.".

SEC. 548. REPORT ON EXTENT OF PROVISION OF TIMELY NOTICE OF LONG-TERM DEPLOYMENTS.

Not later than March 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the number of members of the Armed Forces (shown by service and within each service by reserve component and active component) who, during the period beginning on January 1, 2005, and ending on the date of the enactment of this Act, have not received at least 30 days notice (in the form of an official order) before a deployment that will last 180 days or more. With respect to members of the reserve components, the report shall describe the degree of compliance (or noncompliance) with Department of Defense policy concerning the amount of notice to be provided before long-term mobilizations or deployments.

Subtitle E—Military Justice Matters

SEC. 551. APPLICABILITY OF UNIFORM CODE OF MILITARY JUSTICE TO MEMBERS OF THE ARMED FORCES ORDERED TO DUTY OVERSEAS IN INACTIVE DUTY FOR TRAINING STATUS.

Not later than March 1, 2007, the Secretaries of the military departments shall prescribe regulations, or amend current regulations, in order to provide that members of the Armed Forces who are ordered to duty at locations overseas in an inactive duty for training status are subject to the jurisdiction of the Uniform Code of Military Justice, pursuant to the provisions of section 802(a)(3) of title 10, United States Code (article 2(a)(3) of the Uniform Code of Military Justice), continuously from the commencement of execution of such orders to the conclusion of such orders.

SEC. 552. CLARIFICATION OF APPLICATION OF UNIFORM CODE OF MILITARY JUSTICE DURING A TIME OF WAR.

Paragraph (10) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by striking "war" and inserting "declared war or a contingency operation".

Subtitle F—Decorations and Awards

SEC. 555. AUTHORITY FOR PRESENTATION OF MEDAL OF HONOR FLAG TO LIVING MEDAL OF HONOR RECIPIENTS AND TO LIVING PRIMARY NEXT-OF-KIN OF DECEASED MEDAL OF HONOR RECIPIENTS.

(a) FUTURE PRESENTATIONS.—Sections 3755, 6257, and 8755 of title 10, United States Code, and section 505 of title 14, United States Code, are each amended—

(1) by striking "after October 23, 2002"; and

(2) by adding at the end the following new sentence: "In the case of a posthumous presentation of the medal, the flag shall be presented to the person to whom the medal is presented.".

(b) PRESENTATION OF FLAG FOR PRIOR RECIPIENTS OF MEDAL OF HONOR.—

(1) LIVING RECIPIENTS.—The President shall provide for the presentation of the Medal of Honor Flag as expeditiously as possible after the date of the enactment of this Act to each living recipient of the Medal of Honor who has not already received a Medal of Honor Flag.

(2) SURVIVORS OF DECEASED RECIPIENTS.—In the case of presentation of the Medal of Honor Flag for a recipient of the Medal of Honor who was awarded the Medal of Honor before the date of the enactment of this Act and who is deceased as of such date (or who dies after such date and before the presentation required by paragraph (1)), the President shall provide for posthumous presentation of the Medal of Honor Flag, upon written application therefor, to the primary living next of kin, as determined under regulations or procedures prescribed by the Secretary of Defense for the purposes of this paragraph (and notwithstanding the amendments made by paragraph (2) of subsection (a)).

(3) MEDAL OF HONOR FLAG.—In this subsection, the term "Medal of Honor Flag" means the flag designated under section 903 of title 36, United States Code.

SEC. 556. REVIEW OF ELIGIBILITY OF PRISONERS OF WAR FOR AWARD OF THE PURPLE HEART.

(a) REPORT.—Not later than March 1, 2007, the President shall transmit to the Committees on Armed Services of the Senate and House of Representatives a report on the advisability of modifying the criteria for the award of the Purple Heart to authorize the award of the Purple Heart—

(1) to a member of the Armed Forces who dies in captivity as a prisoner of war under unknown circumstances or as a result of conditions and treatment that, under criteria for eligibility for the Purple Heart as in effect on the date of the enactment of this Act, do not qualify the decedent for award of the Purple Heart; and

(2) to an individual who while a member of the Armed Forces survives captivity as a prisoner of war, but who dies thereafter as a result of disease or disability, or a result of disease and condition and treatment, incurred during such captivity.

(b) DETERMINATION.—As part of the review undertaken in order to prepare the report required by subsection (a), the President shall make a determination on the advisability of expanding eligibility for the award of the Purple Heart to deceased servicemembers held as a prisoner of war after December 7, 1941, who meet the criteria for eligibility for the prisoner-of-war medal under section 1128 of title 10, United States Code (including the criterion under subsection (e) of that section with respect to honorable conduct), but who do not meet the criteria for eligibility for the Purple Heart.

(c) REQUIREMENTS.—In making the determination required by subsection (b), the President shall take into consideration the following:

(1) The brutal treatment endured by thousands of prisoners of war incarcerated by enemy forces.

(2) The circumstance that many servicemembers held as prisoners of war died during captivity due to causes that do not meet the criteria for eligibility for award of the Purple Heart, including starvation, abuse, the deliberate withholding of medical treatment for injury or disease, or other causes.

(3) The circumstance that some members of the Armed Forces died in captivity under circumstances establishing eligibility for the prisoner-of-war medal but under circumstances not otherwise establishing eligibility for the Purple Heart.

(4) The circumstance that some members and former members of the Armed Forces who were held as prisoners of war and following captivity were issued the prisoner-of-war medal subsequently died due to a disease or disability that was incurred during that captivity, without otherwise having been awarded the Purple Heart due to the injury or conditions resulting in that disease or disability or otherwise having been awarded the Purple Heart for injury incurring during captivity.

(5) The views of veterans service organizations, including the Military Order of the Purple Heart.

(6) The importance that has been assigned to determining all available facts before a decision is made to award the Purple Heart.

(7) The views of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff.

SEC. 557. REPORT ON DEPARTMENT OF DEFENSE PROCESS FOR AWARDING DECORATIONS.

(a) REVIEW.—The Secretary of Defense shall conduct a review of the policy, procedures, and processes of the military departments for awarding decorations to members of the Armed Forces.

(b) TIME PERIODS.—As part of the review under subsection (a), the Secretary shall compare the time frames of the awards process between active duty and reserve components—

(1) from the time a recommendation for the award of a decoration is submitted until the time the award of the decoration is approved; and

(2) from the time the award of a decoration is approved until the time when the decoration is presented to the recipient.

(c) RESERVE COMPONENTS.—If the Secretary, in conducting the review under subsection (a), finds that the timeliness of the awards process for members of the reserve components is not the same as, or similar to, that for members of the active components, the Secretary shall take appropriate steps to address the discrepancy.

(d) REPORT.—Not later than August 1, 2007, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the Secretary's findings as a result of the review under subsection (a), together with a plan for implementing whatever changes are determined to be appropriate to the process for awarding decorations in order to ensure that decorations are awarded in a timely manner, to the extent practicable.

Subtitle G—Matters Relating to Casualties

SEC. 561. AUTHORITY FOR RETENTION AFTER SEPARATION FROM SERVICE OF ASSISTIVE TECHNOLOGY AND DEVICES PROVIDED WHILE ON ACTIVE DUTY.

(a) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by inserting after section 1150 the following new section:

"§ 1151. Retention of assistive technology and services provided before separation

"(a) AUTHORITY.—A member of the armed forces who is provided an assistive technology or assistive technology device for a severe or debilitating illness or injury incurred or aggravated by such member while on active duty may, under regulations prescribed by the Secretary of Defense, be authorized to retain such assistive technology or assistive technology device upon the separation of the member from active service.

"(b) DEFINITIONS.—In this section, the terms 'assistive technology' and 'assistive technology device' have the meaning given those terms in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1150 the following new item:

"1151. Retention of assistive technology and services provided before separation.".

SEC. 562. TRANSPORTATION OF REMAINS OF CASUALTIES DYING IN A THEATER OF COMBAT OPERATIONS.

(a) REQUIRED TRANSPORTATION.—In the case of a member of the Armed Forces who dies in a combat theater of operations and whose remains are returned to the United States through the mortuary facility at Dover Air Force Base, Delaware, the Secretary concerned, under regulations prescribed by the Secretary of Defense, shall provide transportation of the remains of that member from Dover Air Force Base to the applicable escorted remains destination in accordance with section 1482(a)(8) of title 10, United States Code, and this section.

(b) ESCORTED REMAINS DESTINATION.—In this section, the term "escorted remains destination" means the place to which remains are authorized to be transported under section 1482(a)(8) of title 10 United States Code.

(c) AIR TRANSPORTATION FROM DOVER AFB.—

(1) MILITARY TRANSPORTATION.—If transportation of remains under subsection (a) includes transportation by air, such transportation (except as provided under paragraph (2)) shall be made by military aircraft or military-contracted aircraft.

(2) ALTERNATIVE TRANSPORTATION BY AIRCRAFT.—The provisions of paragraph (1) shall not be applicable to the transportation of remains by air to the extent that the person designated to direct disposition of the remains directs otherwise.

(3) PRIMARY MISSION.—When remains are transported by military aircraft or military-contracted aircraft under this section, the primary mission of the aircraft providing that transportation shall be the transportation of such remains. However, more than one set of remains may be transported on the same flight.

(d) ESCORT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary concerned shall ensure that remains transported under this section are continuously escorted from Dover Air Force Base to the applicable escorted remains destination by a member of the Armed Forces in an appropriate grade, as determined by the Secretary.

(2) OTHER ESCORT.—If a specific military escort is requested by the person designated to direct disposition of such remains and the Secretary approves that request, then the Secretary

is not required to provide an additional military escort under paragraph (1).

(e) HONOR GUARD DETAIL.—

(1) PROVISION OF DETAIL.—Except in a case in which the person designated to direct disposition of remains requests that no military honor guard be present, the Secretary concerned shall ensure that an honor guard detail is provided in each case of the transportation of remains under this section. The honor guard detail shall be in addition to the escort provided for the transportation of remains under section (d).

(2) COMPOSITION.—An honor guard detail provided under this section shall consist of sufficient members of the Armed Forces to perform the duties specified in paragraph (3). The members of the honor guard detail shall be in uniform.

(3) DUTIES.—Except to the extent that the person designated to direct disposition of remains requests that any of the following functions not be performed, an honor guard detail under this section—

(A) shall—

(i) travel with the remains during transportation; or

(ii) meet the remains at the place to which transportation by air (or by rail or motor vehicle, if applicable) is made for the transfer of the remains;

(B) shall provide appropriate honors at the arrival of the remains referred to in subparagraph (A)(ii) (unless airline or other security requirements do not permit such honors to be provided); and

(C) shall participate in the transfer of the remains from an aircraft, when airport and airline security requirements permit, by carrying out the remains with a flag draped over the casket to a hearse or other form of ground transportation for travel to a funeral home or other place designated by the person designated to direct disposition of such remains.

(f) SECRETARY CONCERNED DEFINED.—In this section, the term "Secretary concerned" has the meaning given that term in section 101(a)(9) of title 10, United States Code.

(g) EFFECTIVE DATE.—This section shall take effect at such time as may be prescribed by the Secretary of Defense, but not later than January 1, 2007.

SEC. 563. ANNUAL BUDGET DISPLAY OF FUNDS FOR POW/MIA ACTIVITIES OF DEPARTMENT OF DEFENSE.

(a) CONSOLIDATED BUDGET JUSTIFICATION.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§234. POW/MIA activities: display of budget information

"(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for a fiscal year, a consolidated budget justification display, in classified and unclassified form, that covers all programs and activities of Department of Defense POW/MIA accounting and recovery organizations.

"(b) REQUIREMENTS FOR BUDGET DISPLAY.—The budget display under subsection (a) for a fiscal year shall include for each such organization the following:

"(1) A statement of what percentage of the requirements originally requested by the organization in the budget review process that the budget requests funds for.

"(2) A summary of actual or estimated expenditures by that organization for the fiscal year during which the budget is submitted and for the fiscal year preceding that year.

"(3) The amount in the budget for that organization.

"(4) A detailed explanation of the shortfalls, if any, in the funding of any requirement shown pursuant to paragraph (1), when compared to the amount shown pursuant to paragraph (3).

"(5) The budget estimate for that organization for the five fiscal years after the fiscal year for which the budget is submitted.

"(c) DEPARTMENT OF DEFENSE POW/MIA ACCOUNTING AND RECOVERY ORGANIZATIONS.—In this section, the term 'Department of Defense POW/MIA accounting and recovery organization' means any of the following (and any successor organization):

"(1) The Defense Prisoner of War/Missing Personnel Office (DPMO).

"(2) The Joint POW/MIA Accounting Command (JPAC).

"(3) The Armed Forces DNA Identification Laboratory (AFDIL).

"(4) The Life Sciences Equipment Laboratory (LSEL) of the Air Force.

"(5) Any other element of the Department of Defense the mission of which (as designated by the Secretary of Defense) involves the accounting for and recovery of members of the armed forces who are missing in action or prisoners of war or who are unaccounted for.

"(d) OTHER DEFINITIONS.—In this section:

"(1) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

"(2) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"234. POW/MIA activities: display of budget information.".

SEC. 564. MILITARY SEVERELY INJURED CENTER.

(a) CENTER REQUIRED.—In support of the comprehensive policy on the provision of assistance to severely wounded or injured servicemembers required by section 563 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3269; 10 U.S.C. 113 note), the Secretary of Defense shall establish within the Department of Defense a center to augment and support the programs and activities of the military departments for the provision of such assistance, including the programs of the military departments referred to in subsection (c).

(b) DESIGNATION.—The center established under subsection (a) shall be known as the "Military Severely Injured Center" (in this section referred to as the "Center").

(c) PROGRAMS OF THE MILITARY DEPARTMENTS.—The programs of the military departments referred to in this subsection are the following:

(1) The Army Wounded Warrior Support Program.

(2) The Navy Safe Harbor Program.

(3) The Palace HART Program of the Air Force.

(4) The Marine for Life Injured Support Program of the Marine Corps.

(d) ACTIVITIES OF CENTER.—

(1) IN GENERAL.—The Center shall carry out such programs and activities to augment and support the programs and activities of the military departments for the provision of assistance to severely wounded or injured servicemembers and their families as the Secretary of Defense, in consultation with the Secretaries of the military departments and the heads of other appropriate departments and agencies of the Federal Government (including the Secretary of Labor and the Secretary of Veterans Affairs), determines appropriate.

(2) DATABASE.—The activities of the Center under this subsection shall include the establishment and maintenance of a central database. The database shall be transparent and shall be accessible for use by all of the programs of the military departments referred to in subsection (c).

(e) RESOURCES.—The Secretary of Defense shall allocate to the Center such personnel and other resources as the Secretary of Defense, in consultation with the Secretaries of the military departments; considers appropriate in order to permit the Center to carry out effectively the programs and activities assigned to the Center under subsection (d).

SEC. 565. COMPREHENSIVE REVIEW ON PROCEDURES OF THE DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS.

(a) REPORT.—As soon as practicable after the completion of a comprehensive review of the procedures of the Department of Defense on mortuary affairs, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the review.

(b) ADDITIONAL ELEMENTS.—In conducting the comprehensive review described in subsection (a), the Secretary shall address, in addition to any other matter covered by the review, the following:

(1) The use of additional or increased refrigeration (including icing) in combat theaters in order to enhance preservation of remains.

(2) The location of refrigeration assets further forward in the field.

(3) Specific time standards for the movement of remains from combat units.

(4) The forward location of autopsy and embalming operations.

(5) Any other matter that the Secretary considers appropriate in order to expedite the return of remains to the United States in a non-decomposed state.

SEC. 566. ADDITIONAL ELEMENTS OF POLICY ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.

Section 562(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3267; 10 U.S.C. 1475 note) is amended by adding at the end the following new paragraph:

"(12) The process by which the Department of Defense, upon request, provides information (in person and otherwise) to survivors of a military decedent on the cause of, and any investigation into, the death of such military decedent and on the disposition and transportation of the remains of such decedent, which process shall—

"(A) provide for the provision of such information (in person and otherwise) by qualified Department of Defense personnel;

"(B) ensure that information is provided as soon as possible after death and that, when requested, updates are provided, in accordance with the procedures established under this paragraph, in a timely manner when new information becomes available;

"(C) ensure that—

"(i) the initial provision of such information, and each such update, relates the most complete and accurate information available at the time, subject to limitations applicable to classified information; and

"(ii) incomplete or unverified information is identified as such during the course of the provision of such information or update; and

"(D) include procedures by which such survivors shall, upon request, receive updates or supplemental information from qualified Department of Defense personnel.".

SEC. 567. REQUIREMENT FOR DEPLOYING MILITARY MEDICAL PERSONNEL TO BE TRAINED IN PRESERVATION OF REMAINS UNDER COMBAT OR COMBAT-RELATED CONDITIONS.

(a) Requirement.—The Secretary of each military department shall ensure that each military health care professional under that Secretary's jurisdiction who is deployed to a theater of combat operations is trained, before such deployment, in the preservation of remains under combat or combat-related conditions.

(b) Matters Covered by Training.—The training under subsection (a) shall include, at a minimum, the following:

(1) Best practices and procedures for the preservation of the remains of a member of the Armed Forces after death, taking into account the conditions likely to be encountered and the objective of returning the remains to the member's family in the best possible condition.

(2) Practical case studies based on experience of the Armed Forces in a variety of climactic conditions.

(c) Covered Military Health Care Professionals.—In this section, the term "military health care professional" means—

(1) a physician, nurse, nurse practitioner, physician assistant, or combat medic; and

(2) any other medical personnel with medical specialties who may provide direct patient care and who are designated by the Secretary of the military department concerned.

(d) Effective Date.—Subsection (a) shall apply with respect to any military health care professional who is deployed to a theater of combat operations after the end of the 90-day period beginning on the date of the enactment of this Act.

Subtitle H—Impact Aid and Defense Dependents Education System

SEC. 571. ENROLLMENT IN DEFENSE DEPENDENTS' EDUCATION SYSTEM OF DEPENDENTS OF FOREIGN MILITARY MEMBERS ASSIGNED TO SUPREME HEADQUARTERS ALLIED POWERS, EUROPE.

(a) Temporary Enrollment Authority.—Section 1404A of the Defense Dependents' Education Act of 1978 (20 U.S.C. 923a) is amended—

(1) in subsection (a)—

(A) by striking "of the children" and inserting "of—

"(1) the children";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(2) the children of a foreign military member assigned to the Supreme Headquarters Allied Powers, Europe, but only in a school of the defense dependents' education system in Mons, Belgium, and only through the 2010-2011 school year."; and

(2) by adding at the end the following new subsection:

"(c) Special Rules Regarding Enrollment of Dependents of Foreign Military Members Assigned to Supreme Headquarters Allied Powers, Europe.—(1) In the regulations required by subsection (a), the Secretary shall prescribe a methodology based on the estimated total number of dependents of sponsors under section 1414(2) enrolled in schools of the defense dependents' education system in Mons, Belgium, to determine the number of children described in paragraph (2) of subsection (a) who will be authorized to enroll under such subsection.

"(2) If the number of children described in paragraph (2) of subsection (a) who seek enrollment in schools of the defense dependents' education system in Mons, Belgium, exceeds the number authorized by the Secretary under paragraph (1), the Secretary may enroll the additional children on a space-available, tuition-free basis notwithstanding section 1404(d)(2).".

(b) Report on Long-Term Plan for Education of Dependents of Military Personnel Assigned to Shape.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating alternatives for the education of dependents of United States military personnel and dependents of foreign military personnel assigned to Supreme Headquarters Allied Powers, Europe, including—

(1) an evaluation of the feasibility of establishing an international school at Supreme Headquarters Allied Powers, Europe; and

(2) an estimate of the timeframe necessary for transition to any new model for educating such dependents.

SEC. 572. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) Assistance to Schools With Significant Numbers of Military Dependent Students.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) Assistance to Schools With Enrollment Changes Due to Base Closures, Force Structure Changes, or Force Relocations.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) Local Educational Agency Defined.—In this section, the term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 573. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 574. PLAN AND AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES EXPERIENCING GROWTH IN ENROLLMENT DUE TO FORCE STRUCTURE CHANGES, RELOCATION OF MILITARY UNITS, OR BASE CLOSURES AND REALIGNMENTS.

(a) Plan Required.—Not later than January 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan to provide assistance to local educational agencies that experience growth in the enrollment of military dependent students as a result of any of the following events:

(1) Force structure changes.

(2) The relocation of a military unit.

(3) The closure or realignment of military installations pursuant to defense base closure and realignment under the base closure laws.

(b) Elements.—The report required by subsection (a), and each updated report required by subsection (c), shall include the following:

(1) An identification, current as of the date of the report, of the total number of military dependent students who are anticipated to be arriving at or departing from military installations as a result of any event described in subsection (a), including—

(A) an identification of the military installations affected by such arrivals and departures;

(B) an estimate of the number of such students arriving at or departing from each such installation; and

(C) the anticipated schedule of such arrivals and departures.

(2) Such recommendations as the Office of Economic Adjustment of the Department of Defense considers appropriate for means of assisting affected local educational agencies in accommodating increases in enrollment of military dependent students as a result of any such event.

(3) A plan for outreach to be conducted to affected local educational agencies, commanders of military installations, and members of the Armed Forces and civilian personnel of the Department of Defense regarding information on the assistance to be provided under the plan under subsection (a).

(c) Updated Reports.—Not later than March 1, 2008, and annually thereafter to coincide with the submission of the budget of the President for a fiscal year under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees an update of the report required by subsection (a).

(d) Transition of Military Dependents From Department of Defense Dependent Schools to Other Schools.—During the period beginning on the date of the enactment of this Act and ending on September 30, 2011, the Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transition of military dependent students from attendance in Department of Defense dependent schools to attendance in schools of local educational agencies. The Secretary of Defense may use funds of the Department of Defense Education Activity to share expertise and experience of the Activity with local educational agencies as military dependent students make such transition, including such a transition resulting from the closure or realignment of military installations under a base closure law, global rebasing, and force restructuring.

(e) Definitions.—In this section:

(1) The term "base closure law" has the meaning given that term in section 101 of title 10, United States Code.

(2) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(3) The term "military dependent students" refers to—

(A) elementary and secondary school students who are dependents of members of the Armed Forces; and

(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense.

SEC. 575. PILOT PROGRAM ON PARENT EDUCATION TO PROMOTE EARLY CHILDHOOD EDUCATION FOR DEPENDENT CHILDREN AFFECTED BY MILITARY DEPLOYMENT OR RELOCATION OF MILITARY UNITS.

(a) Pilot Program Authorized.—Using such funds as may be appropriated for this purpose, the Secretary of Defense may carry out a pilot program on the provision of educational and support tools to the parents of preschool-age children—

(1) whose parent or parents serve as members of the Armed Forces on active duty (including members of the Selected Reserve on active duty pursuant to a call or order to active duty of 180 days or more); and

(2) who are affected by the deployment of their parent or parents or the relocation of the

military unit of which their parent or parents are a member.

(b) PURPOSE.—The purpose of the pilot program is to develop models for improving the capability of military child and youth programs on or near military installations to provide assistance to military parents with young children through a program of activities focusing on the unique needs of children described in subsection (a).

(c) LIMITS ON COMMENCEMENT AND DURATION OF PROGRAM.—The Secretary of Defense may not commence the pilot program before October 1, 2007, and shall conclude the pilot program not later than the end of the three-year period beginning on the date on which the Secretary commences the program.

(d) SCOPE OF PROGRAM.—Under the pilot program, the Secretary of Defense shall utilize one or more models, demonstrated through research, of universal access of parents of children described in subsection (a) to assistance under the pilot program to achieve the following goals:

(1) The identification and mitigation of specific risk factors for such children related to military life.

(2) The maximization of the educational readiness of such children.

(e) LOCATIONS AND GOALS.—

(1) SELECTION OF PARTICIPATING INSTALLATIONS.—In selecting military installations to participate in the pilot program, the Secretary of Defense shall limit selection to those military installations whose military personnel are experiencing significant transition or deployment or which are undergoing transition as a result of the relocation or activation of military units or activities relating to defense base closure and realignment.

(2) SELECTION OF CERTAIN INSTALLATIONS.—At least one of the installations selected under paragraph (1) shall be a military installation that will permit, under the pilot program, the meaningful evaluation of a model under subsection (d) that provides outreach to parents in families with a parent who is a member of the National Guard or Reserve, which families live more than 40 miles from the installation.

(3) GOALS OF PARTICIPATING INSTALLATIONS.—If a military installation is selected under paragraph (1), the Secretary shall require appropriate personnel at the military installation to develop goals, and specific outcome measures with respect to such goals, for the conduct of the pilot program at the installation.

(4) EVALUATION REQUIRED.—Upon completion of the pilot program at a military installation, the personnel referred to in paragraph (3) at the installation shall be required to conduct an evaluation and assessment of the success of the pilot program at the installation in meeting the goals developed for that installation.

(f) GUIDELINES.—As part of conducting the pilot program, the Secretary of Defense shall issue guidelines regarding—

(1) the goals to be developed under subsection (e)(3);

(2) specific outcome measures; and

(3) the selection of curriculum and the conduct of developmental screening under the pilot program.

(g) REPORT.—Upon completion of the pilot program, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on all of the evaluations prepared under subsection (e)(4) for the military installations participating in the pilot program. The report shall describe the results of the evaluations, and may include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the evaluations, including recommendations for the continuation of the pilot program.

Subtitle I—Armed Forces Retirement Home

SEC. 578. REPORT ON LEADERSHIP AND MANAGEMENT OF THE ARMED FORCES RETIREMENT HOME.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the following:

(1) The effect of changing the title of the Chief Operating Officer of the Armed Forces Retirement Home to a chief executive officer who will be responsible to the Secretary of Defense for the overall direction, operation, and management of the Retirement Home.

(2) The effect of no longer permitting a civilian with experience as a continuing care retirement community professional to serve as the Director for a facility of the Armed Forces Retirement Home, but to instead limit eligibility for such positions to members of the Armed Forces serving on active duty in a grade below brigadier general or, in the case of the Navy, rear admiral (lower half).

(3) The management of the Armed Forces Retirement Home and whether or not there is a need for a greater role by members of the Armed Forces serving on active duty in the overall direction, operation, and management of the Retirement Home.

SEC. 579. REPORT ON LOCAL BOARDS OF TRUSTEES OF THE ARMED FORCES RETIREMENT HOME.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the following:

(1) The current composition and activities of the Local Board of Trustees of the Armed Forces Retirement Home—Washington under section 1516 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 416).

(2) The current composition and activities of the Local Board of Trustees of the Armed Forces Retirement Home—Gulfport under such section.

(3) The feasibility and effect of including as a member of each Local Board of Trustees of the Armed Forces Retirement Home a member of the Armed Forces who is serving on active duty in the grade of brigadier general, or in the case of the Navy, rear admiral (lower half).

Subtitle J—Reports

SEC. 581. REPORT ON PERSONNEL REQUIREMENTS FOR AIRBORNE ASSETS IDENTIFIED AS LOW-DENSITY, HIGH-DEMAND AIRBORNE ASSETS.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on personnel requirements for airborne assets identified as Low-Density, High-Demand Airborne Assets based on combatant commander requirements to conduct and sustain operations for the global war on terrorism.

(b) MATTER TO BE INCLUDED.—The report shall include the following for each airborne asset identified as a Low-Density, High-Demand Airborne Asset:

(1) The numbers of operations and maintenance crews to meet tasking contemplated to conduct operations for the global war on terrorism.

(2) The current numbers of operations and maintenance crews.

(3) If applicable, shortages of operations and maintenance crews.

(4) Whether such shortages are addressed in the future-years defense program.

(5) Whether end-strength increases are required to meet any such shortages.

(6) Estimated manpower costs of personnel needed to address shortfalls.

(7) If applicable, the number and types of equipment needed to address training shortfalls.

SEC. 582. REPORT ON FEASIBILITY OF ESTABLISHMENT OF MILITARY ENTRANCE PROCESSING COMMAND STATION ON GUAM.

(a) REVIEW.—The Secretary of Defense shall review the feasibility and cost effectiveness of establishing on Guam a station of the Military Entrance Processing Command to process new recruits for the Armed Forces who are drawn from the western Pacific region. For the purposes of the review, the cost effectiveness of establishing such a facility on Guam shall be measured, in part, against the system in effect in early 2006 of using Hawaii and other locations for the processing of new recruits from Guam and other locations in the western Pacific region.

(b) REPORT.—Not later than June 1, 2007, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report providing the results of the study under subsection (a).

SEC. 583. INCLUSION IN ANNUAL DEPARTMENT OF DEFENSE REPORT ON SEXUAL ASSAULTS OF INFORMATION ON RESULTS OF DISCIPLINARY ACTIONS.

Section 577(f)(2)(B) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1927) is amended to read as follows:

"(B) A synopsis of each such substantiated case and, for each such case, the disciplinary action taken in the case, including the type of disciplinary or administrative sanction imposed, if any.".

SEC. 584. REPORT ON PROVISION OF ELECTRONIC COPY OF MILITARY RECORDS ON DISCHARGE OR RELEASE OF MEMBERS FROM THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of providing an electronic copy of military records (including all military service, medical, and other military records) to members of the Armed Forces on their discharge or release from the Armed Forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate of the costs of the provision of military records as described in subsection (a).

(2) An assessment of providing military records as described in that subsection through the distribution of a portable, readily accessible medium (such as a computer disk or other similar medium) containing such records.

(3) A description and assessment of the mechanisms required to ensure the privacy of members of the Armed Forces in providing military records as described in that subsection.

(4) An assessment of the benefits to the members of the Armed Forces of receiving their military records as described in that subsection.

(5) If the Secretary determines that providing military records to members of the Armed Forces as described in that subsection is feasible and advisable, a plan (including a schedule) for providing such records to members of the Armed Forces as so described in order to ensure that each member of the Armed Forces is provided such records upon discharge or release from the Armed Forces.

(6) Any other matter to relating to the provision of military records as described in that subsection that the Secretary considers appropriate.

SEC. 585. REPORT ON OMISSION OF SOCIAL SECURITY ACCOUNT NUMBERS FROM MILITARY IDENTIFICATION CARDS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act,

the Secretary of Defense shall submit to Congress a report setting forth the assessment of the Secretary of the feasibility of utilizing military identification cards that do not contain, display, or exhibit the social security account number of the individual identified by a military identification card.

(b) MILITARY IDENTIFICATION CARD DEFINED.—In this section, the term "military identification card" means a card or other form of identification used for purposes of demonstrating eligibility for any benefit from the Department of Defense.

SEC. 586. REPORT ON MAINTENANCE AND PROTECTION OF DATA HELD BY THE SECRETARY OF DEFENSE AS PART OF THE DEPARTMENT OF DEFENSE JOINT ADVERTISING, MARKET RESEARCH AND STUDIES (JAMRS) PROGRAM.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the data, including social security account numbers, held by the Secretary as part of the Joint Advertising, Market Research and Studies (JAMRS) program of the Department of Defense are maintained and protected, including a description of the security measures in place to prevent unauthorized access or inadvertent disclosure of such data that could lead to identity theft.

SEC. 587. COMPTROLLER GENERAL REPORT ON MILITARY CONSCIENTIOUS OBJECTORS.

(a) REPORT REQUIRED.—Not later than September 1, 2007, the Comptroller General shall submit to Congress a report concerning members of the Armed Forces who claimed status as a military conscientious objector between September 11, 2001, and December 31, 2006.

(b) CONTENT OF REPORT.—The report required by subsection (a) shall specifically address the following:

(1) The number of all applications for status as a military conscientious objector, broken down by Armed Force, including the Coast Guard, and regular and reserve components.

(2) Number of discharges or reassignments given.

(3) The process generally used to consider applications, including average processing times and any provision for assignment or reassignment of members while their application is pending.

(4) Reasons for approval or disapproval of applications.

(5) Any difference in benefits upon discharge as a military conscientious objector compared to other discharges.

(6) Pre-war statistical comparisons.

Subtitle K—Other Matters

SEC. 591. MODIFICATION IN DEPARTMENT OF DEFENSE CONTRIBUTIONS TO MILITARY RETIREMENT FUND.

(a) DETERMINATION OF CONTRIBUTIONS TO THE FUND.—

(1) CALCULATION OF ANNUAL DEPARTMENT OF DEFENSE CONTRIBUTION.—Subsection (b)(1) of section 1465 of title 10, United States Code, is amended—

(A) in subparagraph (A)(ii), by striking "to members of" and all that follows and inserting "for active duty (other than the Coast Guard) and for full-time National Guard duty (other than full-time National Guard duty for training only), but excluding the amount expected to be paid for any duty that would be excluded for active-duty end strength purposes by section 115(i) of this title."; and

(B) in subparagraph (B)(ii)—

(i) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(ii) by striking "Coast Guard and other than members on full-time National Guard duty other than for training) who are" and inserting "Coast Guard) for service".

(2) QUADRENNIAL ACTUARIAL VALUATION.—Subsection (c)(1) of such section is amended—

(A) in subparagraph (A), by striking "for members of the armed forces" and all that follows through "for training only)" and inserting "for active duty (other than the Coast Guard) and for full-time National Guard duty (other than full-time National Guard duty for training only), but excluding the amount expected to be paid for any duty that would be excluded for active-duty end strength purposes by section 115(i) of this title"; and

(B) in subparagraph (B)—

(i) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(ii) by striking "Coast Guard and other than members on full-time National Guard duty other than for training) who are" and inserting "Coast Guard) for service".

(b) PAYMENTS INTO THE FUND.—Section 1466(a) of such title is amended—

(1) in paragraph (1)(B), by striking "by members" and all that follows and inserting "for active duty (other than the Coast Guard) and for full-time National Guard duty (other than full-time National Guard duty for training only), but excluding the amount expected to be paid for any duty that would be excluded for active-duty end strength purposes by section 115(i) of this title"; and

(2) in paragraph (2)(B)—

(A) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(B) by striking "Coast Guard and other than members on full-time National Guard duty other than for training) who are" and inserting "Coast Guard) for service".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 592. REVISION IN GOVERNMENT CONTRIBUTIONS TO MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.

(a) MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.—Section 1111 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "of the Department of Defense" and inserting "of the uniformed services"; and

(2) in subsection (b), by adding at the end of the following new paragraph:

"(5) The term 'members of the uniformed services on active duty' does not include a cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy or a midshipman at the United States Naval Academy.".

(b) DETERMINATION OF CONTRIBUTIONS TO THE FUND.—Section 1115 of such title is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B), by striking "on active duty" and all that follows through "training only)" and inserting the following: "on active duty and full-time National Guard duty, but excluding any member who would be excluded for active-duty end strength purposes by section 115(i) of this title"; and

(B) in paragraph (2)(B)—

(i) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(ii) by striking "(other than members on full-time National Guard duty other than for training)"; and

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking "on active duty" and all that follows through "training only)" and inserting the following: "on active duty and full-time National Guard duty, but excluding any member who would be excluded for active-duty end strength purposes by section 115(i) of this title"; and

(B) in paragraph (1)(B)—

(i) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(ii) by striking "(other than members on full-time National Guard duty other than for training)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect with respect to payments under chapter 56 of title 10, United States Code, beginning with fiscal year 2008.

SEC. 593. DENTAL CORPS OF THE NAVY BUREAU OF MEDICINE AND SURGERY.

(a) DELETION OF REFERENCES TO DENTAL DIVISION.—Section 5138 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking the first sentence; and

(B) by striking "the Dental Division" and inserting "the Dental Corps";

(2) in subsection (b), by striking "Dental Division" and inserting "Dental Corps"; and

(3) in subsection (c)—

(A) by striking "Dental Division" at the end of the first sentence and inserting "Dental Corps"; and

(B) by striking "that Division" at the end of the second sentence and inserting "the Chief of the Dental Corps".

(b) FUNCTIONS OF CHIEF OF DENTAL CORPS.—Subsection (d) of such section is amended to read as follows:

"(d) The Chief of the Dental Corps shall—

"(1) establish professional standards and policies for dental practice;

"(2) initiate and recommend action pertaining to complements, strength, appointments, advancement, training assignment, and transfer of dental personnel; and

"(3) serve as the advisor for the Bureau on all matters relating directly to dentistry.".

(c) FURTHER CLARIFYING AMENDMENTS.—Subsection (c) of such section is further amended—

(1) by striking "so" after "shall be"; and

(2) by striking "that all such functions will be" and inserting "so that all such functions are".

(d) CLERICAL AMENDMENTS.—

(1) The heading of such section is amended to read as follows:

"§5138. Bureau of Medicine and Surgery: Dental Corps; Chief; functions".

(2) The item relating to such section in the table of sections at the beginning of chapter 513 of such title is amended to read as follows:

"5138. Bureau of Medicine and Surgery: Dental Corps; Chief; functions.".

SEC. 594. PERMANENT AUTHORITY FOR PRESENTATION OF RECOGNITION ITEMS FOR RECRUITMENT AND RETENTION PURPOSES.

Section 2261 of title 10, United States Code, is amended by striking subsection (d).

SEC. 595. PERSONS AUTHORIZED TO ADMINISTER ENLISTMENT AND APPOINTMENT OATHS.

(a) ENLISTMENT OATH.—Section 502 of title 10, United States Code, is amended—

(1) by inserting "(a) ENLISTMENT OATH.—" before "Each person enlisting";

(2) by striking the last sentence; and

(3) by adding at the end the following new subsection:

"(b) WHO MAY ADMINISTER.—The oath may be taken before the President, the Vice-President, the Secretary of Defense, any commissioned officer, or any other person designated under regulations prescribed by the Secretary of Defense.".

(b) OATHS GENERALLY.—Section 1031 of such title is amended by striking "Any commissioned officer of any component of an armed force, whether or not on active duty, may administer any oath" and inserting "The President, the Vice-President, the Secretary of Defense, any

commissioned officer, and any other person designated under regulations prescribed by the Secretary of Defense may administer any oath''.

SEC. 596. MILITARY VOTING MATTERS.

(a) REPEAL OF REQUIREMENT FOR PERIODIC INSPECTOR GENERAL INSTALLATION VISITS FOR ASSESSMENT OF VOTING ASSISTANCE PROGRAM COMPLIANCE.—Section 1566 of title 10, United States Code, is amended by striking subsection (d).

(b) USE OF ELECTRONIC VOTING TECHNOLOGY.—

(1) CONTINUATION OF INTERIM VOTING ASSISTANCE SYSTEM.—The Secretary of Defense shall continue the Interim Voting Assistance System (IVAS) ballot request program with respect to all absent uniformed services voters (as defined under section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(1))) and overseas employees of the Department of Defense for the general election and all elections through December 31, 2006.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the regularly scheduled general election for Federal office for November 2006, the Secretary of Defense shall submit to the Congress a report setting forth—

(i) an assessment of the success of the implementation of the Interim Voting Assistance System ballot request program carried out under paragraph (1);

(ii) recommendations for continuation of the Interim Voting Assistance System and for improvements to that system; and

(iii) an assessment of available technologies and other means of achieving enhanced use of electronic and Internet-based capabilities under the Interim Voting Assistance System.

(B) FUTURE ELECTIONS.—Not later than May 15, 2007, the Secretary of Defense shall submit to the Congress a report setting forth in detail plans for expanding the use of electronic voting technology for individuals covered under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) for elections through November 30, 2010.

(c) COMPTROLLER GENERAL REPORT.—Not later than March 1, 2007, the Comptroller General of the United States shall submit to Congress a report containing the assessment of the Comptroller General with respect to the following:

(1) The programs and activities undertaken by the Department of Defense to facilitate voter registration, transmittal of ballots to absentee voters, and voting utilizing electronic means of communication (such as electronic mail and fax transmission) for military and civilian personnel covered by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) The progress of the Department of Defense and the Election Assistance Commission in developing a secure, deployable system for Internet-based electronic voting pursuant to the amendment made by section 567 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1919).

(d) REPEAL OF EXPIRED PROVISION.—Section 1566(g)(2) of title 10, United States Code, is amended by striking the last sentence.

SEC. 597. PHYSICAL EVALUATION BOARDS.

(a) IN GENERAL.—

(1) PROCEDURAL REQUIREMENTS.—Chapter 61 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1222. Physical evaluation boards

"(a) RESPONSE TO APPLICATIONS AND APPEALS.—The Secretary of each military department shall ensure, in the case of any member of the armed forces appearing before a physical evaluation board under that Secretary's supervision, that documents announcing a decision of the board in the case convey the findings and conclusions of the board in an orderly and itemized fashion with specific attention to each issue presented by the member in regard to that member's case. The requirement under the preceding sentence applies to a case both during initial consideration and upon subsequent consideration due to appeal by the member or other circumstance.

"(b) LIAISON OFFICER (PEBLO) REQUIREMENTS AND TRAINING.—(1) The Secretary of Defense shall prescribe regulations establishing—

"(A) a requirement for the Secretary of each military department to make available to members of the armed forces appearing before physical evaluation boards operated by that Secretary employees, designated as physical evaluation board liaison officers, to provide advice, counsel, and general information to such members on the operation of physical evaluation boards operated by that Secretary; and

"(B) standards and guidelines concerning the training of such physical evaluation board liaison officers.

"(2) The Secretary shall ensure compliance by the Secretary of each military department with physical evaluation board liaison officer requirements and training standards and guidelines at least once every three years.

"(c) STANDARDIZED STAFF TRAINING AND OPERATIONS.—(1) The Secretary of Defense shall prescribe regulations on standards and guidelines concerning the physical evaluation board operated by each of the Secretaries of the military departments with regard to—

"(A) assignment and training of staff;

"(B) operating procedures; and

"(C) timeliness of board decisions.

"(2) The Secretary shall ensure compliance with standards and guidelines prescribed under paragraph (1) by each physical evaluation board at least once every three years.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1222. Physical evaluation boards.''.

(b) EFFECTIVE DATE.—Section 1222 of title 10, United States Code, as added by subsection (a), shall apply with respect to decisions rendered on cases commenced more than 120 days after the date of the enactment of this Act.

SEC. 598. MILITARY ID CARDS FOR RETIREE DEPENDENTS WHO ARE PERMANENTLY DISABLED.

(a) IN GENERAL.—Subsection (a) of section 1060b of title 10, United States Code, is amended to read as follows:

"(a) ISSUANCE OF PERMANENT ID CARD.—(1) In issuing military ID cards to retiree dependents, the Secretary concerned shall issue a permanent ID card (not subject to renewal) to any such retiree dependent as follows:

"(A) A retiree dependent who has attained 75 years of age.

"(B) A retiree dependent who is permanently disabled.

"(2) A permanent ID card shall be issued to a retiree dependent under paragraph (1)(A) upon the expiration, after the retiree dependent attains 75 years of age, of any earlier, renewable military card or, if earlier, upon the request of the retiree dependent after attaining age 75.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 1060b. Military ID cards: dependents and survivors of retirees".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1060b and inserting the following new item:

"1060b. Military ID cards: dependents and survivors of retirees.''.

SEC. 599. UNITED STATES MARINE BAND AND UNITED STATES MARINE DRUM AND BUGLE CORPS.

(a) IN GENERAL.—Section 6222 of title 10, United States Code, is amended to read as follows:

"§ 6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members

"(a) UNITED STATES MARINE BAND.—The band of the Marine Corps shall be composed of one director, two assistant directors, and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

"(b) UNITED STATES MARINE DRUM AND BUGLE CORPS.—The drum and bugle corps of the Marine Corps shall be composed of one commanding officer and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

"(c) APPOINTMENT AND PROMOTION.—(1) The Secretary of the Navy shall prescribe regulations for the appointment and promotion of members of the Marine Band and members of the Marine Drum and Bugle Corps.

"(2) The President may from time to time appoint members of the Marine Band and members of the Marine Drum and Bugle Corps to grades not above the grade of captain. The authority of the President to make appointments under this paragraph may be delegated only to the Secretary of Defense.

"(3) The President, by and with the advice and consent of the Senate, may from time to time appoint any member of the Marine Band or of the Marine Drum and Bugle Corps to a grade above the grade of captain.

"(d) RETIREMENT.—Unless otherwise entitled to higher retired grade and retired pay, a member of the Marine Band or Marine Drum and Bugle Corps who holds, or has held, an appointment under this section is entitled, when retired, to be retired in, and with retired pay based on, the highest grade held under this section in which the Secretary of the Navy determines that such member served satisfactorily.

"(e) REVOCATION OF APPOINTMENT.—The Secretary of the Navy may revoke any appointment of a member of the Marine Band or Marine Drum and Bugle Corps. When a member's appointment to a commissioned grade terminates under this subsection, such member is entitled, at the option of such member—

"(1) to be discharged from the Marine Corps; or

"(2) to revert to the grade and status such member held at the time of appointment under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 565 of such title is amended by striking the item relating to section 6222 and inserting the following new item:

"6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members.''.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2007 increase in military basic pay and reform of basic pay rates.

Sec. 602. Increase in maximum rate of basic pay for general and flag officer grades to conform to increase in pay cap for Senior Executive Service personnel.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER—Continued

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
0-3E	$5,715.90	$5,715.90			
0-2E	4,558.80	4,558.80			
0-1E	3,857.40	3,857.40			

WARRANT OFFICERS[1]

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5	$0.00	$0.00	$0.00	$0.00	$0.00
W-4	3,402.00	3,660.00	3,765.00	3,868.50	4,046.40
W-3	3,106.80	3,236.40	3,369.00	3,412.80	3,552.00
W-2	2,749.20	3,009.30	3,089.40	3,144.60	3,322.80
W-1	2,413.20	2,672.40	2,742.90	2,890.50	3,065.10
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5	$0.00	$0.00	$0.00	$0.00	$0.00
W-4	4,222.20	4,400.70	4,669.20	4,904.40	5,128.20
W-3	3,825.90	4,110.90	4,245.30	4,400.40	4,560.30
W-2	3,600.00	3,737.10	3,872.40	4,037.70	4,166.70
W-1	3,322.20	3,442.20	3,610.20	3,775.50	3,905.10
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5	$0.00	$6,049.50	$6,356.40	$6,585.00	$6,838.20
W-4	5,310.90	5,489.70	5,752.20	5,967.60	6,213.60
W-3	4,847.70	5,042.40	5,158.50	5,282.10	5,450.10
W-2	4,284.00	4,423.80	4,515.90	4,589.40	4,589.40
W-1	4,024.50	4,170.00	4,170.00	4,170.00	4,170.00
	Over 28	Over 30	Over 32	Over 34	Over 36
W-5	$6,838.20	$7,180.20	$7,180.20	$7,539.30	$7,539.30
W-4	6,213.60	6,337.80	6,337.80	6,337.80	6,337.80
W-3	5,450.10	5,450.10	5,450.10	5,450.10	5,450.10
W-2	4,589.40	4,589.40	4,589.40	4,589.40	4,589.40
W-1	4,170.00	4,170.00	4,170.00	4,170.00	4,170.00
	Over 38	Over 40			
W-5	$7,916.40	$7,916.40			
W-4	6,337.80	6,337.80			
W-3	5,450.10	5,450.10			
W-2	4,589.40	4,589.40			
W-1	4,170.00	4,170.00			

[1] *Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.*

ENLISTED MEMBERS[1]

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9[2]	$0.00	$0.00	$0.00	$0.00	$0.00
E-8	0.00	0.00	0.00	0.00	0.00
E-7	2,339.10	2,553.00	2,650.80	2,780.70	2,881.50
E-6	2,023.20	2,226.00	2,324.40	2,419.80	2,519.40
E-5	1,854.00	1,977.90	2,073.30	2,171.40	2,323.80
E-4	1,699.50	1,786.50	1,883.10	1,978.50	2,062.80
E-3	1,534.20	1,630.80	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1[3]	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9[2]	$0.00	$4,110.60	$4,203.90	$4,321.20	$4,459.50
E-8	3,364.80	3,513.90	3,606.00	3,716.40	3,835.80
E-7	3,055.20	3,152.70	3,326.70	3,471.00	3,569.70
E-6	2,744.10	2,831.40	3,000.00	3,051.90	3,089.70
E-5	2,483.70	2,613.90	2,630.10	2,630.10	2,630.10
E-4	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1[3]	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40

ENLISTED MEMBERS[1]*—Continued*

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
	Over 18	Over 20	Over 22	Over 24	Over 26
E–9[2]	$4,598.40	$4,821.60	$5,010.30	$5,209.20	$5,512.80
E–8	4,051.80	4,161.30	4,347.30	4,450.50	4,704.90
E–7	3,674.40	3,715.50	3,852.00	3,925.20	4,204.20
E–6	3,133.50	3,133.50	3,133.50	3,133.50	3,133.50
E–5	2,630.10	2,630.10	2,630.10	2,630.10	2,630.10
E–4	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E–3	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E–2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E–1[3]	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 28	Over 30	Over 32	Over 34	Over 36
E–9[2]	$5,512.80	$5,788.50	$5,788.50	$6,078.00	$6,078.00
E–8	4,704.90	4,799.10	4,799.10	4,799.10	4,799.10
E–7	4,204.20	4,204.20	4,204.20	4,204.20	4,204.20
E–6	3,133.50	3,133.50	3,133.50	3,133.50	3,133.50
E–5	2,630.10	2,630.10	2,630.10	2,630.10	2,630.10
E–4	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E–3	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E–2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E–1	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 38	Over 40			
E–9[2]	$6,381.90	$6,381.90			
E–8	4,799.10	4,799.10			
E–7	4,204.20	4,204.20			
E–6	3,133.50	3,133.50			
E–5	2,630.10	2,630.10			
E–4	2,062.80	2,062.80			
E–3	1,729.20	1,729.20			
E–2	1,458.90	1,458.90			
E–1	1,301.40	1,301.40			

[1] *Notwithstanding the pay rates specified in this table, the actual basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.*

[2] *Subject to the preceding footnote, the rate of basic pay for an enlisted member in this grade while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, Master Chief Petty Officer of the Coast Guard, or Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff is $6,642.60, regardless of cumulative years of service computed under section 205 of title 37, United States Code.*

[3] *In the case of members in pay grade E–1 who have served less than 4 months on active duty, the rate of basic pay is $1,203.90.*

SEC. 602. INCREASE IN MAXIMUM RATE OF BASIC PAY FOR GENERAL AND FLAG OFFICER GRADES TO CONFORM TO INCREASE IN PAY CAP FOR SENIOR EXECUTIVE SERVICE PERSONNEL.

(a) INCREASE.—Section 203(a)(2) of title 37, United States Code, is amended by striking "level III of the Executive Schedule" and inserting "level II of the Executive Schedule".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2007, and shall apply with respect to months beginning on or after that date.

SEC. 603. ONE-YEAR EXTENSION OF PROHIBITION AGAINST REQUIRING CERTAIN INJURED MEMBERS TO PAY FOR MEALS PROVIDED BY MILITARY TREATMENT FACILITIES.

(a) EXTENSION.—Section 402(h)(3) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) REPORT ON ADMINISTRATION OF PROHIBITION.—Not later than February 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the administration of section 402(h) of title 37, United States Code. The report shall include—

(1) a description and assessment of the mechanisms used by the military departments to implement the prohibition contained in such section; and

(2) such recommendations as the Secretary considers appropriate regarding making such prohibition permanent.

SEC. 604. AVAILABILITY OF SECOND BASIC ALLOWANCE FOR HOUSING FOR CERTAIN RESERVE COMPONENT OR RETIRED MEMBERS SERVING IN SUPPORT OF CONTINGENCY OPERATIONS.

(a) AVAILABILITY.—Section 403(g) of title 37, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Secretary concerned may provide a basic allowance for housing to a member described in paragraph (1) at a monthly rate equal to the rate of the basic allowance for housing established under subsection (b) or the overseas basic allowance for housing established under subsection (c), whichever applies to the location at which the member is serving, for members in the same grade at that location without dependents. The member may receive both a basic allowance for housing under paragraph (1) and under this paragraph for the same month, but may not receive the portion of the allowance authorized under section 404 of this title, if any, for lodging expenses if a basic allowance for housing is provided under this paragraph."; and

(3) in paragraph (3), as so redesignated, by striking "Paragraph (1)" and inserting "Paragraphs (1) and (2)".

(b) EFFECTIVE DATE.—Paragraph (2) of section 403(g) of title 37, United States Code, as added by subsection (a), shall apply with respect to months beginning on or after October 1, 2006.

SEC. 605. EXTENSION OF TEMPORARY CONTINUATION OF HOUSING ALLOWANCE FOR DEPENDENTS OF MEMBERS DYING ON ACTIVE DUTY TO SPOUSES WHO ARE ALSO MEMBERS.

(a) EXTENSION.—Section 403(l) of title 37, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) An allowance may be paid under paragraph (2) to the spouse of the deceased member even though the spouse is also a member of the uniformed services. The allowance paid under such paragraph is in addition to any other pay and allowances to which the spouse is entitled as a member.".

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendments made by subsection (a) shall take effect on October 1, 2006.

(2) TRANSITIONAL RULE.—After October 1, 2006, the Secretary of Defense, and the Secretary of Homeland Security in the case of the Coast Guard, may pay the allowance authorized by section 403(l)(2) of title 37, United States Code, to a member of the uniformed services who is the spouse of a member who died on active duty during the one-year period ending on that date, except that the payment of the allowance must terminate within 365 days after the date of the member's death.

SEC. 606. PAYMENT OF FULL PREMIUM FOR COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE PROGRAM DURING SERVICE IN OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM.

(a) ENHANCED ALLOWANCE TO COVER SGLI DEDUCTIONS.—Subsection (a)(1) of section 437 of title 37, United States Code, is amended by striking "for the first $150,000" and all that follows through "of such title" and inserting "for the amount of Servicemembers' Group Life Insurance coverage held by the member under section 1967 of such title".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a)—

(A) by striking "(1)" before "in the case of"; and

(B) by striking paragraph (2);

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b) and in paragraph (2) of that subsection by striking "coverage amount specified in subsection (a)(1) or in effect pursuant to subsection (b)," and inserting "maximum coverage amount available for such insurance,".

(c) CLERICAL AMENDMENTS.—The heading for such section, and the item relating to such section in the table of sections at the beginning of chapter 7 of such title, are each amended by striking the fourth and fifth words.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply with respect to service by members of the Armed Forces in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom for months beginning on or after that date.

SEC. 607. CLARIFICATION OF EFFECTIVE DATE OF PROHIBITION ON COMPENSATION FOR CORRESPONDENCE COURSES.

Section 206(d) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(3) The prohibition in paragraph (1), including the prohibition as it relates to a member of the National Guard while not in Federal service, applies to—

"(A) any work or study performed on or after September 7, 1962, unless that work or study is specifically covered by the exception in paragraph (2); and

"(B) any claim based on that work or study arising after that date.".

SEC. 608. EXTENSION OF PILOT PROGRAM ON CONTRIBUTIONS TO THRIFT SAVINGS PLAN FOR INITIAL ENLISTEES IN THE ARMY.

(a) EXTENSION.—Subsection (a) of section 606 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3287; 37 U.S.C. 211 note) is amended by striking "During fiscal year 2006" and inserting "During the period beginning on January 6, 2006, and ending on December 31, 2008".

(b) REPORT DATE.—Subsection (d)(1) of such section is amended by striking "February 1, 2007" and inserting "February 1, 2008".

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking "January 1, 2007" and inserting "January 1, 2008".

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(e) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 323(i) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(f) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(g) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(h) INCENTIVE BONUS FOR TRANSFER BETWEEN THE ARMED FORCES.—Section 327(h) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2009".

SEC. 615. EXPANSION OF ELIGIBILITY OF DENTAL OFFICERS FOR ADDITIONAL SPECIAL PAY.

(a) REPEAL OF INTERNSHIP AND RESIDENCY EXCEPTION.—Section 302b(a)(4) of title 37, United States Code, is amended by striking the first sentence and inserting the following new sentence: "An officer who is entitled to variable special pay under paragraph (2) or (3) is also entitled to additional special pay for any 12-month period during which an agreement executed under subsection (b) is in effect with respect to the officer.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2006.

SEC. 616. INCREASE IN MAXIMUM ANNUAL RATE OF SPECIAL PAY FOR SELECTED RESERVE HEALTH CARE PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.

(a) INCREASE.—Section 302g(a) of title 37, United States Code, is amended by striking "$10,000" and inserting "$25,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply to agreements entered into or revised under section 302g of title 37, United States Code, on or after that date.

SEC. 617. EXPANSION AND ENHANCEMENT OF ACCESSION BONUS AUTHORITIES FOR CERTAIN OFFICERS IN HEALTH CARE SPECIALITIES.

(a) INCREASE IN MAXIMUM AMOUNT OF ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(2) of title 37, United States Code, is amended by striking "$30,000" and inserting "$200,000".

(b) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALITIES.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302j the following new section:

"§302k. Special pay: accession bonus for medical officers in critically short wartime specialties

"(a) ACCESSION BONUS AUTHORIZED.—A person who is a graduate of an accredited school of medicine or osteopathy in a specialty designated by regulations as a critically short wartime specialty and who executes a written agreement described in subsection (d) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four consecutive years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in the amount determined by the Secretary concerned.

"(b) AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed $400,000.

"(c) LIMITATION ON ELIGIBILITY FOR BONUS.—A person may not be paid a bonus under subsection (a) if—

"(1) the person, in exchange for an agreement to accept an appointment as an officer, received

financial assistance from the Department of Defense to pursue a course of study in medicine or osteopathy; or

"(2) the Secretary concerned determines that the person is not qualified to become and remain certified as a doctor or osteopath in a specialty designated by regulations as a critically short wartime specialty.

"(d) AGREEMENT.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed force concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of the Medical Corps of the Army or the Navy or as an officer of the Air Force designated as a medical officer in a specialty designated by regulations as a critically short wartime specialty.

"(e) REPAYMENT.—A person who, after executing an agreement under subsection (a) is not commissioned as an officer of the armed forces, does not become licensed as a doctor or osteopath, as the case may be, or does not complete the period of active duty in a specialty specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

"(f) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2007.".

(c) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Such chapter is further amended by inserting after section 302k, as added by subsection (b), the following new section:

"§302l. Special pay: accession bonus for dental specialist officers in critically short wartime specialties

"(a) ACCESSION BONUS AUTHORIZED.—A person who is a graduate of an accredited dental school in a specialty designated by regulations as a critically short wartime specialty and who executes a written agreement described in subsection (d) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four consecutive years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in the amount determined by the Secretary concerned.

"(b) AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed $400,000.

"(c) LIMITATION ON ELIGIBILITY FOR BONUS.—A person may not be paid a bonus under subsection (a) if—

"(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in dentistry; or

"(2) the Secretary concerned determines that the person is not qualified to become and remain certified as a dentist in a specialty designated by regulations as a critically short wartime specialty.

"(d) AGREEMENT.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed force concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of the Dental Corps of the Army or the Navy or as an officer of the Air Force designated as a dental officer in a specialty designated by regulations as a critically short wartime specialty.

"(e) REPAYMENT.—A person who, after executing an agreement under subsection (a) is not commissioned as an officer of the armed forces, does not become licensed as a dentist, or does not complete the period of active duty in a specialty specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

"(f) COORDINATION WITH OTHER ACCESSION BONUS AUTHORITY.—A person eligible to execute an agreement under both subsection (a) and section 302h of this title shall elect which authority to execute the agreement under. A person may not execute an agreement under both subsection (a) and such section 302h.

"(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2007.".

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302j the following new items:

"302k. Special pay: accession bonus for medical officers in critically short wartime specialties.

"302l. Special pay: accession bonus for dental specialist officers in critically short wartime specialties.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006, and shall apply to agreements—

(1) entered into or revised under section 302h of title 37, United States Code, on or after that date; or

(2) entered into under section 302k or 302l of such title, as added by subsections (b) and (c), on or after that date.

SEC. 618. AUTHORITY TO PROVIDE LUMP SUM PAYMENT OF NUCLEAR OFFICER INCENTIVE PAY.

(a) LUMP SUM PAYMENT OPTION.—Subsection (a) of section 312 of title 37, United States Code, is amended in the matter after paragraph (3)—

(1) by striking "in equal annual installments" and inserting "in a single lump-sum or in annual installments of equal or different amounts"; and

(2) by striking "with the number of installments being equal to the number of years covered by the contract plus one" and inserting "and, if the special pay will be paid in annual installments, the number of installments may not exceed the number of years covered by the agreement plus one".

(b) STYLISTIC AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(2) in subsection (a)—

(A) by striking "an officer" in the matter before paragraph (1) and inserting "the Secretary may pay special pay under subsection (b) to an officer";

(B) by striking the comma at the end of paragraph (3) and inserting a period;

(C) by striking "may, upon" and all that follows through "The Secretary of the Navy shall" and inserting the following:

"(b) PAYMENT AMOUNT; PAYMENT OPTIONS.—(1) The total amount paid to an officer under an agreement under subsection (a) or (e)(1) may not exceed $30,000 for each year of the active-service agreement. Amounts paid under the agreement are in addition to all other compensation to which the officer is entitled.

"(2) The Secretary shall";

(D) by striking "Upon acceptance of the agreement by the Secretary or his designee" and inserting the following:

"(3) Upon acceptance of an agreement under subsection (a) or (e)(1) by the Secretary"; and

(E) by striking "The Secretary (or his designee)" and inserting the following:

"(4) The Secretary";

(3) in subsection (c), as redesignated by paragraph (1), by striking "subsection (a) or subsection (d)(1)" and inserting "subsection (b) or (e)(1)"; and

(4) in the first sentence of subsection (e)(1), as redesignated by paragraph (1)—

(A) by striking "such subsection" and inserting "subsection (b)"; and

(B) by striking "that subsection" and inserting "this subsection".

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "SPECIAL PAY AUTHORIZED; ELIGIBILITY.—" after "(a)";

(2) in subsection (c), as redesignated by subsection (b)(1), by inserting "REPAYMENT.—" after "(c)";

(3) in subsection (d), as redesignated by subsection (b)(1), by inserting "RELATION TO SERVICE OBLIGATION.—" after "(d)";

(4) in subsection (e), as redesignated by subsection (b)(1), by inserting "NEW AGREEMENT.—" after "(e)"; and

(5) in subsection (f), as redesignated by subsection (b)(1), by inserting "DURATION OF AUTHORITY.—" after "(f)".

SEC. 619. INCREASE IN MAXIMUM AMOUNT OF NUCLEAR CAREER ACCESSION BONUS.

(a) INCREASE.—Section 312b(a)(1) of title 37, United States Code, is amended by striking "$20,000" and inserting "$30,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply to agreements entered into or revised under section 312b of title 37, United States Code, on or after that date.

SEC. 620. INCREASE IN MAXIMUM AMOUNT OF INCENTIVE BONUS FOR TRANSFER BETWEEN ARMED FORCES.

(a) INCREASE.—Section 327(d)(1) of title 37, United States Code, is amended by striking "$2,500" and inserting "$10,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply to agreements entered into or revised under section 327 of title 37, United States Code, on or after that date.

SEC. 621. ADDITIONAL AUTHORITIES AND INCENTIVES TO ENCOURAGE RETIRED MEMBERS AND RESERVE COMPONENT MEMBERS TO VOLUNTEER TO SERVE ON ACTIVE DUTY IN HIGH-DEMAND, LOW-DENSITY ASSIGNMENTS.

(a) AUTHORITY TO OFFER INCENTIVE BONUS.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§329. Incentive bonus: retired members and reserve component members volunteering for high-demand, low-density assignments

"(a) INCENTIVE BONUS AUTHORIZED.—The Secretary of Defense may pay a bonus under this section to a retired member or former member of the Army, Navy, Air Force, or Marine Corps or to a member of a reserve component of the Army, Navy, Air Force, or Marine Corps (who is not otherwise serving on active duty) who executes a written agreement to serve on active duty for a period specified in the agreement in an assignment intended to alleviate the need for members in a high-demand, low-density military capability or in any other specialty designated by the Secretary as critical to meet wartime or peacetime requirements.

"(b) MAXIMUM AMOUNT OF BONUS.—A bonus under subsection (a) and any incentive developed under subsection (d) may not exceed $50,000.

"(c) METHODS OF PAYMENT.—At the election of the Secretary of Defense, a bonus under subsection (a) and any incentive developed under subsection (d) shall be paid or provided—

"(1) when the member commences service on active duty; or

"(2) in annual installments in such amounts as may be determined by the Secretary.

"(d) DEVELOPMENT OF ADDITIONAL INCENTIVES.—(1) The Secretary of Defense may develop and provide to members referred to in subsection (a) additional incentives to encourage such members to return to active duty in assignments intended to alleviate the need for members in a high-demand, low-density military capability or in others specialties designated by the

Secretary as critical to meet wartime or peacetime requirements.

"(2) The provision of any incentive developed under this subsection shall be subject to an agreement, as required for bonuses under subsection (a).

"(3) Not later than 30 days before first offering any incentive developed under this subsection, the Secretary shall submit to the congressional defense committees a report that contains a description of that incentive and an explanation why a bonus under subsection (a) or other pay and allowances are not sufficient to alleviate the high-demand, low-density military capability or otherwise fill critical military specialties.

"(4) In this subsection, the term 'congressional defense committees' has the meaning given that term in section 101(a)(16) of title 10.

"(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A bonus or other incentive paid or provided to a member under this section is in addition to any other pay and allowances to which the member is entitled.

"(f) PROHIBITION ON PROMOTIONS.—The written agreement required by subsections (a) and (d) shall specify that a member who is paid or receives a bonus or other incentive under this section is not eligible for promotion while serving in the assignment for which the bonus or other incentive is provided.

"(g) REPAYMENT.—A member who does not complete the period of active duty specified in the agreement executed under subsection (a) or (d) shall be subject to the repayment provisions of section 303a(e) of this title.

"(h) HIGH-DEMAND, LOW-DENSITY MILITARY CAPABILITY.—In this section, the term 'high-demand, low-density military capability' means a combat, combat support or service support capability, unit, system, or occupational specialty that the Secretary of Defense determines has funding, equipment, or personnel levels that are substantially below the levels required to fully meet or sustain actual or expected operational requirements set by regional commanders.

"(i) REGULATIONS.—The Secretary of Defense may prescribe such regulations as the Secretary considers necessary to carry out this section.

"(j) TERMINATION OF AUTHORITY.—No agreement under subsection (a) or (d) may be entered into after December 31, 2010.".

(b) TEMPORARY AUTHORITY TO ORDER RETIRED MEMBERS TO ACTIVE DUTY IN HIGH-DEMAND, LOW-DENSITY MILITARY CAPABILITY.—Section 688a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking the first sentence and inserting the following new sentence: "The Secretary of a military department may order to active duty a retired member who agrees to serve on active duty in an assignment intended to alleviate a high-demand, low-density military capability or in any other specialty designated by the Secretary as critical to meet wartime or peacetime requirements."; and

(B) in the second sentence, by striking "officer" both places it appears and inserting "member";

(2) in subsection (b), by striking "an officer" and inserting "a member";

(3) in subsection (c), by striking "500 officers" and inserting "1,000 members";

(4) in subsection (d), by striking "officer" and inserting "member";

(5) in subsection (e), by striking "Officers" and inserting "Retired members";

(6) in subsection (f)—

(A) by striking "An officer" and inserting "A retired member"; and

(B) by striking "September 30, 2008" and inserting "December 31, 2010"; and

(7) by adding at the end the following new subsection:

"(g) HIGH-DEMAND, LOW-DENSITY MILITARY CAPABILITY DEFINED.—In this section, the term 'high-demand, low-density military capability' means a combat, combat support or service support capability, unit, system, or occupational specialty that the Secretary of Defense determines has funding, equipment, or personnel levels that are substantially below the levels required to fully meet or sustain actual or expected operational requirements set by regional commanders.".

(c) EXCLUSION FROM ACTIVE-DUTY LIST.—Section 641 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) Officers appointed pursuant to an agreement under section 329 of title 37.".

(d) CLERICAL AMENDMENTS.—

(1) TITLE 37.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by adding at the end the following new item:

"329. Incentive bonus: retired members and reserve component members volunteering for high-demand, low-density assignments.".

(2) TITLE 10.—(A) The heading of section 688a of title 10, United States Code, is amended to read as follows:

"§688a. Retired members: temporary authority to order to active duty in high-demand, low-density assignments".

(B) The table of sections at the beginning of chapter 39 of such title is amended by striking the item relating to section 688a and inserting the following new item:

"688a. Retired members: temporary authority to order to active duty in high-demand, low-density assignments.".

(e) EFFECTIVE DATE.—No agreement may be entered into under section 329 of title 37, United States Code, as added by subsection (a), before October 1, 2006.

(f) LIMITATION ON FISCAL YEAR 2007 OBLIGATIONS.—During fiscal year 2007, obligations incurred under section 329 of title 37, United States Code, as added by subsection (a), to provide bonuses or other incentives to retired members and former members of the Army, Navy, Air Force, or Marine Corps or to members of the reserve components of the Army, Navy, Air Force, and Marine Corps may not exceed $5,000,000.

SEC. 622. ACCESSION BONUS FOR MEMBERS OF THE ARMED FORCES APPOINTED AS COMMISSIONED OFFICERS AFTER COMPLETING OFFICER CANDIDATE SCHOOL.

(a) ACCESSION BONUS AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 329, as added by section 621 of this Act, the following new section:

"§330. Special pay: accession bonus for officer candidates

"(a) ACCESSION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary concerned, a person who executes a written agreement described in subsection (c) may be paid an accession bonus under this section upon acceptance of the agreement by the Secretary concerned.

"(b) AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed $8,000.

"(c) AGREEMENT.—A written agreement referred to in subsection (a) is a written agreement by a person—

"(1) to complete officer candidate school;

"(2) to accept a commission or appointment as an officer of the armed forces; and

"(3) to serve on active duty as a commissioned officer for a period specified in the agreement.

"(d) PAYMENT METHOD.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid in a lump sum or installments.

"(e) REPAYMENT.—A person who, having received all or part of the bonus under a written agreement under subsection (a), does not complete the total period of active duty as a commissioned officer as specified in such agreement shall be subject to the repayment provisions of section 303a(e) of this title.

"(f) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2007.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 329, as added by section 621, the following new item:

"330. Special pay: accession bonus for officer candidates.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2006.

(b) AUTHORITY FOR PAYMENT OF BONUS UNDER EARLIER AGREEMENTS.—

(1) AUTHORITY.—The Secretary of the Army may pay a bonus to any person who, during the period beginning on April 1, 2005, and ending on April 6, 2006, executed an agreement to enlist for the purpose of attending officer candidate school and receive a bonus under section 309 of title 37, United States Code, and who has completed the terms of the agreement required for payment of the bonus.

(2) AMOUNT OF BONUS.—The amount of the bonus payable to a person under this subsection may not exceed $8,000.

(3) RELATION TO ENLISTMENT BONUS.—The bonus payable under this subsection is in addition to a bonus payable under section 309 of title 37, United States Code, or any other provision of law.

SEC. 623. MODIFICATION OF CERTAIN AUTHORITIES APPLICABLE TO THE TARGETED SHAPING OF THE ARMED FORCES.

(a) VOLUNTARY SEPARATION PAY AND BENEFITS.—

(1) INCREASE IN MAXIMUM AMOUNT OF PAY.—Subsection (f) of section 1175a of title 10, United States Code, is amended by striking "two times" and inserting "four times".

(2) EXTENSION OF AUTHORITY.—Subsection (k)(1) of such section is amended by striking "December 31, 2008" and inserting "December 31, 2012".

(3) REPEAL OF LIMITATION ON APPLICABILITY.—Subsection (b) of section 643 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3310; 10 U.S.C. 1175a note) is repealed.

(b) ENHANCED AUTHORITY FOR EARLY DISCHARGES.—

(1) RENEWAL OF AUTHORITY.—Subsection (a) of section 638a of title 10, United States Code, is amended by inserting "and for the purpose of subsection (b)(4) during the period beginning on October 1, 2006, and ending on December 31, 2012," after "December 31, 2001,".

(2) RELAXATION OF LIMITATION ON SELECTIVE EARLY DISCHARGE.—Subsection (d)(2) of such section is amended—

(A) in subparagraph (A), by inserting before the semicolon the following: ", except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade"; and

(B) in subparagraph (B), by inserting before the period the following: ", except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade".

SEC. 624. ENHANCEMENT OF BONUS TO ENCOURAGE CERTAIN PERSONS TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) INDIVIDUALS ELIGIBLE FOR BONUS.—Subsection (a) of section 645 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3310) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) AUTHORITY.—The Secretary";

(2) by striking "a member of the Army, whether in the regular component of the Army or in the Army National Guard or Army Reserve," and inserting "an individual referred to in paragraph (2)"; and

(3) by adding at the end the following new paragraph:

"(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

"(A) A member in the regular component of the Army.

"(B) A member of the Army National Guard.

"(C) A member of the Army Reserve.

"(D) A member of the Army in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired pay.

"(E) A civilian employee of the Department of the Army.".

(b) CERTAIN REFERRALS INELIGIBLE.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(3) JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS.—A member of the Army detailed under subsection (c)(1) of section 2031 of title 10, United States Code, to serve as an administrator or instructor in the Junior Reserve Officers' Training Corps program or a retired member of the Army employed as an administrator or instructor in the program under subsection (d) of such section may not be paid a bonus under subsection (a).".

(c) AMOUNT OF BONUS.—Subsection (d) of such section is amended to read as follows:

"(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed $2,000. The amount shall be payable in two lump sums as provided in subsection (e).".

(d) PAYMENT OF BONUS.—Subsection (e) of such section is amended to read as follows:

"(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

"(1) Not more than $1,000 shall be paid upon the commencement of basic training by the person referred.

"(2) Not more than $1,000 shall be paid upon the completion of basic training and individual advanced training by the person referred.".

(e) COORDINATION WITH RECEIPT OF RETIRED PAY.—Such section is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section to a member of the Army in a retired status is in addition to any compensation to which the member is entitled under title 10, 37, or 38, United States Code, or any other provision of law.".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to bonuses payable under section 645 of the National Defense Authorization Act for Fiscal Year 2006, as amended by this section, on or after that date.

Subtitle C—Travel and Transportation Allowances

SEC. 631. TRAVEL AND TRANSPORTATION ALLOWANCES FOR TRANSPORTATION OF FAMILY MEMBERS INCIDENT TO ILLNESS OR INJURY OF MEMBERS.

Section 411h(b)(1) of title 37, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) a person related to the member as described in subparagraph (A), (B), (C), or (D) who is also a member of the uniformed services.".

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. RETIRED PAY OF GENERAL AND FLAG OFFICERS TO BE BASED ON RATES OF BASIC PAY PROVIDED BY LAW.

(a) DETERMINATION OF RETIRED PAY BASE.—Chapter 71 of title 10, United States Code, is amended by inserting after section 1407 the following new section:

"§ 1407a. Retired pay base: officers retired in general or flag officer grades

"(a) RATES OF BASIC PAY TO BE USED IN DETERMINATION.—In a case in which the determination under section 1406 or 1407 of this title of the retired pay base applicable to the computation of the retired pay of a covered general or flag officer involves a rate of basic pay payable to that officer for any period that was subject to a reduction under section 203(a)(2) of title 37 for such period, such retired-pay-base determination shall be made using the rate of basic pay for such period provided by law, rather than such rate as so reduced.

"(b) COVERED GENERAL AND FLAG OFFICERS.—In this section, the term 'covered general or flag officer' means a member or former member who after September 30, 2006, is retired in a general officer grade or flag officer grade.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1407 the following new item:

"1407a. Retired pay base: officers retired in general or flag officer grades.".

SEC. 642. INAPPLICABILITY OF RETIRED PAY MULTIPLIER MAXIMUM PERCENTAGE TO CERTAIN SERVICE OF MEMBERS OF THE ARMED FORCES IN EXCESS OF 30 YEARS.

(a) IN GENERAL.—Paragraph (3) of section 1409(b) of title 10, United States Code, is amended to read as follows:

"(3) 30 YEARS OF SERVICE.—

"(A) RETIREMENT BEFORE JANUARY 1, 2007.—In the case of a member who retires before January 1, 2007, with more than 30 years of creditable service, the percentage to be used under subsection (a) is 75 percent.

"(B) RETIREMENT AFTER DECEMBER 31, 2006.—In the case of a member who retires after December 31, 2006, with more than 30 years of creditable service, the percentage to be used under subsection (a) is the sum of—

"(i) 75 percent; and

"(ii) the product (stated as a percentage) of—

"(I) 2½; and

"(II) the member's years of creditable service (as defined in subsection (c)) in excess of 30 years of creditable service, under conditions authorized for purposes of this subparagraph during a period designated by the Secretary of Defense for purposes of this subparagraph.".

(b) RETIRED PAY FOR NON-REGULAR SERVICE.—Section 12739(c) of such title is amended—

(1) by striking "The total amount" and inserting "(1) Except as provided in paragraph (2), the total amount"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of a person who retires after December 31, 2006, with more than 30 years of service credited to that person under section 12733 of this title, the total amount of the monthly retired pay computed under subsections (a) and (b) may not exceed the sum of—

"(A) 75 percent of the retired pay base upon which the computation is based; and

"(B) the product of—

"(i) the retired pay base upon which the computation is based; and

"(ii) 2½ percent of the years of service credited to that person under section 12733 of this title, for service under conditions authorized for purposes of this paragraph during a period designated by the Secretary of Defense for purposes of this paragraph.".

SEC. 643. MILITARY SURVIVOR BENEFIT PLAN BENEFICIARIES UNDER INSURABLE INTEREST COVERAGE.

(a) AUTHORITY TO ELECT NEW BENEFICIARY.—Section 1448(b)(1) of title 10, United States Code, is amended—

(1) by inserting "or under subparagraph (G) of this paragraph" in the second sentence of subparagraph (E) before the period at the end; and

(2) by adding at the end the following new subparagraph:

"(G) ELECTION OF NEW BENEFICIARY UPON DEATH OF PREVIOUS BENEFICIARY.—

"(i) AUTHORITY FOR ELECTION.—If the reason for discontinuation in the Plan is the death of the beneficiary, the participant in the Plan may elect a new beneficiary. Any such beneficiary must be a natural person with an insurable interest in the participant. Such an election may be made only during the 180-day period beginning on the date of the death of the previous beneficiary.

"(ii) PROCEDURES.—Such an election shall be in writing, signed by the participant, and made in such form and manner as the Secretary concerned may prescribe. Such an election shall be effective the first day of the first month following the month in which the election is received by the Secretary.

"(iii) VITIATION OF ELECTION BY PARTICIPANT WHO DIES WITHIN TWO YEARS OF ELECTION.—If a person providing an annuity under a election under clause (i) dies before the end of the two-year period beginning on the effective date of the election—

"(I) the election is vitiated; and

"(II) the amount by which the person's retired pay was reduced under section 1452 of this title that is attributable to the election shall be paid in a lump sum to the person who would have been the deceased person's beneficiary under the vitiated election if the deceased person had died after the end of such two-year period.".

(b) CHANGE IN PREMIUM FOR COVERAGE OF NEW BENEFICIARY.—Section 1452(c) of such title is amended by adding at the end the following new paragraph:

"(5) RULE FOR DESIGNATION OF NEW INSURABLE INTEREST BENEFICIARY FOLLOWING DEATH OF ORIGINAL BENEFICIARY.—The Secretary of Defense shall prescribe in regulations premiums which a participant making an election under section 1448(b)(1)(G) of this title shall be required to pay for participating in the Plan pursuant to that election. The total amount of the premiums to be paid by a participant under the regulations shall be equal to the sum of the following:

"(A) The total additional amount by which the retired pay of the participant would have been reduced before the effective date of the election if the original beneficiary (i) had not died and had been covered under the Plan through the date of the election, and (ii) had been the same number of years younger than the participant (if any) as the new beneficiary designated under the election.

"(B) Interest on the amounts by which the retired pay of the participant would have been so reduced, computed from the dates on which the retired pay would have been so reduced at such rate or rates and according to such methodology as the Secretary of Defense determines reasonable.

"(C) Any additional amount that the Secretary determines necessary to protect the actuarial soundness of the Department of Defense Military Retirement Fund against any increased risk for the fund that is associated with the election.".

(c) TRANSITION.—

(1) TRANSITION PERIOD.—In the case of a participant in the Survivor Benefit Plan who made a covered insurable-interest election (as defined in paragraph (2)) and whose designated beneficiary under that election dies before the date of the enactment of this Act or during the 18-month period beginning on such date, the time period applicable for purposes of the limitation in the third sentence of subparagraph (G)(i) of section 1448(b)(1) of title 10, United States Code, as added by subsection (a), shall be the two-year period beginning on the date of the enactment of this Act (rather than the 180-day period specified in that sentence).

(2) COVERED INSURABLE-INTEREST ELECTIONS.—For purposes of paragraph (1), a covered insurable-interest election is an election under section 1448(b)(1) of title 10, United States Code, made before the date of the enactment of this Act, or during the 18-month period beginning on such date, by a participant in the Survivor Benefit Plan to provide an annuity under that plan to a natural person with an insurable interest in that person.

(3) SURVIVOR BENEFIT PLAN.—For purposes of this subsection, the term "Survivor Benefit Plan" means the program under subchapter II of chapter 73 of title 10, United States Code.

SEC. 644. MODIFICATION OF ELIGIBILITY FOR COMMENCEMENT OF AUTHORITY FOR OPTIONAL ANNUITIES FOR DEPENDENTS UNDER THE SURVIVOR BENEFIT PLAN.

(a) IN GENERAL.—Section 1448(d)(2)(B) of title 10, United States Code, is amended by striking "who dies after November 23, 2003" and inserting "who dies after October 7, 2001".

(b) APPLICABILITY.—Any annuity payable to a dependent child under subchapter II of chapter 73 of title 10, United States Code, by reason of the amendment made by subsection (a) shall be payable only for months beginning on or after the date of the enactment of this Act.

SEC. 645. STUDY OF TRAINING COSTS, MANNING, OPERATIONS TEMPO, AND OTHER FACTORS THAT AFFECT RETENTION OF MEMBERS OF THE ARMED FORCES WITH SPECIAL OPERATIONS DESIGNATIONS.

(a) REPORT REQUIRED.—Not later than August 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on factors that affect retention of members of the Armed Forces who have a special operations forces designation.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) Information on the cost of training of members of the Armed Forces who have a special operations forces designation, with such information displayed separately and shown as aggregate costs of training for such members at the 4-year, 8-year, 12-year, 16-year, and 20-year points of service.

(2) The average cost of special operations-unique training, both predeployment and during deployment, for the number of members of the Armed Forces who have a special operations forces designation who have been deployed at least twice to areas in which they were eligible for hostile fire pay.

(3) For each component of the United States Special Operations Command, an estimate of when the assigned strength of that component will be under 90 percent of the authorized strength of that component, taking into account anticipated growth planned for in the most recent Quadrennial Defense Review.

(4) The percentage of members of the Armed Forces with a special operations forces designation who have accumulated over 48 months of hostile fire pay and the percentage who have accumulated over 60 months of such pay.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

SEC. 661. TREATMENT OF PRICE SURCHARGES OF CERTAIN MERCHANDISE SOLD AT COMMISSARY STORES.

(a) MERCHANDISE PROCURED FROM EXCHANGES.—Subsection (c)(3) of section 2484 of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(3)";

(2) by striking "Subsections" and inserting "Except as provided in subparagraph (B), subsections"; and

(3) by adding at the end the following new subparagraph:

"(B) When a military exchange is the vendor of tobacco products or other merchandise authorized for sale in a commissary store under paragraph (1), any revenue above the cost of procuring the merchandise shall be allocated as if the revenue were a uniform sales price surcharge described in subsection (d).".

(b) MERCHANDISE TREATED AS NONCOMMISSARY STORE INVENTORY.—Subsection (g) of such section is amended—

(1) by inserting "(1)" before "Notwithstanding";

(2) by striking "Subsections" and inserting "Except as provided in paragraph (2), subsections"; and

(3) by adding at the end the following new paragraph:

"(2) When tobacco products are authorized for sale in a commissary store as noncommissary store inventory, any revenue above the cost of procuring the tobacco products shall be allocated as if the revenue were a uniform sales price surcharge described in subsection (d).".

SEC. 662. LIMITATIONS ON LEASE OF NON-EXCESS DEPARTMENT OF DEFENSE PROPERTY FOR PROTECTION OF MORALE, WELFARE, AND RECREATION ACTIVITIES AND REVENUE.

(a) ADDITIONAL CONDITION ON USE OF LEASE AUTHORITY.—Subsection (b) section 2667 of title 10, United States Code, is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(6) except as otherwise provided in subsection (d), shall require the lessee to provide the covered entities specified in paragraph (1) of that subsection the right to establish and operate a community support facility or provide community support services, or seek equitable compensation for morale, welfare, and recreation programs of the Department of Defense in lieu of the operation of such a facility or the provision of such services, if the Secretary determines that the lessee will provide merchandise or services in direct competition with covered entities through the lease.".

(b) APPLICATION OF CONDITION; WAIVER.—Such section is further amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) COMMUNITY SUPPORT FACILITIES AND COMMUNITY SUPPORT SERVICES UNDER LEASE; WAIVER.—(1) In this subsection and subsection (b)(6), the term 'covered entity' means each of the following:

"(A) The Army and Air Force Exchange Service.

"(B) The Navy Exchange Service Command.

"(C) The Marine Corps exchanges.

"(D) The Defense Commissary Agency.

"(E) The revenue-generating nonappropriated fund activities of the Department of Defense conducted for the morale, welfare, and recreation of members of the armed forces.

"(2) The Secretary of a military department may waive the requirement in subsection (b)(6) with respect to a lease if—

"(A) the lease is entered into under subsection (g); or

"(B) the Secretary determines that the waiver is in the best interests of the Government.

"(3) The Secretary of the military department concerned shall provide to the congressional defense committees written notice of each waiver under paragraph (2), including the reasons for the waiver.

"(4) The covered entities shall exercise the right provided in subsection (b)(6) with respect to a lease, if at all, not later than 90 days after receiving notice from the Secretary of the military department concerned regarding the opportunity to exercise such right with respect to the lease. The Secretary may, at the discretion of the Secretary, extend the period under this paragraph for the exercise of the right with respect to a lease for such additional period as the Secretary considers appropriate.

"(5) The Secretary of Defense shall prescribe in regulations uniform procedures and criteria for the evaluation of proposals for enhanced use leases involving the operation of community support facilities or the provision of community support services by either a lessee under this section or a covered entity.

"(6) The Secretary of the military department concerned shall provide written notification to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives regarding all leases under this section that include the operation of a community support facility or the provision of community support services, regardless of whether the facility will be operated by a covered entity or the lessee or the services will be provided by a covered entity or the lessee.".

(c) DEFINITIONS.—Subsection (i) of such section, as redesignated by subsection (b)(1) of this section, is amended to read as follows:

"(i) DEFINITIONS.—In this section:

"(1) The term 'community support facility' includes an ancillary supporting facility (as that term is defined in section 2871(1) of this title).

"(2) The term 'community support services' includes revenue-generating food, recreational, lodging support services, and resale operations and other retail facilities and services intended to support a community.

"(3) The term 'military installation' has the meaning given such term in section 2687(e)(1) of this title.".

(d) STYLISTIC, TECHNICAL, AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "LEASE AUTHORITY.—" after "(a)";

(2) in subsection (b), by inserting "CONDITIONS ON LEASES.—" after "(b)";

(3) in subsection (c), by inserting "Types of In-Kind Consideration.—" after "(c)";

(4) in subsection (e), as redesignated by subsection (b)(1) of this section—

(A) by inserting "Deposit and Use of Proceeds.—" after "(e)"; and

(B) in paragraph (5), by striking "subsection (f)" and inserting "subsection (g)";

(5) in subsection (f), as redesignated by subsection (b)(1) of this section, by inserting "Treatment of Lessee Interest in Property.—" after "(f)";

(6) in subsection (g), as redesignated by subsection (b)(1) of this section—

(A) by inserting "Special Rules for Base Closure and Realignment Property.—" after "(g)"; and

(B) in paragraph (1), by striking "subsection (a)(3)" and inserting "subsection (a)(2)";

(7) in subsection (h), as redesignated by subsection (b)(1) of this section, by inserting "Competitive Procedures for Selection of Certain Lessees; Exception.—" after "(h)" and

(8) in subsection (j), as redesignated by subsection (b)(1) of this section, by inserting "Exclusion of Certain Lands.—" after "(j)".

SEC. 663. REPORT ON COST EFFECTIVENESS OF PURCHASING COMMERCIAL INSURANCE FOR COMMISSARY AND EXCHANGE FACILITIES AND FACILITIES OF OTHER MORALE, WELFARE, AND RECREATION PROGRAMS AND NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) Report Required.—Not later than July 31, 2007, the Secretary of Defense shall submit to Congress a report evaluating the cost effectiveness of the Defense Commissary Agency and the nonappropriated fund activities specified in subsection (b) purchasing commercial insurance to protect financial interests in facilities operated by the Defense Commissary Agency or those nonappropriated fund activities.

(b) Covered Nonappropriated Fund Activities.—The report shall apply with respect to—

(1) the Army and Air Force Exchange Service;

(2) the Navy Exchange Service Command;

(3) the Marine Corps exchanges; and

(4) any nonappropriated fund activity of the Department of Defense for the morale, welfare, and recreation of members of the Armed Forces.

SEC. 664. STUDY AND REPORT REGARDING ACCESS OF DISABLED PERSONS TO MORALE, WELFARE, AND RECREATION FACILITIES AND ACTIVITIES.

(a) Study Required.—The Secretary of Defense shall conduct a study regarding the current capability of morale, welfare, and recreation facilities and activities operated by nonappropriated fund instrumentalities of the Department of Defense to provide access to and accommodate disabled persons who are otherwise eligible to use such facilities or participate in such activities and the legal requirements regarding such access and accommodation applicable to these morale, welfare, and recreation facilities and activities, with specific attention to the applicability of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(b) Elements of Study.—In conducting the study, the Secretary of Defense shall address at a minimum the following:

(1) The current plans of the Secretary of Defense and the Secretaries of the military departments to improve the access and accommodation of disabled persons to morale, welfare, and recreation facilities and activities operated by nonappropriated fund instrumentalities of the Department of Defense, including plans to make available additional golf carts at military golf courses that are accessible for disabled persons authorized to use such courses, and whether any portion of these plans require congressional authorization or funding.

(2) The timing and cost of making these morale, welfare, and recreation facilities and activities fully accessible to disabled persons.

(3) The expected utilization rates of these morale, welfare, and recreation facilities and activities by disabled persons, if the facilities and activities were fully accessible to disabled persons.

(4) Any legal requirements applicable to providing golf carts at military golf courses that are accessible for disabled persons authorized to use such courses and the current availability of accessible golf carts at such courses.

(c) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the study and any related findings, conclusions, and recommendations that the Secretary considers to be appropriate concerning the access of disabled persons to morale, welfare, and recreation facilities and activities, and specifically the Secretary's conclusions on making accessible golf carts available at all military golf courses for use by disabled persons authorized to use such courses.

Subtitle F—Other Matters

SEC. 670. LIMITATIONS ON TERMS OF CONSUMER CREDIT EXTENDED TO SERVICEMEMBERS AND DEPENDENTS.

(a) Terms of Consumer Credit.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

"§987. Terms of consumer credit extended to members and dependents: limitations

"(a) Interest.—A creditor who extends consumer credit to a covered member of the armed forces or a dependent of such a member shall not require the member or dependent to pay interest with respect to the extension of such credit, except as—

"(1) agreed to under the terms of the credit agreement or promissory note;

"(2) authorized by applicable State or Federal law; and

"(3) not specifically prohibited by this section.

"(b) Annual Percentage Rate.—A creditor described in subsection (a) may not impose an annual percentage rate of interest greater than 36 percent with respect to the consumer credit extended to a covered member or a dependent of a covered member.

"(c) Mandatory Loan Disclosures.—

"(1) Information required.—With respect to any extension of consumer credit (including any consumer credit originated or extended through the internet) to a covered member or a dependent of a covered member, a creditor shall provide to the member or dependent the following information orally and in writing before the issuance of the credit:

"(A) A statement of the annual percentage rate of interest applicable to the extension of credit.

"(B) Any disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.).

"(C) A clear description of the payment obligations of the member or dependent, as applicable.

"(2) Terms.—Such disclosures shall be presented in accordance with terms prescribed by the regulations issued by the Board of Governors of the Federal Reserve System to implement the Truth in Lending Act (15 U.S.C. 1601 et seq.).

"(d) Preemption.—

"(1) Inconsistent laws.—Except as provided in subsection (f)(2), this section preempts any State or Federal law, rule, or regulation, including any State usury law, to the extent that such law, rule, or regulation is inconsistent with this section, except that this section shall not preempt any such law, rule, or regulation that provides protection to a covered member or a dependent of such a member in addition to the protection provided by this section.

"(2) Different treatment under State law of members and dependents prohibited.—States shall not—

"(A) authorize creditors to charge covered members and their dependents annual percentage rates of interest for loans higher than the legal limit for residents of the State; or

"(B) permit violation or waiver of any State consumer lending protections for the benefit of residents of the State on the basis of nonresident or military status of a covered member or dependent of such a member, regardless of the member's or dependent's domicile or permanent home of record.

"(e) Limitations.—It shall be unlawful for any creditor to extend consumer credit to a covered member or a dependent of such a member with respect to which—

"(1) the creditor rolls over, renews, repays, refinances, or consolidates any consumer credit extended to the borrower by the same creditor with the proceeds of other credit extended to the same covered member or a dependent;

"(2) the borrower is required to waive the borrower's right to legal recourse under any otherwise applicable provision of State or Federal law, including any provision of the Servicemembers Civil Relief Act;

"(3) the creditor requires the borrower to submit to arbitration or imposes onerous legal notice provisions in the case of a dispute;

"(4) the creditor demands unreasonable notice from the borrower as a condition for legal action;

"(5) the creditor uses a check or other method of access to a deposit, savings, or other financial account maintained by the borrower, or the title of a vehicle as security for the obligation;

"(6) the creditor requires as a condition for the extension of credit that the borrower establish an allotment to repay an obligation; or

"(7) the borrower is prohibited from prepaying the loan or is charged a penalty or fee for prepaying all or part of the loan.

"(f) Penalties and Remedies.—

"(1) Misdemeanor.—A creditor who knowingly violates this section shall be fined as provided in title 18, or imprisoned for not more than one year, or both.

"(2) Preservation of other remedies.—The remedies and rights provided under this section are in addition to and do not preclude any remedy otherwise available under law to the person claiming relief under this section, including any award for consequential and punitive damages.

"(3) Contract void.—Any credit agreement, promissory note, or other contract prohibited under this section is void from the inception of such contract.

"(4) Arbitration.—Notwithstanding section 2 of title 9, or any other Federal or State law, rule, or regulation, no agreement to arbitrate any dispute involving the extension of consumer credit shall be enforceable against any covered member or dependent of such a member, or any person who was a covered member or dependent of that member when the agreement was made.

"(g) Servicemembers Civil Relief Act Protections Unaffected.—Nothing in this section may be construed to limit or otherwise affect the applicability of section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527).

"(h) Regulations.—(1) The Secretary of Defense shall prescribe regulations to carry out this section.

"(2) Such regulations shall establish the following:

"(A) Disclosures required of any creditor that extends consumer credit to a covered member or dependent of such a member.

"(B) The method for calculating the applicable annual percentage rate of interest on such obligations, in accordance with the limit established under this section.

"(C) A maximum allowable amount of all fees, and the types of fees, associated with any such extension of credit, to be expressed and disclosed to the borrower as a total amount and as a percentage of the principal amount of the obligation, at the time at which the transaction is entered into.

"(D) Definitions of 'creditor' under paragraph (5) and 'consumer credit' under paragraph (6) of subsection (i), consistent with the provisions of this section.

"(E) Such other criteria or limitations as the Secretary of Defense determines appropriate, consistent with the provisions of this section.

"(3) In prescribing regulations under this subsection, the Secretary of Defense shall consult with the following:

"(A) The Federal Trade Commission.

"(B) The Board of Governors of the Federal Reserve System.

"(C) The Office of the Comptroller of the Currency.

"(D) The Federal Deposit Insurance Corporation.

"(E) The Office of Thrift Supervision.

"(F) The National Credit Union Administration

"(G) The Treasury Department.

"(i) DEFINITIONS.—In this section:

"(1) COVERED MEMBER.—The term 'covered member' means a member of the armed forces who is—

"(A) on active duty under a call or order that does not specify a period of 30 days or less; or

"(B) on active Guard and Reserve Duty.

"(2) DEPENDENT.—The term 'dependent', with respect to a covered member, means—

"(A) the member's spouse;

"(B) the member's child (as defined in section 101(4) of title 38); or

"(C) an individual for whom the member provided more than one-half of the individual's support for 180 days immediately preceding an extension of consumer credit covered by this section.

"(3) INTEREST.—The term 'interest' includes all cost elements associated with the extension of credit, including fees, service charges, renewal charges, credit insurance premiums, any ancillary product sold with any extension of credit to a servicemember or the servicemember's dependent, as applicable, and any other charge or premium with respect to the extension of consumer credit.

"(4) ANNUAL PERCENTAGE RATE.—The term 'annual percentage rate' has the same meaning as in section 107 of the Truth and Lending Act (15 U.S.C. 1606), as implemented by regulations of the Board of Governors of the Federal Reserve System. For purposes of this section, such term includes all fees and charges, including charges and fees for single premium credit insurance and other ancillary products sold in connection with the credit transaction, and such fees and charges shall be included in the calculation of the annual percentage rate.

"(5) CREDITOR.—The term 'creditor' means a person—

"(A) who—

"(i) is engaged in the business of extending consumer credit; and

"(ii) meets such additional criteria as are specified for such purpose in regulations prescribed under this section; or

"(B) who is an assignee of a person described in subparagraph (A) with respect to any consumer credit extended.

"(6) CONSUMER CREDIT.—The term 'consumer credit' has the meaning provided for such term in regulations prescribed under this section, except that such term does not include (A) a residential mortgage, or (B) a loan procured in the course of purchasing a car or other personal property, when that loan is offered for the express purpose of financing the purchase and is secured by the car or personal property procured.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such title is amended by adding at the end the following new item:

"987. Terms of consumer credit extended to members and dependents: limitations.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), section 987 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2007, or on such earlier date as may be prescribed by the Secretary of Defense, and shall apply with respect to extensions of consumer credit on or after such effective date.

(2) AUTHORITY TO PRESCRIBE REGULATIONS.—Subsection (h) of such section shall take effect on the date of the enactment of this Act.

(3) PUBLICATION OF EARLIER EFFECTIVE DATE.—If the Secretary of Defense prescribes an effective date for section 987 of title 10, United States Code, as added by subsection (a), earlier than October 1, 2007, the Secretary shall publish that date in the Federal Register. Such publication shall be made not less than 90 days before that earlier effective date.

(d) INTERIM REGULATIONS.—The Secretary of Defense may prescribe interim regulations as necessary to carry out such section. For the purpose of prescribing such interim regulations, the Secretary is excepted from compliance with the notice-and-comment requirements of section 553 of title 5, United States Code. All interim rules prescribed under the authority of this subsection that are not earlier superseded by final rules shall expire no later than 270 days after the effective date of section 987 of title 10, United States Code, as added by this section.

SEC. 671. ENHANCEMENT OF AUTHORITY TO WAIVE CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES AND TRAVEL AND TRANSPORTATION ALLOWANCES.

(a) MAXIMUM WAIVER AMOUNT; TIME FOR EXERCISE OF AUTHORITY.—Section 2774 of title 10, United States Code, is amended—

(1) in subsection (a)(2)(A), by striking "$1,500" and inserting "$10,000"; and

(2) in subsection (b)(2), by striking "three years" and inserting "five years".

(b) CONFORMING AMENDMENTS REGARDING NATIONAL GUARD.—Section 716 of title 32, United States Code, is amended—

(1) in subsection (a)(2)(A), by striking "$1,500" and inserting "$10,000"; and

(2) in subsection (b)(2), by striking "three years" and inserting "five years".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2007.

SEC. 672. EXCEPTION FOR NOTICE TO CONSUMER REPORTING AGENCIES REGARDING DEBTS OR ERRONEOUS PAYMENTS PENDING A DECISION TO WAIVE, REMIT, OR CANCEL.

(a) EXCEPTION.—Section 2780(b) of title 10, United States Code, is amended—

(1) by striking "The Secretary" and inserting "(1) Except as provided in paragraph (2), the Secretary of Defense"; and

(2) by adding at the end the following new paragraph:

"(2) No disclosure shall be made under paragraph (1) with respect to an indebtedness while a decision regarding waiver of collection of the indebtedness is pending under section 2774 of this title or section 716 of title 32, or while a decision regarding remission or cancellation of the indebtedness is pending under section 4837, 6161, or 9837 of this title, unless the Secretary concerned (as defined in section 101(5) of title 37) determines that disclosure under that paragraph pending such decision is in the best interests of the United States.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on March 1, 2007.

(2) APPLICATION TO PRIOR ACTIONS.—Paragraph (2) of section 2780(b) of title 10, United States Code, as added by subsection (a), shall not be construed to apply to or invalidate any action taken under such section before March 1, 2007.

(c) REPORT.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the requirement in section 2780(b) of title 10, United States Code, to disclose to consumer reporting agencies in accordance with section 3711 of title 31, United States Code, information concerning certain indebtedness owed to the United States. The report shall include the following:

(1) The total number of members of the Armed Forces whose indebtedness has been disclosed to consumer reporting agencies under section 2780(b), United States Code, during the period beginning on January 1, 2003, and ending on June 30, 2006.

(2) The circumstances under which a decision to recover the indebtedness was made, rather than a decision to waive, remit, or cancel the indebtedness under the provisions of law referred to in paragraph (2) of such section, as added by subsection (a), and the title of the person who made the decision.

(3) The cost of contracts for collection services to recover indebtedness owed to the United States that is delinquent.

(4) An evaluation of whether or not such contracts, and the practice of disclosing to consumer reporting agencies the identity of members of the Armed Forces who owe a delinquent debt to the United States, has been effective in reducing indebtedness to the United States.

(5) Such recommendations as the Secretary considers appropriate regarding the continuing disclosure of such information with respect to members of the Armed Forces.

SEC. 673. EXPANSION AND ENHANCEMENT OF AUTHORITY TO REMIT OR CANCEL INDEBTEDNESS OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES INCURRED ON ACTIVE DUTY.

(a) DEPARTMENT OF THE ARMY.—

(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Subsection (a) of section 4837 of title 10, United States Code, is amended by striking "of a member" and all that follows through "on active duty" and inserting "of a person to the United States or any instrumentality of the United States incurred while the person was serving on active duty as a member of the Army".

(2) REPEAL OF LIMITATION ON TIME FOR EXERCISE OF AUTHORITY.—Such section is further amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3322; 10 U.S.C. 4837 note) is repealed.

(b) DEPARTMENT OF THE NAVY.—

(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Section 6161 of title 10, United States Code, is amended by striking "of a member" and all that follows through "on active duty" and inserting "of a person to the United States or any instrumentality of the United States incurred while the person was serving on active duty as a member of the naval service".

(2) REPEAL OF LIMITATION ON TIME FOR EXERCISE OF AUTHORITY.—Such section is further amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(b) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3323; 10 U.S.C. 6161 note) is repealed.

(c) DEPARTMENT OF THE AIR FORCE.—

(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Subsection (a) of section 9837 of title 10, United States Code, is amended by striking "of a member" and all that follows through "on active duty" and inserting "of a person to the United States or any instrumentality of the United States incurred while the person was serving on active duty as a member of the Air Force".

(2) REPEAL OF LIMITATION ON TIME FOR EXERCISE OF AUTHORITY.—Such section is further amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(c) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3324; 10 U.S.C. 9837 note) is repealed.

(d) DEADLINE FOR REGULATIONS.—The Secretary of Defense shall prescribe the regulations required for purposes of sections 4837, 6161, and 9837 of title 10, United States Code, as amended by this section, not later than March 1, 2007.

(e) CLARIFYING AND EDITORIAL AMENDMENTS.—

(1) SECRETARY OF THE ARMY.—Subsection (a) of section 4837 of title 10, United States Code, as amended by subsection (a)(1), is further amended—

(A) by striking "If the" and all that follows through "States, the Secretary" and inserting "The Secretary of the Army"; and

(B) by inserting before the period at the end ", but only if the Secretary considers such action to be in the best interest of the United States".

(2) SECRETARY OF THE NAVY.—Subsection (a) of section 6161 of such title, as amended by subsection (b)(1), is further amended—

(A) by striking "If the" and all that follows through "States, the Secretary" and inserting "The Secretary of the Navy"; and

(B) by inserting before the period at the end ", but only if the Secretary considers such action to be in the best interest of the United States".

(3) SECRETARY OF THE AIR FORCE.—Subsection (a) of section 9837 of such title, as amended by subsection (c)(1), is further amended—

(A) by striking "If the" and all that follows through "States, the Secretary" and inserting "The Secretary of the Air Force"; and

(B) by inserting before the period at the end ", but only if the Secretary considers such action to be in the best interest of the United States".

SEC. 674. PHASED RECOVERY OF OVERPAYMENTS OF PAY MADE TO MEMBERS OF THE UNIFORMED SERVICES.

(a) PHASED RECOVERY REQUIRED; MAXIMUM MONTHLY INSTALLMENT.—Subsection (c) of section 1007 of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(3) If the indebtedness of a member of the uniformed services to the United States is due to the overpayment of pay or allowances to the member through no fault of the member, the amount of the overpayment shall be recovered in monthly installments. The amount deducted from the pay of the member for a month to recover the overpayment amount may not exceed 20 percent of the member's pay for that month unless the member requests or consents to collection of the overpayment at an accelerated rate.".

(b) RECOVERY DELAY FOR INJURED MEMBERS.—Such subsection is further amended by inserting after paragraph (3), as added by subsection (a), the following new paragraph:

"(4) If a member of the uniformed services is injured or wounded under the circumstances described in section 310(a)(2)(C) of this title or, while in the line of duty, incurs a wound, injury, or illness in a combat operation or combat zone designated by the Secretary of Defense, any overpayment of pay or allowances made to the member while the member recovers from the wound, injury, or illness may not be deducted from the member's pay until—

"(A) the end of the 90-day period beginning on the date on which the member is notified of the overpayment; or

"(B) such earlier date as may be requested or agreed to by the member.".

(c) CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) by inserting "(1)" before "Under regulations";

(2) by striking "his pay" both places it appears and inserting "the member's pay";

(3) by striking "However, after" and inserting the following:

"(2) After"; and

(4) by inserting "by a member of the uniformed services" after "actually received".

SEC. 675. JOINT FAMILY SUPPORT ASSISTANCE PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a joint family support assistance program for the purpose of providing to families of members of the Armed Forces the following types of assistance:

(1) Financial and material assistance.

(2) Mobile support services.

(3) Sponsorship of volunteers and family support professionals for the delivery of support services.

(4) Coordination of family assistance programs and activities provided by Military OneSource, Military Family Life Consultants, counselors, the Department of Defense, other Federal agencies, State and local agencies, and non-profit entities.

(5) Facilitation of discussion on military family assistance programs, activities, and initiatives between and among the organizations, agencies, and entities referred to in paragraph (4).

(6) Such other assistance that the Secretary considers appropriate.

(b) LOCATIONS.—The Secretary of Defense shall carry out the program in not more than six areas of the United States selected by the Secretary. Up to three of the areas selected for the program shall be areas that are geographically isolated from military installations.

(c) RESOURCES AND VOLUNTEERS.—The Secretary of Defense shall provide personnel and other resources of the Department of Defense necessary for the implementation and operation of the program and may accept and utilize the services of non-Government volunteers and non-profit entities under the program.

(d) PROCEDURES.—The Secretary of Defense shall establish procedures for the operation of the program and for the provision of assistance to families of members of the Armed Forces under the program.

(e) RELATION TO FAMILY SUPPORT CENTERS.—The program is not intended to operate in lieu of existing family support centers, but is instead intended to augment the activities of the family support centers.

(f) IMPLEMENTATION PLAN.—

(1) PLAN REQUIRED.—Not later than 90 days after the date on which funds are first obligated for the program, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan for the implementation of the program.

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following:

(A) A description of the actions taken to select the areas in which the program will be conducted.

(B) A description of the procedures established under subsection (d).

(C) A review of proposed actions to be taken under the program to improve coordination of family assistance program and activities between and among the Department of Defense, other Federal agencies, State and local agencies, and non-profit entities.

(g) REPORT.—

(1) REPORT REQUIRED.—Not later than 270 days after the date on which funds are first obligated for the program, the Secretary of Defense shall submit to the congressional defense committees a report on the program.

(2) ELEMENTS.—The report shall include the following:

(A) A description of the program, including the areas in which the program is conducted, the procedures established under subsection (d) for operation of the program, and the assistance provided through the program for families of members of the Armed Forces.

(B) An assessment of the effectiveness of the program in providing assistance to families of members of the Armed Forces.

(C) An assessment of the advisability of extending the program or making it permanent.

(h) DURATION.—The authority to carry out the program shall expire at the end of the three-year period beginning on the date on which funds are first obligated for the program.

SEC. 676. SPECIAL WORKING GROUP ON TRANSITION TO CIVILIAN EMPLOYMENT OF NATIONAL GUARD AND RESERVE MEMBERS RETURNING FROM DEPLOYMENT IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM.

(a) WORKING GROUP REQUIRED.—The Secretary of Defense shall establish within the Department of Defense a working group to identify and assess the needs of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom in making the transition to civilian employment on their return from such deployment.

(b) MEMBERS.—

(1) APPOINTMENT.—Subject to paragraph (2), the Secretary of Defense shall appoint the members of the working group. The Secretary of Defense shall attempt to achieve a balance of members on the working group from among employees of the following agencies:

(A) The Department of Defense.

(B) The Department of Veterans Affairs.

(C) The Department of Labor.

(2) CONCURRENCE.—The appointment of employees of the Department of Veterans Affairs and the Department of Labor under paragraph (1) shall be subject to the concurrence of the Secretary of Veterans Affairs and the Secretary of Labor, respectively.

(c) RESPONSIBILITIES.—The working group shall—

(1) identify and assess the needs of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom in making the transition to civilian employment on their return from deployment, including the needs of—

(A) members who were self-employed before deployment and seek to return to such employment after deployment;

(B) members who were students before deployment and seek to return to school or commence employment after deployment;

(C) members who have experienced multiple recent deployments; and

(D) members who have been wounded or injured during deployment;

(2) identify and assess the extent to which such members receive promotions on their return from deployment in Operation Iraqi Freedom or Operation Enduring Freedom or experience constructive termination by their employers as a result of such deployment; and

(3) develop recommendations on means of improving assistance to such members in meeting the needs identified in paragraph (1) on their return from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(d) CONSULTATION.—In carrying out its responsibilities under subsection (c), the working group shall consult with the following:

(1) Employees of the Small Business Administration.

(2) Representatives of employers that employ, and associations of employers whose members employ, members of the National Guard and Reserve deployed in Operation Iraqi Freedom or Operation Enduring Freedom.

(3) Representatives of employee assistance organizations.

(4) Representatives of organizations that assist wounded or injured members of the National Guard and Reserves in finding or sustaining employment.

(5) Representatives of such other public or private organizations and entities as the working group considers appropriate.

(e) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the working group established under subsection (a) shall submit to the Secretary of Defense and Congress a report on its activities under subsection (c).

(2) ELEMENTS.—The report shall include the following:

(A) The results of the identifications and assessments required under subsection (c).

(B) The recommendations developed under subsection (c)(3), including recommendations on the following:

(i) The provision of outreach and training to employers, employment assistance organizations, and associations of employers on the employment and transition needs of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(ii) The provision of outreach and training to employers, employment assistance organizations, and associations of employers on the needs of family members of such members.

(iii) The improvement of collaboration between the pubic and private sectors in order to ensure the successful transition of such members into civilian employment upon their return from such deployment.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make the report available to the public, including through the Internet website of the Department of Defense.

(f) TERMINATION.—The working group shall terminate on the date that is two years after the date of the enactment of this Act.

(g) EMPLOYMENT ASSISTANCE ORGANIZATION DEFINED.—In this section, the term "employment assistance organization" means an organization or entity, whether public or private, that provides assistance to individuals in finding or retaining employment, including organizations and entities under military career support programs.

SEC. 677. AUDIT OF PAY ACCOUNTS OF MEMBERS OF THE ARMY EVACUATED FROM A COMBAT ZONE FOR INPATIENT CARE.

(a) AUDIT REQUIRED.—The Secretary of the Army shall conduct a complete audit of the pay accounts of each member of the Army wounded or injured in a combat zone who was evacuated from a theater of operations for inpatient care during the period beginning on May 1, 2005, and ending on April 30, 2006.

(b) REPORT ON RESULTS OF AUDIT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the audit conducted under subsection (a).

(2) IDENTIFICATION OF MEMBERS.—The report shall include a list of each member of the Army described in subsection (a) identified, in a manner that protects the privacy of the members, by—

(A) the date of the wound or injury that is the basis for the inclusion of the member on the list; and

(B) the grade of the member and unit designation as of that date.

(3) ADDITIONAL REPORT ELEMENTS.—For each member included on the list prepared under paragraph (2), the report shall include the following:

(A) A statement of any underpayment of each of any pay, allowance, or other monetary benefit to which the member was entitled during the period beginning on the date on which the wound or injury was incurred and ending on April 30, 2006, including basic pay, hazardous duty pay, imminent danger pay, basic allowance for housing, basic allowance for subsistence, any family separation allowance, any tax exclusion for combat duty, and any other pay, allowance, or monetary benefit to which such member was entitled during such period.

(B) A statement of any disbursements made to correct underpayments made to the member, as identified under subparagraph (A).

(C) A statement of any debts to the United States collected or pending collection from the member.

(D) A statement of any reimbursements or debt relief granted to the member for a debt identified under subparagraph (C).

(E) If the members has applied to the United States for a relief of debt—

(i) a description of the nature of the debt for which relief was applied; and

(ii) a description of the disposition of the application, including—

(I) if relief was granted, the date of disbursement of relief; and

(II) if relief was denied, the reasons for the denial of relief.

(F) A report of any referral of the member to a collection or credit agency.

(4) FORM OF REPORT.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 678. REPORT ON ELIGIBILITY AND PROVISION OF ASSIGNMENT INCENTIVE PAY.

Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report—

(1) specifying the number of members of the Army National Guard and the Army Reserve adversely affected by the disparate treatment afforded to members who previously served under a call or order to active duty under section 12304 of title 10, United States Code, in determining eligibility for assignment incentive pay; and

(2) containing proposed remedies or courses of action to correct this disparity, including allowing time served during a call or order to active duty under such section 12304 to count toward the time needed to qualify for assignment incentive pay.

SEC. 679. SENSE OF CONGRESS CALLING FOR PAYMENT TO WORLD WAR II VETERANS WHO SURVIVED BATAAN DEATH MARCH.

(a) CALL FOR APPROPRIATE COMPENSATION.—It is the sense of Congress that—

(1) there should be paid to each living Bataan Death March survivor an appropriate amount of compensation in recognition of their captivity during World War II; and

(2) in the case of a Bataan Death March survivor who is deceased, but who has an unremarried surviving spouse, such compensation should be paid to that surviving spouse.

(b) BATAAN DEATH MARCH SURVIVOR.—In this section, the term "Bataan Death March survivor" means an individual who as a member of the Armed Forces during World War II was captured on the peninsula of Bataan or island of Corregidor in the territory of the Philippines by Japanese forces and participated in and survived the Bataan Death March.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program Improvements

Sec. 701. TRICARE coverage for forensic examination following sexual assault or domestic violence.
Sec. 702. Authorization of anesthesia and other costs for dental care for children and certain other patients.
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Sec. 731. Standardization of claims processing under TRICARE program and Medicare program.
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Sec. 734. Disease and chronic care management.
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Sec. 741. Pilot projects on early diagnosis and treatment of post traumatic stress disorder and other mental health conditions.
Sec. 742. Requirement to certify and report on conversion of military medical and dental positions to civilian medical and dental positions.
Sec. 743. Three-year extension of joint incentives program on sharing of health care resources by the Department of Defense and Department of Veterans Affairs.
Sec. 744. Training curricula for family caregivers on care and assistance for members and former members of the Armed Forces with traumatic brain injury.
Sec. 745. Recognition of Representative Lane Evans upon his retirement from the House of Representatives.

Subtitle A—TRICARE Program Improvements

SEC. 701. TRICARE COVERAGE FOR FORENSIC EXAMINATION FOLLOWING SEXUAL ASSAULT OR DOMESTIC VIOLENCE.

Section 1079(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(17) Forensic examinations following a sexual assault or domestic violence may be provided.".

SEC. 702. AUTHORIZATION OF ANESTHESIA AND OTHER COSTS FOR DENTAL CARE FOR CHILDREN AND CERTAIN OTHER PATIENTS.

Paragraph (1) of section 1079(a) of title 10, United States Code, is amended to read as follows:

"(1) With respect to dental care—

"(A) except as provided in subparagraph (B), only that care required as a necessary adjunct to medical or surgical treatment may be provided; and

"(B) in connection with dental treatment for patients with developmental, mental, or physical disabilities or for pediatric patients age 5 or under, only institutional and anesthesia services may be provided.".

SEC. 703. IMPROVEMENTS TO DESCRIPTIONS OF CANCER SCREENING FOR WOMEN.

(a) TERMS RELATED TO PRIMARY AND PREVENTIVE HEALTH CARE SERVICES FOR WOMEN.—Section 1074d of title 10, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following new sentence: "The services described in paragraphs (1) and (2) of subsection (b) shall be provided under such procedures and at such intervals as the Secretary of Defense shall prescribe."; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "Papanicolaou tests (pap smear)" and inserting "Cervical cancer screening"; and

(B) in paragraph (2), by striking "Breast examinations and mammography" and inserting "Breast cancer screening".

(b) TERMS RELATED TO CONTRACTS FOR MEDICAL CARE FOR SPOUSES AND CHILDREN.—Section 1079(a)(2) of such title is amended—

(1) in the matter preceding subparagraph (A), by striking "the schedule of pap smears and mammograms" and inserting "the schedule and method of cervical cancer screenings and breast cancer screenings"; and

(2) in subparagraph (B), by striking "pap smears and mammograms" and inserting "cervical and breast cancer screenings".

SEC. 704. PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) PROHIBITION ON INCREASE IN CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by adding at the end the following: "A premium, deductible, copayment, or other charge prescribed by the Secretary under this subsection may not be increased during the period beginning on April 1, 2006, and ending on September 30, 2007.".

(b) PROHIBITION ON INCREASE IN CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of title 10, United States Code, is amended by inserting after "charges for inpatient care" the following: ", except that in no case may the charges for inpatient care for a patient exceed $535 per day during the period beginning on April 1, 2006, and ending on September 30, 2007.".

(c) PROHIBITION ON INCREASE IN PREMIUMS UNDER TRICARE COVERAGE FOR CERTAIN MEMBERS IN THE SELECTED RESERVE.—Section 1076d(d)(3) of title 10, United States Code, is amended by adding at the end the following: "During the period beginning on April 1, 2006, and ending on September 30, 2007, the monthly amount of the premium may not be increased above the amount in effect for the month of March 2006.".

(d) PROHIBITION ON INCREASE IN PREMIUMS UNDER TRICARE COVERAGE FOR MEMBERS OF THE READY RESERVE.—Section 1076b(e)(3) of title 10, United States Code, is amended by adding at the end the following: "During the period beginning on April 1, 2006, and ending on September 30, 2007, the monthly amount of a premium under paragraph (2) may not be increased above the amount in effect for the first month health care is provided under this section as amended by Public Law 109–163.".

SEC. 705. DEMONSTRATION PROJECT ON COVERAGE OF SELECTED OVER-THE-COUNTER DRUGS UNDER THE PHARMACY BENEFITS PROGRAM.

(a) REQUIREMENT TO CONDUCT DEMONSTRATION.—The Secretary of Defense shall conduct a demonstration project under section 1092 of title 10, United States Code, to allow particular over-the-counter drugs to be included on the uniform formulary under section 1074g of such title.

(b) ELEMENTS OF DEMONSTRATION PROJECT.—

(1) INCLUSION OF CERTAIN OVER-THE-COUNTER DRUGS.—(A) As part of the demonstration project, the Secretary shall modify uniform formulary specifications under section 1074g(a) of such title to include an over-the-counter drug (referred to in this section as an "OTC drug") on the uniform formulary if the Pharmacy and Therapeutics Committee finds that the OTC drug is cost-effective and therapeutically equivalent to a prescription drug. If the Pharmacy and Therapeutics Committee makes such a finding, the OTC drug shall be considered to be in the same therapeutic class of pharmaceutical agents as the prescription drug.

(B) An OTC drug shall be made available to a beneficiary through the demonstration project, but only if—

(i) the beneficiary has a prescription for a drug requiring a prescription; and

(ii) pursuant to subparagraph (A), the OTC drug—

(I) is on the uniform formulary; and

(II) has been determined to be therapeutically equivalent to the prescription drug.

(2) CONDUCT THROUGH MILITARY FACILITIES, RETAIL PHARMACIES, OR MAIL ORDER PROGRAM.—The Secretary shall conduct the demonstration project through at least two of the means described in subparagraph (E) of section 1074g(a)(2)(E) of such title through which OTC drugs are provided and may conduct the demonstration project throughout the entire pharmacy benefits program or at a limited number of sites. If the project is conducted at a limited number of sites, the number of sites shall be not less than five in each TRICARE region for each of the two means described in such subparagraph.

(3) PERIOD OF DEMONSTRATION.—The Secretary shall provide for conducting the demonstration project for a period of time necessary to evaluate the feasibility and cost effectiveness of the demonstration. Such period shall be at least as long as the period covered by pharmacy contracts in existence on the date of the enactment of this Act (including any extensions of the contracts), or five years, whichever is shorter.

(4) IMPLEMENTATION DEADLINE.—Implementation of the demonstration project shall begin not later than May 1, 2007.

(c) EVALUATION OF DEMONSTRATION PROJECT.—The Secretary shall evaluate the demonstration project for the following:

(1) The costs and benefits of providing OTC drugs under the pharmacy benefits program in each of the means chosen by the Secretary to conduct the demonstration project.

(2) The clinical effectiveness of providing OTC drugs under the pharmacy benefits program.

(3) Customer satisfaction with the demonstration project.

(d) REPORT.—Not later than two years after implementation of the demonstration project begins, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the demonstration project. The report shall contain—

(1) the evaluation required by subsection (c);

(2) recommendations for improving the provision of OTC drugs under the pharmacy benefits program; and

(3) recommendations on whether permanent authority should be provided to cover OTC drugs under the pharmacy benefits program.

(e) CONTINUATION OF DEMONSTRATION PROJECT.—If the Secretary recommends in the report under subsection (d) that permanent authority should be provided, the Secretary may continue the demonstration project for up to one year after submitting the report.

(f) DEFINITIONS.—In this section:

(1) The term "drug" means a drug, including a biological product, within the meaning of section 1074g(f)(2) of title 10, United States Code.

(2) The term "OTC drug" has the meaning indicated for such term in subsection (b)(1)(A).

(3) The term "over-the-counter drug" means a drug that is not subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act.

(4) The term "prescription drug" means a drug that is subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act.

SEC. 706. EXPANDED ELIGIBILITY OF SELECTED RESERVE MEMBERS UNDER TRICARE PROGRAM.

(a) GENERAL ELIGIBILITY.—Subsection (a) of section 1076d of title 10, United States Code, is amended—

(1) by striking "(a) ELIGIBILITY.—A member" and inserting "(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member";

(2) by striking "after the member completes" and all that follows through "one or more whole years following such date"; and

(3) by adding at the end the following new paragraph:

"(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.".

(b) CONDITION FOR TERMINATION OF ELIGIBILITY.—Subsection (b) of such section is amended—

(1) by striking "(b) PERIOD OF COVERAGE.—(1) TRICARE Standard" and all that follows through "(4) Eligibility" and inserting "(b) TERMINATION OF ELIGIBILITY UPON TERMINATION OF SERVICE.—Eligibility"; and

(2) by striking paragraph (5).

(c) CONFORMING AMENDMENTS.—

(1) Such section is further amended—

(A) by striking subsection (e);

(B) by redesignating subsection (g) as subsection (e) and transferring such subsection within such section so as to appear following subsection (d); and

(C) by striking paragraph (3) of subsection (f).

(2) The heading for such section is amended to read as follows:

"§1076d. TRICARE program: TRICARE standard coverage for members of the Selected Reserve".

(d) REPEAL OF OBSOLETE PROVISION.—Effective October 1, 2007, section 1076b of title 10, United States Code, is repealed.

(e) CLERICAL AMENDMENTS.—Effective October 1, 2007, the table of sections at the beginning of chapter 55 of title 10, United States Code, is amended—

(1) by striking the item relating to section 1076b; and

(2) by striking the item relating to section 1076d and inserting the following:

"1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve.".

(f) SAVINGS PROVISION.—Enrollments in TRICARE Standard that are in effect on the day before the date of the enactment of this Act under section 1076d of title 10, United States Code, as in effect on such day, shall be continued until terminated after such day under such section 1076d as amended by this section.

(g) EFFECTIVE DATE.—The Secretary of Defense shall ensure that health care under TRICARE Standard is provided under section 1076d of title 10, United States Code, as amended by this section, beginning not later than October 1, 2007.

SEC. 707. RELATIONSHIP BETWEEN THE TRICARE PROGRAM AND EMPLOYER-SPONSORED GROUP HEALTH CARE PLANS.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1097b the following new section:

"§1097c. TRICARE program: relationship with employer-sponsored group health plans

"(a) PROHIBITION ON FINANCIAL INCENTIVES NOT TO ENROLL IN A GROUP HEALTH PLAN.—(1) Except as provided in this subsection, the provisions of section 1862(b)(3)(C) of the Social Security Act shall apply with respect to financial or other incentives for a TRICARE-eligible employee not to enroll (or to terminate enrollment) under a health plan which would (in the case of such enrollment) be a primary plan under sections 1079(j)(1) and 1086(g) of this title in the same manner as such section 1862(b)(3)(C) applies to financial or other incentives for an individual entitled to benefits under title XVIII of the Social Security Act not to enroll (or to terminate enrollment) under a group health plan or a large group health plan which would (in the case of enrollment) be a primary plan (as defined in section 1862(b)(2)(A) of such Act).

"(2)(A) The Secretary of Defense may by regulation adopt such additional exceptions to the prohibition referenced and applied under paragraph (1) as the Secretary deems appropriate and such paragraph (1) shall be implemented taking into account the adoption of such exceptions.

"(B) The Secretary of Defense and the Secretary of Health and Human Services are authorized to enter into agreements for carrying out this subsection. Any such agreement shall provide that any expenses incurred by the Secretary of Health and Human Services pertaining to carrying out this subsection shall be reimbursed by the Secretary of Defense.

"(C) Authorities of the Inspector General of the Department of Defense shall be available for oversight and investigations of responsibilities of employers and other entities under this subsection.

"(D) Information obtained under section 1095(k) of this title may be used in carrying out this subsection in the same manner as information obtained under section 1862(b)(5) of the Social Security may be used in carrying out section 1862(b) of such Act.

"(E) Any amounts collected in carrying out paragraph (1) shall be handled in accordance with section 1079a of this title.

"(b) ELECTION OF TRICARE-ELIGIBLE EMPLOYEES TO PARTICIPATE IN GROUP HEALTH PLAN.—A TRICARE-eligible employee shall have the opportunity to elect to participate in the group health plan offered by the employer of the employee and receive primary coverage for health care services under the plan in the same manner and to the same extent as similarly situated employees of such employer who are not TRICARE-eligible employees.

"(c) INAPPLICABILITY TO CERTAIN EMPLOYERS.—The provisions of this section do not apply to any employer who has fewer than 20 employees.

"(d) RETENTION OF ELIGIBILITY FOR COVERAGE UNDER TRICARE.—Nothing in this section, including an election made by a TRICARE-eligible employee under subsection (b), shall be construed to affect, modify, or terminate the eligibility of a TRICARE-eligible employee or spouse of such employee for health care or dental services under this chapter in accordance with the other provisions of this chapter.

"(e) OUTREACH.—The Secretary of Defense shall, in coordination with the other administering Secretaries, conduct outreach to inform covered beneficiaries who are entitled to health care benefits under the TRICARE program of the rights and responsibilities of such beneficiaries and employers under this section.

"(f) DEFINITIONS.—In this section:

"(1) The term 'employer' includes a State or unit of local government.

"(2) The term 'group health plan' means a group health plan (as that term is defined in section 5000(b)(1) of the Internal Revenue Code of 1986 without regard to section 5000(d) of the Internal Revenue Code of 1986).

"(3) The term 'TRICARE-eligible employee' means a covered beneficiary under section 1086 of this title entitled to health care benefits under the TRICARE program.

"(g) EFFECTIVE DATE.—This section shall take effect on January 1, 2008.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1097b the following new item:

"1097c. TRICARE program: relationship with employer-sponsored group health plans.".

SEC. 708. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

(a) TEMPORARY PROHIBITION.—During the period beginning on October 1, 2006, and ending on September 30, 2007, the cost sharing requirements established under paragraph (6) of section 1074g of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.

(2) In the case of formulary agents, $9.

(3) In the case of nonformulary agents, $22.

(b) TRANSFER OF FUNDS.—The Secretary of Defense shall transfer $186,000,000 from the unobligated balances of the National Defense Stockpile Transaction Fund to the Department of Defense Medicare-Eligible Retiree Health Care Fund.

Subtitle B—Studies and Reports

SEC. 711. DEPARTMENT OF DEFENSE TASK FORCE ON THE FUTURE OF MILITARY HEALTH CARE.

(a) REQUIREMENT TO ESTABLISH.—The Secretary of Defense shall establish within the Department of Defense a task force to examine matters relating to the future of military health care.

(b) COMPOSITION.—

(1) MEMBERS.—The task force shall consist of not more than 14 members appointed by the Secretary of Defense from among individuals described in paragraph (2) who have demonstrated expertise in the area of health care programs and costs.

(2) RANGE OF MEMBERS.—The individuals appointed to the task force shall include—

(A) at least one member of each of the Medical Departments of the Army, Navy, and Air Force;

(B) a number of persons from outside the Department of Defense equal to the total number of personnel from within the Department of Defense (whether members of the Armed Forces or civilian personnel) who are appointed to the task force;

(C) persons who have experience in—

(i) health care actuarial forecasting;

(ii) health care program and budget development;

(iii) health-care information technology;

(iv) health care performance measurement;

(v) health care quality improvement including evidence-based medicine; and

(vi) women's health;

(D) the senior medical advisor to the Chairman of the Joint Chiefs of Staff;

(E) the Director of Defense Procurement and Acquisition Policy in the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics;

(F) at least one member from the Defense Business Board;

(G) at least one representative from an organization that advocates on behalf of active duty and retired members of the Armed Forces who has experience in health care; and

(H) at least one member from the Institute of Medicine.

(3) INDIVIDUALS APPOINTED OUTSIDE THE DEPARTMENT OF DEFENSE.—

(A) Individuals appointed to the task force from outside the Department of Defense may include officers or employees of other departments or agencies of the Federal Government, officers or employees of State and local governments, or individuals from the private sector.

(B) Individuals appointed to the task force from outside the Department of Defense shall include—

(i) an officer or employee of the Department of Veterans Affairs; and

(ii) an officer or employee of the Department of Health and Human Services.

(4) DEADLINE FOR APPOINTMENT.—All appointments of individuals to the task force shall be made not later than 90 days after the date of the enactment of this Act.

(5) CO-CHAIRS OF TASK FORCE.—There shall be two co-chairs of the task force. One of the co-

chairs shall be designated by the Secretary of Defense at the time of appointment from among the Department of Defense personnel appointed to the task force. The other co-chair shall be selected from among the members appointed from outside the Department of Defense by members so appointed.

(c) ASSESSMENT AND RECOMMENDATIONS ON THE FUTURE OF MILITARY HEALTH CARE.—

(1) IN GENERAL.—Not later than 12 months after the date on which all members of the task force have been appointed, the task force shall submit to the Secretary a report containing an assessment of, and recommendations for, sustaining the military health care services being provided to members of the Armed Forces, retirees, and their families.

(2) UTILIZATION OF OTHER EFFORTS.—In preparing the report, the task force shall take into consideration the findings and recommendations included in the Healthcare for Military Retirees Task Group of the Defense Business Board, previous Government Accountability Office reports, studies and reviews by the Assistant Secretary of Defense for Health Affairs, and any other studies or research conducted by organizations regarding program and organizational improvements to the military health care system.

(3) ELEMENTS.—The assessment and recommendations (including recommendations for legislative or administrative action) shall include measures to address the following:

(A) Wellness initiatives and disease management programs of the Department of Defense, including health risk tracking and the use of rewards for wellness.

(B) Education programs focused on prevention awareness and patient-initiated health care.

(C) The ability to account for the true and accurate cost of health care in the military health system.

(D) Alternative health care initiatives to manage patient behavior and costs, including options and costs and benefits of a universal enrollment system for all TRICARE users.

(E) The appropriate command and control structure within the Department of Defense and the Armed Forces to manage the military health system.

(F) The adequacy of the military health care procurement system, including methods to streamline existing procurement activities.

(G) The appropriate mix of military and civilian personnel to meet future readiness and high-quality health care service requirements.

(H) The beneficiary and Government cost sharing structure required to sustain military health benefits over the long term.

(I) Programs focused on managing the health care needs of Medicare-eligible military beneficiaries.

(J) Efficient and cost effective contracts for health care support and staffing services, including performance-based requirements for health care provider reimbursement.

(d) ADMINISTRATIVE MATTERS.—

(1) COMPENSATION.—Each member of the task force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the task force shall be treated for purposes of section 3161 of title 5, United States Code, as having been appointed under subsection (b) of such section.

(2) OVERSIGHT.—The Under Secretary of Defense for Personnel and Readiness shall oversee the activities of the task force.

(3) ADMINISTRATIVE SUPPORT.—The Washington Headquarters Services of the Department of Defense shall provide the task force with personnel, facilities, and other administrative support as necessary for the performance of the duties of the task force.

(4) ACCESS TO FACILITIES.—The Under Secretary of Defense for Personnel and Readiness shall, in coordination with the Secretaries of the military departments, ensure appropriate access by the task force to military installations and facilities for purposes of the discharge of the duties of the task force.

(e) REPORTS.—

(1) INTERIM REPORT.—Not later than May 31, 2007, the task force shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives an interim report on the activities of the task force. At a minimum, the report shall include interim findings and recommendations regarding subsection (c)(3)(H), particularly with regard to cost sharing under the pharmacy benefits program.

(2) FINAL REPORT.—(A) The task force shall submit to the Secretary of Defense a final report on its activities under this section. The report shall include—

(i) a description of the activities of the task force;

(ii) the assessment and recommendations required by subsection (c); and

(iii) such other matters relating to the activities of the task force that the task force considers appropriate.

(B) Not later than 90 days after receipt of the report under subparagraph (A), the Secretary shall transmit the report to the Committees on Armed Services of the Senate and the House of Representatives. The Secretary may include in the transmittal such comments on the report as the Secretary considers appropriate.

(f) TERMINATION.—The task force shall terminate 90 days after the date on which the final report of the task force is transmitted to Congress under subsection (e)(2).

SEC. 712. STUDY RELATING TO CHIROPRACTIC HEALTH CARE SERVICES.

(a) STUDY REQUIRED.—

(1) GROUPS COVERED.—The Secretary of Defense shall conduct a study of providing chiropractic health care services and benefits to the following groups:

(A) All members of the uniformed services on active duty and entitled to care under section 1074(a) of title 10, United States Code.

(B) All members described in subparagraph (A) and their eligible dependents, and all members of the Selected Reserves and their eligible dependents.

(C) All members or former members of the uniformed services who are entitled to retired or retainer pay or equivalent pay and their eligible dependents.

(2) MATTERS EXAMINED.—

(A) For each group listed in subparagraphs (A), (B), and (C) of paragraph (1), the study shall examine the following with respect to chiropractic health care services and benefits:

(i) The cost of providing such services and benefits.

(ii) The feasibility of providing such services and benefits.

(iii) An assessment of the health care benefits of providing such services and benefits.

(iv) An estimate of the potential cost savings of providing such services and benefits in lieu of other medical services.

(v) The identification of existing and planned health care infrastructure, including personnel, equipment, and facilities, to accommodate the provision of chiropractic health care services.

(B) For the members of the group listed in subparagraph (A) of paragraph (1), the study shall also examine the effects of providing chiropractic health care services and benefits—

(i) on the readiness of such members; and

(ii) on the acceleration of the return to duty of such members following an identified injury or other malady that can be appropriately treated with chiropractic health care services.

(3) SPACE AVAILABLE COSTS.—The study shall also include a detailed analysis of the projected costs of providing chiropractic health care services on a space available basis in the military treatment facilities currently providing chiropractic care under section 702 of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (as enacted by Public Law 106-398; 10 U.S.C. 1092 note).

(4) ELIGIBLE DEPENDENT DEFINED.—In this section, the term "eligible dependent" has the meaning given that term in section 1076a(k) of title 10, United States Code.

(b) REPORT REQUIRED.—Not later than March 31, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study required under subsection (a).

SEC. 713. COMPTROLLER GENERAL AUDITS OF DEPARTMENT OF DEFENSE HEALTH CARE COSTS AND COST-SAVING MEASURES.

(a) GENERAL AUDIT REQUIRED.—

(1) IN GENERAL.—The Comptroller General of the United States, in cooperation with the Director of the Congressional Budget Office, shall conduct an audit of the Department of Defense initiative to manage future medical benefits available through the Department known as "Sustain the Benefit".

(2) ELEMENTS.—The audit required by paragraph (1) shall examine the following:

(A) The basis for the calculation by the Department of Defense of the portion of the costs of health care benefits provided by the Department to beneficiaries that were paid by such beneficiaries in each of 1995 and 2005, including—

(i) a comparison of the cost to the Department of providing such benefits in each of 1995 and 2005;

(ii) the explanation for any increases in the costs of the Department of providing such benefits between 1995 and 2005; and

(iii) a comparison of the amounts paid, by category of beneficiaries, for health care benefits in 1995 with the amounts paid, by category of beneficiaries, for such benefits in 2005.

(B) The calculations and assumptions utilized by the Department in estimating the savings anticipated through the implementation of proposed increases in cost-sharing for health care benefits beginning in 2007.

(C) The average annual rate of increase, based on inflation, of medical costs for the Department under the Defense Health Program.

(D) The annual rate of growth in the cost of the Defense Health Program that is attributable to inflation in the cost of medical services over the last five years and how such rate of growth compares with annual rates of increases in health care premiums under the Federal Employee Health Benefit Program and other health care programs as well as rates of growth of other health care cost indices over that time.

(E) The assumptions utilized by the Department in estimating savings associated with adjustments in copayments for pharmaceuticals.

(F) The costs of the administration of the Defense Health Program and the TRICARE program for all categories of beneficiaries.

(b) AUDIT OF TRICARE RESERVE SELECT PROGRAM.—

(1) IN GENERAL.—In addition to the audit required by subsection (a), the Comptroller General shall conduct an audit of the costs of the Department of Defense in implementing the TRICARE Reserve Select Program.

(2) ELEMENTS.—The audit required by paragraph (1) shall include an examination of the following:

(A) A comparison of the annual premium amounts established by the Department of Defense for the TRICARE Reserve Select Program

with the actual costs of the Department in providing benefits under that program in fiscal years 2004 and 2005.

(B) The rate of inflation of health care costs of the Department during fiscal years 2004 and 2005, and a comparison of that rate of inflation with the annual increase in premiums under the TRICARE Reserve Select Program in January 2006.

(C) A comparison of the financial and health-care utilization assumptions utilized by the Department in establishing premiums under the TRICARE Reserve Select Program with actual experiences under that program in the first year of the implementation of that program.

(3) TRICARE RESERVE SELECT PROGRAM DEFINED.—In this section, the term "TRICARE Reserve Select Program" means the program carried out under section 1076d of title 10, United States Code.

(c) USE OF INDEPENDENT EXPERTS.—Notwithstanding any other provision of law, in conducting the audits required by this section, the Comptroller General may engage the services of appropriate independent experts, including actuaries.

(d) REPORT.—Not later than June 1, 2007, the Comptroller General shall submit to the congressional defense committees a report on the audits conducted under this section. The report shall include—

(1) the findings of the Comptroller General as a result of the audits; and

(2) such recommendations as the Comptroller General considers appropriate in light of such findings to ensure maximum efficiency in the administration of the health care benefits programs of the Department of Defense.

SEC. 714. TRANSFER OF CUSTODY OF THE AIR FORCE HEALTH STUDY ASSETS TO MEDICAL FOLLOW-UP AGENCY.

(a) TRANSFER.—

(1) NOTIFICATION OF PARTICIPANTS.—The Secretary of the Air Force shall notify the participants of the Air Force Health Study that the study as currently constituted is ending as of September 30, 2006. In consultation with the Medical Follow-up Agency (in this section referred to as the "Agency") of the Institute of Medicine of the National Academy of Sciences, the Secretary of the Air Force shall request the written consent of the participants to transfer their data and biological specimens to the Agency during fiscal year 2007 and written consent for the Agency to maintain the data and specimens and make them available for additional studies.

(2) COMPLETION OF TRANSFER.—Custodianship of the Air Force Health Study shall be completely transferred to the Agency on or before September 30, 2007. Assets to be transferred shall include electronic data files and biological specimens of all the study participants.

(3) COPIES TO ARCHIVES.—The Air Force shall send paper copies of all study documents to the National Archives.

(b) REPORT ON TRANSFER.—

(1) REQUIREMENT.—Not later than 30 days after completion of the transfer of the assets of the Air Force Health Study under subsection (a), the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the transfer.

(2) MATTERS COVERED.—At a minimum, the report shall include information on the number of study participants whose data and biological specimens were not transferred, the efforts that were taken to contact such participants, and the reasons why the transfer of their data and specimens did not occur.

(c) DISPOSITION OF ASSETS NOT TRANSFERRED.—The Secretary of the Air Force may not destroy any data or biological specimens not transferred under subsection (a) until the expiration of the one-year period following submission of the report under subsection (b).

(d) FUNDING.—

(1) COSTS OF TRANSFER.—The Secretary of Defense shall make available to the Air Force $850,000 for preparation, transfer of the assets of the Air Force Health Study, and shipment of data and specimens to the Medical Follow-up Agency and the National Archives during fiscal year 2007 from amounts available from the Department of Defense for that fiscal year. The Secretary of Defense is authorized to transfer the freezers and other physical assets assigned to the Air Force Health Study to the Agency without charge.

(2) COSTS OF COLLABORATION.—The Secretary of Defense may reimburse the National Academy of Sciences up to $200,000 for costs of the Medical Follow-up Agency to collaborate with the Air Force in the transfer and receipt of the assets of the Air Force Health Study to the Agency during fiscal year 2007 from amounts available from the Department of Defense for that fiscal year.

SEC. 715. STUDY ON ALLOWING DEPENDENTS OF ACTIVATED MEMBERS OF RESERVE COMPONENTS TO RETAIN CIVILIAN HEALTH CARE COVERAGE.

(a) STUDY REQUIREMENT.—The Secretary of Defense shall conduct a study on the feasibility of allowing family members of members of the reserve components of the Armed Forces who are called or ordered to active duty in support of a contingency operation to continue health care coverage under a civilian health care program and provide reimbursement for such health care.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An assessment of the number of military dependents with special health care needs (such as ongoing chemotherapy or physical therapy) who would benefit from continued coverage under the member's civilian health care plan instead of enrolling in the TRICARE program.

(2) An assessment of the feasibility of providing reimbursement to the member or the sponsor of the civilian health coverage.

(3) A recommendation on the appropriate rate of reimbursement for members or sponsors of civilian health coverage.

(4) The feasibility of including dependents who do not have access to health care providers that accept payment under the TRICARE program.

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study required under subsection (a).

SEC. 716. STUDY OF HEALTH EFFECTS OF EXPOSURE TO DEPLETED URANIUM.

(a) STUDY.—The Secretary of Defense, in consultation with the Secretary for Veterans Affairs and the Secretary of Health and Human Services, shall conduct a comprehensive study of the health effects of exposure to depleted uranium munitions on uranium-exposed soldiers and on children of uranium-exposed soldiers who were born after the exposure of the uranium-exposed soldiers to depleted uranium.

(b) URANIUM-EXPOSED SOLDIERS.—In this section, the term "uranium-exposed soldiers" means a member or former member of the Armed Forces who handled, came in contact with, or had the likelihood of contact with depleted uranium munitions while on active duty, including members and former members who—

(1) were exposed to smoke from fires resulting from the burning of vehicles containing depleted uranium munitions or fires at depots at which depleted uranium munitions were stored;

(2) worked within environments containing depleted uranium dust or residues from depleted uranium munitions;

(3) were within a structure or vehicle while it was struck by a depleted uranium munition;

(4) climbed on or entered equipment or structures struck by a depleted uranium munition; or

(5) were medical personnel who provided initial treatment to members of the Armed Forces described in paragraph (1), (2), (3), or (4).

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the results of the study described in subsection (a).

SEC. 717. REPORT AND PLAN ON SERVICES TO MILITARY DEPENDENT CHILDREN WITH AUTISM.

(a) PLAN REQUIRED.—The Secretary of Defense shall, within 180 days after the date of the enactment of this Act, develop a plan to provide services to military dependent children with autism pursuant to the authority for an extended health care services program in subsections (d) and (e) of section 1079 of title 10, United States Code. Such plan shall include—

(1) requirements for the education, training, and supervision of individuals providing services for military dependent children with autism;

(2) standards for identifying and measuring the availability, distribution, and training of individuals of various levels of expertise to provide such services; and

(3) procedures to ensure that such services are in addition to other publicly provided services to such children.

(b) PARTICIPATION OF AFFECTED FAMILIES.—In developing the plan required under subsection (a), the Secretary shall ensure the involvement and participation of affected military families or their representatives.

(c) REPORT REQUIRED.—Not later than 30 days after completion of the plan required under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plan. The report may include any additional information the Secretary considers relevant.

SEC. 718. COMPTROLLER GENERAL STUDY ON DEPARTMENT OF DEFENSE PHARMACY BENEFITS PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the Department of Defense pharmacy benefits program required by section 1074g of title 10, United States Code.

(b) ELEMENTS.—The study required by subsection (a) shall include an examination of the following:

(1) The cost of the Department of Defense pharmacy benefits program since the inception of the program.

(2) The relative costs of various options under the program.

(3) The copayment structure under the program.

(4) The effectiveness of the rebate system under the program as a way of passing on discounts received by the Federal Government in the purchase of pharmaceutical agents.

(5) The uniform formulary under the program, including the success of the formulary in achieving savings anticipated through use of the formulary.

(6) Various alternative means of purchasing pharmaceutical agents more efficiently for availability under the program.

(7) The composition and decision-making processes of the Pharmacy and Therapeutics Committee.

(8) The composition of the Beneficiary Advisory Panel and its history as an advisory panel under the program (including the frequency of the acceptance of its recommendations by the Secretary of Defense).

(9) Quality assurance mechanisms under the program.

(10) The role of the program in support of the disease and chronic care management programs of the Department of Defense.

(11) Mechanisms for customer service and customer feedback under the program.

(12) Beneficiary satisfaction with the program.

(c) REPORT.—Not later than nine months after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall include such recommendations as the Comptroller General considers appropriate for legislative or administrative action to improve the Department of Defense pharmacy benefits program in light of the study.

SEC. 719. REVIEW OF DEPARTMENT OF DEFENSE MEDICAL QUALITY IMPROVEMENT PROGRAM.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on actions taken in response to the recommendations of the July 2001 report of the Department of Defense Healthcare Quality Initiatives Review Panel.

(2) MATTERS COVERED.—The report shall address the status of actions concerning each of the Panel's general and specific recommendations, including the amount of resources allocated by fiscal year to implement each recommendation. In any instance in which no action has been taken, justification for such inaction shall be provided in the report.

(b) REVIEW REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall enter into a contract with the Institute of Medicine of the National Academy of Sciences, or another similarly qualified independent academic medical organization, for the purpose of conducting an independent review of the Department of Defense medical quality improvement program.

(2) ELEMENTS.—The review required pursuant to paragraph (1) shall include the following:

(A) An assessment of the methods used by the Department of Defense to monitor medical quality in services provided in military hospitals and clinics and in services provided in civilian hospitals and providers under the military health care system.

(B) An assessment of the transparency and public reporting mechanisms of the Department on medical quality.

(C) An assessment of how the Department incorporates medical quality into performance measures for military and civilian health care providers within the military health care system.

(D) An assessment of the patient safety programs of the Department.

(E) A description of the extent to which the Department seeks to address particular medical errors, and an assessment of the adequacy of such efforts.

(F) An assessment of accountability within the military health care system for preventable negative outcomes involving negligence.

(G) An assessment of the performance of the health care safety and quality measures of the Department.

(H) An assessment of the collaboration of the Department with national initiatives to develop evidence-based quality measures and intervention strategies, especially the initiatives of the Agency for Health Care Research and Quality within the Department of Health and Human Services.

(I) A comparison of the methods, mechanisms, and programs and activities referred to in subparagraphs (A) through (G) with similar methods, mechanisms, programs, and activities used in other public and private health care systems and organizations.

(3) REPORT.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review required pursuant to paragraph (1).

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) The results of the review required pursuant to paragraph (1).

(ii) A discussion of recent highlights in the accomplishments of the Department of Defense medical quality assurance program.

(iii) Such recommendations for legislative or administrative action as the Secretary considers appropriate for the improvement of the program.

SEC. 720. REPORT ON DISTRIBUTION OF HEMOSTATIC AGENTS FOR USE IN THE FIELD.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the distribution of hemostatic agents to members of the Armed Forces serving in Iraq and Afghanistan, including a description of any distribution problems and attempts to resolve such problems.

SEC. 721. LONGITUDINAL STUDY ON TRAUMATIC BRAIN INJURY INCURRED BY MEMBERS OF THE ARMED FORCES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a longitudinal study on the effects of traumatic brain injury incurred by members of the Armed Forces serving in Operation Iraqi Freedom or Operation Enduring Freedom on the members who incur such an injury and their families.

(b) DURATION.—The study required by subsection (a) shall be conducted for a period of 15 years.

(c) ELEMENTS.—The study required by subsection (a) shall specifically address the following:

(1) The long-term physical and mental health effects of traumatic brain injuries incurred by members of the Armed Forces during service in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) The health care, mental health care, and rehabilitation needs of such members for such injuries after the completion of inpatient treatment through the Department of Defense, the Department of Veterans Affairs, or both.

(3) The type and availability of long-term care rehabilitation programs and services within and outside the Department of Defense and the Department of Veterans Affairs for such members for such injuries, including community-based programs and services and in-home programs and services.

(4) The effect on family members of a member incurring such an injury.

(d) CONSULTATION.—The Secretary of Defense shall conduct the study required by subsection (a) and prepare the reports required by subsection (e) in consultation with the Secretary of Veterans Affairs.

(e) PERIODIC AND FINAL REPORTS.—After the third, seventh, eleventh, and fifteenth years of the study required by subsection (a), the Secretary of Defense shall submit to Congress a comprehensive report on the results of the study during the preceding years. Each report shall include the following:

(1) Current information on the cumulative outcomes of the study.

(2) Such recommendations as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate based on the outcomes of the study, including recommendations for legislative, programmatic, or administrative action to improve long-term care and rehabilitation programs and services for members of the Armed Forces with traumatic brain injuries.

Subtitle C—Planning, Programming, and Management

SEC. 731. STANDARDIZATION OF CLAIMS PROCESSING UNDER TRICARE PROGRAM AND MEDICARE PROGRAM.

(a) IN GENERAL.—Effective beginning with the next contract option period for managed care support contracts under the TRICARE program, the claims processing requirements under the TRICARE program on the matters described in subsection (b) shall be identical to the claims processing requirements under the Medicare program on such matters.

(b) COVERED MATTERS.—The matters described in this subsection are as follows:

(1) The utilization of single or multiple provider identification numbers for purposes of the payment of health care claims by Department of Defense contractors.

(2) The documentation required to substantiate medical necessity for items and services that are covered under both the TRICARE program and the Medicare program.

(c) REPORT ON COLLECTION OF AMOUNTS OWED.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a detailed description of the following:

(1) All TRICARE policies and directives concerning collection of amounts owed to the United States pursuant to section 1095 of title 10, United States Code, from third party payers, including—

(A) collection by military treatment facilities from third-party payers; and

(B) collection by contractors providing managed care support under the TRICARE program from other insurers in cases of private insurance liability for health care costs of a TRICARE beneficiary.

(2) An estimate of the outstanding amounts owed from third party payers in each of fiscal years 2002, 2003, and 2004.

(3) The amounts collected from third party payers in each of fiscal years 2002, 2003, and 2004.

(4) A plan of action to streamline the business practices that underlie the policies and directives described in paragraph (1).

(5) A plan of action to accelerate and increase the collections or recoupments of amounts owed from third party payers.

(d) ANNUAL REPORTS ON CLAIMS PROCESSING STANDARDIZATION.—

(1) IN GENERAL.—Not later than October 1, 2007, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a complete list of the claims processing requirements under the TRICARE program that differ from claims processing requirements under the Medicare program.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for each claims processing requirement listed in such report, a business case that justifies maintaining such requirement under the TRICARE program as a different claims processing requirement than that required under the Medicare program.

(e) DEFINITIONS.—In this section:

(1) The term "Medicare program" means the program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) The term "TRICARE program" has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 732. REQUIREMENTS FOR SUPPORT OF MILITARY TREATMENT FACILITIES BY CIVILIAN CONTRACTORS UNDER TRICARE.

(a) ANNUAL INTEGRATED REGIONAL REQUIREMENTS ON SUPPORT.—The Regional Director of each region under the TRICARE program shall develop each year integrated, comprehensive requirements for the support of military treatment facilities in such region that is provided by contract civilian health care and administrative personnel under the TRICARE program.

(b) PURPOSES.—The purposes of the requirements established under subsection (a) shall be as follows:

(1) To ensure consistent standards of quality in the support of military treatment facilities by contract civilian health care personnel under the TRICARE program.

(2) To identify targeted, actionable opportunities throughout each region of the TRICARE program for the most efficient and cost effective delivery of health care and support of military treatment facilities.

(3) To ensure the most effective use of various available contracting methods in securing support of military treatment facilities by civilian health care personnel under the TRICARE program, including resource-sharing and clinical support agreements, direct contracting, and venture capital investments.

(c) FACILITATION AND ENHANCEMENT OF CONTRACTOR SUPPORT.—

(1) IN GENERAL.—The Secretary of Defense shall take appropriate actions to facilitate and enhance the support of military treatment facilities under the TRICARE program in order to assure maximum quality and productivity.

(2) ACTIONS.—In taking actions under paragraph (1), the Secretary shall—

(A) require consistent standards of quality for contract civilian health care personnel providing support of military treatment facilities under the TRICARE program, including—

(i) consistent credentialing requirements among military treatment facilities;

(ii) consistent performance standards for private sector companies providing health care staffing services to military treatment facilities and clinics, including, at a minimum, those standards established for accreditation of health care staffing firms by the Joint Commission on the Accreditation of Health Care Organizations Health Care Staffing Standards; and

(iii) additional standards covering—

(I) financial stability;

(II) medical management;

(III) continuity of operations;

(IV) training;

(V) employee retention;

(VI) access to contractor data; and

(VII) fraud prevention;

(B) ensure the availability of adequate and sustainable funding support for projects which produce a return on investment to the military treatment facilities;

(C) ensure that a portion of any return on investment is returned to the military treatment facility to which such savings are attributable;

(D) remove financial disincentives for military treatment facilities and civilian contractors to initiate and sustain agreements for the support of military treatment facilities by such contractors under the TRICARE program;

(E) provide for a consistent methodology across all regions of the TRICARE program for developing cost benefit analyses of agreements for the support of military treatment facilities by civilian contractors under the TRICARE program based on actual cost and utilization data within each region of the TRICARE program; and

(F) provide for a system for monitoring the performance of significant projects for support of military treatment facilities by a civilian contractor under the TRICARE program.

(d) REPORTS TO CONGRESS.—

(1) ANNUAL REPORTS REQUIRED.—Not later than February 1, 2008, and each year thereafter, the Secretary, in coordination with the military departments, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the support of military treatment facilities by civilian contractors under the TRICARE program during the preceding fiscal year.

(2) ELEMENTS.—Each report shall set forth, for the fiscal year covered by such report, the following:

(A) The level of support of military health treatment facilities that is provided by contract civilian health care personnel under the TRICARE program in each region of the TRICARE program.

(B) An assessment of the compliance of such support with regional requirements under subsection (a).

(C) The number and type of agreements for the support of military treatment facilities by contract civilian health care personnel.

(D) The standards of quality in effect under the requirements under subsection (a).

(E) The savings anticipated, and any savings achieved, as a result of the implementation of the requirements under subsection (a).

(F) An assesment of the compliance of contracts for health care staffing services for Department of Defense facilities with the requirements of subsection (c)(2)(A).

(e) EFFECTIVE DATE.—This section shall take effect on October 1, 2006.

SEC. 733. STANDARDS AND TRACKING OF ACCESS TO HEALTH CARE SERVICES FOR WOUNDED, INJURED, OR ILL SERVICEMEMBERS RETURNING TO THE UNITED STATES FROM A COMBAT ZONE.

(a) REPORT ON UNIFORM STANDARDS FOR ACCESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on uniform standards for the access of wounded, injured, or ill members of the Armed Forces to health care services in the United States following return from a combat zone.

(b) MATTERS COVERED.—The report required by subsection (a) shall describe in detail policies with respect to the following:

(1) The access of wounded, injured, or ill members of the Armed Forces to emergency care.

(2) The access of such members to surgical services.

(3) Waiting times for referrals and consultations of such members by medical personnel, dental personnel, mental health specialists, and rehabilitative service specialists, including personnel and specialists with expertise in prosthetics and in the treatment of head, vision, and spinal cord injuries.

(4) Waiting times of such members for acute care and for routine follow-up care.

(c) REFERRAL TO PROVIDERS OUTSIDE MILITARY HEALTH CARE SYSTEM.—The Secretary shall require that health care services and rehabilitation needs of members described in subsection (a) be met through whatever means or mechanisms possible, including through the referral of members described in that subsection to health care providers outside the military health care system.

(d) UNIFORM SYSTEM FOR TRACKING OF PERFORMANCE.—The Secretary shall establish a uniform system for tracking the performance of the military health care system in meeting the requirements for access of wounded, injured, or ill members of the Armed Forces to health care services described in subsection (a).

(e) REPORTS.—

(1) TRACKING SYSTEM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the system established under subsection (d).

(2) ACCESS.—Not later than October 1, 2006, and each quarter thereafter during fiscal year 2007, the Secretary shall submit to such committees a report on the performance of the health care system in meeting the access standards described in the report required by subsection (a).

SEC. 734. DISEASE AND CHRONIC CARE MANAGEMENT.

(a) PROGRAM DESIGN AND DEVELOPMENT REQUIRED.—Not later than October 1, 2007, the Secretary of Defense shall design and develop a fully integrated program on disease and chronic care management for the military health care system that provides, to the extent practicable, uniform policies and practices on disease management and chronic care management throughout that system, including both military hospitals and clinics and civilian healthcare providers within the TRICARE network.

(b) PURPOSES OF PROGRAM.—The purposes of the program required by subsection (a) are as follows:

(1) To facilitate the improvement of the health status of individuals under care in the military health care system.

(2) To ensure the availability of effective health care services in that system for individuals with diseases and other chronic conditions.

(3) To ensure the proper allocation of health care resources for individuals who need care for disease or other chronic conditions.

(c) ELEMENTS OF PROGRAM DESIGN.—The program design required by subsection (a) shall meet the following requirements:

(1) Based on uniform policies prescribed by the Secretary, the program shall, at a minimum, address the following chronic diseases and conditions:

(A) Diabetes.

(B) Cancer.

(C) Heart disease.

(D) Asthma.

(E) Chronic obstructive pulmonary disorder.

(F) Depression and anxiety disorders.

(2) The program shall meet nationally recognized accreditation standards for disease and chronic care management.

(3) The program shall include specific outcome measures and objectives on disease and chronic care management.

(4) The program shall include strategies for disease and chronic care management for all beneficiaries, including beneficiaries eligible for benefits under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), for whom the TRICARE program is not the primary payer for health care benefits.

(5) Activities under the program shall conform to applicable laws and regulations relating to the confidentiality of health care information.

(d) IMPLEMENTATION PLAN REQUIRED.—Not later than February 1, 2008, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall develop an implementation plan for the disease and chronic care management program. In order to facilitate the carrying out of the program, the plan developed by the Secretary shall—

(1) require a comprehensive analysis of the disease and chronic care management opportunities within each region of the TRICARE program, including within military treatment facilities and through contractors under the TRICARE program;

(2) ensure continuous, adequate funding of disease and chronic care management activities throughout the military health care system in order to achieve maximum health outcomes and cost avoidance;

(3) eliminate, to the extent practicable, any financial disincentives to sustained investment by

military hospitals and health care services contractors of the Department of Defense in the disease and chronic care management activities of the Department;

(4) ensure that appropriate clinical and claims data, including pharmacy utilization data, is available for use in implementing the program;

(5) ensure outreach to eligible beneficiaries who, on the basis of their clinical conditions, are candidates for the program utilizing print and electronic media, telephone, and personal interaction; and

(6) provide a system for monitoring improvements in health status and clinical outcomes under the program and savings associated with the program.

(e) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the design, development, and implementation of the program on disease and chronic care management required by this section.

(2) REPORT ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the design and development of the program required by subsection (a).

(B) A description of the implementation plan required by subsection (d).

(C) A description and assessment of improvements in health status and clinical outcomes that are anticipated as a result of implementation of the program.

(D) A description of the savings and return on investment associated with the program.

(E) A description of an investment strategy to assure the sustainment of the disease and chronic care management programs of the Department of Defense.

SEC. 735. ADDITIONAL ELEMENTS OF ASSESSMENT OF DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH RELATING TO MENTAL HEALTH OF MEMBERS WHO WERE DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

Section 723(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348) is amended by adding at the end the following new paragraph:

"(4) MENTAL HEALTH NEEDS OF MEMBERS WHO WERE DEPLOYED IN OIF OR OEF.—As part of the assessment required by paragraph (1) of the efficacy of mental health services provided to members of the Armed Forces by the Department of Defense, the task force shall consider the specific needs with respect to mental health of members who were deployed in Operation Iraqi Freedom or Operation Enduring Freedom upon their return from such deployment, including the following:

"(A) An identification of mental health conditions and disorders (including Post Traumatic Stress Disorder, suicide attempts, and suicide) occurring among members who have undergone multiple deployments in Operation Iraqi Freedom or Operation Enduring Freedom.

"(B) An evaluation of the availability to members of assessments under the Mental Health Self-Assessment Program of the Department of Defense to ensure the long-term availability of the diagnostic mechanisms of the assessment to detect mental health conditions that may emerge in such members over time.

"(C) The availability of programs and services under the Mental Health Self-Assessment Program to address the mental health of dependent children of members who were deployed in Operation Iraqi Freedom or Operation Enduring Freedom.

"(D) Recommendations on mechanisms for improving the mental health services available to members who were deployed in Operation Iraqi Freedom or Operation Enduring Freedom, including members who have undergone multiple deployments.".

SEC. 736. ADDITIONAL AUTHORIZED OPTION PERIODS FOR EXTENSION OF CURRENT CONTRACTS UNDER TRICARE.

(a) ADDITIONAL NUMBER OF AUTHORIZED PERIODS.—

(1) IN GENERAL.—The Secretary of Defense, after consulting with the other administering Secretaries, may extend any contract for the delivery of health care entered into under section 1097 of title 10, United States Code, that is in force on the date of the enactment of this Act by one year, and upon expiration of such extension by one additional year, if the Secretary determines that such extension—

(A) is in the best interests of the Department of Defense and covered beneficiaries;

(B) is cost effective; and

(C) will—

(i) facilitate the effective administration of the TRICARE program; or

(ii) ensure continuity in the delivery of health care under the TRICARE program.

(2) LIMITATION ON NUMBER OF EXTENSIONS.—The total number of one-year extensions of a contract that may be granted under paragraph (1) may not exceed two extensions.

(3) NOTICE AND WAIT.—The Secretary may not commence the exercise of the authority in paragraph (1) with respect to a contract covered by that paragraph until 30 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report setting forth the following:

(A) The minimum level of performance, including beneficiary satisfaction and cost, by the incumbent contractor under the contract that will be required by the Secretary in order to be eligible for an extension authorized by such paragraph.

(B) The justification for such extension based on each of the criteria in paragraph (1).

(C) The justification for such extension based on a cost-benefit analysis.

(4) DEFINITIONS.—In this subsection, the terms "administering Secretaries", "covered beneficiary", and "TRICARE program" have the meaning given such terms in section 1072 of title 10, United States Code.

(b) REPORT ON CONTRACTING MECHANISMS FOR HEALTH CARE SERVICE SUPPORT CONTRACTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on contracting mechanisms under consideration for future contracts for health care service support under section 1097 of title 10, United States Code. The report shall include an assessment of the advantages and disadvantages for the Department of Defense (including the potential for stimulating competition and the effect on health care beneficiaries of the Department) of providing in such contracts for a single term of 5 years, with a single optional period of extension of an additional 5 years if performance under such contract is rated as "excellent".

SEC. 737. MILITARY VACCINATION MATTERS.

(a) ADDITIONAL ELEMENT FOR COMPTROLLER GENERAL STUDY AND REPORT ON VACCINE HEALTHCARE CENTERS.—Section 736(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3356) is amended by adding at the end the following new paragraph:

"(10) The feasibility and advisability of transferring direct responsibility for the Centers from the Army Medical Command to the Under Secretary of Defense for Personnel and Readiness and the Deputy Assistant Secretary of Defense for Force Health Protection and Readiness.".

(b) LIMITATION ON RESTRUCTURING OF VACCINE HEALTHCARE CENTERS.—The Secretary of Defense may not downsize or otherwise restructure the Vaccine Healthcare Centers of the Department of Defense during fiscal year 2007. The Secretary shall ensure that the Secretary of each military department shall, from amounts allocated during fiscal year 2007 from the Defense Health Program, fund and maintain the Vaccine Healthcare Center of the military department concerned.

SEC. 738. ENHANCED MENTAL HEALTH SCREENING AND SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) ADDITIONAL REQUIRED ELEMENTS FOR PREDEPLOYMENT AND POSTDEPLOYMENT MEDICAL EXAMINATIONS.—Subsection (b) of section 1074f of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The system"; and

(2) by adding at the end the following new paragraph:

"(2) The predeployment and postdeployment medical examination of a member of the armed forces required under paragraph (1) shall include the following:

"(A) An assessment of the current treatment of the member and any use of psychotropic medications by the member for a mental health condition or disorder.

"(B) An assessment of traumatic brain injury.".

(b) CRITERIA FOR REFERRAL FOR FURTHER EVALUATIONS.—Such section is further amended by adding at the end the following:

"(e) CRITERIA FOR REFERRAL FOR FURTHER EVALUATIONS.—The system described in subsection (a) shall include—

"(1) development of clinical practice guidelines to be utilized by healthcare providers in determining whether to refer a member of the armed forces for further evaluation relating to mental health (including traumatic brain injury);

"(2) mechanisms to ensure that healthcare providers are trained in the application of such clinical practice guidelines; and

"(3) mechanisms for oversight to ensure that healthcare providers apply such guidelines consistently.".

(c) MINIMUM MENTAL HEALTH STANDARDS FOR DEPLOYMENT.—Such section is further amended by adding at the end the following:

"(f) MINIMUM MENTAL HEALTH STANDARDS FOR DEPLOYMENT.—(1) The Secretary of Defense shall prescribe in regulations minimum standards for mental health for the eligibility of a member of the armed forces for deployment to a combat operation or contingency operation.

"(2) The standards required by paragraph (1) shall include the following:

"(A) A specification of the mental health conditions, treatment for such conditions, and receipt of psychotropic medications for such conditions that preclude deployment of a member of the armed forces to a combat operation or contingency operation, or to a specified type of such operation.

"(B) Guidelines for the deployability and treatment of members of the armed forces diagnosed with a severe mental illness or post traumatic stress disorder.

"(3) The Secretary shall take appropriate actions to ensure the utilization of the standards prescribed under paragraph (1) in the making of determinations regarding the deployability of members of the armed forces to a combat operation or continency operation.".

(d) QUALITY ASSURANCE.—Subsection (d) of such section is amended—

(1) by inserting "(1)" before "The Secretary of Defense"; and

(2) by adding at the end the following new paragraphs:

"(2) The quality assurance program established under paragraph (1) shall also include the following elements:

"(A) The types of healthcare providers conducting postdeployment health assessments.

"(B) The training received by such providers applicable to the conduct of such assessments, including training on assessments and referrals relating to mental health.

"(C) The guidance available to such providers on how to apply the clinical practice guidelines developed under subsection (e)(1) in determining whether to make a referral for further evaluation of a member of the armed forces relating to mental health.

"(D) The effectiveness of the tracking mechanisms required under this section in ensuring that members who receive referrals for further evaluations relating to mental health receive such evaluations and obtain such care and services as are warranted.

"(E) Programs established for monitoring the mental health of each member who, after deployment to a combat operation or contingency operations, is known—

"(i) to have a mental health condition or disorder; or

"(ii) to be receiving treatment, including psychotropic medications, for a mental health condition or disorder.".

(e) COMPTROLLER GENERAL REPORTS ON IMPLEMENTATION OF REQUIREMENTS.—

(1) STUDY ON IMPLEMENTATION.—The Comptroller General of the United States shall carry out a study of the implementation of the requirements of the amendments made by this section.

(2) REPORTS.—Not later than March 1, 2008, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study carried out under paragraph (1).

(f) IMPLEMENTATION.—The Secretary of Defense shall implement the requirements of the amendments made by this section not later than six months after the date of the enactment of this Act.

(g) REPORT REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken to implement the requirements of the amendments made by this section not later than June 1, 2007.

Subtitle D—Other Matters

SEC. 741. PILOT PROJECTS ON EARLY DIAGNOSIS AND TREATMENT OF POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.

(a) PILOT PROJECTS REQUIRED.—The Secretary of Defense shall carry out not less than three pilot projects to evaluate the efficacy of various approaches to improving the capability of the military and civilian health care systems to provide early diagnosis and treatment of post traumatic stress disorder and other mental health conditions.

(b) DURATION.—Any pilot project carried out under this section shall begin not later than October 1, 2007, and cease on September 30, 2008.

(c) PILOT PROJECT REQUIREMENTS.—

(1) DIAGNOSTIC AND TREATMENT APPROACHES.—One of the pilot projects under this section shall be designed to evaluate effective diagnostic and treatment approaches for use by primary care providers in the military health care system in order to improve the capability of such providers to diagnose and treat post traumatic stress disorder.

(2) NATIONAL GUARD OR RESERVE MEMBERS.—

(A) One of the pilot projects under this section shall be focused on members of the National Guard or Reserves who are located more than 40 miles from a military medical facility and who are served primarily by civilian community health resources.

(B) The pilot project described in subparagraph (A) shall be designed to develop educational materials and other tools for use by members of the National Guard or Reserves who come into contact with other members of the National Guard or Reserves who may suffer from post traumatic stress disorder in order to encourage and facilitate early reporting and referral for treatment.

(3) OUTREACH.—One of the pilot projects under this section shall be designed to provide outreach to the family members of the members of the Armed Forces on post traumatic stress disorder and other mental health conditions.

(d) EVALUATION OF PILOT PROJECTS.—The Secretary shall evaluate each pilot project carried out under this section in order to assess the effectiveness of the approaches taken under such pilot project—

(1) to improve the capability of the military and civilian health care systems to provide early diagnosis and treatment of post traumatic stress disorder and other mental health conditions among members of the regular components of the Armed Forces, and among members of the National Guard and Reserves, who have returned from deployment; and

(2) to provide outreach to the family members of the members of the Armed Forces described in paragraph (1) on post traumatic stress disorder and other mental health conditions among such members of the Armed Forces.

(e) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than December 31, 2008, the Secretary shall submit to the congressional defense committees a report on the pilot projects carried out under this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of each pilot project carried out under this section.

(B) An assessment of the effectiveness of the approaches taken under each pilot project to improve the capability of the military and civilian health care systems to provide early diagnosis and treatment of post traumatic stress disorder and other mental health conditions among members of the Armed Forces.

(C) Any recommendations for legislative or administrative action that the Secretary considers appropriate in light of the pilot projects, including recommendations on—

(i) the training of health care providers in the military and civilian health care systems on early diagnosis and treatment of post traumatic stress disorder and other mental health conditions; and

(ii) the provision of outreach on post traumatic stress disorder and other mental health conditions to members of the National Guard and Reserves who have returned from deployment.

(D) A plan, in light of the pilot projects, for the improvement of the health care services provided to members of the Armed Forces in order to better assure the early diagnosis and treatment of post traumatic stress disorder and other mental health conditions among members of the Armed Forces, including a specific plan for outreach on post traumatic stress disorder and other mental health conditions to members of the National Guard and Reserves who have returned from deployment in order to facilitate and enhance the early diagnosis and treatment of post traumatic stress disorder and other mental health conditions among such members of the National Guard and Reserves.

SEC. 742. REQUIREMENT TO CERTIFY AND REPORT ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) PROHIBITION ON CONVERSIONS.—

(1) SUBMISSION OF CERTIFICATION.—The Secretary of a military department may not convert any military medical or dental position to a civilian medical or dental position in a fiscal year until the Secretary submits to the congressional defense committees with respect to that fiscal year a certification that the conversions within that department will not increase cost or decrease quality of care or access to care.

(2) REPORT ON CERTIFICATION.—Each certification under paragraph (1) shall include a written report setting forth the following:

(A) The methodology used by the Secretary in making the determinations necessary for the certification.

(B) The number of military medical or dental positions, by grade or band and specialty, planned for conversion to civilian medical or dental positions.

(C) The results of a market survey in each affected area of the availability of civilian medical and dental care providers in such area in order to determine whether the civilian medical and dental care providers available in such area are adequate to fill the civilian positions created by the conversion of military medical and dental positions to civilian positions in such area.

(D) An analysis, by affected area, showing the extent to which access to health care and cost of health care will be affected in both the direct care and purchased care systems, including an assessment of the effect of any increased shifts in patient load from the direct care to the purchased care system, or any delays in receipt of care in either the direct or purchased care system because of the planned conversions.

(E) The extent to which military medical and dental positions planned for conversion to civilian medical or dental positions will affect recruiting and retention of uniformed medical and dental personnel.

(F) A comparison of the full costs for the military medical and dental positions planned for conversion with the estimated full costs for civilian medical and dental positions, including expenses such as recruiting, salary, benefits, training, and any other costs the Department identifies.

(G) An assessment showing that the military medical or dental positions planned for conversion are in excess of the military medical and dental positions needed to meet medical and dental readiness requirements of the uniformed services, as determined jointly by all the uniformed services.

(H) An identification of each medical and dental position scheduled to be converted to a civilian position in the subsequent fiscal year, including the location of each position scheduled for conversion, the estimated cost of such conversion, and whether or not civilian personnel are available in the location for filling a converted military medical or dental position.

(3) SUBMISSION DEADLINE.—A certification and report with respect to any fiscal year after fiscal year 2007 shall be submitted at the same time the budget of the President for such fiscal year is submitted to Congress pursuant to section 1105(a) of title 31, United States Code.

(b) REQUIREMENT FOR COMPTROLLER GENERAL REVIEW.—Not later than 120 days after the submission of the budget of the President for a fiscal year, the Comptroller General shall submit to the congressional defense committees a report on any certifications and reports submitted with respect to that fiscal year under subsection (a).

(c) REQUIREMENT TO RESUBMIT CERTIFICATION AND REPORT REQUIRED BY PUBLIC LAW 109–163.—The Secretary of each military department shall resubmit the certification and report required by section 744(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3360; 10 U.S.C. 129c note). Such resubmissions shall address in their entirety the elements required by section 744(a)(2) of such Act.

(d) SPECIAL REQUIREMENTS FOR FISCAL YEAR 2007 CERTIFICATION.—

(1) LIST OF 2007 PLANNED CONVERSIONS.—The report required by paragraph (2) of subsection (a) with respect to fiscal year 2007 shall contain, in addition to the elements required by that paragraph, a list of each military medical or dental position scheduled to be converted to a civilian medical or dental position in fiscal year 2007.

(2) RESUBMISSION REQUIRED FIRST.—The certification and report required by subsection (a) with respect to fiscal year 2007 may not be submitted prior to the resubmission required by subsection (c).

(3) PROHIBITION ON CONVERSIONS DURING FISCAL YEAR 2007.—No conversions of a military medical or dental position may occur during fiscal year 2007 prior to both the resubmission required by subsection (c) and the submission of the certification and report required by subsection (a).

(e) REPORT ON FISCAL YEAR 2008 CONVERSION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report that identifies the military medical or dental positions scheduled to be converted to civilian medical or dental positions in fiscal year 2008. Such report shall include the location of the positions scheduled for conversion, the estimated cost of such conversion, and whether or not civilian personnel are available in the location for filling the proposed converted military medical or dental position.

(f) DEFINITIONS.—In this section:

(1) The term "military medical or dental position" means a position for the performance of health care functions within the Armed Forces held by a member of the Armed Forces.

(2) The term "civilian medical or dental position" means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

(3) The term "affected area" means an area in which military medical or dental positions were converted to civilian medical or dental positions before October 1, 2004, or in which such conversions are scheduled to occur in the future.

(4) The term "uniformed services" has the meaning given that term in section 1072(1) of title 10, United States Code.

(5) The term "conversion", with respect to a military medical or dental position, means a change, effective as of the date of the documentation by the Department of Defense making the change, of the position to a civilian medical or dental position.

SEC. 743. THREE-YEAR EXTENSION OF JOINT INCENTIVES PROGRAM ON SHARING OF HEALTH CARE RESOURCES BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

Section 8111(d)(3) of title 38, United States Code, is amended by striking "September 30, 2007" and inserting "September 30, 2010".

SEC. 744. TRAINING CURRICULA FOR FAMILY CAREGIVERS ON CARE AND ASSISTANCE FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY.

(a) TRAUMATIC BRAIN INJURY FAMILY CAREGIVER PANEL.—

(1) ESTABLISHMENT.—The Secretary of Defense shall establish a panel within the Department of Defense, to be known as the "Traumatic Brain Injury Family Caregiver Panel", to develop coordinated, uniform, and consistent training curricula to be used in training family members in the provision of care and assistance to members and former members of the Armed Forces with traumatic brain injuries.

(2) MEMBERS.—The Traumatic Brain Injury Family Caregiver Panel shall consist of 15 members appointed by the Secretary of Defense from among the following:

(A) Physicians, nurses, rehabilitation therapists, and other individuals with an expertise in caring for and assisting individuals with traumatic brain injury, including persons who specialize in caring for and assisting individuals with traumatic brain injury incurred in combat.

(B) Representatives of family caregivers or family caregiver associations.

(C) Health and medical personnel of the Department of Defense and the Department of Veterans Affairs with expertise in traumatic brain injury and personnel and readiness representatives of the Department of Defense with expertise in traumatic brain injury.

(D) Psychologists or other individuals with expertise in the mental health treatment and care of individuals with traumatic brain injury.

(E) Experts in the development of training curricula.

(F) Family members of members of the Armed Forces with traumatic brain injury.

(G) Such other individuals the Secretary considers appropriate.

(3) CONSULTATION.—In establishing the Traumatic Brain Injury Family Caregiver Panel and appointing the members of the Panel, the Secretary of Defense shall consult with the Secretary of Veterans Affairs.

(b) DEVELOPMENT OF CURRICULA.—

(1) DEVELOPMENT.—The Traumatic Brain Injury Family Caregiver Panel shall develop training curricula to be used by family members of members and former members of the Armed Forces on techniques, strategies, and skills for care and assistance for such members and former members with traumatic brain injury.

(2) SCOPE OF CURRICULA.—The curricula shall—

(A) be based on empirical research and validated techniques; and

(B) shall provide for training that permits recipients to tailor caregiving to the unique circumstances of the member or former member of the Armed Forces receiving care.

(3) PARTICULAR REQUIREMENTS.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall—

(A) specify appropriate training commensurate with the severity of traumatic brain injury; and

(B) identify appropriate care and assistance to be provided for the degree of severity of traumatic brain injury for caregivers of various levels of skill and capability.

(4) USE OF EXISTING MATERIALS.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall use and enhance any existing training curricula, materials, and resources applicable to such curricula as the Panel considers appropriate.

(5) DEADLINE FOR DEVELOPMENT.—The Traumatic Brain Injury Family Caregiver Panel shall develop the curricula not later than one year after the date of the enactment of this Act.

(c) DISSEMINATION OF CURRICULA.—

(1) DISSEMINATION MECHANISMS.—The Secretary of Defense shall develop mechanisms for the dissemination of the curricula developed under subsection (b)—

(A) to health care professionals who treat or otherwise work with members and former members of the Armed Forces with traumatic brain injury;

(B) to family members affected by the traumatic brain injury of such members and former members; and

(C) to other care or support personnel who may provide service to members or former members affected by traumatic brain injury.

(2) USE OF EXISTING MECHANISMS.—In developing such mechanisms, the Secretary may use and enhance existing mechanisms, including the Military Severely Injured Center (authorized under section 564 of this Act) and the programs for service to severely injured members established by the military departments.

(d) REPORT.—Not later than one year after the development of the curricula required by subsection (b), the Secretary of Defense and the Secretary of Veterans Affairs shall submit to the Committees on Armed Services and Veterans Affairs of the Senate and the House of Representatives a report on the following:

(1) The actions undertaken under this section.

(2) Recommendations for the improvement or updating of training curriculum developed and provided under this section.

SEC. 745. RECOGNITION OF REPRESENTATIVE LANE EVANS UPON HIS RETIREMENT FROM THE HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Lane Evans was elected to the House of Representatives in 1982 and is completing his 12th term representing the people of Illinois' 17th Congressional district.

(2) As a member of the Committee on Armed Services of the House of Representatives since 1988, Representative Evans has worked to bring common sense priorities to defense spending and strengthen the military's conventional readiness.

(3) Representative Evans has served as the ranking member of the Committee on Veterans' Affairs of the House of Representatives since 1997 and has been a tireless advocate for military veterans, ensuring that veterans receive the medical care they need and advocating for individuals suffering from post-traumatic stress disorder and Gulf War Syndrome.

(5) Drawing on his own experience as a member of the Marine Corps, Representative Evans has tirelessly fought for both current members of the Armed Forces and veterans and has been a leader in legislative efforts to assist members exposed to Agent Orange.

(4) Representative Evans' efforts to improve the transition of individuals from military service to the care of the Department of Veterans Affairs will continue to benefit generations of veterans long into the future.

(6) Representative Evans is credited with bringing new services to veterans living in his Congressional district, including outpatient clinics in the Quad Cities and Quincy and the Quad-Cities Vet Center.

(7) Representative Evans has worked with local leaders to promote the Rock Island Arsenal and has seen it win new jobs and missions through his support.

(b) RECOGNITION.—Congress recognizes and commends Representative Lane Evans for his 24 years of service to benefit the people of Illinois, members of the Armed Forces and their families, veterans, and the United States.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

Sec. 801. Requirements management certification training program.
Sec. 802. Additional requirements relating to technical data rights.
Sec. 803. Study and report on revisions to Selected Acquisition Report requirements.
Sec. 804. Biannual updates on implementation of acquisition reform in the Department of Defense.
Sec. 805. Additional certification requirements for major defense acquisition programs before proceeding to Milestone B.
Sec. 806. Original baseline estimate for major defense acquisition programs.
Sec. 807. Lead system integrators.

Subtitle B—Acquisition Policy and Management

Sec. 811. Time-certain development for Department of Defense information technology business systems.

Sec. 812. Pilot program on time-certain development in acquisition of major weapon systems.

Sec. 813. Establishment of Panel on Contracting Integrity.

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Sec. 815. Report on defense instruction relating to contractor personnel authorized to accompany Armed Forces.

Sec. 816. Major automated information system programs.

Sec. 817. Internal controls for procurements on behalf of the Department of Defense by certain non-defense agencies.

Sec. 818. Determination of contract type for development programs.

Sec. 819. Three-year extension of requirement for reports on commercial price trend analyses of the Department of Defense.

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Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 831. One-year extension of special temporary contract closeout authority.

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Sec. 833. Use of Federal supply schedules by State and local governments for goods and services for recovery from natural disasters, terrorism, or nuclear, biological, chemical, or radiological attack.

Sec. 834. Waivers to extend task order contracts for advisory and assistance services.

Subtitle D—United States Defense Industrial Base Provisions

Sec. 841. Assessment and annual report of United States defense industrial base capabilities and acquisitions of articles, materials, and supplies manufactured outside the United States.

Sec. 842. Protection of strategic materials critical to national security.

Sec. 843. Strategic Materials Protection Board.

Subtitle E—Other Matters

Sec. 851. Report on former Department of Defense officials employed by contractors of the Department of Defense.

Sec. 852. Report and regulations on excessive pass-through charges.

Sec. 853. Program manager empowerment and accountability.

Sec. 854. Joint policies on requirements definition, contingency program management, and contingency contracting.

Sec. 855. Clarification of authority to carry out certain prototype projects.

Sec. 856. Contracting with employers of persons with disabilities.

Sec. 857. Enhanced access for small business.

Sec. 858. Procurement goal for Hispanic-serving institutions.

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. REQUIREMENTS MANAGEMENT CERTIFICATION TRAINING PROGRAM.

(a) TRAINING PROGRAM.—

(1) REQUIREMENT.—The Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Defense Acquisition University, shall develop a training program to certify military and civilian personnel of the Department of Defense with responsibility for generating requirements for major defense acquisition programs (as defined in section 2430(a) of title 10, United States Code).

(2) COMPETENCY AND OTHER REQUIREMENTS.—The Under Secretary shall establish competency requirements for the personnel undergoing the training program. The Under Secretary shall define the target population for such training program by identifying which military and civilian personnel should have responsibility for generating requirements. The Under Secretary also may establish other training programs for personnel not subject to chapter 87 of title 10, United States Code, who contribute significantly to other types of acquisitions by the Department of Defense.

(b) APPLICABILITY.—Effective on and after September 30, 2008, a member of the Armed Forces or an employee of the Department of Defense with authority to generate requirements for a major defense acquisition program may not continue to participate in the requirements generation process unless the member or employee successfully completes the certification training program developed under this section.

(c) REPORTS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an interim report, not later than March 1, 2007, and a final report, not later than March 1, 2008, on the implementation of the training program required under this section.

SEC. 802. ADDITIONAL REQUIREMENTS RELATING TO TECHNICAL DATA RIGHTS.

(a) ADDITIONAL REQUIREMENTS RELATING TO TECHNICAL DATA RIGHTS.—Section 2320 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) The Secretary of Defense shall require program managers for major weapon systems and subsystems of major weapon systems to assess the long-term technical data needs of such systems and subsystems and establish corresponding acquisition strategies that provide for technical data rights needed to sustain such systems and subsystems over their life cycle. Such strategies may include the development of maintenance capabilities within the Department of Defense or competition for contracts for sustainment of such systems or subsystems. Assessments and corresponding acquisition strategies developed under this section with respect to a weapon system or subsystem shall—

"(1) be developed before issuance of a contract solicitation for the weapon system or subsystem;

"(2) address the merits of including a priced contract option for the future delivery of technical data that were not acquired upon initial contract award;

"(3) address the potential for changes in the sustainment plan over the life cycle of the weapon system or subsystem; and

"(4) apply to weapon systems and subsystems that are to be supported by performance-based logistics arrangements as well as to weapons systems and subsystems that are to be supported by other sustainment approaches.".

(b) MODIFICATION OF PRESUMPTION OF DEVELOPMENT EXCLUSIVELY AT PRIVATE EXPENSE.—Section 2321(f) of title 10, United States Code, is amended—

(1) by striking "EXPENSE FOR COMMERCIAL ITEMS CONTRACTS.—In" and inserting "EXPENSE.—(1) Except as provided in paragraph (2), in"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of a challenge to a use or release restriction that is asserted with respect to technical data of a contractor or subcontractor (whether or not under a contract for commercial items) for a major system or a subsystem or component thereof on the basis that the major system, subsystem or component was developed exclusively at private expense, the challenge to the use or release restriction shall be sustained unless information provided by the contractor or subcontractor demonstrates that the item was developed exclusively at private expense.".

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise regulations under section 2320 of title 10, United States Code, to implement subsection (e) of such section (as added by this section), including incorporating policy changes developed under such subsection into Department of Defense Directive 5000.1 and Department of Defense Instruction 5000.2.

SEC. 803. STUDY AND REPORT ON REVISIONS TO SELECTED ACQUISITION REPORT REQUIREMENTS.

(a) STUDY REQUIREMENT.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics in coordination with the service acquisition executives of each military department, shall conduct a study on revisions to requirements relating to Selected Acquisition Reports, as set forth in section 2432 of title 10, United States Code.

(b) MATTERS COVERED.—The study required under subsection (a) shall—

(1) focus on incorporating into the Selected Acquisition Report those elements of program progress that the Department of Defense considers most relevant to evaluating the performance and progress of major defense acquisition programs, with particular reference to the cost estimates and program schedule established when a major defense acquisition program receives Milestone B approval;

(2) address the need to ensure that data provided through the Selected Acquisition Report is consistent with data provided through internal Department of Defense reporting systems for management purposes; and

(3) include any recommendations to add to, modify, or delete elements of the Selected Acquisition Report, consistent with the findings of the study.

(c) REPORT.—Not later than March 1, 2007, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study, including such recommendations as the Secretary considers appropriate.

SEC. 804. BIANNUAL UPDATES ON IMPLEMENTATION OF ACQUISITION REFORM IN THE DEPARTMENT OF DEFENSE.

(a) BIANNUAL UPDATES REQUIREMENT.—Not later than January 1 and July 1 of each year, beginning with January 1, 2007, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a report containing an update on the implementation of plans to reform the acquisition system in the Department of Defense.

(b) MATTERS COVERED.—Each report provided under subsection (a) shall cover the implementation of reforms of the processes for acquisition, including generation of requirements, award of contracts, and financial management. At a minimum, the reports shall take into account the recommendations made by the following:

(1) The Defense Acquisition Performance Assessment Panel.

(2) The Defense Science Board Summer Study on Transformation, issued in February 2006.

(3) The Beyond Goldwater-Nichols Study of the Center for Strategic and International Studies.

(4) The Quadrennial Defense Review, issued February 6, 2006.

(c) RECOMMENDATIONS.—Each report submitted under subsection (a) shall include such recommendations as the Secretary considers appropriate, and implementation plans for the recommendations.

(d) TERMINATION OF REPORT REQUIREMENT.—The requirement to submit reports under subsection (a) shall terminate on December 31, 2008.

SEC. 805. ADDITIONAL CERTIFICATION REQUIREMENTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS BEFORE PROCEEDING TO MILESTONE B.

(a) ADDITIONAL CERTIFICATION REQUIREMENTS.—Subsection (a) of section 2366a of title 10, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (10);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(3) by inserting before paragraph (2) (as so redesignated) the following new paragraph (1):

"(1) appropriate market research has been conducted prior to technology development to reduce duplication of existing technology and products;";

(4) in paragraph (7) (as so redesignated), by striking "and" at the end; and

(5) by inserting after such paragraph (7) the following new paragraphs:

"(8) reasonable cost and schedule estimates have been developed to execute the product development and production plan under the program;

"(9) funding is available to execute the product development and production plan under the program, through the period covered by the future-years defense program submitted during the fiscal year in which the certification is made, consistent with the estimates described in paragraph (8) for the program; and".

(b) WAIVER FOR NATIONAL SECURITY.—Subsection (c) of such section is amended by striking "(5), or (6)" and inserting "(5), (6), (7), (8), or (9)".

SEC. 806. ORIGINAL BASELINE ESTIMATE FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 2435(d)(1) of title 10, United States Code, is amended by inserting after "with respect to the program under subsection (a)" the following: "prepared before the program enters system development and demonstration, or at program initiation, whichever occurs later".

SEC. 807. LEAD SYSTEM INTEGRATORS.

(a) LIMITATIONS ON CONTRACTORS ACTING AS LEAD SYSTEM INTEGRATORS.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410p. Contracts: limitations on lead system integrators

"(a) IN GENERAL.—Except as provided in subsection (b), no entity performing lead system integrator functions in the acquisition of a major system by the Department of Defense may have any direct financial interest in the development or construction of any individual system or element of any system of systems.

"(b) EXCEPTION.—An entity described in subsection (a) may have a direct financial interest in the development or construction of an individual system or element of a system of systems if—

"(1) the Secretary of Defense certifies to the Committees on Armed Services of the Senate and the House of Representatives that—

"(A) the entity was selected by the Department of Defense as a contractor to develop or construct the system or element concerned through the use of competitive procedures; and

"(B) the Department took appropriate steps to prevent any organizational conflict of interest in the selection process; or

"(2) the entity was selected by a subcontractor to serve as a lower-tier subcontractor, through a process over which the entity exercised no control.

"(c) CONSTRUCTION.—Nothing in this section shall be construed to preclude an entity described in subsection (a) from performing work necessary to integrate two or more individual systems or elements of a system of systems with each other.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

"2410p. Contracts: limitations on lead system integrators".

(3) EFFECTIVE DATE.—Section 2410p of title 10, United States Code, as added by paragraph (1), shall apply with respect to contracts entered into after December 31, 2006.

(b) UPDATE OF REGULATIONS ON LEAD SYSTEM INTEGRATORS.—Not later than December 31, 2006, the Secretary of Defense shall update the acquisition regulations of the Department of Defense in order to specify fully in such regulations the matters with respect to lead system integrators set forth in section 805(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3372) and the amendments made by subsection (a).

(c) ADDITIONAL REPORT REQUIREMENTS.—The Secretary of Defense shall include in the report required by section 805 of such Act—

(1) a precise and comprehensive definition of the term "lead system integrator", as that term is used in such section; and

(2) a specification of various types of contracts and fee structures that are appropriate for use by lead system integrators in the production, fielding, and sustainment of complex systems.

Subtitle B—Acquisition Policy and Management

SEC. 811. TIME-CERTAIN DEVELOPMENT FOR DEPARTMENT OF DEFENSE INFORMATION TECHNOLOGY BUSINESS SYSTEMS.

(a) MILESTONE A LIMITATION.—The Department of Defense executive or entity that is the milestone decision authority for an information system described in subsection (c) may not provide Milestone A approval for the system unless, as part of the decision process for such approval, that authority determines that the system will achieve initial operational capability within a specified period of time not exceeding five years.

(b) INITIAL OPERATIONAL CAPABILITY LIMITATION.—If an information system described in subsection (c), having received Milestone A approval, has not achieved initial operational capability within five years after the date of such approval, the system shall be deemed to have undergone a critical change in program requiring the evaluation and report required by section 2445c(d) of title 10, United States Code (as added by section 816 of this Act).

(c) COVERED SYSTEMS.—An information system described in this subsection is any Department of Defense information technology business system that is not a national security system, as defined in 3542(b)(2) of title 44, United States Code.

(d) DEFINITIONS.—In this section:

(1) MILESTONE DECISION AUTHORITY.—The term "milestone decision authority" has the meaning given that term in Department of Defense Instruction 5000.2, dated May 12, 2003.

(2) MILESTONE A.—The term "Milestone A" has the meaning given that term in Department of Defense Instruction 5000.2, dated May 12, 2003.

SEC. 812. PILOT PROGRAM ON TIME-CERTAIN DEVELOPMENT IN ACQUISITION OF MAJOR WEAPON SYSTEMS.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program on the use of time-certain development in the acquisition of major weapon systems.

(b) PURPOSE OF PILOT PROGRAM.—The purpose of the pilot program authorized by subsection (a) is to assess the feasibility and advisability of utilizing time-certain development in the acquisition of major weapon systems in order to deliver new capabilities to the warfighter more rapidly through—

(1) disciplined decision-making;

(2) emphasis on technological maturity; and

(3) appropriate trade-offs between—

(A) cost and system performance; and

(B) program schedule.

(c) INCLUSION OF SYSTEMS IN PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense may include a major weapon system in the pilot program only if—

(A) the major weapon system meets the criteria under paragraph (2) in accordance with that paragraph; and

(B) the Milestone Decision Authority nominates such program to the Secretary of Defense for inclusion in the program.

(2) CRITERIA.—For purposes of paragraph (1) a major weapon system meets the criteria under this paragraph only if the Milestone Decision Authority determines, in consultation with the service acquisition executive for the military department carrying out the acquisition program for the system and one or more combatant commanders responsible for fielding the system, that—

(A) the certification requirements of section 2366a of title 10, United States Code (as amended by section 805 of this Act), have been met, and no waivers have been granted from such requirements;

(B) a preliminary design has been reviewed using systems engineering, and the system, as so designed, will meet battlefield needs identified by the relevant combatant commanders after appropriate requirements analysis;

(C) a representative model or prototype of the system, or key subsystems, has been demonstrated in a relevant environment, such as a well-simulated operational environment;

(D) an independent cost estimate has been conducted and used as the basis for funding requirements for the acquisition program for the system;

(E) the budget of the military department responsible for carrying out the acquisition program for the system provides the funding necessary to execute the product development and production plan consistent with the requirements identified pursuant to subparagraph (D);

(F) an appropriately qualified program manager has entered into a performance agreement with the Milestone Decision Authority that establishes expected parameters for the cost, schedule, and performance of the acquisition program for the system, consistent with a business case for such acquisition program;

(G) the service acquisition executive and the program manager have developed a strategy to ensure stability in program management until, at a minimum, the delivery of the initial operational capability under the acquisition program for the system has occurred;

(H) the service acquisition executive, the relevant combatant commanders, and the program manager have agreed that no additional requirements that would be inconsistent with the agreed-upon program schedule will be added during the development phase of the acquisition program for the system; and

(I) a planned initial operational capability will be delivered to the relevant combatant commanders within a defined period of time as prescribed in regulations by the Secretary of Defense.

(3) TIMING OF DECISION.—The decision whether to include a major weapon system in the pilot

program shall be made at the time of milestone approval for the acquisition program for the system.

(d) LIMITATION ON NUMBER OF WEAPONS SYSTEMS IN PILOT PROGRAM.—The number of major weapon systems included in the pilot program at any time may not exceed six major weapon systems.

(e) LIMITATION ON COST OF WEAPONS SYSTEMS IN PILOT PROGRAM.—The Secretary of Defense may include a major weapon system in the pilot program only if, at the time a major weapon system is proposed for inclusion, the total cost for system design and development of the weapon system, as set forth in the cost estimate referred to in subsection (c)(2)(D), does not exceed $1,000,000,000 during the period covered by the current future-years defense program.

(f) SPECIAL FUNDING AUTHORITY.—

(1) AUTHORITY FOR RESERVE ACCOUNT.—Notwithstanding any other provision of law, the Secretary of Defense may establish a special reserve account utilizing funds made available for the major weapon systems included in the pilot program.

(2) ELEMENTS.—The special reserve account may include—

(A) funds made available for any major weapon system included in the pilot program to cover termination liability;

(B) funds made available for any major weapon system included in the pilot program for award fees that may be earned by contractors; and

(C) funds appropriated to the special reserve account.

(3) AVAILABILITY OF FUNDS.—Funds in the special reserve account may be used, in accordance with guidance issued by the Secretary for purposes of this section, for the following purposes:

(A) To cover termination liability for any major weapon system included in the pilot program.

(B) To pay award fees that are earned by any contractor for a major weapon system included in the pilot program.

(C) To address unforeseen contingencies that could prevent a major weapon system included in the pilot program from meeting critical schedule or performance requirements.

(4) REPORTS ON USE OF FUNDS.—Not later than 30 days after the use of funds in the special reserve account for the purpose specified in paragraph (3)(C), the Secretary shall submit to the congressional defense committees a report on the use of funds in the account for such purpose. The report shall set forth the purposes for which the funds were used and the reasons for the use of the funds for such purposes.

(5) RELATIONSHIP TO APPROPRIATIONS.—Nothing in this subsection may be construed as extending any period of time for which appropriated funds are made available.

(g) ADMINISTRATION OF PILOT PROGRAM.—The Secretary of Defense shall prescribe policies and procedures on the administration of the pilot program. Such policies and procedures shall—

(1) provide for the use of program status reports based on earned value data to track progress on a major weapon system under the pilot program against baseline estimates applicable to such system at each systems engineering technical review point; and

(2) grant authority, to the maximum extent practicable, to the program manager for the acquisition program for a major weapon system to make key program decisions and trade-offs, subject to management reviews only if cost or schedule deviations exceed the baselines for such acquisition program by 10 percent or more.

(h) REMOVAL OF WEAPONS SYSTEMS FROM PILOT PROGRAM.—The Secretary of Defense shall remove a major weapon system from the pilot program if—

(1) the weapon system receives Milestone C approval; or

(2) the Secretary determines that the weapon system is no longer in substantial compliance with the criteria in subsection (c)(2) or is otherwise no longer appropriate for inclusion in the pilot program.

(i) EXPIRATION OF AUTHORITY TO INCLUDE ADDITIONAL SYSTEMS IN PILOT PROGRAM.—

(1) EXPIRATION.—A major weapon system may not be included in the pilot program after September 30, 2012.

(2) RETENTION OF SYSTEMS.—A major weapon system included in the pilot program before the date specified in paragraph (1) in accordance with the requirements of this section may remain in the pilot program after that date.

(j) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than one year after including the first major weapon system in the pilot program, and annually thereafter, the Secretary shall submit to the congressional defense committees a report on the pilot program, and the major weapon systems included in the pilot program, during the one-year period ending on the date of such report.

(2) ELEMENTS.—Each report under this subsection shall include—

(A) a description of progress under the pilot program, and on each major weapon system included in the pilot program, during the period covered by such report;

(B) a description of the use of all funds in the special reserve account established under subsection (f); and

(C) such other matters as the Secretary considers appropriate.

(k) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term "major weapon system" means a weapon system that is treatable as a major system under section 2302(5) of title 10, United States Code.

SEC. 813. ESTABLISHMENT OF PANEL ON CONTRACTING INTEGRITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Defense shall establish a panel to be known as the "Panel on Contracting Integrity".

(2) COMPOSITION.—The panel shall be composed of the following:

(A) A representative of the Under Secretary of Defense for Acquisition, Technology, and Logistics, who shall be the chairman of the panel.

(B) A representative of the service acquisition executive of each military department.

(C) A representative of the Inspector General of the Department of Defense.

(D) A representative of the Inspector General of each military department.

(E) A representative of each Defense Agency involved with contracting, as determined appropriate by the Secretary of Defense.

(F) Such other representatives as may be determined appropriate by the Secretary of Defense.

(b) DUTIES.—In addition to other matters assigned to it by the Secretary of Defense, the panel shall—

(1) conduct reviews of progress made by the Department of Defense to eliminate areas of vulnerability of the defense contracting system that allow fraud, waste, and abuse to occur;

(2) review the report by the Comptroller General required by section 841 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3389), relating to areas of vulnerability of Department of Defense contracts to fraud, waste, and abuse; and

(3) recommend changes in law, regulations, and policy that it determines necessary to eliminate such areas of vulnerability.

(c) MEETINGS.—The panel shall meet as determined necessary by the Secretary of Defense but not less often than once every six months.

(d) REPORT.—

(1) REQUIREMENT.—The panel shall prepare and submit to the Secretary of Defense and the congressional defense committees an annual report on its activities. The report shall be submitted not later then December 31 of each year and contain a summary of the panel's findings and recommendations for the year covered by the report.

(2) FIRST REPORT.—The first report under this subsection shall be submitted not later than December 31, 2007, and shall contain an examination of the current structure in the Department of Defense for contracting integrity and recommendations for any changes needed to the system of administrative safeguards and disciplinary actions to ensure accountability at the appropriate level for any violations of appropriate standards of behavior in contracting.

(3) INTERIM REPORTS.—The panel may submit such interim reports to the congressional defense committees as the Secretary of Defense considers appropriate.

(e) TERMINATION.—The panel shall terminate on December 31, 2009.

SEC. 814. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance, with detailed implementation instructions (including definitions), for the Department of Defense on the appropriate use of award and incentive fees in Department of Defense acquisition programs.

(b) ELEMENTS.—The guidance under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be "excellent" or "superior" and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be "acceptable", "average", "expected", "good", or "satisfactory";

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure consistent use of guidelines and definitions relating to award and incentive fees across the military departments and Defense Agencies;

(8) ensure that the Department of Defense—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis;

(9) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(10) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

(c) ASSESSMENT OF INDEPENDENT EVALUATION MECHANISMS.—

(1) In General.—The Secretary of Defense shall select a federally funded research and development center to assess various mechanisms that could be used to ensure an independent evaluation of contractor performance for the purpose of making determinations applicable to the judging and payment of award fees.

(2) Considerations.—The assessment conducted pursuant to paragraph (1) shall include consideration of the advantages and disadvantages of a system in which award fees are—

(A) held in a separate fund or funds of the Department of Defense; and

(B) allocated to a specific program only upon a determination by an independent board, charged with comparing contractor performance across programs, that such fees have been earned by the contractor for such program.

(3) Report.—The Secretary shall submit to the congressional defense committees a report on the assessment conducted pursuant to paragraph (1) not later than one year after the date of the enactment of this Act.

SEC. 815. REPORT ON DEFENSE INSTRUCTION RELATING TO CONTRACTOR PERSONNEL AUTHORIZED TO ACCOMPANY ARMED FORCES.

(a) Report on Implementation of Instruction.—The Secretary of Defense shall submit to Congress a report on the Department of Defense instruction described in subsection (c).

(b) Matters Covered.—The report shall include the following:

(1) Information on the status of the implementation of the instruction.

(2) A discussion of how the instruction is being applied to—

(A) contracts in existence on the date the instruction was issued, including contracts with respect to which an option to extend is exercised after such date;

(B) task orders issued under such contracts after the date referred to in subparagraph (A); and

(C) contracts entered into after the date referred to in subparagraph (A).

(3) An analysis of the effectiveness of the instruction.

(4) A review of compliance with the instruction.

(c) Instruction Described.—The instruction referred to in this section is Department of Defense Instruction Number 3020.14, titled "Contractor Personnel Authorized to Accompany the United States Armed Forces".

SEC. 816. MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) Reports and Information on Program Cost and Performance.—

(1) In general.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 144 the following new chapter:

"CHAPTER 144A—MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS

"Sec.

"2445a. Major automated information system program defined.

"2445b. Cost, schedule, and performance information.

"2445c. Reports: quarterly reports; reports on program changes.

"2445d. Construction with other reporting requirements.

"§2445a. Major automated information system program defined

"(a) In General.—In this chapter, the term 'major automated information system program' means a Department of Defense program for the acquisition of an automated information system (either as a product or a service) if—

"(1) the program is designated by the Secretary of Defense, or a designee of the Secretary, as a major automated information system program; or

"(2) the dollar value of the program is estimated to exceed—

"(A) $32,000,000 in fiscal year 2000 constant dollars for all program costs in a single fiscal year;

"(B) $126,000,000 in fiscal year 2000 constant dollars for all program acquisition costs for the entire program; or

"(C) $378,000,000 in fiscal year 2000 constant dollars for the total life-cycle costs of the program (including operation and maintenance costs).

"(b) Adjustment.—The Secretary of Defense may adjust the amounts (and base fiscal year) set forth in subsection (a) on the basis of Department of Defense escalation rates. An adjustment under this subsection shall be effective after the Secretary transmits a written notification of the adjustment to the congressional defense committees.

"(c) Increments.—In the event any increment of a major automated information system program separately meets the requirements for treatment as a major automated information system program, the provisions of this chapter shall apply to such increment as well as to the overall major automated information system program of which such increment is a part.

"§2445b. Cost, schedule, and performance information

"(a) Submittal of Cost, Schedule, and Performance Information.—The Secretary of Defense shall submit to Congress each calendar year, not later than 45 days after the President submits to Congress the budget for a fiscal year under section 1105 of title 31, budget justification documents regarding cost, schedule, and performance for each major automated information system program for which funds are requested by the President in the budget.

"(b) Elements.—The documents submitted under subsection (a) with respect to a major automated information system program shall include detailed and summarized information with respect to the automated information system to be acquired under the program, and shall specifically include each of the following:

"(1) The development schedule, including major milestones.

"(2) The implementation schedule, including estimates of milestone dates, initial operational capability, and full operational capability.

"(3) Estimates of development costs and full life-cycle costs.

"(4) A summary of key performance parameters.

"(c) Baseline.—(1) For purposes of this chapter, the initial submittal to Congress of the documents required by subsection (a) with respect to a major automated information system program shall constitute the original estimate or information originally submitted on such program for purposes of the reports and determinations on program changes in section 2445c of this title.

"(2) An adjustment or revision of the original estimate or information originally submitted on a program may be treated as the original estimate or information originally submitted on the program if the adjustment or revision is the result of a critical change in the program covered by section 2445c(d) of this title.

"(3) In the event of an adjustment or revision to the original estimate or information originally submitted on a program under paragraph (2), the Secretary of Defense shall include in the next budget justification documents submitted under subsection (a) after such adjustment or revision a notification to the congressional defense committees of such adjustment or revision, together with the reasons for such adjustment or revision.

"§2445c. Reports: quarterly reports; reports on program changes

"(a) Quarterly Reports by Program Managers.—The program manager of a major automated information system program shall, on a quarterly basis, submit to the senior Department of Defense official responsible for the program a written report identifying any variance in the projected development schedule, implementation schedule, life-cycle costs, or key performance parameters for the major automated information system to be acquired under the program from such information as originally submitted to Congress under section 2445b of this title.

"(b) Senior Officials Responsible for Programs.—For purposes of this section, the senior Department of Defense official responsible for a major automated information system program is—

"(1) in the case of an automated information system to be acquired for a military department, the senior acquisition executive for the military department; or

"(2) in the case of any other automated information system to be acquired for the Department of Defense or any component of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(c) Report on Significant Changes in Program.—

"(1) In general.—If, based on a quarterly report submitted by the program manager of a major automated information system program pursuant to subsection (a), the senior Department of Defense official responsible for the program makes a determination described in paragraph (2), the official shall, not later than 45 days after receiving such report, notify the congressional defense committees in writing of such determination.

"(2) Covered determination.—A determination described in this paragraph with respect to a major automated information system program is a determination that—

"(A) there has been a schedule change that will cause a delay of more than six months but less than a year in any program schedule milestone or significant event from the schedule originally submitted to Congress under paragraph (1) or (2) of section 2445b(b) of this title;

"(B) the estimated program development cost or full life-cycle cost for the program has increased by at least 15 percent, but less than 25 percent, over the original estimate submitted to Congress under paragraph (3) of section 2445b(b) of this title; or

"(C) there has been a significant, adverse change in the expected performance of the major automated information system to be acquired under the program from the parameters originally submitted to Congress under paragraph (4) of section 2445b(b) of this title.

"(d) Report on Critical Changes in Program.—

"(1) In general.—If, based on a quarterly report submitted by the program manager of a major automated information system program pursuant to subsection (a), the senior Department of Defense official responsible for the program makes a determination described in paragraph (2), the official shall, not later than 60 days after receiving such report—

"(A) carry out an evaluation of the program under subsection (e); and

"(B) submit, through the Secretary of Defense, to the congressional defense committees a report meeting the requirements of subsection (f).

"(2) Covered determination.—A determination described in this paragraph with respect to a major automated information system program is a determination that—

"(A) the system failed to achieve initial operational capability within five years of milestone A approval;

"(B) there has been a schedule change that will cause a delay of one year or more in any program schedule milestone or significant event

from the schedule originally submitted to Congress under paragraph (1) or (2) of section 2445b(b) of this title;

"(C) the estimated program development cost or full life-cycle cost for the program has increased by 25 percent or more over the original estimate submitted to Congress under paragraph (3) of section 2445b(b) of this title; or

"(D) there has been a change in the expected performance of the major automated information system to be acquired under the program that will undermine the ability of the system to perform the functions anticipated at the time information on the program was originally submitted to Congress under section 2445b(b) of this title.

"(e) PROGRAM EVALUATION.—The evaluation of a major automated information system program conducted under this subsection for purposes of subsection (d)(1)(A) shall include an assessment of—

"(1) the projected cost and schedule for completing the program if current requirements are not modified;

"(2) the projected cost and schedule for completing the program based on reasonable modification of such requirements; and

"(3) the rough order of magnitude of the cost and schedule for any reasonable alternative system or capability.

"(f) REPORT ON CRITICAL PROGRAM CHANGES.—A report on a major automated information system program conducted under this subsection for purposes of subsection (d)(1)(B) shall include a written certification (with supporting explanation) stating that—

"(1) the automated information system to be acquired under the program is essential to the national security or to the efficient management of the Department of Defense;

"(2) there is no alternative to the system which will provide equal or greater capability at less cost;

"(3) the new estimates of the costs, schedule, and performance parameters with respect to the program and system are reasonable; and

"(4) the management structure for the program is adequate to manage and control program costs.

"(g) PROHIBITION ON OBLIGATION OF FUNDS.—(1) If the determination of a critical change to a program is made by the senior Department official responsible for the program under subsection (d)(2) and a report is not submitted to Congress within the 60-day period provided by subsection (d)(1), appropriated funds may not be obligated for any major contract under the program.

"(2) The prohibition on the obligation of funds for a program under paragraph (1) shall cease to apply on the date on which Congress has received a report in compliance with the requirements of subsection (d)(2).

"§ 2445d. Construction with other reporting requirements

"In the case of a major automated information system program covered by this chapter that is also treatable as a major defense acquisition program for which reports would be required under chapter 144 of this title, no reports on the program are required under such chapter if the requirements of this chapter with respect to the program are met.".

(2) CLERICAL AMENDMENTS.—The tables of chapters the beginning of subtitle A of such title, and of part IV of subtitle A of such title, are each amended by inserting after the item relating to chapter 144 the following new item:

"144A. Major Automated Information System Programs .... 2445a".

(b) REPORT ON REPORTING REQUIREMENTS APPLICABLE TO MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the reporting requirements applicable to major automated information system programs as of the date of the report, including a specification of such reporting requirements considered by the Secretary to be duplicative or redundant.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on January 1, 2008, and shall apply with respect to any major automated information system program for which amounts are requested in the budget of the President (as submitted to Congress under section 1105 of title 31, United States Code) for a fiscal year after fiscal year 2008, regardless of whether the acquisition of the automated information system to be acquired under the program was initiated before, on, or after January 1, 2008.

(2) REPORT REQUIREMENT.—Subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 817. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.

(a) INSPECTOR GENERAL REVIEWS AND DETERMINATIONS.—

(1) IN GENERAL.—For each covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than March 15, 2007, jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and

(ii) the administration of those policies, procedures, and internal controls; and

(B) determine in writing whether—

(i) such non-defense agency is compliant with defense procurement requirements;

(ii) such non-defense agency is not compliant with defense procurement requirements, but has a program or initiative to significantly improve compliance with defense procurement requirements;

(iii) neither of the conclusions stated in clauses (i) and (ii) is correct in the case of such non-defense agency; or

(iv) such non-defense agency is not compliant with defense procurement requirements to such an extent that the interests of the Department of Defense are at risk in procurements conducted by such non-defense agency.

(2) ACTIONS FOLLOWING CERTAIN DETERMINATIONS.—If the Inspectors General determine under paragraph (1) that a conclusion stated in clause (ii), (iii), or (iv) of subparagraph (B) of that paragraph is correct in the case of a covered non-defense agency, such Inspectors General shall, not later than June 15, 2008, jointly—

(A) conduct a second review, as described in subparagraph (A) of that paragraph, regarding such non-defense agency's procurement of property or services on behalf of the Department of Defense in fiscal year 2007; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(b) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a covered non-defense agency is compliant with defense procurement requirements if such non-defense agency's procurement policies, procedures, and internal controls applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure such non-defense agency's compliance with the requirements of laws and regulations that apply to procurements of property and services made directly by the Department of Defense.

(c) MEMORANDA OF UNDERSTANDING BETWEEN INSPECTORS GENERAL.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Inspector General of each covered non-defense agency shall enter into a memorandum of understanding with each other to carry out the reviews and make the determinations required by this section.

(2) SCOPE OF MEMORANDA.—The Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency may by mutual agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate governmentwide acquisition contracts, of such non-defense agency. In any case where such separate reviews are conducted, the Inspectors General shall make separate determinations under paragraph (1) or (2) of subsection (a), as applicable, with respect to each such separate review.

(d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF DEPARTMENT OF DEFENSE.—

(1) LIMITATION DURING REVIEW PERIOD.—After March 15, 2007, and before June 16, 2008, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency for which a determination described in clause (iii) or (iv) of paragraph (1)(B) of subsection (a) has been made under subsection (a).

(2) LIMITATION AFTER REVIEW PERIOD.—After June 15, 2008, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency that, having been subject to review under this section, has not been determined under this section as being compliant with defense procurement requirements.

(3) LIMITATION FOLLOWING FAILURE TO REACH MOU.—Commencing on the date that is 60 days after the date of the enactment of this Act, if a memorandum of understanding between the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency cannot be attained causing the review required by this section to not be performed, no official of the Department of Defense, except as provided in subsection (e) or (f), may order, purchase or otherwise procure property or services in an amount in excess of $100,000 through such non-defense agency.

(e) EXCEPTION FROM APPLICABILITY OF LIMITATIONS.—

(1) EXCEPTION.—No limitation applies under subsection (d) with respect to the procurement of property and services on behalf of the Department of Defense by a covered non-defense agency during any period that there is in effect a determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, made in writing, that it is necessary in the interest of the Department of Defense to continue to procure property and services through such non-defense agency.

(2) APPLICABILITY OF DETERMINATION.—A written determination with respect to a covered non-defense agency under paragraph (1) is in effect for the period, not in excess of one year, that the Under Secretary shall specify in the written determination. The Under Secretary may extend from time to time, for up to one year at a time, the period for which the written determination remains in effect.

(f) TERMINATION OF APPLICABILITY OF LIMITATIONS.—Subsection (d) shall cease to apply to a covered non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of such non-defense agency jointly—

(1) determine that such non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(g) IDENTIFICATION OF PROCUREMENTS MADE DURING A PARTICULAR FISCAL YEAR.—For the purposes of subsection (a), a procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for that procurement in that fiscal year.

(h) RESOLUTION OF DISAGREEMENTS.—If the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency are unable to agree on a joint determination under subsection (a) or (f), a determination by the Inspector General of the Department of Defense under such subsection shall be conclusive for the purposes of this section.

(i) DEFINITIONS.—In this section:

(1) The term "covered non-defense agency" means each of the following:

(A) The Department of Veterans Affairs.

(B) The National Institutes of Health.

(2) The term "governmentwide acquisition contract", with respect to a covered non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

SEC. 818. DETERMINATION OF CONTRACT TYPE FOR DEVELOPMENT PROGRAMS.

(a) REPEAL OF SUPERSEDED REQUIREMENTS.—Section 807 of the National Defense Authorization Act, Fiscal Year 1989 (10 U.S.C. 2304 note) is repealed.

(b) MODIFICATION OF REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall modify the regulations of the Department of Defense regarding the determination of contract type for development programs.

(c) ELEMENTS.—As modified under subsection (b), the regulations shall require the Milestone Decision Authority for a major defense acquisition program to select the contract type for a development program at the time of a decision on Milestone B approval (or Key Decision Point B approval in the case of a space program) that is consistent with the level of program risk for the program. The Milestone Decision Authority may select—

(1) a fixed-price type contract (including a fixed price incentive contract); or

(2) a cost type contract.

(d) CONDITIONS WITH RESPECT TO AUTHORIZATION OF COST TYPE CONTRACT.—As modified under subsection (b), the regulations shall provide that the Milestone Decision Authority may authorize the use of a cost type contract under subsection (c) for a development program only upon a written determination that—

(1) the program is so complex and technically challenging that it would not be practicable to reduce program risk to a level that would permit the use of a fixed-price type contract; and

(2) the complexity and technical challenge of the program is not the result of a failure to meet the requirements established in section 2366a of title 10, United States Code.

(e) JUSTIFICATION FOR SELECTION OF CONTRACT TYPE.—As modified under subsection (b), the regulations shall require the Milestone Decision Authority to document the basis for the contract type selected for a program. The documentation shall include an explanation of the level of program risk for the program and, if the Milestone Decision Authority determines that the level of program risk is high, the steps that have been taken to reduce program risk and reasons for proceeding with Milestone B approval despite the high level of program risk.

SEC. 819. THREE-YEAR EXTENSION OF REQUIREMENT FOR REPORTS ON COMMERCIAL PRICE TREND ANALYSES OF THE DEPARTMENT OF DEFENSE.

Section 803(c)(4) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 2306a note) is amended by striking "2006" and inserting "2009".

SEC. 820. GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.

(a) GOAL.—It shall be the goal of the Department of Defense and each of the military departments to ensure that, within five years after the date of the enactment of this Act, for each major defense acquisition program and each major automated information system program, each of the following positions is performed by a properly qualified member of the Armed Forces or full-time employee of the Department of Defense:

(1) Program manager.

(2) Deputy program manager.

(3) Chief engineer.

(4) Systems engineer.

(5) Cost estimator.

(b) PLAN OF ACTION.—Not later than six months after the date of enactment of this Act, the Secretary of Defense shall develop and begin implementation of a plan of action for recruiting, training, and ensuring appropriate career development of military and civilian personnel to achieved the objective established in subsection (a). The plan of action required by this subsection shall include specific, measurable interim milestones.

(c) REPORTS.—Not later than one year after the date of the enactment of this Act and each year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the progress made by the Department of Defense and the military departments toward achieving the goal established in subsection (a).

(d) DEFINITIONS.—In this section:

(1) The term "major defense acquisition program" has the meaning given such term in section 2430(a) of title 10, United States Code.

(2) The term "major automated information system program" has the meaning given such term in section 2445a(a) of title 10, United States Code (as added by section 816 of this Act).

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 831. ONE-YEAR EXTENSION OF SPECIAL TEMPORARY CONTRACT CLOSEOUT AUTHORITY.

Section 804(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1542) is amended by striking "September 30, 2006" and inserting "September 30, 2007".

SEC. 832. LIMITATION ON CONTRACTS FOR THE ACQUISITION OF CERTAIN SERVICES.

(a) LIMITATION.—Except as provided in subsection (b), the Secretary of Defense may not enter into a service contract to acquire a military flight simulator.

(b) WAIVER.—The Secretary of Defense may waive subsection (a) with respect to a contract if the Secretary—

(1) determines that a waiver is necessary for national security purposes; and

(2) provides to the congressional defense committees an economic analysis as described in subsection (c) at least 30 days before the waiver takes effect.

(c) ECONOMIC ANALYSIS.—The economic analysis provided under subsection (b) shall include, at a minimum, the following:

(1) A clear explanation of the need for the contract.

(2) An examination of at least two alternatives for fulfilling the requirements that the contract is meant to fulfill, including the following with respect to each alternative:

(A) A rationale for including the alternative.

(B) A cost estimate of the alternative and an analysis of the quality of each cost estimate.

(C) A discussion of the benefits to be realized from the alternative.

(D) A best value determination of each alternative and a detailed explanation of the life-cycle cost calculations used in the determination.

(d) DEFINITIONS.—In this section:

(1) The term "military flight simulator" means any major system to simulate the form, fit, and function of a military aircraft that has no commonly available commercial variant.

(2) The term "service contract" means any contract entered into by the Department of Defense the principal purpose of which is to furnish services in the United States through the use of service employees.

(3) The term "service employees" has the meaning provided in section 8(b) of the Service Contract Act of 1965 (41 U.S.C. 357(b)).

SEC. 833. USE OF FEDERAL SUPPLY SCHEDULES BY STATE AND LOCAL GOVERNMENTS FOR GOODS AND SERVICES FOR RECOVERY FROM NATURAL DISASTERS, TERRORISM, OR NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.

(a) AUTHORITY TO USE SUPPLY SCHEDULES FOR CERTAIN GOODS AND SERVICES.—Section 502 of title 40, United States Code, is amended by adding at the end the following new subsection:

"(d) USE OF SUPPLY SCHEDULES FOR CERTAIN GOODS AND SERVICES.—

"(1) IN GENERAL.—The Administrator may provide for the use by State or local governments of Federal supply schedules of the General Services Administration for goods or services that are to be used to facilitate recovery from a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or to facilitate recovery from terrorism or nuclear, biological, chemical, or radiological attack.

"(2) DETERMINATION BY SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall determine which goods and services qualify as goods and services described in paragraph (1) before the Administrator provides for the use of the Federal supply schedule relating to such goods and services.

"(3) VOLUNTARY USE.—In the case of the use by a State or local government of a Federal supply schedule pursuant to paragraph (1), participation by a firm that sells to the Federal Government through the supply schedule shall be voluntary with respect to a sale to the State or local government through such supply schedule.

"(4) DEFINITIONS.—The definitions in subsection (c)(3) shall apply for purposes of this subsection.".

(b) PROCEDURES.—Not later than 30 days after the date of the enactment of this Act, the Administrator of General Services shall establish procedures to implement subsection (d) of section 502 of title 40, United States Code (as added by subsection (a)).

SEC. 834. WAIVERS TO EXTEND TASK ORDER CONTRACTS FOR ADVISORY AND ASSISTANCE SERVICES.

(a) DEFENSE CONTRACTS.—

(1) WAIVER AUTHORITY.—The head of an agency may issue a waiver to extend a task

order contract entered into under section 2304b of title 10, United States Code, for a period not exceeding 10 years, through five one-year options, if the head of the agency determines in writing—

(A) that the contract provides engineering or technical services of such a unique and substantial technical nature that award of a new contract would be harmful to the continuity of the program for which the services are performed;

(B) that award of a new contract would create a large disruption in services provided to the Department of Defense; and

(C) that the Department of Defense would, through award of a new contract, endure program risk during critical program stages due to loss of program corporate knowledge of ongoing program activities.

(2) Delegation.—The authority of the head of an agency under paragraph (1) may be delegated only to the senior procurement executive of the agency.

(3) Report.—Not later than April 1, 2007, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on advisory and assistance services. The report shall include the following information:

(A) The methods used by the Department of Defense to identify a contract as an advisory and assistance services contract, as defined in section 2304b of title 10, United States Code.

(B) The number of such contracts awarded by the Department during the five-year period preceding the date of the enactment of this Act.

(C) The average annual expenditures by the Department for such contracts.

(D) The average length of such contracts.

(E) The number of such contracts recompeted and awarded to the previous award winner.

(4) Prohibition on use of authority by Department of Defense if report not submitted.—The head of an agency may not issue a waiver under paragraph (1) if the report required by paragraph (3) is not submitted by the date set forth in that paragraph.

(b) Civilian Agency Contracts.—

(1) Waiver authority.—The head of an executive agency may issue a waiver to extend a task order contract entered into under section 303I of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253i) for a period not exceeding 10 years, through five one-year options, if the head of the agency determines in writing—

(A) that the contract provides engineering or technical services of such a unique and substantial technical nature that award of a new contract would be harmful to the continuity of the program for which the services are performed;

(B) that award of a new contract would create a large disruption in services provided to the executive agency; and

(C) that the executive agency would, through award of a new contract, endure program risk during critical program stages due to loss of program corporate knowledge of ongoing program activities.

(2) Delegation.—The authority of the head of an executive agency under paragraph (1) may be delegated only to the Chief Acquisition Officer of the agency (or the senior procurement executive in the case of an agency for which a Chief Acquisition Officer has not been appointed or designated under section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(a))).

(3) Report.—Not later than April 1, 2007, the Administrator for Federal Procurement Policy shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report on advisory and assistance services. The report shall include the following information:

(A) The methods used by executive agencies to identify a contract as an advisory and assistance services contract, as defined in section 303I(i) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253i(i)).

(B) The number of such contracts awarded by each executive agency during the five-year period preceding the date of the enactment of this Act.

(C) The average annual expenditures by each executive agency for such contracts.

(D) The average length of such contracts.

(E) The number of such contracts recompeted and awarded to the previous award winner.

(4) Prohibition on use of authority by executive agencies if report not submitted.—The head of an executive agency may not issue a waiver under paragraph (1) if the report required by paragraph (3) is not submitted by the date set forth in that paragraph.

(c) Termination of Authority.—A waiver may not be issued under this section after December 31, 2011.

(d) Comptroller General Review.—

(1) Report requirement.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the committees described in paragraph (3) a report on the use of advisory and assistance services contracts by the Federal Government.

(2) Defense and civilian agency contracts covered.—The report shall cover both of the following:

(A) Advisory and assistance services contracts as defined in section 2304b of title 10, United States Code.

(B) Advisory and assistance services contracts as defined in section 303I(i) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253i(i)).

(3) Matters covered.—The report shall address the following issues:

(A) The extent to which executive agencies and elements of the Department of Defense require advisory and assistance services for periods of greater than five years.

(B) The extent to which such advisory and assistance services are provided by the same contractors under recurring contracts.

(C) The rationale for contracting for advisory and assistance services that will be needed on a continuing basis, rather than performing the services inside the Federal Government.

(D) The contract types and oversight mechanisms used by the Federal Government in contracts for advisory and assistance services and the extent to which such contract types and oversight mechanisms are adequate to protect the interests of the Government and taxpayers.

(E) The actions taken by the Federal Government to prevent organizational conflicts of interest and improper personal services contracts in its contracts for advisory and assistance services.

(4) Committees.—The committees described in this paragraph are the following:

(A) The Committees on Armed Services and on Homeland Security and Governmental Affairs of the Senate.

(B) The Committees on Armed Services and on Government Reform of the House of Representatives.

Subtitle D—United States Defense Industrial Base Provisions

SEC. 841. ASSESSMENT AND ANNUAL REPORT OF UNITED STATES DEFENSE INDUSTRIAL BASE CAPABILITIES AND ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

Section 812 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1542) is amended—

(1) by amending the heading to read as follows:

"SEC. 812. ASSESSMENT AND ANNUAL REPORT OF UNITED STATES DEFENSE INDUSTRIAL BASE CAPABILITIES AND ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.";

(2) by adding at the end of subsection (c)(2)(A) the following new clauses:

"(v) The dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States.

"(vi) An itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.).

"(vii) A summary of—

"(I) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

"(II) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States."; and

(3) by adding at the end the following new subsections:

"(d) Public Availability.—The Secretary of Defense shall make the report submitted under subsection (c) publicly available to the maximum extent practicable.

"(e) Applicability.—This section shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

SEC. 842. PROTECTION OF STRATEGIC MATERIALS CRITICAL TO NATIONAL SECURITY.

(a) Requirement to Buy From American Sources.—

(1) In general.—Subchapter V of chapter 148 of title 10, United States Code, is amended by inserting after section 2533a the following new section:

"§2533b. Requirement to buy strategic materials critical to national security from American sources; exceptions

"(a) Requirement.—Except as provided in subsections (b) through (j), funds appropriated or otherwise available to the Department of Defense may not be used for procurement of—

"(1) the following types of end items, or components thereof, containing a specialty metal not melted or produced in the United States: aircraft, missile and space systems, ships, tank and automotive items, weapon systems, or ammunition; or

"(2) a specialty metal that is not melted or produced in the United States and that is to be purchased directly by the Department of Defense or a prime contractor of the Department.

"(b) Availability Exception.—(1) Subsection (a) does not apply to the extent that the Secretary of Defense or the Secretary of the military department concerned determines that compliant specialty metal of satisfactory quality and sufficient quantity, and in the required form, cannot be procured as and when needed. For purposes of the preceding sentence, the term 'compliant specialty metal' means specialty metal melted or produced in the United States.

"(2) This subsection applies to prime contracts and subcontracts at any tier under such contracts.

"(c) Exception for Certain Procurements.—Subsection (a) does not apply to the following:

"(1) Procurements outside the United States in support of combat operations or in support of contingency operations.

"(2) Procurements for which the use of procedures other than competitive procedures has been approved on the basis of section 2304(c)(2) of this title, relating to unusual and compelling urgency of need.

"(d) EXCEPTION RELATING TO AGREEMENTS WITH FOREIGN GOVERNMENTS.—Subsection (a)(1) does not preclude the procurement of a specialty metal if—

"(1) the procurement is necessary—

"(A) to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements; or

"(B) in furtherance of agreements with foreign governments in which both such governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country; and

"(2) any such agreement with a foreign government complies, where applicable, with the requirements of section 36 of the Arms Export Control Act (22 U.S.C. 2776) and with section 2457 of this title.

"(e) EXCEPTION FOR COMMISSARIES, EXCHANGES, AND OTHER NONAPPROPRIATED FUND INSTRUMENTALITIES.—Subsection (a) does not apply to items purchased for resale purposes in commissaries, exchanges, and nonappropriated fund instrumentalities operated by the Department of Defense.

"(f) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to procurements in amounts not greater than the simplified acquisition threshold referred to in section 2304(g) of this title.

"(g) EXCEPTION FOR PURCHASES OF ELECTRONIC COMPONENTS.—Subsection (a) does not apply to procurements of commercially available electronic components whose specialty metal content is de minimis in value compared to the overall value of the lowest level electronic component produced that contains such specialty metal.

"(h) APPLICABILITY TO PROCUREMENTS OF COMMERCIAL ITEMS.—This section applies to procurements of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

"(i) SPECIALTY METAL DEFINED.—In this section, the term 'specialty metal' means any of the following:

"(1) Steel—

"(A) with a maximum alloy content exceeding one or more of the following limits: manganese, 1.65 percent; silicon, 0.60 percent; or copper, 0.60 percent; or

"(B) containing more than 0.25 percent of any of the following elements: aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, or vanadium.

"(2) Metal alloys consisting of nickel, iron-nickel, and cobalt base alloys containing a total of other alloying metals (except iron) in excess of 10 percent.

"(3) Titanium and titanium alloys.

"(4) Zirconium and zirconium base alloys.

"(j) ADDITIONAL DEFINITIONS.—In this section:

"(1) The term 'United States' includes possessions of the United States.

"(2) The term 'component' has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2533b. Requirement to buy strategic materials critical to national security from American sources; exceptions.".

(3) CONFORMING AMENDMENTS.—Section 2533a of title 10, United States Code, is amended—

(A) by striking paragraph (2) of subsection (b) and redesignating paragraph (3) of such subsection as paragraph (2);

(B) in subsection (c), by striking "or specialty metals (including stainless steel flatware)"; and

(C) in subsection (e)—

(i) by striking "SPECIALTY METALS AND" in the heading; and

(ii) by striking "specialty metals or".

(4) EFFECTIVE DATES.—

(A) Section 2533b of title 10, United States Code, as added by paragraph (1), shall apply with respect to contracts entered into after the date occurring 30 days after the date of the enactment of this Act.

(B) The amendments made by paragraph (3) shall take effect on the date occurring 30 days after the date of the enactment of this Act.

(b) ONE-TIME WAIVER OF SPECIALTY METALS DOMESTIC SOURCE REQUIREMENT.—

(1) AUTHORITY.—The Secretary of Defense or the Secretary of a military department may accept specialty metals if such metals were incorporated into items produced, manufactured, or assembled in the United States before the date of the enactment of this Act with respect to which the contracting officer for the contract determines that the contractor is not in compliance with section 2533b of title 10, United States Code (as added by subsection (a)(1)), if—

(A) the contracting officer for the contract determines in writing that—

(i) it would not be practical or economical to remove or replace the specialty metals incorporated in such items or to substitute items containing compliant materials;

(ii) the prime contractor and subcontractor responsible for providing items containing noncompliant materials have in place an effective plan to ensure compliance with section 2533b of title 10, United States Code (as so added), with regard to items containing specialty metals if such metals were incorporated into items produced, manufactured, or assembled in the United States after the date of the enactment of this Act; and

(iii) the non-compliance is not knowing or willful; and

(B) the Under Secretary of Defense for Acquisition, Technology, and Logistics or the service acquisition executive of the military department concerned approves the determination.

(2) NOTICE.—Not later than 15 days after a contracting officer makes a determination under paragraph (1)(A) with respect to a contract, the contracting officer shall post a notice on FedBizOpps.gov that a waiver has been granted for the contract under this subsection.

(3) DEFINITION.—In this subsection, the term "FedBizOpps.gov" means the website maintained by the General Services Administration known as FedBizOpps.gov (or any successor site).

(4) TERMINATION OF AUTHORITY.—A contracting officer may exercise the authority under this subsection only with respect to the delivery of items the final acceptance of which takes place after the date of the enactment of this Act and before September 30, 2010.

SEC. 843. STRATEGIC MATERIALS PROTECTION BOARD.

(a) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 187. Strategic Materials Protection Board

"(a) ESTABLISHMENT.—(1) The Secretary of Defense shall establish a Strategic Materials Protection Board.

"(2) The Board shall be composed of representatives of the following:

"(A) The Secretary of Defense, who shall be the chairman of the Board.

"(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(C) The Under Secretary of Defense for Intelligence.

"(D) The Secretary of the Army.

"(E) The Secretary of the Navy.

"(F) The Secretary of the Air Force.

"(b) DUTIES.—In addition to other matters assigned to it by the Secretary of Defense, the Board shall—

"(1) determine the need to provide a long term domestic supply of materials designated as critical to national security to ensure that national defense needs are met;

"(2) analyze the risk associated with each material designated as critical to national security and the effect on national defense that the nonavailability of such material from a domestic source would have;

"(3) recommend a strategy to the President to ensure the domestic availability of materials designated as critical to national security;

"(4) recommend such other strategies to the President as the Board considers appropriate to strengthen the industrial base with respect to materials critical to national security; and

"(5) publish not less frequently than once every two years in the Federal Register recommendations regarding materials critical to national security, including a list of specialty metals, if any, recommended for addition to, or removal from, the definition of 'specialty metal' for purposes of section 2533b of this title.

"(c) MEETINGS.—The Board shall meet as determined necessary by the Secretary of Defense but not less frequently than once every two years to make recommendations regarding materials critical to national security as described in subsection (b)(5).

"(d) REPORTS.—After each meeting of the Board, the Board shall prepare and submit to Congress a report containing the results of the meeting and such recommendations as the Board determines appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"187. Strategic Materials Protection Board.".

(c) FIRST MEETING OF BOARD.—The first meeting of the Strategic Materials Protection Board, established by section 187 of title 10, United States Code (as added by subsection (a)) shall be not later than 180 days after the date of the enactment of this Act.

Subtitle E—Other Matters

SEC. 851. REPORT ON FORMER DEPARTMENT OF DEFENSE OFFICIALS EMPLOYED BY CONTRACTORS OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than December 1, 2007, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the employment of former officials of the Department of Defense by major defense contractors during the most recent calendar year for which, in the judgment of the Comptroller General, data are reasonably available. The report shall assess the extent to which former officials of the Department of Defense who served in acquisition-related positions were provided compensation by major defense contractors during such calendar year.

(b) OBJECTIVES OF REPORT.—The objectives of the report required by subsection (a) shall be to determine the effectiveness of existing statutes and regulations governing the employment of former Department of Defense officials by defense contractors, including section 207 of title 18, United States Code, and section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423). At a minimum, the report shall assess the extent to which such former officials who receive compensation from defense contractors have been assigned by those contractors to work on—

(1) Department of Defense contracts or programs for which such former officials personally had program oversight responsibility or decision-making authority when they served in the Department of Defense; or

(2) Department of Defense contracts or programs which are the responsibility of the agency, office, or command in which such former officials served in the Department of Defense.

(c) CONFIDENTIALITY REQUIREMENT.—The report required by subsection (a) shall not include the names of specific former Department of Defense officials who receive compensation from defense contractors or information from which such individuals could be identified.

(d) ACCESS TO INFORMATION.—In accordance with the contract clause required pursuant to section 2313(c) of title 10, United States Code, a major defense contractor shall provide the Comptroller General access to information requested by the Comptroller General for the purpose of this review regarding former officials of the Department of Defense who have received compensation from the contractor during the relevant calendar year.

(e) DEFINITIONS.—In this section:

(1) MAJOR DEFENSE CONTRACTOR.—The term "major defense contractor" includes any company that received more than $500,000,000 in contract awards from the Department of Defense in fiscal year 2005.

(2) FORMER DEPARTMENT OF DEFENSE OFFICIAL.—The term "former Department of Defense official" means either of the following:

(A) A former Department of Defense employee.

(B) A former or retired member of the Armed Forces.

SEC. 852. REPORT AND REGULATIONS ON EXCESSIVE PASS-THROUGH CHARGES.

(a) COMPTROLLER GENERAL REPORT ON EXCESSIVE PASS-THROUGH CHARGES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall issue a report on pass-through charges on contracts or subcontracts (or task or delivery orders) that are entered into for or on behalf of the Department of Defense.

(2) MATTERS COVERED.—The report issued under this subsection—

(A) shall assess the extent to which the Department of Defense has paid excessive pass-through charges to contractors who provided little or no value to the performance of the contract;

(B) shall assess the extent to which the Department has been particularly vulnerable to excessive pass-through charges on any specific category of contracts or by any specific category of contractors (including any category of small business); and

(C) shall determine the extent to which any prohibition on excessive pass-through charges would be inconsistent with existing commercial practices for any specific category of contracts or have an unjustified adverse effect on any specific category of contractors (including any category of small business).

(b) REGULATIONS REQUIRED.—

(1) IN GENERAL.—Not later than May 1, 2007, the Secretary of Defense shall prescribe regulations to ensure that pass-through charges on contracts or subcontracts (or task or delivery orders) that are entered into for or on behalf of the Department of Defense are not excessive in relation to the cost of work performed by the relevant contractor or subcontractor.

(2) SCOPE OF REGULATIONS.—The regulations prescribed under this subsection—

(A) shall not apply to any firm, fixed-price contract or subcontract (or task or delivery order) that is—

(i) awarded on the basis of adequate price competition; or

(ii) for the acquisition of a commercial item, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)); and

(B) may include such additional exceptions as the Secretary determines to be necessary in the interest of the national defense.

(3) DEFINITION.—In this section, the term "excessive pass-through charge", with respect to a contractor or subcontractor that adds no, or negligible, value to a contract or subcontract, means a charge to the Government by the contractor or subcontractor that is for overhead or profit on work performed by a lower-tier contractor or subcontractor (other than charges for the direct costs of managing lower-tier contracts and subcontracts and overhead and profit based on such direct costs).

(4) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the steps taken to implement the requirements of this subsection, including—

(A) any standards for determining when no, or negligible, value has been added to a contract by a contractor or subcontractor;

(B) any procedures established for preventing excessive pass-through charges; and

(C) any exceptions determined by the Secretary to be necessary in the interest of the national defense.

(5) EFFECTIVE DATE.—The regulations prescribed under this subsection shall apply to contracts awarded for or on behalf of the Department of Defense on or after May 1, 2007.

SEC. 853. PROGRAM MANAGER EMPOWERMENT AND ACCOUNTABILITY.

(a) STRATEGY.—The Secretary of Defense shall develop a comprehensive strategy for enhancing the role of Department of Defense program managers in developing and carrying out defense acquisition programs.

(b) MATTERS TO BE ADDRESSED.—The strategy required by this section shall address, at a minimum—

(1) enhanced training and educational opportunities for program managers;

(2) increased emphasis on the mentoring of current and future program managers by experienced senior executives and program managers within the Department;

(3) improved career paths and career opportunities for program managers;

(4) additional incentives for the recruitment and retention of highly qualified individuals to serve as program managers;

(5) improved resources and support (including systems engineering expertise, cost estimating expertise, and software development expertise) for program managers;

(6) improved means of collecting and disseminating best practices and lessons learned to enhance program management throughout the Department;

(7) common templates and tools to support improved data gathering and analysis for program management and oversight purposes;

(8) increased accountability of program managers for the results of defense acquisition programs; and

(9) enhanced monetary and nonmonetary awards for successful accomplishment of program objectives by program managers.

(c) GUIDANCE ON TENURE AND ACCOUNTABILITY OF PROGRAM MANAGERS BEFORE MILESTONE B.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise Department of Defense guidance for major defense acquisition programs to address the qualifications, resources, responsibilities, tenure, and accountability of program managers for the program development period (before Milestone B approval (or Key Decision Point B approval in the case of a space program)).

(d) GUIDANCE ON TENURE AND ACCOUNTABILITY OF PROGRAM MANAGERS AFTER MILESTONE B.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall revise Department of Defense guidance for major defense acquisition programs to address the qualifications, resources, responsibilities, tenure and accountability of program managers for the program execution period (from Milestone B approval (or Key Decision Point B approval in the case of a space program) until the delivery of the first production units of a program). The guidance issued pursuant to this subsection shall address, at a minimum—

(1) the need for a performance agreement between a program manager and the milestone decision authority for the program, setting forth expected parameters for cost, schedule, and performance, and appropriate commitments by the program manager and the milestone decision authority to ensure that such parameters are met;

(2) authorities available to the program manager, including, to the extent appropriate, the authority to object to the addition of new program requirements that would be inconsistent with the parameters established at Milestone B (or Key Decision Point B in the case of a space program) and reflected in the performance agreement; and

(3) the extent to which a program manager for such period should continue in the position without interruption until the delivery of the first production units of the program.

(e) REPORTS.—

(1) REPORT BY SECRETARY OF DEFENSE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the strategy developed pursuant to subsection (a) and the guidance issued pursuant to subsections (b) and (c).

(2) REPORT BY COMPTROLLER GENERAL.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the actions taken by the Secretary of Defense to implement the requirements of this section.

SEC. 854. JOINT POLICIES ON REQUIREMENTS DEFINITION, CONTINGENCY PROGRAM MANAGEMENT, AND CONTINGENCY CONTRACTING.

(a) IN GENERAL.—

(1) JOINT POLICY REQUIREMENT.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§2333. Joint policies on requirements definition, contingency program management, and contingency contracting

"(a) JOINT POLICY REQUIREMENT.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall develop joint policies for requirements definition, contingency program management, and contingency contracting during combat operations and post-conflict operations.

"(b) REQUIREMENTS DEFINITION MATTERS COVERED.—The joint policy for requirements definition required by subsection (a) shall, at a minimum, provide for the following:

"(1) The assignment of a senior commissioned officer or civilian member of the senior executive service, with appropriate experience and qualifications related to the definition of requirements to be satisfied through acquisition contracts (such as for delivery of products or services, performance of work, or accomplishment of a project), to act as head of requirements definition and coordination during combat operations, post-conflict operations, and contingency operations, if required, including leading a requirements review board involving all organizations concerned.

"(2) An organizational approach to requirements definition and coordination during combat operations, post-conflict operations, and contingency operations that is designed to ensure that requirements are defined in a way that effectively implements United States Government and Department of Defense objectives,

policies, and decisions regarding the allocation of resources, coordination of interagency efforts in the theater of operations, and alignment of requirements with the proper use of funds.

"(c) CONTINGENCY PROGRAM MANAGEMENT MATTERS COVERED.—The joint policy for contingency program management required by subsection (a) shall, at a minimum, provide for the following:

"(1) The assignment of a senior commissioned officer or civilian member of the senior executive service, with appropriate program management experience and qualifications, to act as head of program management during combat operations, post-conflict operations, and contingency operations, including stabilization and reconstruction operations involving multiple United States Government agencies and international organizations, if required.

"(2) A preplanned organizational approach to program management during combat operations, post-conflict operations, and contingency operations that is designed to ensure that the Department of Defense is prepared to conduct such program management.

"(3) Identification of a deployable cadre of experts, with the appropriate tools and authority, and trained in processes under paragraph (6).

"(4) Utilization of the hiring and appointment authorities necessary for the rapid deployment of personnel to ensure the availability of key personnel for sufficient lengths of time to provide for continuing program and project management.

"(5) A requirement to provide training (including training under a program to be created by the Defense Acquisition University) to program management personnel in—

"(A) the use of laws, regulations, policies, and directives related to program management in combat or contingency environments;

"(B) the integration of cost, schedule, and performance objectives into practical acquisition strategies aligned with available resources and subject to effective oversight; and

"(C) procedures of the Department of Defense related to funding mechanisms and contingency contract management.

"(6) Appropriate steps to ensure that training is maintained for such personnel even when they are not deployed in a contingency operation.

"(7) Such steps as may be needed to ensure jointness and cross-service coordination in the area of program management during contingency operations.

"(d) CONTINGENCY CONTRACTING MATTERS COVERED.—(1) The joint policy for contingency contracting required by subsection (a) shall, at a minimum, provide for the following:

"(A) The designation of a senior commissioned officer or civilian member of the senior executive service in each military department with the responsibility for administering the policy.

"(B) The assignment of a senior commissioned officer with appropriate acquisition experience and qualifications to act as head of contingency contracting during combat operations, post-conflict operations, and contingency operations, who shall report directly to the commander of the combatant command in whose area of responsibility the operations occur.

"(C) A sourcing approach to contingency contracting that is designed to ensure that each military department is prepared to conduct contingency contracting during combat operations, post-conflict operations, and contingency operations, including stabilization and reconstruction operations involving interagency organizations, if required.

"(D) A requirement to provide training (including training under a program to be created by the Defense Acquisition University) to contingency contracting personnel in—

"(i) the use of law, regulations, policies, and directives related to contingency contracting operations;

"(ii) the appropriate use of rapid acquisition methods, including the use of exceptions to competition requirements under section 2304 of this title, sealed bidding, letter contracts, indefinite delivery indefinite quantity task orders, set asides under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), undefinitized contract actions, and other tools available to expedite the delivery of goods and services during combat operations or post-conflict operations;

"(iii) the appropriate use of rapid acquisition authority, commanders' emergency response program funds, and other tools unique to contingency contracting; and

"(iv) instruction on the neeessity for the prompt transition from the use of rapid acquisition authority to the use of full and open competition and other methods of contracting that maximize transparency in the acquisition process.

"(E) Appropriate steps to ensure that training is maintained for such personnel even when they are not deployed in a contingency operation.

"(F) Such steps as may be needed to ensure jointness and cross-service coordination in the area of contingency contracting.

"(2) To the extent practicable, the joint policy for contingency contracting required by subsection (a) should be taken into account in the development of interagency plans for stabilization and reconstruction operations, consistent with the report submitted by the President under section 1035 of this Act on interagency operating procedures for the planning and conduct of stabilization and reconstruction operations.

"(e) DEFINITIONS.—In this section:

"(1) CONTINGENCY CONTRACTING PERSONNEL.—The term 'contingency contracting personnel' means members of the armed forces and civilian employees of the Department of Defense who are members of the defense acquisition workforce and, as part of their duties, are assigned to provide support to contingency operations (whether deployed or not).

"(2) CONTINGENCY CONTRACTING.—The term 'contingency contracting' means all stages of the process of acquiring property or services by the Department of Defense during a contingency operation.

"(3) CONTINGENCY OPERATION.—The term 'contingency operation' has the meaning provided in section 101(13) of this title.

"(4) ACQUISITION SUPPORT AGENCIES.—The term 'acquisition support agencies' means Defense Agencies and Department of Defense Field Activities that carry out and provide support for acquisition-related activities.

"(5) CONTINGENCY PROGRAM MANAGEMENT.—The term 'contingency program management' means the process of planning, organizing, staffing, controlling, and leading the combined efforts of participating civilian and military personnel and organizations for the management of a specific defense acquisition program or programs during combat operations, post-conflict operations, and contingency operations.

"(6) REQUIREMENTS DEFINITION.—The term 'requirements definition' means the process of translating policy objectives and mission needs into specific requirements, the description of which will be the basis for awarding acquisition contracts for projects to be accomplished, work to be performed, or products to be delivered.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2333. Joint policies on requirements definition, contingency contracting, and program management.".

(b) DEADLINE FOR DEVELOPMENT OF JOINT POLICIES.—The Secretary of Defense shall develop the joint policies required under section 2333 of title 10, United States Code, as added by subsection (a), not later than 18 months after the date of enactment of this Act.

(c) REPORTS.—

(1) INTERIM REPORT.—

(A) REQUIREMENT.—Not later than 365 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an interim report on requirements definition, contingency contracting, and program management.

(B) MATTERS COVERED.—The report shall include discussions of the following:

(i) Progress in the development of the joint policies under section 2333 of title 10, United States Code.

(ii) The ability of the Armed Forces to support requirements definition, contingency contracting, and program management.

(iii) The ability of commanders of combatant commands to request requirements definition, contingency contracting, or program management support, and the ability of the military departments and the acquisition support agencies to respond to such requests and provide such support, including the availability of rapid acquisition personnel for such support.

(iv) The ability of the current civilian and military acquisition workforce to deploy to combat theaters of operations and to conduct requirements definition, contingency contracting, or program management activities during combat and during post-conflict, reconstruction, or other contingency operations.

(v) The effect of different periods of deployment on continuity in the acquisition process.

(2) FINAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the committees referred to in paragraph (1)(A) a final report on requirements definition, contingency contracting, and program management, containing a discussion of the implementation of the joint policies developed under section 2333 of title 10, United States Code (as so added), including updated discussions of the matters covered in the interim report. In addition, the report should include a discussion of the actions taken to ensure that the joint policies will be adequately resourced at the time of execution.

SEC. 855. CLARIFICATION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845(a) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) in paragraph (2)(A), by inserting "or, for the Defense Advanced Projects Agency or the Missile Defense Agency, the director of the agency" after "(41 U.S.C. 414(c))"; and

(2) in paragraph (3), by inserting "or director of the Defense Advanced Projects Agency or Missile Defense Agency" after "executive".

SEC. 856. CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.

(a) INAPPLICABILITY OF CERTAIN LAWS.—

(1) INAPPLICABILITY OF THE RANDOLPH-SHEPPARD ACT TO CONTRACTS AND SUBCONTRACTS FOR MILITARY DINING FACILITY SUPPORT SERVICES COVERED BY JAVITS-WAGNER-O'DAY ACT.—The Randolph-Sheppard Act (20 U.S.C. 107 et seq.) does not apply to full food services, mess attendant services, or services supporting the operation of a military dining facility that, as of the date of the enactment of this Act, were services on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47).

(2) INAPPLICABILITY OF THE JAVITS-WAGNER-O'DAY ACT TO CONTRACTS FOR THE OPERATION OF

A MILITARY DINING FACILITY.—(A) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.) does not apply at the prime contract level to any contract entered into by the Department of Defense as of the date of the enactment of this Act with a State licensing agency under the Randolph-Sheppard Act (20 U.S.C. 107 et seq.) for the operation of a military dining facility.

(B) The Javits-Wagner-O'Day Act shall apply to any subcontract entered into by a Department of Defense contractor for full food services, mess attendant services, and other services supporting the operation of a military dining facility.

(3) REPEAL OF SUPERSEDED LAW.—Subsections (a) and (b) of section 853 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2021) are repealed.

(b) REVIEW AND REPORT BY COMPTROLLER GENERAL OF RANDOLPH-SHEPPARD AND JAVITS-WAGNER-O'DAY CONTRACTS.—

(1) IN GENERAL.—The Comptroller General shall conduct a review of a representative sample of food service contracts described in paragraph (2) and determine in writing the following:

(A) Differences in operational procedures and administration of contracts awarded by the Department of Defense under the Randolph-Sheppard Act (20 U.S.C. 107 et seq.) and the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.) on a State-by-State basis with regard to the relationship between State licensing agencies and blind vendors.

(B) Differences in competition, source selection, and management processes and procedures for contracts awarded by the Department under the Randolph-Sheppard Act and the Javits-Wagner-O'Day Act, including a review of the average total cost of contract awards and compensation packages to all beneficiaries.

(C) Precise methods used to determine whether a price is fair and reasonable under contracts awarded by the Department under the Randolph-Sheppard Act and the Javits-Wagner-O'Day Act, as required under the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement.

(2) CONTRACTS COVERED.—For purposes of the review under paragraph (1), a food service contract described in this paragraph is a contract—

(A) for full food services, mess attendant services, or services supporting the operation of all or any part of a military dining facility;

(B) that was awarded under either the Randolph-Sheppard Act or the Javits-Wagner-O'Day Act; and

(C) that is in effect on the date of the enactment of this Act.

(3) REPORT.—Not later than March 1, 2007, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review conducted under this subsection, with such findings and recommendations as the Comptroller General considers appropriate.

(c) REQUIREMENTS FOR INSPECTORS GENERAL OF DEPARTMENT OF DEFENSE AND DEPARTMENT OF EDUCATION.—

(1) REVIEW OF MANAGEMENT PROCEDURES.—Not later than March 1, 2007, the Inspector General of the Department of Defense and the Inspector General of the Department of Education shall jointly review the management procedures under both the Randolph-Sheppard Act (20 U.S.C. 107 et seq.) and the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.). In carrying out this paragraph, the Inspectors General shall each have access to the following:

(A) Memoranda on program management and the basis for contract award under the programs.

(B) Guidance sent to State agencies on administration of the programs.

(C) Names of participating vendors, as well as qualifying experience and educational background of such vendors.

(2) MEMORANDUM OF UNDERSTANDING BETWEEN INSPECTORS GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Inspector General of the Department of Education shall enter into a memorandum of understanding with each other to carry out paragraph (1).

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General of the Department of Defense and the Inspector General of the Department of Education shall jointly submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review required by paragraph (1). The report shall include—

(A) findings of the Inspectors General regarding the management procedures reviewed; and

(B) such other information and recommendations as the Inspectors General consider appropriate.

(d) DEFINITIONS.—In this section:

(1) The term "State licensing agency" means any agency designated by the Secretary of Education under section 2(a)(5) of the Randolph-Sheppard Act (20 U.S.C. 107a(a)(5)).

(2) The term "military dining facility" means a facility owned, operated, leased, or wholly controlled by the Department of Defense and used to provide dining services to members of the Armed Forces, including a cafeteria, military mess hall, military troop dining facility, or any similar dining facility operated for the purpose of providing meals to members of the Armed Forces.

SEC. 857. ENHANCED ACCESS FOR SMALL BUSINESS.

Section 9(a) of the Contract Disputes Act of 1978 (41 U.S.C. 608) is amended by striking the period at the end of the first sentence and inserting the following: "or, in the case of a small business concern (as defined in the Small Business Act and regulations under that Act), $150,000 or less.".

SEC. 858. PROCUREMENT GOAL FOR HISPANIC-SERVING INSTITUTIONS.

Section 2323 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) Hispanic-serving institutions (as defined in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).";

(2) in subsection (a)(2)—

(A) by inserting after "historically Black colleges and universities" the following: ", Hispanic-serving institutions,"; and

(B) by inserting after "such colleges and universities" the following: "and institutions";

(3) in subsection (c)(1), by inserting after "historically Black colleges and universities" the following: ", Hispanic-serving institutions,"; and

(4) in subsection (c)(3), by inserting after "historically Black colleges and universities" the following: ", to Hispanic-serving institutions,".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Increase in authorized number of Assistant Secretaries of Defense.
Sec. 902. Modifications to the Combatant Commander Initiative Fund.
Sec. 903. Addition to membership of specified council.
Sec. 904. Consolidation and standardization of authorities relating to Department of Defense Regional Centers for Security Studies.
Sec. 905. Oversight by Office of Under Secretary of Defense for Acquisition, Technology, and Logistics of exercise of acquisition authority by combatant commanders and heads of Defense Agencies.
Sec. 906. Standardization of statutory references to "national security system" within laws applicable to Department of Defense.
Sec. 907. Correction of reference to predecessor of Defense Information Systems Agency.

Subtitle B—Space Activities

Sec. 911. Designation of successor organizations for the disestablished Interagency Global Positioning Executive Board.
Sec. 912. Extension of authority for pilot program for provision of space surveillance network services to non-United States Government entities.
Sec. 913. Operationally responsive space.
Sec. 914. Independent review and assessment of Department of Defense organization and management for national security in space.

Subtitle C—Chemical Demilitarization Program

Sec. 921. Sense of Congress on completion of destruction of United States chemical weapons stockpile.
Sec. 922. Comptroller General review of cost-benefit analysis of off-site versus on-site treatment and disposal of hydrolysate derived from neutralization of VX nerve gas at Newport Chemical Depot, Indiana.
Sec. 923. Incentives clauses in chemical demilitarization contracts.
Sec. 924. Chemical demilitarization program contracting authority.

Subtitle D—Intelligence-Related Matters

Sec. 931. Four-year extension of authority of Secretary of Defense to engage in commercial activities as security for intelligence collection activities.
Sec. 932. Annual reports on intelligence oversight activities of the Department of Defense.
Sec. 933. Collection by National Security Agency of service charges for certification or validation of information assurance products.

Subtitle E—Other Matters

Sec. 941. Department of Defense policy on unmanned systems.
Sec. 942. Executive Schedule level IV for Deputy Under Secretary of Defense for Logistics and Materiel Readiness.
Sec. 943. Study and report on reform of Defense Travel System.
Sec. 944. Administration of pilot project on Civilian Linguist Reserve Corps.
Sec. 945. Improvement of authorities on the National Security Education Program.
Sec. 946. Report on the posture of United States Special Operations Command to conduct the global war on terrorism.

Subtitle A—Department of Defense Management

SEC. 901. INCREASE IN AUTHORIZED NUMBER OF ASSISTANT SECRETARIES OF DEFENSE.

(a) INCREASE.—Section 138(a) of title 10, United States Code, is amended by striking "nine" and inserting "ten".

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking "(9)" after "Assistant Secretaries of Defense" and inserting "(10)".

SEC. 902. MODIFICATIONS TO THE COMBATANT COMMANDER INITIATIVE FUND.

(a) ADDITION TO AUTHORIZED ACTIVITIES.—Subsection (b)(6) of section 166a of title 10, United States Code is amended by striking "civil assistance" and inserting "civic assistance, to include urgent and unanticipated humanitarian relief and reconstruction assistance".

(b) ADDITIONAL PRIORITY CONSIDERATION.—Subsection (c) of such section is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) the provision of funds to be used for urgent and unanticipated humanitarian relief and reconstruction assistance, particularly in a foreign country where the armed forces are engaged in a contingency operation.".

SEC. 903. ADDITION TO MEMBERSHIP OF SPECIFIED COUNCIL.

Section 179(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) The commander of the United States Strategic Command.".

SEC. 904. CONSOLIDATION AND STANDARDIZATION OF AUTHORITIES RELATING TO DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) BASIC AUTHORITIES FOR REGIONAL CENTERS.—

(1) IN GENERAL.—Section 184 of title 10, United States Code, is amended to read as follows:

"§ 184. Regional Centers for Security Studies

"(a) IN GENERAL.—The Secretary of Defense shall administer the Department of Defense Regional Centers for Security Studies in accordance with this section as international venues for bilateral and multilateral research, communication, and exchange of ideas involving military and civilian participants.

"(b) REGIONAL CENTERS SPECIFIED.—(1) A Department of Defense Regional Center for Security Studies is a Department of Defense institution that—

"(A) is operated, and designated as such, by the Secretary of Defense for the study of security issues relating to a specified geographic region of the world; and

"(B) serves as a forum for bilateral and multilateral research, communication, and exchange of ideas involving military and civilian participants.

"(2) The Department of Defense Regional Centers for Security Studies are the following:

"(A) The George C. Marshall European Center for Security Studies, established in 1993 and located in Garmisch-Partenkirchen, Germany.

"(B) The Asia-Pacific Center for Security Studies, established in 1995 and located in Honolulu, Hawaii.

"(C) The Center for Hemispheric Defense Studies, established in 1997 and located in Washington, D.C.

"(D) The Africa Center for Strategic Studies, established in 1999 and located in Washington, D.C.

"(E) The Near East South Asia Center for Strategic Studies, established in 2000 and located in Washington, D.C.

"(3) No institution or element of the Department of Defense may be designated as a Department of Defense Regional Center for Security Studies for purposes of this section, other than the institutions specified in paragraph (2), except as specifically provided by law after the date of the enactment of this section.

"(c) REGULATIONS.—The administration of the Regional Centers under this section shall be carried out under regulations prescribed by the Secretary.

"(d) PARTICIPATION.—Participants in activities of the Regional Centers may include United States and foreign military, civilian, and nongovernmental personnel.

"(e) EMPLOYMENT AND COMPENSATION OF FACULTY.—At each Regional Center, the Secretary may, subject to the availability of appropriations—

"(1) employ a Director, a Deputy Director, and as many civilians as professors, instructors, and lecturers as the Secretary considers necessary; and

"(2) prescribe the compensation of such persons, in accordance with Federal guidelines.

"(f) PAYMENT OF COSTS.—(1) Participation in activities of a Regional Center shall be on a reimbursable basis (or by payment in advance), except in a case in which reimbursement is waived in accordance with paragraph (3).

"(2) For a foreign national participant, payment of costs may be made by the participant, the participant's own government, by a Department or agency of the United States other than the Department of Defense, or by a gift or donation on behalf of one or more Regional Centers accepted under section 2611 of this title on behalf of the participant's government.

"(3) The Secretary of Defense may waive reimbursement of the costs of activities of the Regional Centers for foreign military officers and foreign defense and security civilian government officials from a developing country if the Secretary determines that attendance of such personnel without reimbursement is in the national security interest of the United States. Costs for which reimbursement is waived pursuant to this paragraph shall be paid from appropriations available to the Regional Centers.

"(4) Funds accepted for the payment of costs shall be credited to the appropriation then currently available to the Department of Defense for the Regional Center that incurred the costs. Funds so credited shall be merged with the appropriation to which credited and shall be available to that Regional Center for the same purposes and same period as the appropriation with which merged.

"(5) Funds available for the payment of personnel expenses under the Latin American cooperation authority set forth in section 1050 of this title are also available for the costs of the operation of the Center for Hemispheric Defense Studies.

"(g) SUPPORT TO OTHER AGENCIES.—The Director of a Regional Center may enter into agreements with the Secretaries of the military departments, the heads of the Defense Agencies, and, with the concurrence of the Secretary of Defense, the heads of other Federal departments and agencies for the provision of services by that Regional Center under this section. Any such participating department and agency shall transfer to the Regional Center funds to pay the full costs of the services received.

"(h) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the operation of the Regional Centers for security studies during the preceding fiscal year. The annual report shall include, for each Regional Center, the following information:

"(1) The status and objectives of the center.

"(2) The budget of the center, including the costs of operating the center.

"(3) A description of the extent of the international participation in the programs of the center, including the costs incurred by the United States for the participation of each foreign nation.

"(4) A description of the foreign gifts and donations, if any, accepted under section 2611 of this title.".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

"184. Regional Centers for Security Studies.".

(b) CONFORMING AMENDMENTS.—

(1) EMPLOYMENT AND COMPENSATION AUTHORITY FOR CIVILIAN FACULTY.—Section 1595 of title 10, United States Code, is amended—

(A) in subsection (c)—

(i) by striking paragraphs (3) and (5); and

(ii) by redesignating paragraphs (4) and (6) as paragraphs (3) and (4), respectively; and

(B) by striking subsection (e).

(2) STATUS OF CENTER FOR HEMISPHERIC DEFENSE STUDIES.—Section 2165 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking paragraph (6); and

(ii) by redesignating paragraph (7) as paragraph (6); and

(B) by striking subsection (c).

SEC. 905. OVERSIGHT BY OFFICE OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS OF EXERCISE OF ACQUISITION AUTHORITY BY COMBATANT COMMANDERS AND HEADS OF DEFENSE AGENCIES.

(a) DESIGNATION OF OFFICIAL FOR OVERSIGHT.—The Secretary of Defense shall designate a senior acquisition official within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics to oversee the exercise of acquisition authority by—

(1) any commander of a combatant command who is authorized by section 166b, 167, or 167a of title 10, United States Code, to exercise acquisition authority; and

(2) any head of a Defense Agency who is designated by the Secretary of Defense to exercise acquisition authority.

(b) GUIDANCE.—

(1) IN GENERAL.—The senior acquisition official designated under subsection (a) shall develop guidance to ensure that the use of acquisition authority by commanders of combatant commands and the heads of Defense Agencies—

(A) is in compliance with department-wide acquisition policy; and

(B) is coordinated with and mutually supportive of acquisition programs of the military departments.

(2) URGENT REQUIREMENTS.—Guidance developed under paragraph (1) shall take into account the need to fulfill the urgent requirements of the commanders of combatant commands and the heads of Defense Agencies and to ensure that those requirements are addressed expeditiously.

(c) CONSULTATION.—The senior acquisition official designated under subsection (a) shall on a regular basis consult on matters related to requirements and acquisition with the commanders of combatant commands and the heads of Defense Agencies referred to in that subsection.

(d) DEADLINE FOR DESIGNATION.—The Secretary of Defense shall make the designation required by subsection (a) not later than 180 days after the date of the enactment of this Act.

SEC. 906. STANDARDIZATION OF STATUTORY REFERENCES TO "NATIONAL SECURITY SYSTEM" WITHIN LAWS APPLICABLE TO DEPARTMENT OF DEFENSE.

(a) DEFENSE BUSINESS SYSTEMS.—Section 2222(j)(6) of title 10, United States Code, is amended by striking "in section 2315 of this title" and inserting "in section 3542(b)(2) of title 44".

(b) CHIEF INFORMATION OFFICER RESPONSIBILITIES.—Section 2223(c)(3) of such title is amended by striking "section 11103 of title 40" and inserting "section 3542(b)(2) of title 44".

(c) PROCUREMENT OF AUTOMATIC DATA PROCESSING EQUIPMENT AND SERVICES.—The text of section 2315 of such title is amended to read as follows:

"For purposes of subtitle III of title 40, the term 'national security system', with respect to a telecommunications and information system operated by the Department of Defense, has the meaning given that term by section 3542(b)(2) of title 44.".

SEC. 907. CORRECTION OF REFERENCE TO PREDECESSOR OF DEFENSE INFORMATION SYSTEMS AGENCY.

Paragraph (1) of section 193(f) of title 10, United States Code, is amended to read as follows:

"(1) The Defense Information Systems Agency.".

Subtitle B—Space Activities

SEC. 911. DESIGNATION OF SUCCESSOR ORGANIZATIONS FOR THE DISESTABLISHED INTERAGENCY GLOBAL POSITIONING EXECUTIVE BOARD.

(a) SUCCESSOR ORGANIZATIONS.—Section 8 of the Commercial Space Transportation Competitiveness Act of 2000 (10 U.S.C. 2281 note) is amended by striking "by Congress" and all that follows and inserting "for the functions and activities of the following organizations established pursuant to the United States Space-Based Position, Navigation, and Timing Policy issued December 8, 2004 (and any successor organization, to the extent the successor organization performs the functions of the specified organization):

"(1) The interagency committee known as the National Space-Based Positioning, Navigation, and Timing Executive Committee.

"(2) The support office for the committee specified in paragraph (1) known as the National Space-Based Positioning, Navigation, and Timing Coordination Office.

"(3) The Federal advisory committee known as the National Space-Based Positioning, Navigation, and Timing Advisory Board.".

(b) CLARIFICATION.—Such section is further amended by striking "interagency funding" and inserting "multi-agency funding".

SEC. 912. EXTENSION OF AUTHORITY FOR PILOT PROGRAM FOR PROVISION OF SPACE SURVEILLANCE NETWORK SERVICES TO NON-UNITED STATES GOVERNMENT ENTITIES.

Section 2274(i) of title 10, United States Code, is amended by striking "shall be conducted" and all that follows and inserting "may be conducted through September 30, 2009.".

SEC. 913. OPERATIONALLY RESPONSIVE SPACE.

(a) UNITED STATES POLICY ON OPERATIONALLY RESPONSIVE SPACE.—It is the policy of the United States to demonstrate, acquire, and deploy an effective capability for operationally responsive space to support military users and operations from space, which shall consist of—

(1) responsive satellite payloads and busses built to common technical standards;

(2) low-cost space launch vehicles and supporting range operations that facilitate the timely launch and on-orbit operations of satellites;

(3) responsive command and control capabilities; and

(4) concepts of operations, tactics, techniques, and procedures that permit the use of responsive space assets for combat and military operations other than war.

(b) OPERATIONALLY RESPONSIVE SPACE PROGRAM OFFICE.—

(1) ESTABLISHMENT OF OFFICE.—Section 2273a of title 10, United States Code, is amended to read as follows:

"§2273a. Operationally Responsive Space Program Office

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the Department of Defense an office to be known as the Operationally Responsive Space Program Office (in this section referred to as the 'Office').

"(b) HEAD OF OFFICE.—The head of the Office shall be—

"(1) the Department of Defense Executive Agent for Space; or

"(2) the designee of the Secretary of Defense, who shall report to the Department of Defense Executive Agent for Space.

"(c) MISSION.—The mission of the Office shall be—

"(1) to contribute to the development of low-cost, rapid reaction payloads, busses, spacelift, and launch control capabilities in order to fulfill joint military operational requirements for on-demand space support and reconstitution; and

"(2) to coordinate and execute operationally responsive space efforts across the Department of Defense with respect to planning, acquisition, and operations.

"(d) ELEMENTS.—The Secretary of Defense shall select the elements of the Department of Defense to be included in the Office so as to contribute to the development of capabilities for operationally responsive space and to achieve a balanced representation of the military departments in the Office to ensure proper acknowledgment of joint considerations in the activities of the Office, except that the Office shall include the following:

"(1) A science and technology element that shall pursue innovative approaches to the development of capabilities for operationally responsive space through basic and applied research focused on (but not limited to) payloads, bus, and launch equipment.

"(2) An acquisition element that shall undertake the acquisition of systems necessary to integrate, sustain, and launch assets for operationally responsive space.

"(3) An operations element that shall—

"(A) sustain and maintain assets for operationally responsive space prior to launch;

"(B) integrate and launch such assets; and

"(C) operate such assets in orbit.

"(4) A combatant command support element that shall serve as the primary intermediary between the military departments and the combatant commands in order to—

"(A) ascertain the needs of the commanders of the combatant commands; and

"(B) integrate operationally responsive space capabilities into—

"(i) operations plans of the combatant commands;

"(ii) techniques, tactics, and procedures of the military departments; and

"(iii) military exercises, demonstrations, and war games.

"(5) Such other elements as the Secretary of Defense may consider necessary.

"(e) ACQUISITION AUTHORITY.—The acquisition activities of the Office shall be subject to the following:

"(1) The Department of Defense Executive Agent for Space shall be the senior acquisition executive of the Office.

"(2) The Joint Capabilities Integration and Development System process shall not apply to acquisitions by the Office for operational experimentation.

"(3) The commander of the United States Strategic Command, or the designee of the commander, shall—

"(A) validate all system requirements for systems to be acquired by the Office; and

"(B) participate in the approval of any acquisition program initiated by the Office.

"(4) To the maximum extent practicable, the procurement unit cost of a launch vehicle procured by the Office for launch to low earth orbit should not exceed $20,000,000 (in constant dollars).

"(5) To the maximum extent practicable, the procurement unit cost of an integrated satellite procured by the Office should not exceed $40,000,000 (in constant dollars).

"(f) REQUIRED PROGRAM ELEMENT.—(1) The Secretary of Defense shall ensure that, within budget program elements for space programs of the Department of Defense, that—

"(A) there is a separate, dedicated program element for operationally responsive space;

"(B) to the extent applicable, relevant program elements should be consolidated into the program element required by subparagraph (A); and

"(C) the Office executes its responsibilities through this program element.

"(2) The Office shall manage the program element required by paragraph (1)(A).".

(2) CLERICAL AMENDMENT.—The item relating to that section in the table of sections at the beginning of chapter 135 of such title is amended to read as follows:

"2273a. Operationally Responsive Space Program Office.".

(c) PLAN FOR OPERATIONALLY RESPONSIVE SPACE.—

(1) PLAN REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan for the acquisition by the Department of Defense of capabilities for operationally responsive space to support military users and military operations.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) An identification of the roles and missions of each military department, Defense Agency, and other component or element of the Department of Defense for the fulfillment of the mission of the Department with respect to operationally responsive space.

(B) An identification of the capabilities required by the Department to fulfill such mission during the period covered by the current future-years defense program submitted to Congress pursuant to section 221 of title 10, United States Code, and an additional 10-year period.

(C) A description of the chain of command and reporting structure of the Operationally Responsive Space Program Office established under section 2273a of title 10, United States Code, as amended by subsection (b).

(D) A description of the classification of information required for the Operationally Responsive Space Program Office in order to ensure that the Office carries out its responsibilities under such section 2273a in a proper and efficient manner.

(E) A description of the acquisition policies and procedures applicable to the Operationally Responsive Space Program Office, including a description of any legislative or administrative action necessary to provide the Office additional acquisition authority to carry out its responsibilities.

(F) A schedule for the implementation of the plan and the establishment of the Operationally Responsive Space Program Office.

(G) The funding and personnel required to implement the plan over the course of the current future-years defense program.

(H) A description of any additional authorities and programmatic, organizational, or other changes necessary to ensure that the Operationally Responsive Space Program Office can successfully carry out its responsibilities.

(d) REPEAL OF SUPERSEDED LAW.—Section 913 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3408; 10 U.S.C. 2273a note) is repealed.

SEC. 914. INDEPENDENT REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT FOR NATIONAL SECURITY IN SPACE.

(a) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—The Secretary of Defense shall select an appropriate entity outside the Department of Defense to conduct an independent review and assessment of the organization and management of the Department of Defense for national security in space. In selecting the entity to conduct the review and assessment, the Secretary shall consult with the chairman and ranking minority member of the Committee on Armed Services of the Senate and the chairman and ranking minority member of the Committee on Armed Services of the House of Representatives.

(b) ELEMENTS.—The review and assessment required by this section shall address the following:

(1) The requirements of the Department of Defense for national security space capabilities, as identified by the Department, and the efforts of the Department to fulfill such requirements.

(2) The actions that could be taken by the Department to modify the organization and management of the Department over the near-term, medium-term, and long-term in order to strengthen United States national security in space, and the ability of the Department to implement its requirements and carry out the future space missions, including the following:

(A) Actions to improve or enhance current interagency coordination processes regarding the operation of national security space assets, including improvements or enhancements in interoperability and communications.

(B) Actions to improve or enhance the relationship between the intelligence aspects of national security space (so-called "black space") and the non-intelligence aspects of national security space (so-called "white space").

(C) Actions to improve or enhance the manner in which military space issues are addressed by professional military education institutions.

(D) Actions to create a specialized career field for military space acquisition personnel, to include an emphasis on long-term assignments, that could help develop and maintain a professional space acquisition cadre with technical expertise and institutional knowledge.

(c) LIAISON.—The Secretary of Defense shall designate at least one senior civilian employee of the Department of Defense, and at least one general or flag officer, to serve as liaison between the Department, the Armed Forces, and the entity conducting the review and assessment under this section.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the entity conducting the review and assessment under this section shall submit to the Secretary of Defense and the congressional defense committees a report containing—

(1) the results of the review and assessment; and

(2) recommendations on the best means by which the Department may improve its organization and management for national security in space.

Subtitle C—Chemical Demilitarization Program

SEC. 921. SENSE OF CONGRESS ON COMPLETION OF DESTRUCTION OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the "Chemical Weapons Convention"), requires that destruction of the entire United States chemical weapons stockpile be completed by no later than the extended deadline of April 29, 2012.

(2) On April 10, 2006, the Department of Defense notified Congress that the United States would not meet even the extended deadline under the Chemical Weapons Convention for destruction of the United States chemical weapons stockpile.

(3) Destroying existing chemical weapons is a homeland security imperative and an arms control priority and is required by United States law.

(4) The elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States is committed to making every effort to safely dispose of its entire chemical weapons stockpile by the Chemical Weapons Convention extended deadline of April 29, 2012, or as soon thereafter as possible, and will carry out all of its other obligations under that Convention;

(2) to prevent further delays in completing the destruction of the United States chemical weapons stockpile, the Secretary of Defense should prepare a comprehensive schedule for the safe destruction of such stockpile and should annually submit that schedule (as currently in effect) to the congressional defense committees, either separately or as part of another required report, until such destruction is completed;

(3) the Secretary of Defense should make every effort to ensure adequate funding to complete the elimination of the United States chemical weapons stockpile in the shortest time possible, consistent with the requirement to protect public health, safety, and the environment; and

(4) when selecting a site for the treatment or disposal of neutralized chemical agent at a location remote from the location where the agent is stored, the Secretary of Defense should propose a credible process that seeks to gain the support of affected communities.

SEC. 922. COMPTROLLER GENERAL REVIEW OF COST-BENEFIT ANALYSIS OF OFF-SITE VERSUS ON-SITE TREATMENT AND DISPOSAL OF HYDROLYSATE DERIVED FROM NEUTRALIZATION OF VX NERVE GAS AT NEWPORT CHEMICAL DEPOT, INDIANA.

(a) REVIEW REQUIRED.—Not later than December 1, 2006, the Comptroller General shall submit to Congress a report containing a review of the cost-benefit analysis prepared by the Secretary of the Army entitled "Cost-Benefit Analysis of Off-Site Versus On-Site Treatment and Disposal of Newport Caustic Hydrolysate" and dated April 24, 2006.

(b) CONTENT OF REVIEW.—In conducting the review under subsection (a), the Comptroller General shall consider and assess at a minimum the following matters:

(1) The adequacy of the rationale contained in the cost-benefit analysis referred to in subsection (a) in dismissing five of the eight technologies for hydrolysate treatment directed for consideration on page 116 of the Report of the Committee on Armed Services of the House of Representatives on H.R. 1815 (House Report 109–89).

(2) The rationale for the failure of the Secretary of the Army to consider other technical solutions, such as constructing a wastewater disposal system at the Newport Chemical Depot.

(3) The adequacy of the cost-benefit analysis presented for the three technologies considered.

(c) LIMITATION ON TRANSPORT PENDING REPORT.—The Secretary of the Army may not transport neutralized bulk nerve agent (other than those small quantities necessary for laboratory evaluation of the disposal process) from the Newport Chemical Depot to the State of New Jersey until the earlier of—

(1) the end of the 60-day period beginning on the date on which the report required by subsection (a) is submitted; or

(2) February 1, 2007.

SEC. 923. INCENTIVES CLAUSES IN CHEMICAL DEMILITARIZATION CONTRACTS.

(a) IN GENERAL.—

(1) AUTHORITY TO INCLUDE CLAUSES IN CONTRACTS.—The Secretary of Defense may, for the purpose specified in paragraph (2), authorize the inclusion of an incentives clause in any contract for the destruction of the United States stockpile of lethal chemical agents and munitions carried out pursuant to section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521).

(2) PURPOSE.—The purpose of a clause referred to in paragraph (1) is to provide the contractor for a chemical demilitarization facility an incentive to accelerate the safe elimination of the United States chemical weapons stockpile and to reduce the total cost of the Chemical Demilitarization Program by providing incentive payments for the early completion of destruction operations and the closure of such facility.

(b) INCENTIVES CLAUSES.—

(1) IN GENERAL.—An incentives clause under this section shall permit the contractor for the chemical demilitarization facility concerned the opportunity to earn incentive payments for the completion of destruction operations and facility closure activities within target incentive ranges specified in such clause.

(2) LIMITATION ON INCENTIVE PAYMENTS.—The maximum incentive payment under an incentives clause with respect to a chemical demilitarization facility may not exceed amounts as follows:

(A) In the case of an incentive payment for the completion of destruction operations within the target incentive range specified in such clause, $110,000,000.

(B) In the case of an incentive payment for the completion of facility closure activities within the target incentive range specified in such clause, $55,000,000.

(3) TARGET RANGES.—An incentives clause in a contract under this section shall specify the target incentive ranges of costs for completion of destruction operations and facility closure activities, respectively, as jointly agreed upon by the contracting officer and the contractor concerned. An incentives clause shall require a proportionate reduction in the maximum incentive payment amounts in the event that the contractor exceeds an agreed-upon target cost if such excess costs are the responsibility of the contractor.

(4) CALCULATION OF INCENTIVE PAYMENTS.—The amount of the incentive payment earned by a contractor for a chemical demilitarization facility under an incentives clause under this section shall be based upon a determination by the Secretary on how early in the target incentive range specified in such clause destruction operations or facility closure activities, as the case may be, are completed.

(5) CONSISTENCY WITH EXISTING OBLIGATIONS.—The provisions of any incentives clause

under this section shall be consistent with the obligation of the Secretary of Defense under section 1412(c)(1)(A) of the Department of Defense Authorization Act, 1986, to provide for maximum protection for the environment, the general public, and the personnel who are involved in the destruction of the lethal chemical agents and munitions.

(6) ADDITIONAL TERMS AND CONDITIONS.—In negotiating the inclusion of an incentives clause in a contract under this section, the Secretary may include in such clause such additional terms and conditions as the Secretary considers appropriate.

(c) ADDITIONAL LIMITATION ON PAYMENTS.—

(1) PAYMENT CONDITIONAL ON PERFORMANCE.—No payment may be made under an incentives clause under this section unless the Secretary determines that the contractor concerned has satisfactorily performed its duties under such incentives clause.

(2) PAYMENT CONTINGENT ON APPROPRIATIONS.—An incentives clause under this section shall specify that the obligation of the Government to make payment under such incentives clause is subject to the availability of appropriations for that purpose. Amounts appropriated for Chemical Agents and Munitions Destruction, Defense, shall be available for payments under incentives clauses under this section.

SEC. 924. CHEMICAL DEMILITARIZATION PROGRAM CONTRACTING AUTHORITY.

(a) MULTIYEAR CONTRACTING AUTHORITY.—The Secretary of Defense may carry out responsibilities under section 1412(a) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(a)) through multiyear contracts entered into before the date of the enactment of this Act.

(b) AVAILABILITY OF FUNDS.—Contracts entered into under subsection (a) shall be funded through annual appropriations for the destruction of chemical agents and munitions.

Subtitle D—Intelligence-Related Matters

SEC. 931. FOUR-YEAR EXTENSION OF AUTHORITY OF SECRETARY OF DEFENSE TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2010".

SEC. 932. ANNUAL REPORTS ON INTELLIGENCE OVERSIGHT ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following new section:

"§427. Intelligence oversight activities of Department of Defense: annual reports

"(a) ANNUAL REPORTS REQUIRED.—(1) Not later than March 1 of each year, the Secretary of Defense shall submit—

"(A) to the congressional committees specified in subparagraph (A) of paragraph (2) a report on the intelligence oversight activities of the Department of Defense during the previous calendar year insofar as such oversight activities relate to tactical intelligence and intelligence-related activities of the Department; and

"(B) to the congressional committees specified in subparagraph (B) of paragraph (2) a report on the intelligence oversight activities of the Department of Defense during the previous calendar year insofar as such oversight activities relate to intelligence and intelligence-related activities of the Department other than those specified in subparagraph (A).

"(2)(A) The committees specified in this subparagraph are the following:

"(i) The Committee on Armed Services and the Committee on Appropriations of the Senate.

"(ii) The Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

"(B) The committees specified in this subparagraph are the following:

"(i) The Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

"(ii) The Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives.

"(b) ELEMENTS.—Each report under subsection (a) shall include, for the calendar year covered by such report and with respect to oversight activities subject to coverage in that report, the following:

"(1) A description of any violation of law or of any Executive order or Presidential directive (including Executive order No. 12333) that comes to the attention of any General Counsel or Inspector General within the Department of Defense, or the Under Secretary of Defense for Intelligence, and a description of the actions taken by such official with respect to such activity.

"(2) A description of the results of intelligence oversight inspections undertaken by each of the following:

"(A) The Office of the Secretary of Defense.

"(B) Each military department.

"(C) Each combat support agency.

"(D) Each field operating agency.

"(3) A description of any changes made in any program for the intelligence oversight activities of the Department of Defense, including any training program.

"(4) A description of any changes made in any published directive or policy memoranda on the intelligence or intelligence-related activities of—

"(A) any military department;

"(B) any combat support agency; or

"(C) any field operating agency.

"(c) DEFINITIONS.—In this section:

"(1) The term 'intelligence oversight activities of the Department of Defense' refers to any activity undertaken by an agency, element, or component of the Department of Defense to ensure compliance with regard to requirements or instructions on the intelligence and intelligence-related activities of the Department under law or any Executive order or Presidential directive (including Executive Order No. 12333).

"(2) The term 'combat support agency' has the meaning given that term in section 193(f) of this title.

"(3) The term 'field operating agency' means a specialized subdivision of the Department of Defense that carries out activities under the operational control of the Department.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"427. Intelligence oversight activities of Department of Defense: annual reports.".

SEC. 933. COLLECTION BY NATIONAL SECURITY AGENCY OF SERVICE CHARGES FOR CERTIFICATION OR VALIDATION OF INFORMATION ASSURANCE PRODUCTS.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

"SEC. 20. (a) The Director may collect charges for evaluating, certifying, or validating information assurance products under the National Information Assurance Program or successor program.

"(b) The charges collected under subsection (a) shall be established through a public rulemaking process in accordance with Office of Management and Budget Circular No. A-25.

"(c) Charges collected under subsection (a) shall not exceed the direct costs of the program referred to in that subsection.

"(d) The appropriation or fund bearing the cost of the service for which charges are collected under the program referred to in subsection (a) may be reimbursed, or the Director may require advance payment subject to such adjustment on completion of the work as may be agreed upon.

"(e) Amounts collected under this section shall be credited to the account or accounts from which costs associated with such amounts have been or will be incurred, to reimburse or offset the direct costs of the program referred to in subsection (a).".

Subtitle E—Other Matters

SEC. 941. DEPARTMENT OF DEFENSE POLICY ON UNMANNED SYSTEMS.

(a) POLICY REQUIRED.—The Secretary of Defense shall develop a policy, to be applicable throughout the Department of Defense, on research, development, test and evaluation, procurement, and operation of unmanned systems.

(b) ELEMENTS.—The policy required by subsection (a) shall include or address the following:

(1) An identification of missions and mission requirements, including mission requirements for the military departments and joint mission requirements, for which unmanned systems may replace manned systems.

(2) A preference for unmanned systems in acquisition programs for new systems, including a requirement under any such program for the development of a manned system for a certification that an unmanned system is incapable of meeting program requirements.

(3) An assessment of the circumstances under which it would be appropriate to pursue joint development and procurement of unmanned systems and components of unmanned systems.

(4) The transition of unmanned systems unique to one military department to joint systems, when appropriate.

(5) An organizational structure for effective management, coordination, and budgeting for the development and procurement of unmanned systems, including an assessment of the feasibility and advisability of designating a single department or other element of the Department of Defense to act as executive agent for the Department on unmanned systems.

(6) The integration of unmanned and manned systems to enhance support of the missions identified in paragraph (1).

(7) Such other matters that the Secretary of Defense considers to be appropriate.

(c) CONSULTATION.—The Secretary of Defense shall develop the policy required by subsection (a) in consultation with the Chairman of the Joint Chiefs of Staff.

(d) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing—

(1) the policy required by subsection (a); and

(2) an implementation plan for the policy that includes—

(A) a strategy and schedules for the replacement of manned systems with unmanned systems in the performance of the missions identified in the policy pursuant to subsection (b)(1);

(B) establishment of programs to address technical, operational, and production challenges, and gaps in capabilities, with respect to unmanned systems; and

(C) an assessment of progress towards meeting the goals identified for the subset of unmanned air and ground systems established in section 220 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-38).

(e) UNMANNED SYSTEMS DEFINED.—In this section, the term "unmanned systems" consists of unmanned aerial systems, unmanned ground systems, and unmanned maritime systems.

SEC. 942. EXECUTIVE SCHEDULE LEVEL IV FOR DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS.

(a) Executive Schedule Level IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Under Secretary of Defense for Personnel and Readiness the following new item:

"Deputy Under Secretary of Defense for Logistics and Materiel Readiness.".

(b) Conforming Amendment.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Under Secretary of Defense for Logistics and Materiel Readiness.

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to individuals appointed as Deputy Under Secretary of Defense for Logistics and Materiel Readiness on or after that date.

SEC. 943. STUDY AND REPORT ON REFORM OF DEFENSE TRAVEL SYSTEM.

(a) Independent Study of System.—

(1) Study required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the results and recommendations of an independent study of the Defense Travel System conducted to determine the most cost-effect method of meeting Department of Defense travel requirements. The study shall be conducted by an entity outside the Department of Defense.

(2) Elements of study.—At a minimum, the study required by this subsection shall address the following:

(A) The feasibility of separating the financial infrastructure of the Defense Travel System, including voucher processing, accounting, disbursing, debt collection, management accountability, and archival functions, from the travel reservation process.

(B) The feasibility of converting the travel reservation process to a fee-for-services system or authorizing the use of multiple travel reservation processes, all of which processes would use the financial infrastructure of the Defense Travel System.

(C) The feasibility of making the use of the financial infrastructure of the Defense Travel System mandatory for all Department of Defense travel transactions.

(b) Implementation Plans.—Not later than 60 days after the Secretary of Defense receives the independent study required by subsection (a), the Secretary shall submit to the congressional defense committees a report describing the actions, if any, that the Secretary intends to take to implement the recommendations contained in the study. If the Secretary does not intend to implement any of the recommendations, the Secretary shall explain the basis for this decision.

(c) Conditions on New Contract or Expenditures for Defense Travel System.—Except to continue operations to provide current services and to perform the functions described in paragraphs (1) through (3), the Secretary of Defense may not initiate a new contract for the Defense Travel System or expend funds for the Defense Travel System until each of the following occurs:

(1) The Secretary submits the report required by subsection (b).

(2) The Secretary develops firm, fixed requirements for the Defense Travel System.

(3) The Secretary develops a schedule to phase out the legacy travel systems made redundant by implementation of the Defense Travel System.

SEC. 944. ADMINISTRATION OF PILOT PROJECT ON CIVILIAN LINGUIST RESERVE CORPS.

(a) Transfer of Administration to Secretary of Defense.—

(1) In general.—Administration of the pilot project on the establishment of a Civilian Linguist Reserve Corps required by section 613 of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3959; 50 U.S.C. 403–1b note) is hereby transferred from the Director of National Intelligence to the Secretary of Defense.

(2) Conforming amendments.—Section 613 of the Intelligence Authorization Act for Fiscal Year 2005 is amended—

(A) by striking "Director of National Intelligence" each place it appears and inserting "Secretary of Defense"; and

(B) by striking "Director" each place it appears and inserting "Secretary".

(b) Coordination With Director of National Intelligence in Administration.—Subsection (a) of such section is further amended—

(1) by inserting "(1)" after "Pilot Project.—"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary shall conduct the pilot project in coordination with the Director of National Intelligence.".

(c) Discharge of Project Through National Security Education Program.—Subsection (a) of such section is further amended by adding at the end the following new paragraph:

"(3) The Secretary shall conduct the pilot project through the National Security Education Program.".

(d) Duration of Project.—Subsection (c) of such section is amended by striking "three-year period" and inserting "five-year period".

(e) Repeal of Superseded Authorization.—Such section is further amended by striking subsection (f).

SEC. 945. IMPROVEMENT OF AUTHORITIES ON THE NATIONAL SECURITY EDUCATION PROGRAM.

(a) Expansion of Employment Creditable Under Service Agreements.—Paragraph (2) of subsection (b) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended to read as follows:

"(2)(A) will (in accordance with regulations prescribed by the Secretary of Defense in coordination with the heads of the other Federal departments and agencies concerned) begin work not later than three years after the recipient's completion of degree study during which scholarship assistance was provided under the program—

"(i) for not less than one year in a position certified by the Secretary of Defense, in coordination with the Director of National Intelligence, the Secretary of Homeland Security, and the Secretary of State (as appropriate), as contributing to the national security of the United States in the Department of Defense, any element of the intelligence community, the Department of Homeland Security, or the Department of State; or

"(ii) for not less than one year in a position in a Federal agency or office that is identified by the Secretary of Defense under subsection (g) as having national security responsibilities if the recipient demonstrates to the Secretary that no position is available in the departments and agencies covered by clause (i); or

"(B) will (in accordance with such regulations) begin work not later than two years after the recipient's completion or termination of study for which fellowship assistance was provided under the program—

"(i) for not less than one year in a position certified by the Secretary of Defense, in coordination with the Director of National Intelligence, the Secretary of Homeland Security, and the Secretary of State (as appropriate), as contributing to the national security of the United States in the Department of Defense, any element of the intelligence community, the Department of Homeland Security, or the Department of State; or

"(ii) for not less than one year in a position in a Federal agency or office that is identified by the Secretary of Defense under subsection (g) as having national security responsibilities if the recipient demonstrates to the Secretary that no position is available in the departments and agencies covered by clause (i); and",

(b) Temporary Employment and Retention of Certain Participants.—Such section is further amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) Temporary Employment and Retention of Certain Participants.—

"(1) In general.—The Secretary of Defense may—

"(A) appoint or retain a person provided scholarship or fellowship assistance under the program in a position in the Department of Defense on an interim basis during the period of the person's pursuit of a degree under the program and for a period not to exceed two years after completion of the degree, but only if, in the case of the period after completion of the degree, there is an active investigation to provide security clearance to the person for an appropriate permanent position in the Department of Defense under subsection (b)(2); and

"(B) if there is no appropriate permanent position available for the person after the end of the periods described in subparagraph (A), separate the person from employment with the Department without regard to any other provision of law, in which event the service agreement of the person under subsection (b) shall terminate.

"(2) Treatment of certain service.—The period of service of a person covered by paragraph (1) in a position on an interim basis under that paragraph shall, after completion of the degree, be treated as a period of service for purposes of satisfying the obligated service requirements of the person under the service agreement of the person under subsection (b).".

(c) Plan for Improving Program.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for improving the recruitment, placement, and retention within the Department of Defense of individuals who receive scholarships or fellowships under the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) in order to facilitate the purposes of that Act in meeting the requirements of the Department in acquiring individuals with critical foreign language skills and individuals who are regional experts.

SEC. 946. REPORT ON THE POSTURE OF UNITED STATES SPECIAL OPERATIONS COMMAND TO CONDUCT THE GLOBAL WAR ON TERRORISM.

(a) Findings.—Congress makes the following findings:

(1) The 2006 Quadrennial Defense Review recommends an increase in the size of the United States Special Operations Command as a fundamental part of the efforts of the Department of Defense to fight the global war on terrorism.

(2) Special operations forces conducting all nine of their statutory activities, as specified in section 167(j) of title 10, United States Code, play a crucial role in the global war on terrorism, and the Department of Defense should take a balanced approach to the expansion of the force structure of that command to provide additional capability in both the active and reserve components.

(3) Special operations forces are engaged in operations across the globe and in extreme and varied operational environments which require specialized training to successfully operate in those environments.

(4) Due to the global and long-term nature of the global war on terrorism, the Secretary of Defense should assess whether the United States Special Operations Command has the appropriate force structure and training focus required for successful operations in the global war on terrorism.

(b) REPORT ON POSTURE OF SOCOM TO CONDUCT THE GLOBAL WAR ON TERRORISM.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the posture of the United States Special Operations Command to conduct the global war on terrorism. The Secretary shall include in the report the following:

(1) The Secretary's assessment of whether the United States Special Operations Command is appropriately manned, resourced, and equipped to successfully meet the long-term requirements of the global war on terrorism.

(2) The Secretary's assessment whether the expansion of that command as recommended in the 2006 Quadrennial Defense Review provides an appropriate balance between active and reserve component capabilities.

(3) The Secretary's assessment of whether United States Special Operations Command has sufficient Army Special Forces to meet the 2006 Quadrennial Defense Review objective of building allied and partner nation capacity through security assistance and other training missions such as the Joint Combined Exchange Training program.

(4) A detailed statement of the efforts of the commander of the United States Special Operations Command to provide special operations forces personnel with specialized environmental training in preparation for operations across the globe and in extreme and varied operational environments such as mountain, jungle, or desert environments.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
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Subtitle E—Reports

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Sec. 1044. Reports on expanded use of unmanned aerial vehicles in the National Airspace System.
Sec. 1045. Report on incentives to encourage certain members and former members of the Armed Forces to serve in the Bureau of Customs and Border Protection.
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Subtitle F—Miscellaneous Authorities and Limitations on Availability and Use of Funds

Sec. 1051. Acceptance and retention of reimbursement from non-Federal sources to defray Department of Defense costs of conferences.
Sec. 1052. Increased flexibility in use of funds for Joint Staff exercises.
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Subtitle G—Matters Involving Detainees

Sec. 1061. Provision of information to Congress on certain criminal investigations and prosecutions involving detainees.

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Sec. 1071. Technical and clerical amendments.
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Sec. 1076. Use of the Armed Forces in major public emergencies.
Sec. 1077. Increased hunting and fishing opportunities for members of the Armed Forces, retired members, and disabled veterans.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2007 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,500,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF ADDITIONAL EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2006.

(a) IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title

I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234).

(b) Hurricane Disaster Relief and Recovery.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

(c) Border Security.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title V of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

SEC. 1003. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS RELATING TO LOWER INFLATION.

(a) Reduction.—The aggregate amount authorized to be appropriated by titles I, II, and III is the amount equal to the sum of all the amounts authorized to be appropriated by such titles reduced by $757,051,000.

(b) Source of Savings.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of a review of the inflation assumptions used in the preparation of the budget of the President for fiscal year 2007, as submitted to Congress pursuant to section 1005 of title 31, United States Code.

(c) Allocation of Reduction.—The Secretary of Defense shall allocate the reduction required by subsection (a) among the amounts authorized to be appropriated for accounts in titles I, II, and III to reflect the extent to which net savings from lower-than-expected inflation are allocable to amounts authorized to be appropriated to such accounts.

SEC. 1004. INCREASE IN FISCAL YEAR 2006 GENERAL TRANSFER AUTHORITY.

Section 1001(a)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3418) is amended by striking "$3,500,000,000" and inserting "$5,000,000,000".

SEC. 1005. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2007.

(a) Fiscal Year 2007 Limitation.—The total amount contributed by the Secretary of Defense in fiscal year 2007 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) Total Amount.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2006, of funds appropriated for fiscal years before fiscal year 2007 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) Authorized Amounts.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $797,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $310,277,000 for the Military Budget.

(d) Definitions.—For purposes of this section:

(1) Common-funded budgets of NATO.—The term "common-funded budgets of NATO" means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) Fiscal year 1998 baseline limitation.—The term "fiscal year 1998 baseline limitation" means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1006. REPORT ON BUDGETING FOR FLUCTUATIONS IN FUEL COST RATES.

(a) Secretary of Defense Report.—

(1) Report on budgeting for fuel cost fluctuations.—Not later than February 15, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the fuel rate and cost projection used in the annual Department of Defense budget presentation.

(2) Matters to be included.—In the report under paragraph (1), the Secretary shall—

(A) identify alternative approaches for selecting fuel rates that would produce more realistic estimates of amounts required to be appropriated or otherwise made available for the Department of Defense to accommodate fuel rate fluctuations;

(B) discuss the advantages and disadvantages of each approach identified pursuant to subparagraph (A); and

(C) identify the Secretary's preferred approach among the alternative identified pursuant to subparagraph (A) and provide the Secretary's rationale for preferring that approach.

(3) Identification of alternative approaches.—In identifying alternative approaches pursuant to paragraph (2)(A), the Secretary shall examine—

(A) approaches used by other Federal departments and agencies; and

(B) the feasibility of using private economic forecasting.

(b) Comptroller General Review and Report.—The Comptroller General shall review the report under subsection (a), including the basis for the Secretary's conclusions stated in the report, and shall submit, not later than March 15, 2007, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of that review.

SEC. 1007. MODIFICATION OF DATE OF SUBMITTAL OF OMB/CBO REPORT ON SCORING OF OUTLAYS.

Section 226(a) of title 10, United States Code, is amended by striking "January 15 of each year" and inserting "April 1 of each year".

SEC. 1008. BUDGETING FOR ONGOING MILITARY OPERATIONS IN AFGHANISTAN AND IRAQ.

The President's budget submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for each fiscal year after fiscal year 2007 shall include—

(1) a request for the appropriation of funds for such fiscal year for ongoing military operations in Afghanistan and Iraq;

(2) an estimate of all funds expected to be required in that fiscal year for such operations; and

(3) a detailed justification of the funds requested.

Subtitle B—Policy Relating to Vessels and Shipyards

SEC. 1011. AIRCRAFT CARRIER FORCE STRUCTURE.

(a) Reduction in Minimum Number of Operational Aircraft Carriers Required by Law.—Section 5062(b) of title 10, United States Code, is amended by striking "12" and inserting "11".

(b) Required Certification Before Retirement of U.S.S. John F. Kennedy.—The Secretary of the Navy may not retire the U.S.S. John F. Kennedy (CV–67) from operational status unless the Secretary of Defense first submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the Secretary's certification that the Secretary has received—

(1) a formal notice from the Secretary of Homeland Security that the Department of Homeland Security does not desire to maintain and operate that vessel; and

(2) a formal notice from the North Atlantic Treaty Organization that the North Atlantic Treaty Organization does not desire to maintain and operate that vessel.

(c) Conditions on Status of U.S.S. John F. Kennedy if Retired.—Upon the retirement from operational status of the U.S.S. John F. Kennedy (CV–67), the Secretary of the Navy—

(1) while the vessel is in the custody and control of the Navy, shall maintain that vessel in a state of preservation (including configuration control, dehumidification, cathodic protection, and maintenance of spares) that would allow for reactivation of that vessel in the event that the vessel was needed in response to a national emergency; and

(2) if the vessel is transferred from the custody and control of the Navy, shall require, as a condition of such transfer that—

(A) if the President declares a national emergency pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.), the transferee shall, upon request of the Secretary of Defense, return the vessel to the United States; and

(B) in such a case (unless the transferee is otherwise notified by the Secretary), title to the vessel shall revert immediately to the United States.

SEC. 1012. SENSE OF CONGRESS ON NAMING THE CVN–78 AIRCRAFT CARRIER AS THE U.S.S. GERALD R. FORD.

(a) Findings.—Congress makes the following findings:

(1) Gerald R. Ford has served his country with honor and distinction for the past 64 years, and continues to serve.

(2) Gerald R. Ford was commissioned in the Naval Reserve in 1942 and served valiantly at sea on the U.S.S. Monterey (CVL–26) during World War II, taking part in major operations in the Pacific, including at Makin Island, Kwajalein, Truk, Saipan, and the Philippine Sea.

(3) Gerald R. Ford received 9 engagement stars and 2 bronze stars for his service in the Navy during World War II.

(4) Gerald R. Ford was first elected to the House of Representatives in 1948.

(5) During 25 years of service in the House of Representatives, Gerald R. Ford distinguished himself by an exemplary record for character, decency, and trustworthiness.

(6) Throughout his service in the House of Representatives, Gerald R. Ford was an ardent proponent of strong national defense and international leadership by the United States.

(7) From 1965 to 1973, Gerald R. Ford served as minority leader of the House of Representatives, raising the standard for bipartisanship in his tireless fight for freedom, hope, and justice.

(8) In 1973, Gerald R. Ford was appointed by President Nixon to the office of Vice President of the United States under the 25th Amendment to the Constitution, having been confirmed by overwhelming majorities in both Houses of Congress.

(9) On August 9, 1974, Gerald R. Ford became the 38th President of the United States, taking office during one of the most challenging periods in the history of the United States.

(10) As President from August 9, 1974, to January 20, 1977, Gerald R. Ford restored the faith of the people of the United States in the office of the President through his steady leadership, courage, and ultimate integrity.

(11) As President, Gerald R. Ford helped restore the prestige of the United States in the world community by working to achieve peace in the Middle East, preserve detente with the Soviet Union, and set new limits on the spread of nuclear weapons.

(12) As President, Gerald R. Ford served as Commander in Chief of the Armed Forces with great dignity, supporting a strong Navy and a global military presence for the United States and honoring the members of the Armed Forces.

(13) Since leaving the office of President, Gerald R. Ford has been an international ambassador of American goodwill, a noted scholar and lecturer, a strong supporter of human rights, and a promoter of higher education.

(14) Gerald R. Ford was awarded the Medal of Freedom and the Congressional Gold Medal in 1999 in recognition of his contribution to the Nation.

(15) As President, Gerald R. Ford bore the weight of a constitutional crisis and guided the Nation on a path of healing and restored hope, earning forever the enduring respect and gratitude of the Nation.

(b) Naming of CVN–78 Aircraft Carrier.—It is the sense of Congress that the nuclear-powered aircraft carrier of the Navy designated as CVN–78 should be named the U.S.S. Gerald R. Ford.

SEC. 1013. TRANSFER OF NAVAL VESSELS TO FOREIGN NATIONS BASED UPON VESSEL CLASS.

Section 7307(a) of title 10, United States Code, is amended—

(1) by striking "disposition of that vessel is approved" and inserting "disposal of that vessel, or of a vessel of the class of that vessel, is authorized"; and

(2) by adding at the end the following new sentences: "In the case of an authorization by law for the disposal of such a vessel that names a specific vessel as being authorized for such disposal, the Secretary of Defense may substitute another vessel of the same class, if the vessel substituted has virtually identical capabilities as the named vessel. In the case of an authorization by law for the disposal of vessels of a specified class, the Secretary may dispose of vessels of that class pursuant to that authorization only in the number of such vessels specified in that law as being authorized for disposal.".

SEC. 1014. OVERHAUL, REPAIR, AND MAINTENANCE OF VESSELS IN FOREIGN SHIPYARDS.

Section 7310(a) of title 10, United States Code, is amended—

(1) by inserting "OR GUAM" in the subsection heading after "UNITED STATES"; and

(2) by inserting "or Guam" after "in the United States".

SEC. 1015. REPORT ON OPTIONS FOR FUTURE LEASE ARRANGEMENT FOR GUAM SHIPYARD.

(a) Report Required.—Not later than December 15, 2006, the Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report describing the options available with respect to the Guam Shipyard in Santa Rita, Guam.

(b) Contents of Report.—The report required under subsection (a) shall include the following:

(1) An evaluation of the performance of the entities that, as of the date of the enactment of this Act, are the lessee and operators of the Guam Shipyard under the terms of the lease in effect on the date of the enactment of this Act.

(2) An evaluation of each of the following options with respect to the Guam Shipyard lease:

(A) Terminating the remaining term of the lease and issuing a new 25 year lease with the same entity.

(B) Terminating the remaining term of the lease with respect to the approximately 73 acres within the Guam Shipyard that are required for mission requirements and leaving the remaining term of the lease in effect with respect to the approximately 27 acres within the Facility that are not required for mission requirements.

(C) Terminating the remaining term of the lease and negotiating a new use arrangement with a different lessee or operator. The new use arrangement options shall include:

(i) Government-owned and government-operated facility.

(ii) Government-owned and contractor-operated facility.

(iii) Government-leased property for contractor-owned and contractor-operated facility.

(c) Options for New Use Arrangements.—In evaluating the options under subsection (b)(2)(C), the Secretary of the Navy shall include an evaluation of each of the following:

(1) The anticipated future military vessel repair and workload on Guam in relation to the 2006 Quadrennial Defense Review, issued on February 6, 2006, pursuant to section 118 of title 10, United States Code.

(2) The anticipated military vessel repair and workload attributable to vessels comprising the Maritime Prepositioning Ship Squadron Three.

(3) The anticipated military vessel repair and workload due to a change in section 7310 of title 10, United States Code, that would designate Guam as a United States homeport facility.

(4) The expected workload if the submarine tender the U.S.S. Frank Cable (AS-40) is decommissioned.

(5) The estimated reacquisition costs of transferred Government property.

(6) Costs to improve floating dry dock mooring certification and required nuclear certification for the floating dry dock designated as AFDB-8 to conduct the following maintenance:

(A) Dry-docking selected restricted availabilities and mid-term availability for attack submarines.

(B) Dry-docking phased maintenance availabilities for amphibious vessels, including to amphibious assault ships, dock landing ships, and amphibious transport dock ships.

(C) Dry-docking phased maintenance availabilities for surface combatants, including cruisers, destroyers, and frigates.

(7) Commercial opportunities for development to expand commercial ship repair and general industrial services, given anti-terrorism force protection requirements at the current facility.

(8) Estimates from three contractors for the maintenance and repair costs associated with executing a multiship, multioption contract that would generate a minimum 60,000 manday commitment for the Department of the Navy and Military Sealift Command vessels.

(9) A projection of the maintenance and repair costs associated with executing a minimum 60,000 mandays for the Department of the Navy and Military Sealift Command vessels as a Government-owned and Government-operated Navy ship repair facility.

(d) Input From Contractors.—In evaluating the options under clauses (ii) and (iii) of subsection (b)(2)(C) for the purposes of paragraphs (1), (2), and (3) of subsection (c), the Secretary of the Navy shall seek input from at least three contractors on the viability of operations based on the projected workload fiscal years 2008 through 2013.

(e) Recommendations.—The Secretary of the Navy shall include in the report required under subsection (a) the following:

(1) The recommendations of the Secretary with respect to continuation of the existing Guam Shipyard lease based on evaluations conducted pursuant to subsection (b)(1).

(2) The option under subsection (b)(2) that the Secretary recommends for fiscal year 2008.

(f) GAO Report.—Not later than March 1, 2007, the Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report evaluating the report submitted by the Secretary of the Navy under subsection (a). The report shall include the option under subsection (b)(2) that the Secretary recommends for fiscal year 2008.

SEC. 1016. ASSESSMENTS OF NAVAL VESSEL CONSTRUCTION EFFICIENCIES AND OF EFFECTIVENESS OF SPECIAL CONTRACTOR INCENTIVES.

(a) Assessment Required.—The Secretary of the Navy shall conduct an assessment of each of the aspects of naval vessel construction specified in subsection (b) in order to determine—

(1) what inefficiencies exist in those aspects of naval vessel construction;

(2) what innovative design and production technologies, processes, and performance incentives are warranted to alleviate the inefficiencies so identified; and

(3) what action the Secretary intends to take to facilitate the adoption by the shipbuilding industry of the technologies, processes, and performance incentives identified under paragraph (2).

(b) Aspects to Be Assessed.—Subsection (a) applies with respect to the following aspects of naval vessel construction:

(1) Program design, engineering, and production engineering.

(2) Organization and operating systems.

(3) Steelwork production.

(4) Ship construction and outfitting.

(5) Combat systems development, integration, and installation.

(c) Consideration of Prior Assessments.—In making the assessments required by subsection (a), the Secretary shall take into consideration the results of—

(1) the study of the cost effectiveness of the ship construction program of the Navy required by section 1014 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2041);

(2) the assessment of the United States naval shipbuilding industry required by section 254 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3180); and

(3) any prior assessment performed by or on behalf of the Department of Defense.

(d) Special Contractor Incentives.—In addition to the assessments under subsection (a), the Secretary shall conduct an assessment of the effectiveness of the use in naval vessel construction contracts of special contract incentives for investment by the contractor in facilities and process improvement projects. Such assessment shall include the following:

(1) A description of the intent of the use of such incentives in naval vessel construction contracts.

(2) A description of the process and criteria used by the Secretary for evaluation of proposed

projects to receive such incentives in naval vessel construction contracts and for the selection among such proposed projects for inclusion of incentives in such contracts.

(3) For each facility or process improvement project for which funds were provided in a naval vessel construction contract during the five-year period ending on the date of the enactment of this Act (including the facility or process improvement project contract incentives incorporated in the Virginia-class submarine construction contract and in the CVN-21 construction contract)—

(A) a description of the facility or process improvement project proposed by the contractor;

(B) the amount expended (or to be expended) by the United States for the project under the contract; and

(C) the estimated or actual return on investment for the amounts referred to in subparagraph (B).

(4) The plans of the Secretary of the Navy to use similar contract incentives in ongoing and future shipbuilding programs.

(5) Any recommendation by the Secretary for the enactment of legislation that might increase the effectiveness of, or expand the use of, such contract incentives.

(e) REPORT.—Not later than April 1, 2007, the Secretary of the Navy shall submit to the congressional defense committees a report on—

(1) the Secretary's assessments of naval vessel construction efficiencies under subsection (a), addressing each of the matters specified in that subsection; and

(2) the Secretary's assessment of the effectiveness of special incentives for contractor investment in facilities and process improvement projects under subsection (d).

SEC. 1017. OBTAINING CARRIAGE BY VESSEL: CRITERION REGARDING OVERHAUL, REPAIR, AND MAINTENANCE OF VESSELS IN THE UNITED STATES.

(a) ACQUISITION POLICY.—In order to maintain the national defense industrial base, the Secretary of Defense shall issue an acquisition policy that establishes, as a criterion required to be considered in obtaining carriage by vessel of cargo for the Department of Defense, the extent to which an offeror of such carriage had overhaul, repair, and maintenance work for covered vessels of the offeror performed in shipyards located in the United States.

(b) COVERED VESSELS.—A vessel is a covered vessel of an offeror under this section if the vessel is—

(1) owned, operated, or controlled by the offeror; and

(2) qualified to engage in the carriage of cargo in the coastwise or non-contiguous trade under section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), section 12106 of title 46, United States Code, and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802).

(c) APPLICATION OF POLICY.—The acquisition policy shall include rules providing for application of the policy to covered vessels as expeditiously as is practicable based on the nature of carriage obtained, and by no later than June 1, 2007.

(d) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe regulations as necessary to carry out the acquisition policy and submit such regulations to the Committees on Armed Services of the Senate and the House of Representatives, by not later than June 1, 2007.

(2) INTERIM REGULATIONS.—

(A) IN GENERAL.—The Secretary may prescribe interim regulations as necessary to carry out the acquisition policy. For this purpose, the Secretary is excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code.

(B) SUBMISSION TO CONGRESS.—Upon the issuance of interim regulations under this paragraph, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives the interim regulations and a description of the acquisition policy developed (or being developed) under subsection (a).

(C) EXPIRATION.—All interim regulations prescribed under the authority of this paragraph that are not earlier superseded by final regulations shall expire no later than June 1, 2007.

(e) ANNUAL REPORT.—The Secretary, acting through the United States Transportation Command, shall annually submit to the Committees on Armed Services of the Senate and the House of Representatives a report regarding overhaul, repair, and maintenance performed on covered vessels of each offeror of carriage to which the acquisition policy applies.

(f) DEFINITIONS.—In this section:

(1) FOREIGN SHIPYARD.—The term "foreign shipyard" means a shipyard that is not located in the United States.

(2) UNITED STATES.—The term "United States" means—

(A) any State of the United States; and

(B) Guam.

SEC. 1018. RIDING GANG MEMBER REQUIREMENTS.

(a) REQUIREMENT FOR CHARTERS AND CONTRACTS.—

(1) IN GENERAL.—The Secretary of Defense may not award, renew, extend, or exercise an option to extend any charter of a vessel documented under chapter 121 of title 46, United States Code, for the Department of Defense, or any contract for the carriage of cargo by a vessel documented under that chapter for the Department of Defense, unless the charter or contract, respectively, includes provisions that allow riding gang members to perform work on the vessel during the effective period of the charter or contract only under terms, conditions, restrictions, and requirements that, except as provided in paragraphs (2) and (3), are substantially the same as those that apply under section 8106 of title 46, United States Code, as in effect immediately before the enactment of this Act, with respect to a vessel referred to in that section.

(2) LIMITATION.—For purposes of paragraph (1) of this subsection, subsections (a)(1)(A)(ii), (c), and (d) of section 8106 of title 46, United States Code, shall not apply with respect to a charter or contract referred to in paragraph (1).

(3) MERCHANT MARINER'S DOCUMENT REQUIRED.—The Secretary of Defense shall include in the provisions required under paragraph (1) a requirement that each riding gang member who performs work on the vessel must hold a merchant mariner's document issued under chapter 73 of title 46, United States Code.

(4) RIDING GANG MEMBER DEFINED.—In this subsection the term "riding gang member" has the meaning that term has in section 8106 of title 46, United States Code, as in effect immediately before the enactment of this Act.

(b) EXEMPTIONS BY SECRETARY OF DEFENSE.—

(1) IN GENERAL.—The Secretary of Defense may issue regulations that exempt from the charter or contract provisions required under subsection (a) any individual who is on a vessel for purposes other than engaging in the operation or maintenance of the vessel, including an individual who is—

(A) one of the personnel who accompany, supervise, guard, and maintain unit equipment aboard a ship, commonly referred to as supercargo personnel;

(B) one of the force protection personnel of the vessel;

(C) a specialized repair technician; or

(D) otherwise required by the Secretary of Defense to be aboard the vessel.

(2) BACKGROUND CHECK.—Such regulations shall include a requirement that any individual who is exempt under the regulations must pass a background check before going aboard the vessel, unless the individual holds a merchant mariner's document issued under chapter 73 of title 46, United States Code.

(3) EXEMPTED INDIVIDUAL NOT TREATED AS IN ADDITION TO THE CREW.—An individual exempted under paragraph (1) shall not be counted as an individual in addition to the crew for the purposes of section 3304 of title 46, United States Code.

SEC. 1019. AUTHORITY TO TRANSFER SS ARTHUR M. HUDDELL TO THE GOVERNMENT OF GREECE.

(a) AUTHORITY TO TRANSFER.—The President is authorized to transfer the ex-Liberty ship SS Arthur M. Huddell to the Government of Greece in accordance with such terms and conditions as the President may determine.

(b) ADDITIONAL EQUIPMENT.—The President is authorized to convey additional equipment from other obsolete vessels of the National Defense Reserve Fleet to assist the Government of Greece in using the vessel referred to in subsection (a) as a museum exhibit.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARD.—To the maximum extent practicable, the President shall require, as a condition of the transfer of the vessel referred to in subsection (a), that the Government of Greece have such repair or refurbishment of the vessel as is needed performed at a shipyard located in the United States.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION OF AUTHORITY OF DEPARTMENT OF DEFENSE TO PROVIDE ADDITIONAL SUPPORT FOR COUNTERDRUG ACTIVITIES OF OTHER GOVERNMENTAL AGENCIES.

Section 1004(a) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking "through 2006" and inserting "through 2011".

SEC. 1022. EXTENSION AND EXPANSION OF DEPARTMENT OF DEFENSE AUTHORITY TO PROVIDE SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) EXTENSION OF AUTHORITY.—Paragraph (2) of subsection (a) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1593), is amended by striking "September 30, 2006" and inserting "September 30, 2008".

(b) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

"(10) The Government of Azerbaijan.

"(11) The Government of Kazakhstan.

"(12) The Government of Kyrgyzstan.

"(13) The Government of Armenia.

"(14) The Government of Guatemala.

"(15) The Government of Belize.

"(16) The Government of Panama.".

(c) TYPES OF SUPPORT.—Subsection (c) of such section is amended—

(1) in paragraph (2), by inserting ", vehicles, and, subject to section 484(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291c(a)), aircraft" after "patrol boats"; and

(2) by adding at the end the following new paragraphs:

"(4) The transfer of detection, interception, monitoring, and testing equipment.

"(5) For the Government of Afghanistan only, individual and crew-served weapons of 50 caliber or less and ammunition for such weapons for counter-narcotics security forces.".

(d) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended—

(1) by striking "or $40,000,000" and inserting "$40,000,000"; and

(2) by inserting before the period at the end the following: ", or $60,000,000 during either of the fiscal years 2007 and 2008".

SEC. 1023. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042) is amended—

(1) in subsection (a)(1), by striking "and 2006" and inserting "through 2008"; and

(2) in subsection (c), by striking "and 2006" and inserting "through 2008".

SEC. 1024. CONTINUATION OF REPORTING REQUIREMENT REGARDING DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTERDRUG ACTIVITIES.

(a) Two-Year Extension of Reporting Requirement.—Section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as amended by section 1022 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1215) and section 1021 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3426), is further amended by striking "Not later than April 15, 2006," and inserting "(a) Reports Required.—Not later than April 15, 2006, February 15, 2007, and February 15, 2008,".

(b) Additional Information to Be Included.—Such section is further amended—

(1) by designating the second sentence as subsection (b) and striking "The report" and inserting "Information to Be Provided.—Each report under this section"; and

(2) in paragraph (2), by inserting before the period at the end the following: "and the amount of funds provided for each type of counterdrug activity assisted".

(c) Form and Submission of Reports.—Such section is further amended—

(1) in subsection (a), as designated by subsection (a) of this section, by striking "the congressional defense committees" and inserting "the congressional committees specified in subsection (d)"; and

(2) by adding at the end the following new subsections:

"(c) Form of Reports.—Each report under this section shall be submitted in both classified and unclassified form.

"(d) Specified Committees.—The congressional committees specified in this subsection are the following:

"(1) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

"(2) The Committee on Armed Services, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.".

SEC. 1025. REPORT ON INTERAGENCY COUNTERNARCOTICS PLAN FOR AFGHANISTAN AND SOUTH AND CENTRAL ASIAN REGIONS.

(a) Report Required.—Not later than December 31, 2006, the Secretary of Defense shall submit to the congressional defense committees a report updating the interagency counter-narcotics implementation plan for Afghanistan and the South and Central Asian regions, including Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, Kazakhstan, Iran, Armenia, Azerbaijan, Pakistan, India, and China.

(b) Consultation.—The report under this section shall be prepared in consultation with the Secretary of State, the Administrator of the Agency for International Development, and the Director of the Drug Enforcement Administration.

(c) Matters to Be Included.—The report shall include the following for each foreign government covered by the report:

(1) A consideration of what activities should be reallocated among the United States and the foreign government based on the capabilities of each department and agency involved.

(2) Any measures necessary to clarify the legal authority required to complete the mission.

(3) The measures necessary for the United States to successfully complete its counter-narcotics efforts in Afghanistan and the South and Central Asian regions, including an assessment of whether sufficient personnel and other resources, including infrastructure and development initiatives, are being made available by the United States and the foreign government.

(4) Current and proposed United States funding to support counter-narcotics activities of the foreign government.

SEC. 1026. REPORT ON UNITED STATES SUPPORT FOR OPERATION BAHAMAS, TURKS & CAICOS.

(a) Findings.—Congress makes the following findings:

(1) In 1982 the United States Government created Operation Bahamas, Turks & Caicos (OPBAT) to counter the smuggling of cocaine into the United States.

(2) According to the Drug Enforcement Agency, an estimated 80 percent of the cocaine entering the United States in the 1980s came through the Bahamas, whereas, according to the Office of National Drug Control Policy, only an estimated 10 percent comes through the Bahamas today.

(3) According to the Drug Enforcement Agency, more than 80,000 kilograms of cocaine and nearly 700,000 pounds of marijuana have been seized in Operation Bahamas, Turks & Caicos since 1986, with a combined street value of approximately two billion dollars.

(4) The Army has provided military airlift to law enforcement officials under Operation Bahamas, Turks & Caicos to create an effective, reliable, and immediate response capability for drug interdiction. This support is largely responsible for the decline in cocaine shipments to the United States through the Bahamas.

(5) The Bahamas is an island nation composed of approximately 700 islands and keys, which makes aviation assets the best and most efficient method of transporting law enforcement agents and interdicting smugglers.

(6) It is in the interests of the United States to maintain the results of the successful Operation Bahamas, Turks & Caicos program and prevent drug smugglers from rebuilding their operations through the Bahamas.

(b) Report on United States Government Support for OPBAT.—

(1) Report on decision to withdraw.—Not later than 30 days before implementing a decision to withdraw Department of Defense helicopters from Operation Bahamas, Turks & Caicos, the Secretary of Defense shall submit to the Congress a report outlining the plan for the coordination of the Operation Bahamas, Turks & Caicos mission, at the same level of effectiveness, using other United States Government assets.

(2) Consultation.—The Secretary of Defense shall consult with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, and with other appropriate officials of the United States Government, in preparing the report under paragraph (1).

(3) Elements.—The report under paragraph (1) on the withdrawal of equipment referred to in that paragraph shall include the following:

(A) An explanation of the military justification for the withdrawal of the equipment.

(B) An assessment of the availability of other options (including other Government helicopters) to provide the capability being provided by the equipment to be withdrawn.

(C) An explanation of how each option specified under subparagraph (B) will provide the capability currently provided by the equipment to be withdrawn.

(D) An assessment of the potential use of unmanned aerial vehicles in Operation Bahamas, Turks & Caicos, including the capabilities of such vehicles and any advantages or disadvantages associated with the use of such vehicles in that operation, and a recommendation on whether or not to deploy such vehicles in that operation.

Subtitle D—Force Structure and Defense Policy Matters

SEC. 1031. IMPROVEMENTS TO QUADRENNIAL DEFENSE REVIEW.

(a) Findings.—Congress finds that the comprehensive examination of the defense program and policies of the United States that is undertaken by the Security Defense every four years pursuant to section 118 of title 10, United States Code, known as the Quadrennial Defense Review, is—

(1) vital in laying out the strategic military planning and threat objectives of the Department of Defense; and

(2) critical to identifying the correct mix of military planning assumptions, defense capabilities, and strategic focuses for the Armed Forces.

(b) Sense of Congress.—It is the sense of Congress that the Quadrennial Defense Review is intended to provide more than an overview of global threats and the general strategic orientation of the Department of Defense.

(c) Conduct of Review.—Subsection (b) of section 118 of title 10, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) to make recommendations that are not constrained to comply with the budget submitted to Congress by the President pursuant to section 1105 of title 31.".

(d) Additional Elements in Report to Congress.—Subsection (d) of such section is amended—

(1) in paragraph (1), by inserting ", the strategic planning guidance," after "United States";

(2) by redesignating paragraphs (9) through (15) as paragraphs (10), (11), (12), (13), (14), (15), and (17), respectively;

(3) by inserting after paragraph (8) the following new paragraph (9):

"(9) The specific capabilities, including the general number and type of specific military platforms, needed to achieve the strategic and warfighting objectives identified in the review."; and

(4) by inserting after paragraph (15), as redesignated by paragraph (2), the following new paragraph:

"(16) The homeland defense and support to civil authority missions of the active and reserve components, including the organization and capabilities required for the active and reserve components to discharge each such mission.".

(e) CJCS Review.—Subsection (e)(1) of such section is amended by inserting before the period at the end the following: "and a description of the capabilities needed to address such risk".

(f) Independent Assessment.—Such section is further amended by adding at the end the following new subsection:

"(f) Independent Panel Assessment.—(1) Not later than six months before the date on which the report on a Quadrennial Defense Review is to be submitted under subsection (d), the

Secretary of Defense shall establish a panel to conduct an assessment of the quadrennial defense review.

"(2) Not later than three months after the date on which the report on a quadrennial defense review is submitted under subsection (d) to the congressional committees named in that subsection, the panel appointed under paragraph (1) shall submit to those committees an assessment of the review, including the recommendations of the review, the stated and implied assumptions incorporated in the review, and the vulnerabilities of the strategy and force structure underlying the review. The assessment of the panel shall include analyses of the trends, asymmetries, and concepts of operations that characterize the military balance with potential adversaries, focusing on the strategic approaches of possible opposing forces.".

SEC. 1032. QUARTERLY REPORTS ON IMPLEMENTATION OF 2006 QUADRENNIAL DEFENSE REVIEW REPORT.

(a) Reports Required.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of recommendations described in the Department of Defense 2006 Quadrennial Defense Review Report.

(b) Contents of Reports.—Each quarterly report under subsection (a) shall, at a minimum—

(1) describe the processes and procedures established by the Secretary of Defense to examine the various recommendations referred to in subsection (a);

(2) discuss implementation plans and strategies for each area highlighted by the Quadrennial Defense Review Report;

(3) provide relevant information about the status of such implementation; and

(4) indicate changes in the Secretary's assessment of the defense strategies or capabilities required since the publication of the 2006 Quadrennial Defense Review Report.

(c) Initial Report.—The first report under subsection (a) shall be submitted not later than January 31, 2007.

(d) Expiration of Requirement.—The reporting requirement in subsection (a) shall terminate upon the earlier of the following:

(1) The date of the publication of the next Quadrennial Defense Review Report after the date of the enactment of this Act pursuant to section 118 of title 10, United States Code.

(2) The date of transmission of a written notification by the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives that implementation of the recommendations of the 2006 Quadrennial Defense Review is complete.

SEC. 1033. REPORT ON FEASIBILITY OF ESTABLISHING A REGIONAL COMBATANT COMMAND FOR AFRICA.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the establishment under chapter 6 of title 10, United States Code, of a new unified combatant command with a geographic area of responsibility consisting of the African continent and adjacent waters.

(b) Content.—The report under subsection (a) shall include—

(1) a study on the feasibility and advisability of establishing a combatant command for Africa as described in subsection (a);

(2) an assessment of the benefits and problems associated with establishing such a command; and

(3) an estimate of the costs, time, and resources needed to establish such a command.

SEC. 1034. DETERMINATION OF DEPARTMENT OF DEFENSE INTRATHEATER AND INTERTHEATER AIRLIFT REQUIREMENTS AND SEALIFT MOBILITY REQUIREMENTS.

(a) Determination of Requirements.—The Secretary of Defense, as part of the 2006 Mobility Capabilities Study, shall determine Department of Defense mobility requirements as follows:

(1) The Secretary shall determine intratheater and intertheater airlift mobility requirements (stated in terms of million ton miles per day) and sealift mobility requirements (stated in terms of tons) necessary to support warfighting objectives of the commanders of the combatant commands for each scenario that was modeled in the 2005 Mobility Capabilities Study and each scenario that is modeled in the 2006 Mobility Capabilities Study.

(2) The Secretary shall determine intratheater and intertheater airlift mobility requirements (stated in terms of million ton miles per day) and sealift mobility requirements (stated in terms of tons) for executing the National Military Strategy with a low acceptable level of risk, with a medium acceptable level of risk, and with a high acceptable level of risk, for each of the following:

(A) Two overlapping "swift defeat" campaigns.

(B) The Global War on Terrorism.

(C) Baseline security posture operations.

(D) Homeland defense and civil support operations.

(E) Special operations missions.

(F) Global long-range strike missions.

(G) Strategic nuclear missions.

(b) Report.—Not later than February 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report providing the mobility requirements determined pursuant to subsection (a). As part of the report, the Secretary shall—

(1) set forth each mobility requirement specified in paragraph (1) or (2) of subsection (a); and

(2) compare those defined mobility requirements to the Department of Defense's mobility capability program of record for intertheater and intratheater airlift and sealift.

(c) Mobility Capabilities Studies.—For purposes of this section:

(1) 2006 mobility capabilities study.—The term "2006 Mobility Capabilities Study" means the studies conducted by the Secretary of Defense and the Joint Staff during 2006 as a follow-on to the 2005 Mobility Capabilities Study.

(2) 2005 mobility capabilities study.—The term "2005 Mobility Capabilities Study" means the comprehensive Mobility Capabilities Study completed in December 2005 and conducted through the Office of Program Analysis and Evaluation of the Department of Defense to assess mobility needs for all aspects of the National Defense Strategy.

SEC. 1035. PRESIDENTIAL REPORT ON IMPROVING INTERAGENCY SUPPORT FOR UNITED STATES 21ST CENTURY NATIONAL SECURITY MISSIONS AND INTERAGENCY OPERATIONS IN SUPPORT OF STABILITY, SECURITY, TRANSITION, AND RECONSTRUCTION OPERATIONS.

(a) Report Required.—Not later than April 1, 2007, the President shall submit to Congress a report on building interagency capacity and enhancing the integration of civilian capabilities of the executive branch with the capabilities of the Armed Forces to enhance the achievement of United States national security goals and objectives.

(b) Report Elements.—The report under subsection (a) shall include the following:

(1) An assessment of the capacity and capabilities required within the civilian agencies of the United States Government to achieve the full range of United States national security goals and objectives, to defend United States national security interests, and, in particular, to coordinate with the Armed Forces where deployed, including capacity and capabilities in at least the following areas:

(A) Organizations and organizational structures, including a description of the roles, responsibilities, and authorities;

(B) Planning and assessment capabilities;

(C) Information sharing policies, practices, and systems;

(D) Leadership issues, including command and control of forces and personnel in the field;

(E) Personnel policies and systems, including those pertaining to recruiting, retention, training, education, promotion, awards, employment, deployment, and retirement; and

(F) Acquisition authorities, including identifying any economies of scale that could be gained by improved coordination of acquisition activities and replicating "best practices", as appropriate.

(2) The criteria and considerations used to evaluate progress in each of the areas specified in paragraph (1) towards building interagency capacity and capabilities and integrating such capabilities across the United States Government to enhance the achievement of United States national security goals and objectives.

(3) Recommendations for specific legislative proposals that would build interagency capacity by—

(A) addressing statutory or budgetary impediments, if any, to the improvement of interagency cooperation and coordination in order to carry out the full range of national security missions (including stability, security, transition, and reconstruction operations); and

(B) providing means to enhance the integration of civilian capabilities with the capabilities of deployed elements of the Armed Forces for each of those national security missions.

(c) Additional Report Elements.—The report under subsection (a) shall include a portion dedicated to efforts to address the near-term need to strengthen interagency operations in support of stability, security, transition, and reconstruction operations, including a plan to establish interagency operating procedures for the departments and agencies of the United States Government for the planning and conduct of stability, security, transition, and reconstruction operations. Such plan shall include the following:

(1) A delineation of the roles, responsibilities, and authorities of the departments and agencies of the United States Government for stability, security, transition, and reconstruction operations.

(2) A description of operational processes for setting policy direction for stability, security, transition, and reconstruction operations in order to guide—

(A) operational planning and funding decisions of those departments and agencies;

(B) integration of civilian and military planning efforts;

(C) integration of programs and activities into an implementation plan;

(D) oversight of policy implementation;

(E) provision of guidance to field-level personnel on program direction and priorities; and

(F) monitoring of field implementation of assistance programs.

(3) A description of available capabilities and resources of each department and agency of the United States Government that could be used in support of stability, security, transition, and reconstruction operations and identification of additional resources needed to support the conduct of such operations.

(4) A description of how the capabilities and resources of the departments and agencies of the United States Government will be coordinated to support stability, security, transition, and reconstruction operations.

(5) A description of existing, or planned, protocols between departments and agencies of the United States Government on the utilization and allocation of assets in field operations that support stability, security, transition, and reconstruction operations.

(6) Recommendations for improving interagency training, education, and simulation exercises in order to adequately prepare civilian and military personnel in the departments and agencies of the United States Government to perform stability, security, transition, and reconstruction operations.

(7) Guidance for the implementation of the plan.

(d) Form of Report.—To the maximum extent practicable, the report shall be unclassified, with a classified annex, if necessary.

Subtitle E—Reports

SEC. 1041. ADDITIONAL ELEMENT IN ANNUAL REPORT ON CHEMICAL AND BIOLOGICAL WARFARE DEFENSE.

Section 1703(b) of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 1523(b)) is amended by adding at the end the following new paragraph:

"(10) A description of the coordination and integration of the program of the Defense Advanced Research Projects Agency (DARPA) on basic and applied research and advanced technology development on chemical and biological warfare defense technologies and systems under section 1701(c)(2) with the overall program of the Department of Defense on chemical and biological warfare defense, including—

"(A) an assessment of the degree to which the DARPA program is coordinated and integrated with, and supports the objectives and requirements of, the overall program of the Department of Defense; and

"(B) the means by which the Department determines the level of such coordination and support.".

SEC. 1042. REPORT ON BIODEFENSE HUMAN CAPITAL REQUIREMENTS IN SUPPORT OF BIOSAFETY LABORATORIES.

(a) Study Required.—The Secretary of Defense shall conduct a study to determine the Department of Defense human capital requirements for pending capital programs to construct biodefense laboratories at Biosafety Level (BSL) 3 and Biosafety Level 4 or to expand current biodefense laboratories to such biosafety levels.

(b) Elements.—In conducting the study, the Secretary shall address the following:

(1) The number of trained research and support staff, by discipline and qualification level, including researchers, laboratory technicians, animal handlers, facility managers, facility or equipment maintainers, biosecurity personnel (including biosafety, physical, and electronic security personnel), and other safety personnel required—

(A) for existing biodefense laboratories at Biosafety Level 3 and Biosafety Level 4; and

(B) to manage biodefense research efforts to combat bioterrorism at the biodefense laboratories described in subsection (a).

(2) Plans to recruit and retain skilled personnel, in numbers sufficient to meet requirements described in paragraph (1)(B).

(3) A forecast of the training required to provide the personnel described by paragraph (1)(B) in time to meet the scheduled openings of the biodefense laboratories described in subsection (a), including—

(A) the types of training required;

(B) the length of training required; and

(C) the training sources.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth the results of the study conducted under this section.

SEC. 1043. REPORT ON TECHNOLOGIES FOR NEUTRALIZING OR DEFEATING THREATS TO MILITARY ROTARY-WING AIRCRAFT FROM PORTABLE AIR DEFENSE SYSTEMS AND ROCKET-PROPELLED GRENADES.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on technologies for neutralizing or defeating threats to military rotary-wing aircraft posed by portable air defense systems and rocket-propelled grenades that are being researched, developed, employed, or considered by the United States Government or the North Atlantic Treaty Organization.

(b) Content.—The report under subsection (a) shall include the following:

(1) An assessment of the expected value and utility of the technologies referred to in subsection (a), particularly with respect to—

(A) the saving of lives;

(B) the ability to reduce the vulnerability of aircraft; and

(C) the enhancement of the ability of aircraft and their crews to accomplish assigned missions.

(2) An assessment of the potential costs of developing and deploying such technologies.

(3) A description of efforts undertaken to develop such technologies, including—

(A) nonlethal countermeasures;

(B) lasers and other systems designed to dazzle, impede, or obscure threatening weapon or their users;

(C) direct fire response systems;

(D) directed energy weapons; and

(E) passive and active systems.

(4) A description of any impediment to the development of such technologies, such as legal restrictions under the law of war, treaty restrictions under the Protocol on Blinding Lasers, and political obstacles such as the reluctance of other allied countries to pursue such technologies.

SEC. 1044. REPORTS ON EXPANDED USE OF UNMANNED AERIAL VEHICLES IN THE NATIONAL AIRSPACE SYSTEM.

(a) Findings.—Congress makes the following findings:

(1) Unmanned aerial vehicles (UAVs) serve Department of Defense intelligence, surveillance, reconnaissance, and combat missions.

(2) Operational reliability of unmanned aerial systems continues to improve, and development and fielding of so-called sense-and-avoid technology should continue in order to provide unmanned aerial systems with an appropriate level of safety.

(3) Unmanned aerial vehicles have the potential to support the Nation's homeland defense mission, border security mission, and natural disaster recovery efforts.

(b) Reports.—

(1) DOD report.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the relevant congressional committees a report on the actions of the Department of Defense to develop standards for the testing and operation of unmanned aerial vehicles in the National Airspace System.

(2) FAA report.—Not later than one year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the relevant congressional committees a report on progress in developing a policy for testing and a plan for achieving wider access by unmanned aerial vehicles that are appropriately equipped to operate in the National Airspace System

(3) Relevant congressional committee.—For the purposes of this subsection, the relevant congressional committees are the following:

(A) The Committee on Armed Services, the Committee on Commerce, the Committee on Science and Transportation, and the Committee on Homeland Security and Governmental Affairs of the Senate.

(B) The Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Government Reform, and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 1045. REPORT ON INCENTIVES TO ENCOURAGE CERTAIN MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES TO SERVE IN THE BUREAU OF CUSTOMS AND BORDER PROTECTION.

(a) Report Required.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit to the congressional committees specified in subsection (e) a report assessing the desirability and feasibility of offering incentives to members and former members of the Armed Forces described in subsection (b) for the purpose of encouraging such members to serve in the Bureau of Customs and Border Protection of the Department of Homeland Security.

(b) Covered Members and Former Members.—The members and former members of the Armed Forces to be covered by the report under subsection (a) are the following:

(1) Members of the reserve components of the Armed Forces.

(2) Former members of the Armed Forces within two years of separation from service in the Armed Forces.

(c) Requirements and Limitations.—

(1) Nature of incentives.—In considering incentives for purposes of the report required by subsection (a), the Secretaries shall consider such incentives as the Secretaries jointly consider appropriate, whether or not such incentives are monetary or otherwise and whether or not such incentives are authorized by current law or regulations.

(2) Targeting of incentives.—In assessing any incentive for purposes of the report, the Secretaries shall give particular attention to the utility of such incentive in—

(A) encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by members and former members of the Armed Forces described in subsection (b) who provided border patrol or border security assistance to the Bureau as part of their duties as members of the Armed Forces; and

(B) leveraging military training and experience by accelerating training, or allowing credit to be applied to related areas of training, required for service with the Bureau of Customs and Border Protection.

(3) Payment.—In assessing incentives for purposes of the report, the Secretaries shall assume that any costs of such incentives shall be borne by the Department of Homeland Security.

(d) Elements.—The report required by subsection (a) shall include the following:

(1) A description of various monetary and non-monetary incentives considered for purposes of the report.

(2) An assessment of the desirability and feasibility of utilizing any such incentive for the purpose specified in subsection (a), including an assessment of the particular utility of such incentive in encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by members and former members of the Armed Forces described in subsection (c)(2)(A).

(3) Any other matters that the Secretaries jointly consider appropriate.

(e) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted to—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

SEC. 1046. REPEAL OF CERTAIN REPORT REQUIREMENTS.

(a) ANNUAL REPORT ON AVIATION CAREER INCENTIVE PAY.—Section 301a of title 37, United States Code, is amended by striking subsection (f).

(b) ANNUAL REPORT ON EFFECTS OF CERTAIN INITIATIVES ON RECRUITMENT AND RETENTION.—

(1) REPEAL.—Section 1015 of title 37, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 19 of such title is amended by striking the item relating to section 1015.

(c) SECRETARY OF DEFENSE RECOMMENDATION ON NEED FOR DEFENSE IMPACT REVIEW PROCESS.—Section 1041 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1217) is repealed.

(d) REPORT ON PILOT PROGRAM TO ENHANCE MILITARY RECRUITING BY IMPROVING MILITARY AWARENESS OF SCHOOL COUNSELORS AND EDUCATORS.—Section 564 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–133; 10 U.S.C. 503 note)) is amended by striking subsection (c).

(e) ANNUAL REPORT ON MEDICAL INFORMATICS.—Section 723(d) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 1071 note) is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

SEC. 1047. REQUIREMENT FOR IDENTIFICATION OF RECENTLY ENACTED RECURRING REPORTING REQUIREMENTS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) IDENTIFICATION AND SUBMITTAL TO CONGRESSIONAL COMMITTEES.—

(1) IN GENERAL.—Not later than March 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a listing of each provision of law specified in paragraph (2).

(2) COVERED PROVISIONS OF LAW.—Paragraph (1) applies with respect to any provision of law enacted on or after November 24, 2003 (the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136)), and before February 1, 2007, that requires the submission by the Secretary of Defense or any other official of the Department of Defense of annual, semiannual, or other periodic reports to one or more of the congressional defense committees

(b) ADDITIONAL MATTER TO BE SUBMITTED.—The Secretary of Defense shall include with the listing submitted under subsection (a) the following:

(1) With respect to each provision of law covered by that subsection, a description of the report requirement under that provision.

(2) For each such report requirement—

(A) an assessment by the Secretary—

(i) of the burden imposed on the Department of Defense by the preparation of the report; and

(ii) of the utility of such report from the perspective of the Department of Defense; and

(B) a recommendation on the advisability of repealing or modifying the requirement for the submittal of such report.

(c) DEFINITION.—In this section, the term "report" has the meaning given that term in section 480(c) of title 10, United States Code.

Subtitle F—Miscellaneous Authorities and Limitations on Availability and Use of Funds

SEC. 1051. ACCEPTANCE AND RETENTION OF REIMBURSEMENT FROM NON-FEDERAL SOURCES TO DEFRAY DEPARTMENT OF DEFENSE COSTS OF CONFERENCES.

(a) IN GENERAL.—Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§2262. Department of Defense conferences: collection of fees to cover Department of Defense costs

"(a) AUTHORITY TO COLLECT FEES.—(1) The Secretary of Defense may collect fees from any individual or commercial participant in a conference, seminar, exhibition, symposium, or similar meeting conducted by the Department of Defense (in this section referred to collectively as a 'conference').

"(2) The Secretary may provide for the collection of fees under this section directly or by contract. The fees may be collected in advance of a conference.

"(b) USED OF COLLECTED FEES.—Amounts collected under subsection (a) with respect to a conference shall be credited to the appropriation or account from which the costs of the conference are paid and shall be available to pay the costs of the Department of Defense with respect to the conference or to reimburse the Department for costs incurred with respect to the conference.

"(c) TREATMENT OF EXCESS AMOUNTS.—In the event the total amount of fees collected under subsection (a) with respect to a conference exceeds the actual costs of the Department of Defense with respect to the conference, the amount of such excess shall be deposited into the Treasury as miscellaneous receipts.

"(d) ANNUAL REPORTS.—(1) Not later than 45 days after the President submits to Congress the budget for a fiscal year under section 1105 of title 31, the Secretary of Defense shall submit to the congressional defense committees a budget justification document summarizing the use of the fee-collection authority provided by this section.

"(2) Each report shall include the following:

"(A) A list of all conferences conducted during the preceding two calendar years for which fees were collected under this section.

"(B) For each conference included on the list under subparagraph (A):

"(i) The estimated costs of the Department for the conference.

"(ii) The actual costs of the Department for the conference, including a separate statement of the amount of any conference coordinator fees associated with the conference.

"(iii) The amount of fees collected under this section for the conference.

"(C) An estimate of the number of conferences to be conducted during the calendar year in which the report is submitted for which the Department will collect fees under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 134 of such title is amended by adding at the end the following new item:

"2262. Department of Defense conferences: collection of fees to cover Department of Defense costs.".

SEC. 1052. INCREASED FLEXIBILITY IN USE OF FUNDS FOR JOINT STAFF EXERCISES.

(a) IN GENERAL.—Amounts available to the Chairman of the Joint Chiefs of Staff for joint staff exercises may be available for any expenses as follows:

(1) Expenses of the Armed Forces in connection with such exercises, including expense relating to self-deploying watercraft under the jurisdiction of a military department.

(2) Expenses relating to the costs of port support activities in connection with such exercises, including transportation and port handling.

(3) Expenses relating to the breakout and operation of prepositioned watercraft and lighterage for joint logistics and over the shore exercises in connection with such exercises.

(b) SUPPLEMENT, NOT SUPPLANT.—Any amounts made available by the Chairman of the Joint Chiefs of Staff under subsection (a) for expenses covered by that subsection are in addition to any other amounts available under law for such expenses.

SEC. 1053. PROHIBITION ON PARKING OF FUNDS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by inserting after section 2773a the following new section:

"§2773b. Parking of funds: prohibition; penalties

"(a) PROHIBITION.—An officer or employee of the Department of Defense may not direct the designation of funds for a particular purpose in the budget of the President, as submitted to Congress pursuant to section 1105 of title 31, or the supporting documents of the Department of Defense component of such budget, with the knowledge or intent that such funds, if made available to the Department, will not be used for the purpose for which they are designated.

"(b) PENALTIES.—The direction of the designation of funds in violation of the prohibition in subsection (a) shall be treated for purposes of chapter 13 of title 31 as a violation of section 1341(a)(1)(A) of such title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 165 of such title is amended by inserting after the item relating to section 2773a the following new item:

"2773b. Parking of funds: prohibition; penalties.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date that is 31 days after the date of the enactment of this Act.

(2) MODIFICATION OF CERTAIN POLICIES AND REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall modify the policies and regulations of the Department of Defense regarding the preparation and submittal to Congress of budget materials for the Department of Defense to take into account section 2773b of title 10, United States Code, as added by subsection (a).

SEC. 1054. MODIFICATION OF AUTHORITIES RELATING TO THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

(a) DUTIES.—For purposes of carrying out the duties of the Special Inspector General for Iraq Reconstruction under section 3001(f) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1235 et seq.; 5 U.S.C. App., note to section 8G of Public Law 95–452), any United States funds appropriated or otherwise made available for fiscal year 2006 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.

(b) TERMINATION.—Section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452) is amended to read as follows:

"(o) TERMINATION.—The Office of the Inspector General shall terminate on October 1, 2007, with transition operations authorized to continue through December 31, 2007.".

Subtitle G—Matters Involving Detainees

SEC. 1061. PROVISION OF INFORMATION TO CONGRESS ON CERTAIN CRIMINAL INVESTIGATIONS AND PROSECUTIONS INVOLVING DETAINEES.

(a) ANNUAL REPORT.—Subsection (c) of section 1093 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2070) is amended—

(1) in paragraph (1), by inserting ", or any prosecution on account of," after "Notice of any investigation into"; and

(2) by adding at the end the following new paragraph:

"(3) For each investigation or prosecution described in paragraph (1) with respect to which notice is included in the report—

"(A) a detailed and comprehensive description of such investigation or prosecution and any resulting judicial or nonjudicial punishment or other disciplinary action; and

"(B) if the individual receiving the punishment or disciplinary action is a member of the Armed Forces, the grade of that individual (i) as of the time of the incident resulting in the investigation or prosecution, (ii) as of the beginning of the investigation or prosecution, and (iii) as of the submission of the report.".

(b) TIMELY SUBMISSION OF COVERED INFORMATION.—Such section is further amended by adding at the end the following new subsection:

"(f) ADDITIONAL REPORTING.—In addition to the annual report under subsection (c), the Secretary of Defense shall submit to the committees named in that subsection regular and timely reports on the matters described in paragraphs (1) and (3) of that subsection.".

Subtitle H—Other Matters

SEC. 1071. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 115 is amended—

(A) by striking the second subsection (i) (added by section 512(b) of Public Law 108–375 (118 Stat. 1880)); and

(B) by adding at the end of subsection (i) the following new paragraph:

"(13) Members of the National Guard on full-time National Guard duty involuntarily and performing homeland defense activities under chapter 9 of title 32.".

(2) Sections 133(c)(1), 2225(f)(1), 2302c(b), 2304(f)(1)(B)(iii), 2359a(i), and 2382(c)(3)(A) are amended by striking "section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3))" and inserting "section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))".

(3) Section 426(a)(1)(B) is amended by striking "coordiation" and inserting "coordination".

(4) Section 843(b)(2) is amended—

(A) in subparagraph (B)(iii), by striking "article 126" and inserting "article 125"; and

(B) in subparagraph (C), by striking "under chapter 110 or 117, or under section 1591, of title 18" and inserting "under chapter 110 or 117 of title 18 or under section 1591 of that title".

(5) Section 1107a(a) is amended—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(B) in paragraph (2), as so redesignated, by striking "subparagraph (A)" and inserting "paragraph (1)".

(6) Section 1217(a) is amended by striking "the date of" and all that follows and inserting "October 28, 2004.".

(7) Section 1406(i)(3)(B)(vi) is amended by striking "Advisor for" and inserting "Advisor to".

(8) Section 1448(d)(6)(A) is amended by striking the second comma after "November 23, 2003".

(9) Section 2006(b)(1) is amended—

(A) by inserting "of this title" after "and 1607"; and

(B) by striking "of this title" before the period at the end.

(10) Section 2103a(b) is amended in the subsection heading by striking "ELIGIBILTY" and inserting "ELIGIBILITY".

(11) Section 2105 is amended by adding a period at the end of the last sentence.

(12) The item relating to section 2152 in the table of sections at the beginning of chapter 107 is amended to read as follows:

"2152. Joint professional military education: general requirements.".

(13) The heading for section 2155, and the item relating to that section in the table of sections at the beginning of chapter 107, are amended by capitalizing the first letter of the fifth word.

(14) Section 2155(a) is amended in the subsection heading by inserting "PHASE" after "EDUCATION".

(15) Section 2157 is amended by striking "phase II" in paragraph (1) and inserting "Phase II".

(16) Section 2216(b)(1) is amended by striking "subsections" and inserting "subsection".

(17) The heading for section 2440 is amended so that the first letter of each word after the first is lower case.

(18) The item relating to section 2481 in the table of sections at the beginning of subchapter I of chapter 147 is amended by adding a period at the end.

(19)(A) The second section 2613 (added by section 1051(a) of Public Law 108–375 (118 Stat. 2053)) is redesignated as section 2614 and is amended by redesignating the second subsection (c) as subsection (d).

(B) The item relating to such section in the table of sections at the beginning of chapter 155 is revised to reflect the redesignation of such section by subparagraph (A).

(20) Section 2613(b) is amended by striking "In the" and inserting "In this".

(21) Section 2692(b)(9) is amended by striking "materiel" and inserting "material".

(22) Section 2694a(c) is amended in the subsection heading by striking "REVISIONARY" and inserting "REVERSIONARY".

(23) Section 2703(h) is amended by striking "subsection" in the first sentence and inserting "section".

(24) Section 2722(c)(2) is amended by striking "section 921" and inserting "section 921(a)".

(25) Section 2784a(a)(2) is amended by striking "care" and inserting "card".

(26) Section 2831(f)(2) is amended by striking "enviromental" and inserting "environmental".

(27) Section 3911(b) is amended—

(A) in paragraph (1), by striking the second comma after "paragraph (2)"; and

(B) in paragraph (2), by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006" and inserting "January 6, 2006,".

(28) Section 4342(a)(9) is amended by striking "cadet" and inserting "cadets".

(29) Section 4544(d) is amended in the subsection heading by striking "ARANGEMENT" and inserting "ARRANGEMENT".

(30) Section 4687(c) is amended by striking "section 921(10)" and inserting "section 921(a)(10)".

(31) The item relating to section 6086 in the table of sections at the beginning of chapter 557 is amended by striking the semicolon and inserting a colon.

(32) The table of sections at the beginning of chapter 561 is amended—

(A) in the item relating to section 6154, by striking the semicolon and inserting a colon; and

(B) by striking the item relating to section 6161 and inserting the following:

"6161. Settlement of accounts: remission or cancellation of indebtedness of members.".

(33) Section 6323(a)(2) is amended—

(A) in subparagraph (A), by striking the second comma after "subparagraph (B)"; and

(B) in subparagraph (B), by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006" and inserting "January 6, 2006,".

(34) The item relating to section 6965 in the table of sections at the beginning of chapter 603 is amended by striking the semicolon and inserting a colon.

(35) The item relating to section 7081 in the table of sections at the beginning of chapter 607 is amended by striking the first semicolon and inserting a colon.

(36) Section 7306b(b)(1) is amended by striking "section 2(14)" and inserting "section 3(14)".

(37) Section 8911(b) is amended—

(A) in paragraph (1), by striking the second comma after "paragraph (2)"; and

(B) in paragraph (2), by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006" and inserting "January 6, 2006,".

(38) Section 9342(a)(9) is amended by striking "cadet" and inserting "cadets".

(39) Section 9355(c)(1) is amended by striking "board" and inserting "Board".

(40) Section 12731(a)(3) is amended by striking "before the end of the 180-day period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005" and inserting "before April 25, 2005".

(41) Section 12741 is amended by striking "under subsection (b)" in subsections (c) and (d) and inserting "under subsection (a)".

(42) Section 18233(f)(2) is amended by striking the comma after "purchase".

(b) TITLE 32, UNITED STATES CODE.—Title 32, United States Code, is amended as follows:

(1) Section 902 is amended by striking "(a)" before "The Secretary".

(2) Section 908(b)(1) is amended by striking "subsection (i)" and inserting "subsection (i)(13)".

(c) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 210(c)(6) is amended by striking "Advisor for" and inserting "Advisor to".

(2) Section 301(f)(2)(C) is amended by striking the comma after "the term".

(3) Section 308g(f) is amended by striking the second period at the end.

(4) Section 308j is amended by striking subsection (g) and inserting the following new subsection:

"(g) REPAYMENT.—A person who enters into an agreement under this section and receives all or part of the bonus under the agreement, but who does not accept a commission or an appointment as an officer or does not commence to participate or does not satisfactorily participate in the Selected Reserve for the total period of service specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.".

(5) The table of sections at the beginning of chapter 7 is amended—

(A) by striking the item relating to section 407 and inserting the following:

"407. Travel and transportation allowances: dislocation allowance."; and

(B) by striking the item relating to section 425 and inserting the following:

"425. United States Navy Band; United States Marine Corps Band: allowances while on concert tour.".

(6) Section 402a(b)(3)(B) is amended by striking "section 310 of this section" and inserting "section 310 of this title".

(7) Section 414(c) is amended by striking ", or the Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff" before the period at the end.

(8) The heading of section 1010 is amended to read as follows:

"§1010. Commissioned officers: promotions; effective date for pay and allowances".

(d) PUBLIC LAW 109–272.—Effective as of August 14, 2006, and as if included therein as enacted, section 2(a) of Public Law 109–272 (120 Stat. 770; 16 U.S.C. 431 note) is amended by striking "division E" and inserting "division J".

(e) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006.—Effective as of January 6, 2006, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended as follows:

(1). Section 341(e) (119 Stat. 3199) is amended by striking "(a)(1)(E)" and inserting "(a)(1)(F)".

(2) Section 545(b) (119 Stat. 3254) is amended by striking "title".

(3) Section 606(a) (119 Stat. 3287; 37 U.S.C. 211 note) is amended by striking "title 10" and inserting "title 37".

(5) Section 608(b) (119 Stat. 3289) is amended—

(A) in paragraph (1), by striking "the first sentence" and inserting "the second sentence"; and

(B) in paragraph (2), by striking "the second sentence" and inserting "the third sentence".

(6) Section 685(a) (119 Stat. 3325) is amended by striking "Advisor for" both places it appears and inserting "Advisor to".

(7) Section 687(a)(2) (119 Stat. 3327) is amended by striking "subsection (a)" and inserting "subsection (e)".

(8) Section 687(b)(15) (119 Stat. 3330) is amended—

(A) by striking "Subsection (d)" and inserting "Subsection (e)"; and

(B) in the matter inserted by that section, by striking "(d) REPAYMENT.—" and inserting "(e) REPAYMENT.—".

(9) Section 740(c) (119 Stat. 3359; 10 U.S.C. 1073 note) is amended by inserting "include" after "shall".

(f) RECONCILIATION OF DUPLICATE ENACTMENTS.—

(1) In executing to section 2554 of title 10, United States Code, the identical amendments made by section 8126(c)(2) of Public Law 109-148 (119 Stat. 2729) and section 1058(c) of Public Law 109-163 (119 Stat. 3443), such amendments shall be executed so as to appear only once in the law as amended.

(2) In executing to section 109 of the Housing and Community Development Act of 1974 the identical amendments made by section 8126(d) of Public Law 109-148 (119 Stat. 2730) and section 1058(d) of Public Law 109-163 (119 Stat. 3443), such amendments shall be executed so as to appear only once in the law as amended.

(3) Section 8126 of Public Law 109-148 (119 Stat. 2728) is repealed.

(g) RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005.—Effective as of October 28, 2004, and as if included therein as enacted, the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is amended as follows:

(1) Section 416 is amended—

(A) in subsection (a)(1) (118 Stat. 1866), by inserting "the second place it appears" before the semicolon at the end; and

(B) in subsection (g)(1) (118 Stat. 1868), by inserting open quotation marks before "(1) Reserve".

(2) Subsections (a)(2), (b)(2), and (c)(2) of section 544 (118 Stat. 1906) are amended by striking "such title" and inserting "such chapter".

(3) Section 554(1) (118 Stat. 1913) is amended by inserting "of" in the quoted matter after "a period".

(4) Section 593(a) (118 Stat. 1934; 10 U.S.C. 503 note) is amended in the subsection heading by striking "SCREEING" and inserting "SCREENING".

(5) Section 645 (118 Stat. 1962; 10 U.S.C. 1448 note) is amended by redesignating the last subsection (relating to definitions) as subsection (j).

(6) Section 651(a)(5)(C) (118 Stat. 1966) is amended by striking "subsection (f)" and inserting "subsection (e)".

(7) Section 726(b)(1) (118 Stat. 1992) is amended by striking "(1)" in the second quoted matter.

(8) Section 731 (118 Stat. 1993; 10 U.S.C. 1074 note) is amended by striking "this title" each place it appears in subsections (a), (b)(3)(C), and (c)(1)(A) and inserting "this subtitle".

(9) Section 733(b)(2) (118 Stat. 1998; 10 U.S.C. 1074f note) is amended by striking "section 1301" and inserting "section 731(b)".

(10) Section 801(b)(2)(A) (118 Stat. 2004) is amended—

(A) by striking "(7), (8), and (9)" and inserting "(7) and (8)"; and

(B) by striking "(8), (9), and (10)" and inserting "(8) and (9)".

(11) Section 818(b) (118 Stat. 2016) is amended by inserting "of subsection (b)" after "Paragraph (3)".

(12) Section 1103(a)(1) (118 Stat. 2072) is amended by inserting "basic" after "rates of" in the first quoted matter.

(13) Section 1203(e)(2)(B) (118 Stat. 2079) is amended by inserting "office" after "and field" in the first quoted matter.

(h) BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—Section 806(d) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended in the subsection heading by striking "STATUES" and inserting "STATUTES".

(i) COORDINATION WITH OTHER AMENDMENTS.—For purposes of applying amendments made by provisions of this Act other than provisions of this section, this section shall be treated as having been enacted immediately before the other provisions of this Act.

SEC. 1072. REVISION TO AUTHORITIES RELATING TO COMMISSION ON THE IMPLEMENTATION OF THE NEW STRATEGIC POSTURE OF THE UNITED STATES.

Section 1051 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3431) is amended—

(1) in subsection (c)(1), by striking "June 30, 2007" and inserting "September 30, 2007"; and

(2) in subsection (f), by striking "July 30, 2007" and inserting "November 30, 2007".

SEC. 1073. REVISED DEADLINE FOR SUBMISSION OF FINAL REPORT OF EMP COMMISSION.

Section 1403(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–346), as amended by section 1052(f) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3434), is amended by striking "June 30, 2007" and inserting "September 30, 2007".

SEC. 1074. EXTENSION OF RETURNING WORKER EXEMPTION TO H-2B NUMERICAL LIMITATION.

(a) IN GENERAL.—Section 214(g)(9) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)) is amended—

(1) by amending the first sentence of subparagraph (A) to read as follows: "Subject to subparagraphs (B) and (C), an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007."; and

(2) in subparagraph (B), by striking "referred to in subparagraph (A)" and inserting "to admit or otherwise provide status under section 101(a)(15)(H)(ii)(b)".

(b) DELETION OF PRIOR SUNSET PROVISION.—Section 402(b)(1) of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of division B of Public Law 109–13; 119 Stat. 318; 8 U.S.C. 1184 note) is amended by striking "2004," and all that follows through the period at the end and inserting "2004.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006. If this section is enacted after October 1, 2006, the amendments made by this section shall take effect as if enacted on such date.

SEC. 1075. PATENT TERM EXTENSIONS FOR THE BADGES OF THE AMERICAN LEGION, THE AMERICAN LEGION WOMEN'S AUXILIARY, AND THE SONS OF THE AMERICAN LEGION.

(a) PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION.—The term of the design patent numbered 54,296 (for the badge of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(b) PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION WOMEN'S AUXILIARY.—The term of the design patent numbered 55,398 (for the badge of the American Legion Women's Auxiliary) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(c) PATENT TERM EXTENSION FOR THE BADGE OF THE SONS OF THE AMERICAN LEGION.—The term of the design patent numbered 92,187 (for the badge of the Sons of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

SEC. 1076. USE OF THE ARMED FORCES IN MAJOR PUBLIC EMERGENCIES.

(a) USE OF THE ARMED FORCES AUTHORIZED.—

(1) IN GENERAL.—Section 333 of title 10, United States Code, is amended to read as follows:

"§333. Major public emergencies; interference with State and Federal law

"(a) USE OF ARMED FORCES IN MAJOR PUBLIC EMERGENCIES.—(1) The President may employ the armed forces, including the National Guard in Federal service, to—

"(A) restore public order and enforce the laws of the United States when, as a result of a natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or other condition in any State or possession of the United States, the President determines that—

"(i) domestic violence has occurred to such an extent that the constituted authorities of the State or possession are incapable of maintaining public order; and

"(ii) such violence results in a condition described in paragraph (2); or

"(B) suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy if such insurrection, violation, combination, or conspiracy results in a condition described in paragraph (2).

"(2) A condition described in this paragraph is a condition that—

"(A) so hinders the execution of the laws of a State or possession, as applicable, and of the

United States within that State or possession, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State or possession are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

"(B) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

"(3) In any situation covered by paragraph (1)(B), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

"(b) Notice to Congress.—The President shall notify Congress of the determination to exercise the authority in subsection (a)(1)(A) as soon as practicable after the determination and every 14 days thereafter during the duration of the exercise of that authority.".

(2) Proclamation to disperse.—Section 334 of such title is amended by inserting "or those obstructing the enforcement of the laws" after "insurgents".

(3) Heading amendment.—The heading of chapter 15 of such title is amended to read as follows:

"CHAPTER 15—ENFORCEMENT OF THE LAWS TO RESTORE PUBLIC ORDER".

(4) Clerical amendments.—(A) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle, are each amended by striking the item relating to chapter 15 and inserting the following new item:

"15 Enforcement of the Laws to Restore Public Order .... 331".

(B) The table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to sections 333 and inserting the following new item:

"333. Major public emergencies; interference with State and Federal law.".

(b) Provision of Supplies, Services, and Equipment.—

(1) In general.—Chapter 152 of such title is amended by adding at the end the following new section:

"§2567. Supplies, services, and equipment: provision in major public emergencies

"(a) Provision Authorized.—In any situation in which the President determines to exercise the authority in section 333(a)(1)(A) of this title, the President may direct the Secretary of Defense to provide supplies, services, and equipment to persons affected by the situation.

"(b) Covered Supplies, Services, and Equipment.—The supplies, services, and equipment provided under this section may include food, water, utilities, bedding, transportation, tentage, search and rescue, medical care, minor repairs, the removal of debris, and other assistance necessary for the immediate preservation of life and property.

"(c) Limitations.—(1) Supplies, services, and equipment may be provided under this section—

"(A) only to the extent that the constituted authorities of the State or possession concerned are unable to provide such supplies, services, and equipment, as the case may be; and

"(B) only until such authorities, or other departments or agencies of the United States charged with the provision of such supplies, services, and equipment, are able to provide such supplies, services, and equipment.

"(2) The Secretary may provide supplies, services, and equipment under this section only to the extent that the Secretary determines that doing so will not interfere with military preparedness or ongoing military operations or functions.

"(d) Inapplicability of Certain Authorities.—The provision of supplies, services, or equipment under this section shall not be subject to the provisions of section 403(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(c)).".

(2) Clerical amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2567. Supplies, services, and equipment: provision in major public emergencies".

(c) Conforming Amendment.—Section 12304(c)(1) of such title is amended by striking "No unit" and all that follows through "subsection (b)," and inserting "Except to perform any of the functions authorized by chapter 15 or section 12406 of this title or by subsection (b), no unit or member of a reserve component may be ordered to active duty under this section".

SEC. 1077. INCREASED HUNTING AND FISHING OPPORTUNITIES FOR MEMBERS OF THE ARMED FORCES, RETIRED MEMBERS, AND DISABLED VETERANS.

(a) Access for Members, Retired Members, and Disabled Veterans.—Consistent with section 2671 of title 10, United States Code, and using such funds as are made available for this purpose, the Secretary of Defense shall ensure that members of the Armed Forces, retired members, disabled veterans, and persons assisting disabled veterans are able to utilize lands under the jurisdiction of the Department of Defense that are available for hunting or fishing.

(b) Assessment.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the results of an assessment of those lands under the jurisdiction of the Department of Defense and suitable for hunting or fishing and describing the actions necessary—

(1) to further increase the acreage made available to members of the Armed Forces, retired members, disabled veterans, and persons assisting disabled veterans for hunting and fishing; and

(2) to make that acreage more accessible to disabled veterans.

(c) Recreational Activities on Santa Rosa Island.—The Secretary of the Interior shall immediately cease the plan, approved in the settlement agreement for case number 96-7412 WJR and case number 97-4098 WJR, to exterminate the deer and elk on Santa Rosa Island, Channel Islands, California, by helicopter and shall not exterminate or nearly exterminate the deer and elk.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Accrual of annual leave for members of the uniformed services performing dual employment.
Sec. 1102. Strategy for improving the senior management, functional, and technical workforce of the Department of Defense.
Sec. 1103. Three-year extension of authority for experimental personnel management program for scientific and technical personnel.
Sec. 1104. Reports on members of the Armed Forces and civilian employees of the Department of Defense serving in the legislative branch.
Sec. 1105. Extension of authority to waive annual limitation on total compensation paid to Federal civilian employees.

SEC. 1101. ACCRUAL OF ANNUAL LEAVE FOR MEMBERS OF THE UNIFORMED SERVICES PERFORMING DUAL EMPLOYMENT.

Section 5534a of title 5, United States Code, is amended by adding at the end the following new sentence: "Such a member also is entitled to accrue annual leave with pay in the manner specified in section 6303(a) of this title for a retired member of a uniformed service.".

SEC. 1102. STRATEGY FOR IMPROVING THE SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE OF THE DEPARTMENT OF DEFENSE.

(a) Inclusion in 2007 Strategic Human Capital Plan.—The Secretary of Defense shall include in the March 1, 2007, strategic human capital plan required by section 1122(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3453; 10 U.S.C. prec. 1580 note) a strategic plan to shape and improve the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense.

(b) Scope of Plan.—The strategic plan required by subsection (a) shall cover, at a minimum, the following categories of Department of Defense civilian personnel:

(1) Appointees in the Senior Executive Service under section 3131 of title 5, United States Code.

(2) Persons serving in positions described in section 5376(a) of title 5, United States Code.

(3) Highly qualified experts appointed pursuant to section 9903 of title 5, United States Code.

(4) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into by law by Public Law 106–398 (114 Stat. 1654A-315)).

(5) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

(6) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of title 10, United States Code.

(7) Persons serving in Intelligence Senior Level positions under section 1607 of title 10, United States Code.

(c) Contents of Plan.—The strategic plan required by subsection (a) shall include—

(1) an assessment of—

(A) the needs of the Department of Defense for senior management, functional, and technical personnel (including scientists and engineers) in light of recent trends and projected changes in the mission and organization of the Department and in light of staff support needed to accomplish that mission;

(B) the capability of the existing civilian employee workforce of the Department to meet requirements relating to the mission of the Department, including the impact on that capability of projected trends in the senior management, functional, and technical personnel workforce of the Department based on expected losses due to retirement and other attrition; and

(C) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the senior management, functional, and technical personnel (including scientists and engineers) it needs; and

(2) a plan of action for developing and reshaping the senior management, functional, and technical workforce of the Department to address the gaps identified under paragraph (1)(C), including—

(A) any legislative or administrative action that may be needed to adjust the requirements applicable to any category of civilian personnel identified in subsection (b) or to establish a new category of senior management or technical personnel;

(B) any changes in the number of personnel authorized in any category of personnel identified in subsection (b) that may be needed to address such gaps and effectively meet the needs of the Department;

(C) any changes in the rates or methods of pay for any category of personnel identified in subsection (b) that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department;

(D) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals;

(E) specific strategies for developing, training, deploying, compensating, motivating, and designing career paths and career opportunities for the senior management, functional, and technical workforce of the Department, including the program objectives of the Department to be achieved through such strategies; and

(F) specific steps that the Department has taken or plans to take to ensure that the senior management, functional, and technical workforce of the Department is managed in compliance with the requirements of section 129 of title 10, United States Code.

SEC. 1103. THREE-YEAR EXTENSION OF AUTHORITY FOR EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

Section 1101(e)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking "September 30, 2008" and inserting "September 30, 2011".

SEC. 1104. REPORTS ON MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE SERVING IN THE LEGISLATIVE BRANCH.

(a) QUARTERLY REPORTS ON DETAILS AND FELLOWSHIPS OF LONG DURATION.—Not later than 120 days after the date of the enactment of this Act, and quarterly thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the members of the Armed Forces and civilian employees of the Department of Defense who, as of the date of such report, have served continuously in the Legislative Branch for more than 12 consecutive months in one or a combination of covered legislative details or fellowships.

(b) REPORTS ON CERTAIN MILITARY DETAILS AND FELLOWSHIPS.—If a member of the Armed Forces is assigned to a covered legislative detail or fellowship as the last tour of duty of such member before retirement or separation from the Armed Forces in contravention of the regulations of the Department of Defense, the Secretary shall submit to the congressional defense committees a report on the assignment of such member to such covered legislative detail or fellowship. The report shall include a rationale for the waiver of the regulations of the Department in order to permit the detail or fellowship.

(c) REPORT ELEMENTS.—Each report under subsection (a) or (b) shall set forth, for each member of the Armed Forces or civilian employee of the Department of Defense covered by such report, the following:

(1) The name of such member or employee.

(2) In the case of a member, the Armed Force of such member.

(3) The committee or member of Congress to which such member or employee is detailed or assigned.

(4) A general description of the projects or tasks undertaken or to be undertaken, as applicable, by such member or employee as a detailee, fellow, or both.

(5) The anticipated termination date of the current detail or fellowship of such member or employee.

(d) COVERED LEGISLATIVE DETAIL OR FELLOWSHIP DEFINED.—In this section, the term "covered legislative detail or fellowship" means the following:

(1) A detail under the provisions of Department of Defense Directive 1000.17.

(2) A legislative fellowship (including a legislative fellowship under the provisions of Department of Defense Directive 1322.6).

SEC. 1105. EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON TOTAL COMPENSATION PAID TO FEDERAL CIVILIAN EMPLOYEES.

Section 1105 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3450) is amended—

(1) in subsection (a), by inserting "and 2007" after "2006"; and

(2) in subsection (b)—

(A) by striking "$200,000" in the heading; and

(B) by striking "a calendar year" and inserting "2006 and $212,100 in 2007".

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Logistic support for allied forces participating in combined operations.
Sec. 1202. Temporary authority to use acquisition and cross-servicing agreements to lend certain military equipment to foreign forces in Iraq and Afghanistan for personnel protection and survivability.
Sec. 1203. Recodification and revision to law relating to Department of Defense humanitarian demining assistance.
Sec. 1204. Enhancements to Regional Defense Combating Terrorism Fellowship Program.
Sec. 1205. Participation of the Department of Defense in multinational military centers of excellence.
Sec. 1206. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
Sec. 1207. Authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability.

Subtitle B—Nonproliferation Matters and Countries of Concern

Sec. 1211. North Korea.
Sec. 1212. Report on participation of multinational partners in the United Nations Command in the Republic of Korea.
Sec. 1213. Intelligence on Iran.
Sec. 1214. Sense of Congress on United States policy on the nuclear programs of Iran.

Subtitle C—Other Matters

Sec. 1221. Exclusion of petroleum, oil, and lubricants from limitations on annual amount of liabilities the United States may accrue under acquisition and cross-servicing agreements.
Sec. 1222. Modification of limitations on assistance under the American Servicemembers' Protection Act of 2002.
Sec. 1223. Humanitarian support for Iraqi children in urgent need of medical care.
Sec. 1224. Sense of Congress opposing the granting of amnesty by the government of Iraq to persons known to have attacked, killed, or wounded members of the United States Armed Forces in Iraq.
Sec. 1225. Annual reports on United States contributions to the United Nations.
Sec. 1226. Comprehensive regional strategy and annual reports on Somalia.
Sec. 1227. Report on the implementation of the Darfur Peace Agreement.
Sec. 1228. Sense of Congress concerning cooperation with Russia on issues pertaining to missile defense.
Sec. 1229. Sense of Congress calling for convening of a summit for a comprehensive political agreement for Iraq.
Sec. 1230. Sense of Congress on the commendable actions of the Armed Forces in Iraq.
Sec. 1231. Annual report on foreign sales of significant military equipment manufactured in the United States.

Subtitle A—Assistance and Training

SEC. 1201. LOGISTIC SUPPORT FOR ALLIED FORCES PARTICIPATING IN COMBINED OPERATIONS.

(a) AUTHORITY.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127b the following new section:

"§127c. Allied forces participating in combined operations: authority to provide logistic support, supplies, and services

"(a) AUTHORITY.—Subject to subsections (b) and (c), the Secretary of Defense may provide logistic support, supplies, and services to allied forces participating in a combined operation with the armed forces. Provision of such support, supplies, and services to the forces of an allied nation may be made only with the concurrence of the Secretary of State.

"(b) LIMITATIONS.—(1) The authority provided by subsection (a) may be used only in accordance with the Arms Export Control Act and other export control laws of the United States.

"(2) The authority provided by subsection (a) may be used only for a combined operation—

"(A) that is carried out during active hostilities or as part of a contingency operation or a noncombat operation (including an operation in support of the provision of humanitarian or foreign disaster assistance, a country stabilization operation, or a peacekeeping operation under chapter VI or VII of the Charter of the United Nations); and

"(B) in a case in which the Secretary of Defense determines that the allied forces to be provided logistic support, supplies, and services—

"(i) are essential to the success of the combined operation; and

"(ii) would not be able to participate in the combined operation but for the provision of such logistic support, supplies, and services by the Secretary.

"(c) LIMITATIONS ON VALUE.—(1) Except as provided in paragraph (2), the value of logistic support, supplies, and services provided under this section in any fiscal year may not exceed $100,000,000.

"(2) In addition to any logistic support, supplies, and services provided under subsection (a) that are covered by paragraph (1), the value of logistic support, supplies, and services provided under this section solely for the purposes of enhancing the interoperability of the logistical support systems of military forces participating in combined operation of the United States in order to facilitate such operations may not, in any fiscal year, exceed $5,000,000.

"(d) ANNUAL REPORT.—(1) Not later than December 31 each year, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives a report on the use of the authority provided by subsection (a) during the preceding fiscal year.

"(2) Each report under paragraph (1) shall be prepared in coordination with the Secretary of State.

"(3) Each report under paragraph (1) shall include, for the fiscal year covered by the report, the following:

"(A) Each nation provided logistic support, supplies, and services through the use of the authority provided by subsection (a).

"(B) For each such nation, a description of the type and value of logistic support, supplies, and services so provided.

"(e) DEFINITION.—In this section, the term 'logistic support, supplies, and services' has the meaning given that term in section 2350(1) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127b the following new item:

"127c. Allied forces participating in combined operations: authority to provide logistic support, supplies, and services.".

SEC. 1202. TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND CERTAIN MILITARY EQUIPMENT TO FOREIGN FORCES IN IRAQ AND AFGHANISTAN FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), the Secretary of Defense may treat covered military equipment as logistic support, supplies, and services under subchapter I of chapter 138 of title 10, United States Code, for the purpose of providing for the use of such equipment by military forces of a nation participating in combined operations with the United States in Iraq or Afghanistan.

(2) REQUIRED DETERMINATIONS.—Equipment may be provided to the military forces of a nation under the authority of this section only upon—

(A) a determination by the Secretary of Defense that the United States forces in the combined operation have no unfilled requirements for that equipment; and

(B) a determination by the Secretary of Defense, with the concurrence of the Secretary of State, that it is in the national security interest of the United States to provide for the use of such equipment by the military forces of that nation under this section.

(3) LIMITATION ON USE OF EQUIPMENT.—Equipment provided to the military forces of a nation under the authority of this section may be used by those forces only in Iraq or Afghanistan and only for personnel protection or to aid in the personnel survivability of those forces.

(4) LIMITATION ON DURATION OF PROVISION OF EQUIPMENT.—Equipment provided to the military forces of a nation under the authority of this section may be used by the military forces of that nation for not longer than one year.

(b) SEMIANNUAL REPORTS TO CONGRESSIONAL COMMITTEES.—

(1) USE OF AUTHORITY DURING FIRST SIX MONTHS OF FISCAL YEAR.—If the authority provided in subsection (a) is exercised during the first six months of a fiscal year, the Secretary of Defense shall submit to the specified congressional committees a report on that exercise of such authority not later than the following April 30.

(2) USE OF AUTHORITY DURING SECOND SIX MONTHS OF FISCAL YEAR.—If the authority provided in subsection (a) is exercised during the second six months of a fiscal year, the Secretary of Defense shall submit to the specified congressional committees a report on that exercise of such authority not later than the following October 30.

(3) CONTENT.—Each report under paragraph (1) or (2) shall include, with respect to each exercise of the authority provided in subsection (a) during the period covered by the report, the following:

(A) A description of the basis for the determination of the Secretary of Defense that it is in the national security interests of the United States to provide for the use of covered military equipment in the manner authorized in subsection (a).

(B) Identification of each foreign force that receives such equipment.

(C) A description of the type, quantity, and value of the equipment provided to each foreign force that receives such equipment.

(D) A description of the terms and duration of the provision of the equipment to each foreign force that receives such equipment.

(4) COORDINATION.—Each report under paragraph (1) or (2) shall be prepared in coordination with the Secretary of State.

(c) LIMITATIONS ON PROVISION OF MILITARY EQUIPMENT.—The provision of military equipment under this section is subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and of any other export control process under laws relating to the transfer of military equipment and technology to foreign nations.

(d) DEFINITIONS.—In this section:

(1) The term "covered military equipment" means items designated as significant military equipment in categories I, II, III, VII, XI, and XIII of the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(2) The term "specified congressional committees" means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on International Relations of the House of Representatives.

(e) EXPIRATION.—The authority to provide military equipment to the military forces of a foreign nation under this section expires on September 30, 2008.

SEC. 1203. RECODIFICATION AND REVISION TO LAW RELATING TO DEPARTMENT OF DEFENSE HUMANITARIAN DEMINING ASSISTANCE.

(a) REPEAL.—Section 401 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (4);

(2) in subsection (b)—

(A) by striking "(1)" after "(b)"; and

(B) by striking paragraph (2);

(3) in subsection (c), by striking paragraphs (2) and (3); and

(4) in subsection (e), by striking paragraph (5).

(b) RECODIFICATION AND REVISION.—

(1) IN GENERAL.—Chapter 20 of such title is amended by adding at the end the following new section:

"§407. Humanitarian demining assistance: authority; limitations

"(a) AUTHORITY.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may carry out humanitarian demining assistance in a country if the Secretary concerned determines that the assistance will promote either—

"(A) the security interests of both the United States and the country in which the activities are to be carried out; or

"(B) the specific operational readiness skills of the members of the armed forces who participate in the activities.

"(2) Humanitarian demining assistance under this section shall complement, and may not duplicate, any other form of social or economic assistance which may be provided to the country concerned by any other department or agency of the United States.

"(3) The Secretary of Defense shall ensure that no member of the armed forces, while providing humanitarian demining assistance under this section—

"(A) engages in the physical detection, lifting, or destroying of landmines or other explosive remnants of war (unless the member does so for the concurrent purpose of supporting a United States military operation); or

"(B) provides such assistance as part of a military operation that does not involve the armed forces.

"(b) LIMITATIONS.—(1) Humanitarian demining assistance may not be provided under this section unless the Secretary of State specifically approves the provision of such assistance.

"(2) Any authority provided under any other provision of law to provide humanitarian demining assistance to a foreign country shall be carried out in accordance with, and subject to, the limitations prescribed in this section.

"(c) EXPENSES.—(1) Expenses incurred as a direct result of providing humanitarian demining assistance under this section to a foreign country shall be paid for out of funds specifically appropriated for the purpose of the provision by the Department of Defense of overseas humanitarian assistance.

"(2) Expenses covered by paragraph (1) include the following:

"(A) Travel, transportation, and subsistence expenses of Department of Defense personnel providing such assistance.

"(B) The cost of any equipment, services, or supplies acquired for the purpose of carrying out or supporting humanitarian demining activities, including any nonlethal, individual, or small-team equipment or supplies for clearing landmines or other explosive remnants of war that are to be transferred or otherwise furnished to a foreign country in furtherance of the provision of assistance under this section.

"(3) The cost of equipment, services, and supplies provided in any fiscal year under this section may not exceed $10,000,000.

"(d) ANNUAL REPORT.—The Secretary of Defense shall include in the annual report under section 401 of this title a separate discussion of activities carried out under this section during the preceding fiscal year, including—

"(1) a list of the countries in which humanitarian demining assistance was carried out during the preceding fiscal year;

"(2) the type and description of humanitarian demining assistance carried out in each country during the preceding fiscal year, as specified in paragraph (1);

"(3) a list of countries in which humanitarian demining assistance could not be carried out during the preceding fiscal year due to insufficient numbers of Department of Defense personnel to carry out such activities; and

"(4) the amount expended in carrying out such assistance in each such country during the preceding fiscal year.

"(e) HUMANITARIAN DEMINING ASSISTANCE DEFINED.—In this section, the term 'humanitarian demining assistance', as it relates to training and support, means detection and clearance of landmines and other explosive remnants of war, including activities related to the furnishing of education, training, and technical assistance with respect to the detection and clearance of landmines and other explosive remnants of war.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"407. Humanitarian demining assistance: authority; limitations.".

SEC. 1204. ENHANCEMENTS TO REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

(a) AUTHORIZED PURPOSES.—Subsection (a) of section 2249c of title 10, United States Code, is amended by striking "associated with" and all

that follows and inserting: "associated with the education and training of foreign military officers, ministry of defense officials, or security officials at military or civilian educational institutions, regional centers, conferences, seminars, or other training programs conducted under the Regional Defense Combating Terrorism Fellowship Program. Costs for which payment may be made under this section include the costs of transportation and travel and subsistence costs.".

(b) ANNUAL LIMITATION ON AMOUNT OBLIGATED.—Subsection (b) of such section is amended by striking "$20,000,000" and inserting "$25,000,000".

(c) OBLIGATION OF FUNDS ACROSS FISCAL YEARS.—Subsection (b) of such section is further amended by adding at the end the following new sentence: "Amounts available under the authority in subsection (a) for a fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.".

(d) CLERICAL AMENDMENTS.—

(1) REFERENCE TO PROGRAM.—Subsection (c)(3) of such section is amended by striking "Regional Defense Counterterrorism Fellowship Program" and inserting "program referred to in subsection (a)".

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

"§2249c. Regional Defense Combating Terrorism Fellowship Program: authority to use appropriated funds for costs associated with education and training of foreign officials".

(3) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of subchapter I of chapter 134 of such title is amended to read as follows

"2249c. Regional Defense Combating Terrorism Fellowship Program: authority to use appropriated funds for costs associated with education and training of foreign officials.".

SEC. 1205. PARTICIPATION OF THE DEPARTMENT OF DEFENSE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) PARTICIPATION AUTHORIZED.—During fiscal year 2007, the Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the Armed Forces and Department of Defense civilian personnel in any multinational military center of excellence hosted by any nation or combination of nations referred to in subsection (b) for purposes of—

(1) enhancing the ability of military forces and civilian personnel of the nations participating in such center to engage in joint exercises or coalition or international military operations; or

(2) improving interoperability between the Armed Forces of the United States and the military forces of friendly foreign nations.

(b) COVERED NATIONS.—The nations referred to in this subsection are the following:

(1) The United States.

(2) Any member nation of the North Atlantic Treaty Organization (NATO).

(3) Any major non-NATO ally.

(4) Any other friendly foreign nation identified by the Secretary of Defense, with the concurrence of the Secretary of State, for purposes of this section.

(c) DEFINITIONS.—In this section:

(1) MULTINATIONAL MILITARY CENTER OF EXCELLENCE.—The term "multinational military center of excellence" means an entity sponsored by one or more nations that is accredited and approved by the Military Committee of the North Atlantic Treaty Organization (NATO) as offering recognized expertise and experience to personnel participating in the activities of such entity for the benefit of NATO by providing such personnel opportunities to—

(A) enhance education and training;

(B) improve interoperability and capabilities;

(C) assist in the development of doctrine; and

(D) validate concepts through experimentation.

(2) MAJOR NON-NATO ALLY.—The term "major non-NATO ally" means a country (other than a member nation of the North Atlantic Treaty Organization) that is designated as a major non-NATO ally pursuant to section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k).

(d) MEMORANDUM OF UNDERSTANDING.—

(1) REQUIREMENT.—The participation of members of the Armed Forces or Department of Defense civilian personnel in a multinational military center of excellence under subsection (a) shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the foreign nation or nations concerned.

(2) SCOPE.—If Department of Defense facilities, equipment, or funds are used to support a multinational military center of excellence under subsection (a), the memoranda of understanding under paragraph (1) with respect to that center shall provide details of any cost-sharing arrangement or other funding arrangement.

(e) AVAILABILITY OF APPROPRIATED FUNDS.—

(1) AVAILABILITY.—Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

(A) To pay the United States share of the operating expenses of any multinational military center of excellence in which the United States participates under this section.

(B) To pay the costs of the participation of members of the Armed Forces and Department of Defense civilian personnel in multinational military centers of excellence under this section, including the costs of expenses of such participants.

(2) LIMITATION ON AMOUNT.—The amount available under paragraph (1)(A) in fiscal year 2007 for the expenses referred to in that paragraph may not exceed $3,000,000.

(3) LIMITATION ON USE OF FUNDS.—No funds may be used under this section to fund the pay or salaries of members of the Armed Forces and Department of Defense civilian personnel who participate in multinational military centers of excellence under this section.

(f) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—Facilities and equipment of the Department of Defense may be used for purposes of the support of multinational military centers of excellence under this section that are hosted by the Department.

(g) REPORT ON USE OF AUTHORITY.—

(1) REPORT REQUIRED.—Not later than October 31, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the use of the authority in this section during fiscal year 2007.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A detailed description of the participation of the Department of Defense, and of members of the Armed Forces and civilian personnel of the Department, in multinational military centers of excellence under the authority of this section during fiscal year 2007.

(B) For each multinational military center of excellence in which the Department of Defense, or members of the Armed Forces or civilian personnel of the Department, so participated—

(i) a description of such multinational military center of excellence;

(ii) a description of the activities participated in by the Department, or by members of the Armed Forces or civilian personnel of the Department; and

(iii) a statement of the costs of the Department for such participation, including—

(I) a statement of the United States share of the expenses of such center and a statement of the percentage of the United States share of the expenses of such center to the total expenses of such center; and

(II) a statement of the amount of such costs (including a separate statement of the amount of costs paid for under the authority of this section by category of costs).

SEC. 1206. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) PROGRAM IMPLEMENTATION VESTED IN SECRETARY OF DEFENSE.—

(1) AUTHORITY.—Subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456) is amended by striking by "The President may direct the Secretary of Defense to" and inserting "The Secretary of Defense, with the concurrence of the Secretary of State, may".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b), by striking "directed by the President" in paragraphs (1) and (2);

(B) in subsection (c)—

(i) in paragraph (1), by striking "directed by the President"; and

(ii) in paragraphs (2) and (3), by striking "The President" and inserting "The Secretary of Defense";

(C) in subsection (d), by striking "directed by the President" both places it appears; and

(D) in subsection (e)(2), by striking "as directed by the President".

(b) FUNDING.—Subsection (c)(1) of such section is further amended—

(1) by striking "$200,000,000" and inserting "$300,000,000"; and

(2) by striking "defense-wide".

(c) NOTIFICATION TO CONGRESS.—Paragraph (1) of subsection (e) of such section is amended to read as follows:

"(1) NOTIFICATION.—Whenever the Secretary of Defense decides, with the concurrence of the Secretary of State, to conduct or support a program authorized under subsection (a), the Secretary of Defense shall submit to Congress a notification in writing of that decision. Any such notification shall be prepared in coordination with the Secretary of State.".

(d) ONE-YEAR EXTENSION OF PROGRAM AUTHORITY.—Subsection (g) of such section is amended to read as follows:

"(g) TERMINATION OF PROGRAM.—The authority provided under subsection (a) terminates at the close of September 30, 2008. Any program directed before that date may be completed, but only using funds available for fiscal year 2006, 2007, or 2008.".

SEC. 1207. AUTHORITY FOR DISTRIBUTION TO CERTAIN FOREIGN PERSONNEL OF EDUCATION AND TRAINING MATERIALS AND INFORMATION TECHNOLOGY TO ENHANCE MILITARY INTEROPERABILITY.

(a) DISTRIBUTION AUTHORIZED.—To enhance interoperability between the Armed Forces and military forces of friendly foreign countries, the Secretary of Defense may—

(1) provide to personnel referred to in subsection (b) electronically-distributed learning content for the education and training of such personnel for the development and enhancement of allied and friendly military capabilities for multinational operations, including joint exercises and coalition operations; and

(2) provide information technology, including computer software developed for such purpose, but only to the extent necessary to support the

use of such learning content for the education and training of such personnel.

(b) AUTHORIZED RECIPIENTS.—The personnel to whom learning content and information technology may be provided under subsection (a) are military and civilian personnel of a friendly foreign government, with the permission of that government.

(c) EDUCATION AND TRAINING.—Any education and training provided under subsection (a) shall include the following:

(1) Internet-based education and training.

(2) Advanced distributed learning and similar Internet learning tools, as well as distributed training and computer assisted exercises.

(d) SECRETARY OF STATE CONCURRENCE IN CERTAIN ACTIVITIES.—In the case of any activity proposed to be undertaken under this section that is not authorized by another provision of law, the Secretary of Defense may undertake such activity only with the concurrence of the Secretary of State.

(e) APPLICABILITY OF EXPORT CONTROL REGIMES.—The provision of learning content and information technology under this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and any other export control regime under law relating to the transfer of military technology to foreign nations.

(f) SECRETARY OF DEFENSE GUIDANCE.—

(1) GUIDANCE REQUIRED.—The Secretary of Defense shall develop and issue guidance on the procedures for the use of the authority provided in this section.

(2) SUBMITTAL TO CONGRESSIONAL COMMITTEES.—Not later than 30 days after issuing the guidance required by paragraph (1), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth such guidance.

(3) MODIFICATION.—If the Secretary modifies the guidance issued under paragraph (1), the Secretary shall submit to the committees named in paragraph (2) a report setting forth the modified guidance not later than 30 days after the date of such modification.

(g) ANNUAL REPORT.—

(1) REPORT REQUIRED.—Not later than October 31 of 2007 and 2008, the Secretary of Defense shall submit to the committees named in subsection (f)(1) a report on the exercise of the authority provided in this section during the preceding fiscal year.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

(A) A statement of the recipients of learning content and information technology provided under this section.

(B) A description of the type, quantity, and value of the learning content and information technology provided under this section.

(h) TERMINATION.—The authority provided in this section shall expire on September 30, 2008.

Subtitle B—Nonproliferation Matters and Countries of Concern

SEC. 1211. NORTH KOREA.

(a) COORDINATOR OF POLICY ON NORTH KOREA.—

(1) APPOINTMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the President shall appoint a senior presidential coordinator of United States policy on North Korea.

(2) DESIGNATION.—The individual appointed under paragraph (1) may be known as the "North Korea Policy Coordinator" (in this subsection referred to as the "Coordinator)".

(3) DUTIES.—The Coordinator shall—

(A) conduct a full and complete interagency review of United States policy toward North Korea;

(B) consult with foreign governments, including the parties to the Six Party Talks on the denuclearization of the Korean peninsula; and

(C) provide policy direction and leadership for negotiations with North Korea relating to nuclear weapons, ballistic missiles, and other security matters.

(4) REPORT.—Not later than 90 days after the date of the appointment of an individual as Coordinator under paragraph (1), the Coordinator shall submit to the President and Congress an unclassified report, with a classified annex if necessary, on the actions undertaken under paragraph (3). The report shall set forth—

(A) the results of the review under paragraph (3)(A); and

(B) any other matter on North Korea that the Coordinator considers appropriate.

(5) TERMINATION.—The position under this subsection shall terminate no later than December 31, 2011.

(b) SEMIANNUAL REPORTS ON NUCLEAR AND MISSILE PROGRAMS OF NORTH KOREA.—

(1) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter for fiscal years 2007 and 2008, the President shall transmit to Congress an unclassified report, with a classified annex as appropriate, on the nuclear program and the missile program of North Korea.

(2) MATTERS TO BE INCLUDED.—Each report under paragraph (1) shall include the following:

(A) The most current national intelligence estimate on the nuclear program and the missile program of North Korea and, consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments in that estimate.

(B) The most current unclassified United States Government assessment, stated as a range if necessary, of—

(i) the number of nuclear weapons possessed by North Korea; and

(ii) the amount of nuclear material suitable for weapons use produced by North Korea by plutonium reprocessing and uranium enrichment.

(C) Any other matter relating to the nuclear program or missile program of North Korea that the President considers appropriate.

SEC. 1212. REPORT ON PARTICIPATION OF MULTINATIONAL PARTNERS IN THE UNITED NATIONS COMMAND IN THE REPUBLIC OF KOREA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate committees of Congress a report on participation of multinational partners in the United Nations Command in the Republic of Korea.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A list of the nations that are current members of the United Nations Command in the Republic of Korea, together with a detailed description of the role and participation of each such member nation in the responsibilities and activities of the United Nations Command.

(2) A detailed description of efforts being undertaken by the United States to encourage enhanced participation in the responsibilities and activities of the United Nations Command in the Republic of Korea by such member nations.

(3) A discussion of how members of the United Nations Command in the Republic of Korea might be persuaded to increase their contribution of military forces stationed in the Republic and an assessment of how United States political-military requirements in the Republic of Korea might be affected by such increases.

(4) An assessment of how the contribution of additional military forces by a member of the United Nations Command might affect that member's approach to facilitating a diplomatic resolution of the nuclear challenge posed by the Democratic People's Republic of Korea.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services and Foreign Relations of the Senate; and

(2) the Committees on Armed Services and International Relations of the House of Representatives.

SEC. 1213. INTELLIGENCE ON IRAN.

(a) SUBMITTAL TO CONGRESS OF UPDATED NATIONAL INTELLIGENCE ESTIMATE ON IRAN.—

(1) SUBMITTAL REQUIRED.—The Director of National Intelligence shall submit to Congress an updated, comprehensive National Intelligence Estimate on Iran. Such National Intelligence Estimate shall be submitted as soon as is practicable, but not later than the end of the 90-day period beginning on the date of the enactment of this Act.

(2) NOTICE REGARDING SUBMITTAL.—If before the end of the 90-day period specified in paragraph (1) the Director determines that the National Intelligence Estimate required by that paragraph cannot be submitted by the end of that period as required by that paragraph, the Director shall (before the end of that period) submit to Congress a report setting forth—

(A) the reasons why the National Intelligence Estimate cannot be submitted by the end of such 90-day period; and

(B) an estimated date for the submittal of the National Intelligence Estimate.

(3) FORM.—The National Intelligence Estimate under paragraph (1) shall be submitted in classified form. Consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments of the National Intelligence Estimate should be submitted.

(b) PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING IRAN.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report on—

(A) the objectives of United States policy on Iran; and

(B) the strategy for achieving those objectives.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form with a classified annex, as appropriate.

(3) ELEMENTS.—The report submitted under paragraph (1) shall—

(A) address the role of diplomacy, incentives, sanctions, other punitive measures and incentives, and other programs and activities relating to Iran for which funds are provided by Congress; and

(B) summarize United States contingency planning regarding the range of possible United States military actions in support of United States policy objectives with respect to Iran.

SEC. 1214. SENSE OF CONGRESS ON UNITED STATES POLICY ON THE NUCLEAR PROGRAMS OF IRAN.

Congress—

(1) endorses the policy of the United States to achieve a successful diplomatic outcome, in coordination with leading members of the international community, with respect to the threat posed by the efforts of the Iranian regime to acquire a capability to produce nuclear weapons;

(2) calls on Iran to—

(A) suspend fully and verifiably its enrichment and reprocessing activities, as required by the International Atomic Energy Agency (IAEA); and

(B) work with the international community to achieve a negotiated outcome to the concerns regarding its nuclear program;

(3) in the event Iran fails to comply with United Nations Security Council Resolution 1696

(July 31, 2006), urges the Security Council to work for the adoption of appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations; and

(4) urges the President and the Secretary of State to keep Congress fully and currently informed regarding the progress of this vital diplomatic initiative.

Subtitle C—Other Matters

SEC. 1221. EXCLUSION OF PETROLEUM, OIL, AND LUBRICANTS FROM LIMITATIONS ON ANNUAL AMOUNT OF LIABILITIES THE UNITED STATES MAY ACCRUE UNDER ACQUISITION AND CROSS-SERVICING AGREEMENTS.

(a) EXCLUSION.—Section 2347 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "(other than petroleum, oils, and lubricants)" in paragraphs (1) and (2); and

(2) by adding at the end the following new subsection:

"(d) The amount of any sale, purchase, or exchange of petroleum, oils, or lubricants by the United States under this subchapter in any fiscal year shall be excluded in any computation for the purposes of subsection (a) or (b) of the amount of reimbursable liabilities or reimbursable credits that the United States accrues under this subchapter in that fiscal year.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect beginning with fiscal year 2007.

(c) REPORTS.—Not later than October 31 of 2007 and 2008, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the exercise during the preceding fiscal year of the authority provided in subchapter I of chapter 138 of title 10, United States Code, with respect to the sale, purchase, or exchange of petroleum, oil, or lubricants. Each report shall identify each country involved in a sale, purchase, or exchange of petroleum, oil, or lubricants with the United States and include a description, by country, of the type, quantity, and value of the petroleum, oil, and lubricants that were sold, purchased, or exchanged by the United States.

SEC. 1222. MODIFICATION OF LIMITATIONS ON ASSISTANCE UNDER THE AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002.

Section 2013(13)(A) of the American Servicemembers' Protection Act of 2002 (22 U.S.C. 7432(13)(A)) is amended by striking "or 5".

SEC. 1223. HUMANITARIAN SUPPORT FOR IRAQI CHILDREN IN URGENT NEED OF MEDICAL CARE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of Defense has discretionary authority to permit space-available travel on military aircraft for various reasons, including humanitarian purposes.

(2) Recently, 110 Iraqi children journeyed 22 hours by bus from Baghdad, Iraq, to Amman, Jordan, for urgently needed oral/facial surgery. While traveling, armed insurgents stopped and boarded the children's bus, raising serious questions about the safety of further travel by ground.

(3) Pursuant to the Secretary's discretionary authority referred to in paragraph (1), the Secretary authorized the Iraqi children to travel on military aircraft for their return trip from Amman to Baghdad.

(4) The Secretary is to be commended for his initiative in providing for the safe return of these children to Iraq by military aircraft.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should continue to provide space-available travel on military aircraft for humanitarian reasons to Iraqi children who would otherwise have no means available to seek urgently needed medical care such as that provided by a humanitarian organization in Amman, Jordan.

SEC. 1224. SENSE OF CONGRESS OPPOSING THE GRANTING OF AMNESTY BY THE GOVERNMENT OF IRAQ TO PERSONS KNOWN TO HAVE ATTACKED, KILLED, OR WOUNDED MEMBERS OF THE UNITED STATES ARMED FORCES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) The Armed Forces of the United States and coalition military forces are serving heroically in Iraq to provide all the people of Iraq a better future.

(2) The Armed Forces of the United States and coalition military forces have served bravely in Iraq since the beginning of military operations in March of 2003.

(3) As of June 15, 2006, more than 2,500 members of the Armed Forces of the United States and members of coalition military forces have been killed and more than 18,000 have been injured in operations to bring peace and stability to all the people of Iraq.

(b) SENSE OF CONGRESS.—

(1) IRAQI SOVEREIGNTY.—It is the sense of Congress that the goal of the United States and of the coalition partners of the United States has been to empower the Iraqi people and, in doing so, to recognize their freedom to exercise full sovereignty.

(2) AMNESTY.—Recognizing the sovereignty of the Iraqi people as referred to in paragraph (1), it is further the sense of Congress that the Government of Iraq, consistent with that sovereignty, should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States.

SEC. 1225. ANNUAL REPORTS ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

(a) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act and annually thereafter until December 31, 2010, the President shall submit to Congress a report listing all assessed and voluntary contributions of the United States Government for the preceding fiscal year to the United Nations and United Nations affiliated agencies and related bodies.

(b) CONTENTS.—Each report required under subsection (a) shall set forth, for the fiscal year covered by such report, the following:

(1) The total amount of all assessed and voluntary contributions of the United States Government to the United Nations and United Nations affiliated agencies and related bodies.

(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions to such agency or body from any source in such fiscal year.

(3) For each such contribution—

(A) the amount of such contribution;

(B) a description of such contribution (including whether assessed or voluntary);

(C) the department or agency of the United States Government responsible for such contribution;

(D) the purpose of such contribution; and

(E) the United Nations or United Nations affiliated agency or related body receiving such contribution.

SEC. 1226. COMPREHENSIVE REGIONAL STRATEGY AND ANNUAL REPORTS ON SOMALIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should—

(1) support—

(A) the establishment of a functional, legitimate, and unified national government in Somalia;

(B) humanitarian assistance to the people of Somalia;

(C) efforts to prevent Somalia from becoming a safe haven for terrorists and terrorist activities; and

(D) regional stability;

(2) broaden and integrate its strategic approach toward Somalia within the context of United States policy and activities in the countries of the Horn of Africa and other relevant countries on the Arabian Peninsula; and

(3) coordinate and carry out all diplomatic, humanitarian, counterterrorism, and security-related activities in Somalia within the framework of an interagency process.

(b) COMPREHENSIVE REGIONAL STRATEGY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on a comprehensive regional strategy toward Somalia within the context of United States policy and activities in the countries of the Horn of Africa and other relevant countries on the Arabian Peninsula.

(2) COMPONENTS.—The comprehensive regional strategy described in the report shall include the following components:

(A) A clearly stated policy towards Somalia that will help establish a functional, legitimate, and unified national government in Somalia that is capable of maintaining the rule of law and preventing Somalia from becoming a safe haven for terrorists.

(B) A description of the type and form of bilateral, regional, and multilateral efforts to coordinate and strengthen diplomatic engagement with Somalia.

(C) A description of an integrated political, humanitarian, intelligence, and military approach to counter transnational security threats in Somalia and throughout the countries of the Horn of Africa.

(D) A description of an interagency framework involving the Federal agencies and departments of the United States to plan, coordinate, and execute United States policy and activities in Somalia and throughout the countries of the Horn of Africa and to oversee policy and program implementation.

(E) Guidance on the manner in which the comprehensive regional strategy will be implemented.

(c) ANNUAL REPORTS.—Not later than April 1, 2007, and annually thereafter until April 1, 2010, the President shall submit to the appropriate congressional committees a report on the status of the implementation of the comprehensive regional strategy toward Somalia required under subsection (b).

(d) FORM.—Each report under this section, including the comprehensive regional strategy, shall be submitted in unclassified form, but may include a classified annex, as appropriate.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

SEC. 1227. REPORT ON THE IMPLEMENTATION OF THE DARFUR PEACE AGREEMENT.

(a) REQUIREMENT FOR REPORTS.—Not later than 90 days after the date of the enactment of this Act and every six months thereafter until December 31, 2011, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report on the implementation of the Darfur Peace Agreement of May 5, 2006, and the contributions of the Department of Defense to

the North Atlantic Treaty Organization in support of the African Union Mission in Sudan (AMIS).

(b) Contents.—Each report under subsection (a) shall include—

(1) a description of major violations of the Darfur Peace Agreement and major delays in implementing the Agreement, including violations and delays relating to the demobilization and disarmament of the Janjaweed, the voluntary safe return of internally displaced persons and refugees, and security and access for humanitarian supply routes;

(2) an assessment of the extent to which the Ceasefire Commission and the AMIS are able to monitor the implementation of the Darfur Peace Agreement and an assessment of efforts to impede the monitoring activities of the Ceasefire Commission and AMIS;

(3) a list of contributions made by the Department of Defense in support of NATO assistance to AMIS and the United Nations peacekeeping operation authorized for Darfur;

(4) a description of the activities carried out by United States Armed Forces in support of NATO assistance to AMIS and the United Nations peacekeeping operation authorized for Darfur;

(5) the amount of funds expended by the Department of Defense in support of NATO assistance to AMIS; and

(6) a description of the efforts by the United States to obtain troop contributions from other countries to serve in the United Nations peacekeeping operation authorized for Darfur.

(c) Form and Availability of Reports.—

(1) Form.—Reports submitted under this section shall be in an unclassified form and may include a classified annex.

(2) Availability.—The unclassified portion of such reports shall be made available to the public.

(d) Appropriate Congressional Committees Defined.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on International Relations of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1228. SENSE OF CONGRESS CONCERNING COOPERATION WITH RUSSIA ON ISSUES PERTAINING TO MISSILE DEFENSE.

It is the sense of Congress that—

(1) cooperation between the United States and Russia with regard to missile defense is in the interest of the United States;

(2) there does not exist strong enough engagement between the United States and Russia with respect to missile defense cooperation;

(3) the United States should explore innovative and nontraditional means of cooperation with Russia on issues pertaining to missile defense; and

(4) as part of such an effort, the Secretary of Defense should consider the possibilities for United States-Russian cooperation with respect to missile defense through—

(A) the testing of specific elements of the detection and tracking equipment of the Missile Defense Agency of the United States Department of Defense through the use of Russian target missiles; and

(B) the provision of early warning radar to the Missile Defense Agency by the use of Russian radar data.

SEC. 1229. SENSE OF CONGRESS CALLING FOR CONVENING OF A SUMMIT FOR A COMPREHENSIVE POLITICAL AGREEMENT FOR IRAQ.

(a) In General.—It is the sense of Congress that the President should continue working with the Government of Iraq and the United Nations to convene a summit as soon as possible after the enactment of this Act for the purpose of reaching a comprehensive political agreement for Iraq—

(1) that promotes the Government of Iraq's National Reconciliation and Dialogue Plan of June 25, 2006, which is designed to focus on many of the fundamental questions dividing Iraqis; and

(2) that address the issues of—

(A) federalism;

(B) the equitable distribution of oil revenues;

(C) the demobilization and reintegration of armed militias;

(D) the inducement of the armed opposition to lay down their arms and join the political process;, and

(E) the building of a renewed international partnership with Iraq aimed at encouraging the economic recovery and reconstruction of Iraq.

(b) Summit Participants.—A summit convened for the purpose stated in subsection (a) should include the following participants (as well as other appropriate participants):

(1) Representatives of Iraq's neighbors.

(2) Representatives of the Arab League.

(3) The Secretary General of the North Atlantic Treaty Organization.

(4) Representatives of the European Union.

(5) Ledders of the governments of each permanent member of the United Nations Security Council.

SEC. 1230. SENSE OF CONGRESS ON THE COMMENDABLE ACTIONS OF THE ARMED FORCES IN IRAQ.

(a) Findings.—Congress makes the following findings:

(1) On June 7, 2006, the United States Armed Forces carried out an air strike near the City of Baquba, northeast of Baghdad, Iraq, that resulted in the death of Ahmad Fadeel al-Nazal al-Khalayleh, better known as Abu Musab al-Zarqawi, the leader of the al-Qaeda in Iraq terrorist organization and the most wanted terrorist in Iraq.

(2) Zarqawi, as the operational commander of al-Qaeda in Iraq, led a brutal campaign of suicide bombings, car bombings, assassinations, and abductions that caused the deaths of many members of the United States Armed Forces, civilian officials of the United States Government, thousands of innocent Iraqi civilians, and innocent civilians of other nations.

(3) Zarqawi publicly swore his allegiance to Osama bin Laden and al-Qaeda in 2004, and changed the name of his terrorist organization from the "Monotheism and Holy War Group" to "al-Qaeda in Iraq".

(4) In an audiotape broadcast in December 2004, Osama bin Laden, the leader of al-Qaeda's worldwide terrorist organization, called Zarqawi "the prince of al-Qaeda in Iraq".

(5) Three perpetrators confessed to being paid by Zarqawi to carry out the October 2002 assassination of the United States diplomat, Lawrence Foley, in Amman, Jordan.

(6) The Monotheism and Holy War Group claimed responsibility for—

(A) the August 2003 suicide attack that destroyed the United Nations headquarters in Baghdad and killed the United Nations envoy to Iraq, Sergio Vieira de Mello, along with 21 other people; and

(B) the suicide attack on the Imam Ali Mosque in Najaf that occurred less than two weeks later, which killed at least 85 people, including the Ayatollah Sayed Mohammed Baqr al-Hakim, and wounded dozens more.

(7) Zarqawi is believed to have personally beheaded American hostage Nicholas Berg in May 2004.

(8) In May 2004, Zarqawi was implicated in a car bombing that killed Izzadine Salim, the rotating president of the Iraqi Governing Council.

(9) In November 2005, al-Qaeda in Iraq attacked three hotels in Amman, Jordan, killing at least 67 innocent civilians.

(10) Zarqawi and his terrorist organization were directly responsible for numerous other brutal terrorist attacks against the American and coalition forces, Iraqi security forces and recruits, and innocent Iraqi civilians.

(11) Zarqawi sought to turn Iraq into a safe haven for al-Qaeda.

(12) To achieve that end, Zarqawi stated his opposition to the democratically elected government of Iraq and worked to divide the Iraqi people, foment sectarian violence, and incite a civil war in Iraq.

(13) The members of the United States Armed Forces, the intelligence community, and other Federal agencies, along with coalition partners and the Iraqi Security Forces, should be commended for their courage and extraordinary efforts to track down the most wanted terrorist in Iraq and to secure a free and prosperous future for the people of Iraq.

(b) Sense of Congress.—It is the sense of Congress that Congress—

(1) commends the United States Armed Forces, the intelligence community, and other Federal agencies, along with coalition partners, for the actions taken through June 7, 2006, that resulted in the death of Abu Musab al-Zarqawi, the leader of the al-Qaeda in Iraq terrorist organization and the most wanted terrorist in Iraq;

(2) commends the United States Armed Forces, the intelligence community, and other agencies for the action referred to in paragraph (1) and their exemplary performance in striving to bring freedom, democracy, and security to the people of Iraq;

(3) commends the coalition partners of the United States, the new government of Iraq, and members of the Iraqi Security Forces for their invaluable assistance in the operation referred to in paragraph (1) and their extraordinary efforts to secure a free and prosperous Iraq;

(4) commends United States civilian and military leadership for their continuing efforts to eliminate the leadership of al-Qaeda in Iraq, and also commends the new government of Iraq, led by Prime Minister Nouri al-Maliki, for its contribution to that achievement;

(5) recognizes that the death of Abu Musab al-Zarqawi is a victory for American and coalition forces in the global war on terror and a blow to the al-Qaeda terrorist organization;

(6) commends Iraqi Prime Minister Nouri al-Maliki on the finalization of the new Iraqi cabinet;

(7) urges the democratically elected government in Iraq to use this opportunity to defeat the terrorist enemy, to put an end to ethnic and sectarian violence, and to achieve a free, prosperous, and secure future for Iraq; and

(8) affirms that the Congress will continue to support the United States Armed Forces, the democratically elected unity government of Iraq, and the people of Iraq in their quest to secure a free, prosperous, and democratic Iraq.

SEC. 1231. ANNUAL REPORT ON FOREIGN SALES OF SIGNIFICANT MILITARY EQUIPMENT MANUFACTURED IN THE UNITED STATES.

(a) Report Required.—Not later than March 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on foreign military sales and direct sales to foreign entities of significant military equipment manufactured in the United States during the preceding calendar year.

(b) Contents.—Each report required by subsection (a) shall indicate, for each sale of significant military equipment in excess of $2,000,000—

(1) the nature of the equipment and the dollar value of the sale;

(2) the country to which the equipment was sold; and

(3) the manufacturer of the equipment and the State in which the equipment was manufactured.

(c) PUBLIC AVAILABILITY.—The Secretary of Defense shall make each report required by subsection (a) publicly available to the maximum extent practicable.

(d) SIGNIFICANT MILITARY EQUIPMENT DEFINED.—In this section, the term "significant military equipment" has the meaning given the term in section 47(9) of the Arms Export Control Act (22 U.S.C. 2794(9) note).

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Extension of temporary authority to waive limitation on funding for chemical weapons destruction facility in Russia.
Sec. 1304. National Academy of Sciences study of prevention of proliferation of biological weapons.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2007 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2007 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $372,128,000 authorized to be appropriated to the Department of Defense for fiscal year 2007 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $76,985,000.

(2) For nuclear weapons storage security in Russia, $87,100,000.

(3) For nuclear weapons transportation security in Russia, $33,000,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $37,486,000.

(5) For biological weapons proliferation prevention in the former Soviet Union, $68,357,000.

(6) For chemical weapons destruction in Russia, $42,700,000.

(7) For defense and military contacts, $8,000,000.

(8) For activities designated as Other Assessments/Administrative Support, $18,500,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2007 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (8) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2007 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2007 for a purpose listed in any of the paragraphs in subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) RESTRICTION.—The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (6) through (8) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. EXTENSION OF TEMPORARY AUTHORITY TO WAIVE LIMITATION ON FUNDING FOR CHEMICAL WEAPONS DESTRUCTION FACILITY IN RUSSIA.

Section 1303 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2094; 22 U.S.C. 5952 note) is amended—

(1) in subsection (a), by striking "shall not apply for a calendar year for which the President submits to Congress a written certification". and inserting the following: "shall not apply for a calendar year to the chemical weapons destruction facility that is (as of 2006) under construction at Shchuch'ye in the Russian Federation, if the President submits to Congress a written certification, for the calendar year concerned,"; and

(2) in subsection (b), by striking "shall expire" and all that follows through the period at the end and inserting "is not effective for calendar years after calendar year 2011.".

SEC. 1304. NATIONAL ACADEMY OF SCIENCES STUDY OF PREVENTION OF PROLIFERATION OF BIOLOGICAL WEAPONS.

(a) STUDY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out a study to identify areas for further cooperation with Russia and other states of the former Soviet Union under the Cooperative Threat Reduction (CTR) program of the Department of Defense in the specific area of prevention of proliferation biological weapons.

(b) MATTERS TO BE INCLUDED IN STUDY.—The Secretary shall provide for the study under subsection (a) to include the following:

(1) A brief review of any ongoing or previously completed United States Government program (whether conducted through the Cooperative Threat Reduction program or otherwise) in the area of prevention of proliferation of biological weapons.

(2) An identification of further cooperative work between the United States Government and foreign governments, including technical scientific cooperation, that could effectively be pursued in the area of prevention of proliferation of biological weapons and the objectives that such work would be designed to achieve.

(3) An identification of any obstacles to designing and implementing a nonproliferation program (whether conducted through the Cooperative Threat Reduction program or otherwise) that could successfully accomplish the objectives identified pursuant to paragraph (2), together with recommendations for overcoming such obstacles, including recommendations in the area of coordination among relevant United States Government departments and agencies.

(c) REPORT.—

(1) SECRETARY OF DEFENSE REPORT.—Not later than December 31, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study carried out under subsection (a).

(2) MATTERS TO BE INCUDED.—The report under paragraph (1) shall incude the following:

(A) The results of the study carried out under subsection (a), including any report received from the National Academy of Sciences on such study.

(B) An assessment of the study by the Secretary.

(C) an action plan for implementing the recommendations from the study, if any, that the Secretary has decided to pursue.

(3) FORM OF SUBMITTAL.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amounts made available pursuant to the authorization of appropriations in section 301(19) for Cooperative Threat Reduction programs, not more than $150,000 shall be available to carry out this section.

TITLE XIV—MATTERS RELATED TO DEFENSE AGAINST TERRORISM AND RELATED SECURITY MATTERS

Sec. 1401. Enhancement to authority to pay rewards for assistance in combating terrorism.
Sec. 1402. Quarterly reports on Department of Defense response to threat posed by improvised explosive devices.
Sec. 1403. Requirement that all military wheeled vehicles used in Iraq and Afghanistan outside of secure military operating bases be protected by Improvised Explosive Device (IED) jammers.
Sec. 1404. Report on assessment process of Chairman of the Joint Chiefs of Staff relating to Global War on Terrorism.
Sec. 1405. Treatment under Freedom of Information Act of certain confidential information shared with State and local personnel.
Sec. 1406. Database of emergency response capabilities.

SEC. 1401. ENHANCEMENT TO AUTHORITY TO PAY REWARDS FOR ASSISTANCE IN COMBATING TERRORISM.

(a) INCREASE IN DELEGATION LIMITATION.—Paragraph (2) of section 127b(c) of title 10, United States Code, is amended by striking "$2,500" and inserting "$10,000".

(b) EXPANSION OF SENIOR OFFICERS TO WHOM COMBATANT COMMANDER AUTHORITY MAY BE DELEGATED.—Such paragraph is further amended—

(1) by inserting after "deputy commander" the following: ", or to the commander of a command directly subordinate to that commander,"; and

(2) by adding at the end the following new sentence: "Such a delegation may be made to the commander of a command directly subordinate to the commander of a combatant command only with the approval of the Secretary of Defense, the Deputy Secretary of Defense, or an Under Secretary of Defense to whom authority has been delegated under subparagraph (1)(A).".

SEC. 1402. QUARTERLY REPORTS ON DEPARTMENT OF DEFENSE RESPONSE TO THREAT POSED BY IMPROVISED EXPLOSIVE DEVICES.

(a) REPORTS REQUIRED.—

(1) Initial report.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report—

(A) regarding the status of the threat posed to United States and allied forces in Iraq and Afghanistan by improvised explosive devices; and

(B) describing efforts being undertaken by the Department of Defense to defeat that threat.

(2) Supplemental quarterly reports.—After the submission of the report under paragraph (1), the Secretary shall submit to Congress a supplemental report, not later than 30 days after the end of each calendar-year quarter, to account for every reported incident involving the detonation or discovery of an improvised explosive device during the preceding quarter that involved United States or allied forces in Iraq and Afghanistan.

(3) Classification of reports.—Reports under this section shall be transmitted in an unclassified manner with a classified annex, if necessary.

(b) Joint IED Defeat Organization and Related Offices.—Each report under subsection (a) shall provide the following information regarding the joint entity in the Office of the Secretary of Defense known as the "Joint IED Defeat Organization" and those portions of all other organizational elements within the Department of Defense that are focused on countering improvised explosive devices:

(1) The number of Department of Defense personnel assigned to the Joint IED Defeat Organization and each other organizational element.

(2) The major locations to which such personnel are assigned and the organizational structure of those elements.

(3) The projected budget of the Joint IED Defeat Organization and those other elements relating to the counter-IED mission.

(4) The level of funding required for administrative costs relating to the counter-IED mission.

(c) Existing Threat and Counter Measures.—Each report under subsection (a) shall include the following information regarding the threat posed by improvised explosive devices and the countermeasures employed to defeat those threats:

(1) The number of improvised explosive devices being encountered by United States and allied military personnel, including general trends in tactics and technology used by the enemy.

(2) Passive countermeasures employed and the success rate of each such countermeasure.

(3) Active countermeasures employed and the success rate of each such countermeasure.

(4) Any evidence of assistance to the enemy by foreign countries or other entities not directly involved in fighting United States and allied forces in Iraq and Afghanistan.

(5) A summary of data collected and reports generated by the Department of Defense on efforts to counter improvised explosive devices in Iraq and Afghanistan and other fronts in the Global War on Terrorism.

(d) Research, Development, Test, and Evaluation of New Countermeasures.—Each report under subsection (a) shall include the following information regarding research, development, test, and evaluation activities relating to new active and passive countermeasures and any impediments to those activities:

(1) The status of any effort within the Department of Defense to conduct research, development, test, and evaluation of passive and active countermeasures and to accelerate the introduction of those countermeasures into deployed units.

(2) Impediments to introduction of new passive and active countermeasures.

(e) Interdiction Efforts.—

(1) Description of interdiction efforts.—Each report under subsection (a) shall identify those portions of any office within the Department of Defense (in addition to those discussed pursuant to subsection (b)) that are focused on interdiction of improvised explosive devices, together with the personnel and funding requirements for that office (as specified in subsection (b)) and the success of the interdiction efforts of that office.

(2) Interdiction defined.—For purposes of this subsection, the term "interdiction" includes—

(A) the development of intelligence regarding persons and locations involved in the manufacture or deployment of improvised explosive devices; and

(B) subsequent action against those persons or locations, including efforts to prevent emplacement of improvised explosive devices.

SEC. 1403. REQUIREMENT THAT ALL MILITARY WHEELED VEHICLES USED IN IRAQ AND AFGHANISTAN OUTSIDE OF SECURE MILITARY OPERATING BASES BE PROTECTED BY IMPROVISED EXPLOSIVE DEVICE (IED) JAMMERS.

(a) Requirement.—The Secretary of Defense shall take such steps as necessary to ensure that by the end of fiscal year 2007 all United States military wheeled vehicles used in Iraq and Afghanistan outside of secure military operating bases are protected by Improvised Explosive Device (IED) jammers.

(b) Funding.—The Secretary shall carry out subsection (a) using funds provided pursuant to authorizations of appropriations in title XV.

(c) Report.—Not later than December 15, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the cost and timeline to complete compliance with the requirement in subsection (a) that by the end of fiscal year 2007 each vehicle described in that subsection be protected by an Improvised Explosive Device jammer.

SEC. 1404. REPORT ON ASSESSMENT PROCESS OF CHAIRMAN OF THE JOINT CHIEFS OF STAFF RELATING TO GLOBAL WAR ON TERRORISM.

Not later than March 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the semiannual assessment process relating to the Global War on Terrorism that is described in the annex to the National Military Strategic Plan for the War on Terrorism, issued by the Secretary of Defense on February 1, 2006, that is designated as the Implementation and Assessment Annex (Annex R).

SEC. 1405. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN CONFIDENTIAL INFORMATION SHARED WITH STATE AND LOCAL PERSONNEL.

(a) In General.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 130d. Treatment under Freedom of Information Act of certain confidential information shared with State and local personnel

"Confidential business information and other sensitive but unclassified homeland security information in the possession of the Department of Defense that is shared, pursuant to section 892 of the Homeland Security Act of 2002 (6 U.S.C. 482), with State and local personnel (as defined in such section) shall not be subject to disclosure under section 552 of title 5 by virtue of the sharing of such information with such personnel.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"130d. Treatment under Freedom of Information Act of certain confidential information shared with State and local personnel.".

SEC. 1406. DATABASE OF EMERGENCY RESPONSE CAPABILITIES.

The Secretary of Defense shall maintain a database of emergency response capabilities that includes the following:

(1) The types of emergency response capabilities that each State's National Guard, as reported by the States, may be able to provide in response to a domestic natural or manmade disaster, both to their home States and under State-to-State mutual assistance agreements.

(2) The types of emergency response capabilities that the Department of Defense may be able to provide in support of the National Response Plan's Emergency Support Functions, and identification of the units that provide these capabilities.

TITLE XV—AUTHORIZATION FOR INCREASED COSTS DUE TO OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Navy and Marine Corps procurement.
Sec. 1504. Air Force procurement.
Sec. 1505. Defense-wide activities procurement.
Sec. 1506. Research, development, test, and evaluation.
Sec. 1507. Operation and maintenance.
Sec. 1508. Defense Health Program.
Sec. 1509. Classified programs.
Sec. 1510. Military personnel.
Sec. 1511. Treatment as additional authorizations.
Sec. 1512. Transfer authority.
Sec. 1513. Availability of funds.
Sec. 1514. Joint Improvised Explosive Device Defeat Fund.
Sec. 1515. Iraq Freedom Fund.
Sec. 1516. Iraq Security Forces Fund.
Sec. 1517. Afghanistan Security Forces Fund.
Sec. 1518. Submittal to Congress of Department of Defense supplemental and cost of war execution reports.
Sec. 1519. Limitation on availability of funds for certain purposes relating to Iraq.
Sec. 1520. Intelligence Community Management Account.

SEC. 1501. PURPOSE.

The purpose of this title is to authorize estimated future emergency supplemental appropriations for the Department of Defense for fiscal year 2007 to provide funds for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $1,524,300,000

(2) For ammunition procurement, $48,591,000.

(3) For weapons and tracked combat vehicles procurement, $3,022,836,000.

(4) For other procurement, $4,636,810,000.

(5) For missile procurement, $3,200,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) Navy.—Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $389,465,000

(2) For weapons procurement, $109,400,000.

(3) For other procurement, $14,600,000.

(b) Marine Corps.—Funds are hereby authorized to be appropriated for fiscal year 2007 for the procurement account for the Marine Corps in the amount of $4,397,926,000.

(c) Navy and Marine Corps Ammunition.—Funds are hereby authorized to be appropriated for fiscal year 2007 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $151,439,000.

SEC. 1504. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $2,174,000,000.

(2) For other procurement, $5,650,000.

SEC. 1505. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the procurement account for Defense-wide in the amount of $127,600,000.

SEC. 1506. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $2,639,000.

(2) For the Navy, $7,856,000.

SEC. 1507. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $28,045,387,000.

(2) For the Navy, $2,007,948,000.

(3) For the Marine Corps, $2,257,089,000.

(4) For the Air Force, $2,478,906,000.

(5) For Defense-wide activities, $1,544,614,000.

(6) For the Army National Guard, $221,500,000.

(7) For the Air National Guard, $2,000,000.

(8) For the Army Reserve, $500,000.

SEC. 1508. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, the Defense Health Program, in the amount of $869,200,000 for operation and maintenance.

SEC. 1509. CLASSIFIED PROGRAMS.

Funds are hereby authorized to be appropriated to the Department of Defense for fiscal year 2007 for classified programs, in the amount of $2,500,000,000.

SEC. 1510. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2007 a total of $8,106,979,000.

SEC. 1511. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1512. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2007 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,500,000,000. The transfer authority provided in this section is in addition to any other transfer authority available to the Secretary of Defense.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred;

(2) may not be used to provide authority for an item that has been denied authorization by Congress; and

(3) may not be combined with the authority under section 1001.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—A transfer may be made under the authority of this section only after the Secretary of Defense—

(1) consults with the chairmen and ranking members of the congressional defense committees with respect to the proposed transfer; and

(2) after such consultation, notifies those committees in writing of the proposed transfer not less than five days before the transfer is made.

SEC. 1513. AVAILABILITY OF FUNDS.

Funds in this title shall be made available for obligation to the Army, Navy, Marine Corps, Air Force, and Defense-wide components by the end of the second quarter of fiscal year 2007.

SEC. 1514. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATION.—Funds are hereby authorized for fiscal year 2007 for the Joint Improvised Explosive Device Defeat Fund in the amount of $2,100,000,000.

(b) USE OF FUNDS.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop, and provide equipment, supplies, services, training, facilities, personnel, and funds to assist United States forces in the defeat of improvised explosive devices.

(c) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Amounts authorized to be appropriated by subsection (a) may be transferred from the Joint Improvised Explosive Device Defeat Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(2) ADDITIONAL TRANSFER AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Joint Improvised Explosive Device Defeat Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Joint Improvised Explosive Device Defeat Fund.

(4) PRIOR NOTICE TO CONGRESSIONAL COMMITTEES.—Funds may not be obligated from the Joint Improvised Explosive Device Defeat Fund, or transferred under the authority provided in paragraph (1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(5) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(d) MANAGEMENT PLAN.—

(1) PLAN REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan for the intended management and use of the Joint Improvised Explosive Device Defeat Fund.

(2) MATTER TO BE INCLUDED.—The plan required by paragraph (1) shall include an update of the plan required in the paragraph under the heading "Joint Improvised Explosive Device Defeat Fund" in chapter 2 of title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 424), including identification of—

(A) year-to-date transfers and obligations; and

(B) projected transfers and obligations through September 30, 2007.

(e) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary shall submit to the congressional defense committees a report summarizing the detail of any obligation or transfer of funds from the Joint Improvised Explosive Device Defeat Fund plan required by subsection (d).

(f) DURATION OF AUTHORITY.—Amounts appropriated to the Fund are available for obligation or transfer from the Fund until September 30, 2009.

SEC. 1515. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2007 for the Iraq Freedom Fund in the amount of $50,000,000.

(b) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1516. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2007 for the Iraq Security Forces Fund in the amount of $1,734,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, to provide assistance to the security forces of Iraq.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance *under this section is in addition to any other authority to provide assistance to foreign nations.*

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Iraq Security Forces Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Iraq Security Forces Fund.

(4) PRIOR NOTICE TO CONGRESSIONAL COMMITTEES.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in paragraph (1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(5) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Contributions of funds for the purposes provided in subsection (b) from any person, foreign government, or international organization may be credited to the Iraq Security Forces Fund and used for the purposes provided in subsection (b).

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) NOTIFICATION.—The Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution. Such notice shall delineate the sources and amounts of the funds received and the specific use of such contributions.

(f) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Iraq Security Forces Fund during the preceding quarter.

(g) DURATION OF AUTHORITY.—Amounts appropriated or contributed to the Fund are available for obligation or transfer from the Iraq Security Forces Fund until September 30, 2008.

SEC. 1517. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2007 for the Afghanistan Security Forces Fund in the amount of $1,446,300,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Office of Security Cooperation—Afghanistan, to provide assistance to the security forces of Afghanistan.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Afghanistan Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Afghanistan Security Forces Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Afghanistan Security Forces Fund.

(4) PRIOR NOTICE TO CONGRESSIONAL COMMITTEES.—Funds may not be obligated from the Afghanistan Security Forces Fund, or transferred under the authority provided in paragraph (1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(5) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Contributions of funds for the purposes provided in subsection (b) from any person, foreign government, or international organization may be credited to the Afghanistan Security Forces Fund and used for the purposes provided in subsection (b).

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) NOTIFICATION.—The Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution. Such notice shall delineate the sources and amounts of the funds received and the specific use of such contributions.

(f) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during the preceding quarter.

(g) DURATION OF AUTHORITY.—Amounts appropriated or contributed to the Fund are available for obligation or transfer from the Afghanistan Security Forces Fund until September 30, 2008.

SEC. 1518. SUBMITTAL TO CONGRESS OF DEPARTMENT OF DEFENSE SUPPLEMENTAL AND COST OF WAR EXECUTION REPORTS.

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3462; 10 U.S.C. 113 note) is amended—

(1) in the subsection caption by inserting "CONGRESS AND" after "SUBMISSION TO"; and

(2) by inserting "the congressional defense committees and" before "the Comptroller General".

SEC. 1519. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States economic control of the oil resources of Iraq.

SEC. 1520. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

There is hereby authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2007 a total of $19,265,000.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2007".

SEC. 2002. RECOGNITION OF REPRESENTATIVE JOEL HEFLEY UPON HIS RETIREMENT FROM THE HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Joel Hefley was elected to represent Colorado's 5th Congressional district in 1986 and has served in the House of Representatives since that time with distinction, class, integrity, and honor.

(2) Representative Hefley has served on the Committee on Armed Services of the House of Representatives for 18 years, including service as Chairman of the Subcommittee on Military Installations and Facilities from 1995 through 2000 and, since 2001, as Chairman of the Subcommittee on Readiness.

(3) Representative Hefley's colleagues know him to be a fair and effective lawmaker who works for the national interest while never forgetting his Western roots.

(4) Representative Hefley's efforts on the Committee on Armed Services have been instrumental to the military value of, and quality of life at, installations in the State of Colorado, including Fort Carson, Cheyenne Mountain, Peterson Air Force Base, Schriever Air Force Base, Buckley Air Force Base, and the United States Air Force Academy.

(5) Representative Hefley was a leader in efforts to retain and expand Fort Carson as an essential part of the national defense system during the Defense Base Closure and Realignment process.

(6) Representative Hefley has consistently advocated for providing members of the Armed Forces and their families with quality, safe, and affordable housing and supportive communities.

(7) As a primary architect of the Military Housing Privatization Initiative, Representative Hefley helped lead congressional efforts to establish this initiative to eliminate inadequate housing on military installations, and the first pilot program was located at Fort Carson.

(8) Representative Hefley's leadership on the Military Housing Privatization Initiative has allowed for the privatization of more than 121,000 units of military family housing, which brought meaningful improvements to living conditions for thousands of members of the Armed Forces and their spouses and children at installations throughout the United States.

(b) RECOGNITION.—Congress recognizes and commends Representative Joel Hefley for his 20 years of service to benefit the people of Colorado, members of the Armed Forces and their families, veterans, and the United States.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects
Sec. 2102. Family housing
Sec. 2103. Improvements to military family housing units
Sec. 2104. Authorization of appropriations, Army

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Redstone Arsenal	$24,300,000
Alaska	Fort Richardson	$72,300,000
	Fort Wainwright	$8,800,000
California	Fort Irwin	$18,200,000
Colorado	Fort Carson	$30,800,000
Georgia	Fort Gillem	$15,000,000
	Fort Stewart/Hunter Army Air Field	$95,300,000
Hawaii	Schofield Barracks	$54,500,000
Kansas	Fort Leavenworth	$23,200,000
	Fort Riley	$47,400,000
Kentucky	Blue Grass Army Depot	$3,500,000
	Fort Campbell	$135,300,000
Louisiana	Fort Polk	$15,900,000
Maryland	Aberdeen Proving Ground	$8,800,000
	Fort Detrick	$12,400,000
Michigan	Detroit Arsenal	$18,500,000
Missouri	Fort Leonard Wood	$34,500,000
New Jersey	Picatinny Arsenal	$9,900,000
New York	Fort Drum	$218,600,000
North Carolina	Fort Bragg	$96,900,000
	Sunny Point Military Ocean Terminal	$46,000,000
Oklahoma	McAlester Army Ammunition Plant	$3,050,000
Pennsylvania	Letterkenny Depot	$7,500,000
Texas	Corpus Christi Army Depot	$12,200,000
	Fort Bliss	$8,200,000
	Fort Hood	$93,000,000
	Red River Depot	$6,000,000
Utah	Dugway Proving Ground	$14,400,000
Virginia	Fort Belvoir	$27,000,000
	Fort Lee	$4,150,000
Washington	Fort Lewis	$502,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	Grafenwoehr	$157,632,000
	Vilseck	$19,000,000
Italy	Vicenza	$223,000,000
Japan	Camp Hansen	$7,150,000
Korea	Camp Humphreys	$61,600,000
	Yongpyong	$7,400,000
Romania	Babadag Range	$34,800,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or Location	Units	Amount
Alaska	Fort Richardson	162	$70,000,000
	Fort Wainwright	234	$132,000,000
Arizona	Fort Huachuca	119	$32,000,000
Arkansas	Pine Bluff Arsensal	10	$2,900,000
Wisconsin	Fort McCoy	13	$4,900,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $16,332,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $320,659,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $3,518,450,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $1,362,200,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $510,582,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,930,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $219,830,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $578,791,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $675,617,000.

(6) For the construction of increment 2 of a barracks complex at Fort Drum, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), $16,500,000.

(7) For the construction of increment 2 of a barracks complex for the 2nd Brigade at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), $31,000,000.

(8) For the construction of increment 2 of a barracks complex for the 3nd Brigade at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), $50,000,000.

(9) For the construction of increment 2 of a barracks complex for divisional artillery at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), $37,000,000.

(10) For the construction of increment 2 of a defense access road at Fort Belvoir, Virginia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3486), $13,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $306,000,000 (the balance of the amount authorized under section 2101(a) for construction of a brigade complex for Fort Lewis, Washington).

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2004, 2005, and 2006 projects.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$5,966,000
California	Marine Corps Air Station, Camp Pendleton	$6,412,000
	Marine Corps Air Station, Miramar	$2,968,000
	Marine Corps Base, Camp Pendleton	$106,142,000
	Marine Corps Base, Twentynine Palms	$27,217,000
	Naval Air Station, North Island	$21,535,000
	Naval Support Activity, Monterey	$7,380,000
Connecticut	Naval Submarine Base, New London	$9,580,000
Florida	Cape Canaveral	$9,900,000
	Naval Air Station, Pensacola	$13,486,000
Georgia	Marine Corps Logistics Base, Albany	$70,540,000
	Navy/Naval Submarine Base, Kings Bay	$20,282,000
Hawaii	Naval Base, Pearl Harbor	$48,338,000
	Naval Magazine, Pearl Harbor	$6,010,000
	Naval Shipyard, Pearl Harbor	$22,000,000
Indiana	Naval Support Activity, Crane	$6,730,000
Maine	Portsmouth Naval Shipyard	$9,650,000
Maryland	Naval Air Station, Patuxent River	$16,316,000
	NMIC/Naval Support Activity, Suitland	$67,939,000
Mississippi	Naval Air Station, Meridian	$5,870,000
Nevada	Naval Air Station, Fallon	$7,730,000
North Carolina	Marine Corps Air Station, Cherry Point	$2,790,000
	Marine Corps Air Station, New River	$21,500,000
	Marine Corps Base, Camp Lejeune	$160,904,000
Rhode Island	Naval Station, Newport	$3,308,000
South Carolina	Marine Corps Air Station, Beaufort	$25,575,000
Virginia	Marine Corps Base, Quantico	$30,628,000
	Naval Shipyard, Norfolk	$34,952,000
	Naval Special Weapons Center, Dahlgren	$9,850,000
	Naval Station, Norfolk	$12,062,000
	Naval Support Activity, Norfolk	$41,712,000
Washington	Naval Air Station, Whidbey Island	$67,303,000
	Naval Base, Kitsap	$17,617,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Diego Garcia	Diego Garcia	$37,473,000
Italy	Naval Air Station, Sigonella	$13,051,000

(c) Unspecified Worldwide.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Project	Amount
	Helicopter Support Facility	$12,185,000

SEC. 2202. FAMILY HOUSING.

(a) Construction and Acquisition.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, in the number of units, and in the amounts set forth in the following table:

Navy: Family Housing

Location	Installation	Units	Amount
California	Marine Corps Log. Base, Barstow	74	$27,851,000
Guam	Naval Station/Base, Guam	176	$98,174,000

(b) Planning and Design.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $2,785,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $180,146,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,109,367,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $832,982,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $50,524,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $12,185,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $8,939,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $70,861,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $308,956,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $509,126,000.

(7) For the construction of increment 2 of a reclamation and conveyance project for Marine Corps Base, Camp Pendleton, California, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), as amended by section 2205(c) of this Act, $33,290,000.

(8) For the construction of increment 2 of a helicopter hangar replacement at Naval Air Station, Jacksonville, Florida, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3489), $43,250,000.

(9) For the construction of increment 2 of recruit training barracks infrastructure upgrades at Recruit Training Command, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $23,589,000.

(10) For the construction of increment 2 of a field house at the United States Naval Academy, Annapolis, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $26,685,000.

(11) For the construction of increment 2 of the replacement of Ship Repair Pier 3 at Naval Support Activity, Norfolk Naval Shipyard, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $30,939,000.

(12) For the construction of increment 2 of an addition to Hockmuth Hall, Marine Corps Base, Quantico, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $10,159,000.

(13) For the construction of increment 2 of wharf upgrades at Naval Station Guam, Marianas Islands, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $29,772,000:

(14) For the construction of increment 2 of wharf upgrades at Yokosuka, Japan, authorized by section 2201(b) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $44,360,000.

(15) For the construction of increment 2 of bachelor quarters at Naval Station, Everett, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $20,917,000.

(16) For the construction of increment 3 of the limited area production and storage complex at Strategic Weapons Facility Pacific, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493, $14,274,000.

(17) For the construction of the next increment of the outlaying landing field facilities at Washington County, North Carolina, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), as amended by section 2205(a) of this Act, $7,926,000.

(18) For the construction of increment 4 of pier 11 replacement at Naval Station, Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), $30,633,000.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) $56,159,000 (the balance of the amount authorized under section 2201(a) for construction of an addition to the National Maritime Intelligence Center, Suitland, Maryland).

(3) $31,153,000 (the balance of the amount authorized under section 2201(a) to recapitalize Hangar 5 at Naval Air Station, Whidbey Island, Washington).

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2004, 2005, AND 2006 PROJECTS.

(a) Fiscal Year 2004 Inside the United States Project.—

(1) Modification.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), as amended by section 2205 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3492), is amended—

(A) at the end of the items relating to North Carolina, by inserting a new item entitled "Navy Outlying Landing Field, Washington County" in the amount of "$193,260,000";

(B) by striking the item relating to Various Locations, CONUS; and

(C) by striking the amount identified as the total in the amount column and inserting "$1,489,424,000".

(2) Conforming amendments.—Section 2204(b)(6) of that Act (117 Stat. 1706) is amended—

(A) by striking "$28,750,000" and inserting "$165,650,000"; and

(B) by striking "outlying landing field facilities, various locations in the continental United States" and inserting "an outlying landing field in Washington County, North Carolina".

(b) Fiscal Year 2005 Inside the United States Project.—

(1) Modification.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by

section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493), is amended—

(A) by striking the item relating to Navy Outlying Landing Field, Washington County, North Carolina; and

(B) by striking the amount identified as the total in the amount column and inserting "$825,479,000".

(2) CONFORMING AMENDMENTS.—Section 2204 of that Act (118 Stat. 2107), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493), is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "$752,927,000" and inserting "722,927,000"; and

(ii) by adding at the end the following new paragraph:

"(10) For the construction of increment 2 of the Navy outlying landing field in Washington County, North Carolina, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), as amended by section 2205(a) of the Military Construction Authorization Act for Fiscal Year 2007, $30,000,000."; and

(B) in subsection (b), by striking paragraph (3).

(c) FISCAL YEAR 2006 INSIDE THE UNITED STATES PROJECT.—

(1) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3489) is amended in the item related to Marine Corps Base, Camp Pendleton, California, by striking "$90,437,000" in the amount column and inserting "$86,006,000".

(2) CONFORMING AMENDMENTS.—Section 2204(b)(2) of that Act (119 Stat. 3492) is amended by striking "$37,721,000" and inserting "$33,290,000".

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Modification of authority to carry out certain fiscal year 2006 project.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson Air Force Base	$38,300,000
	Elmendorf Air Force Base	$68,100,000
Arizona	Davis-Monthan Air Force Base	$11,800,000
Arkansas	Little Rock Air Force Base	$9,800,000
California	Beale Air Force Base	$28,000,000
	Travis Air Force Base	$85,800,000
Colorado	Buckley Air Force Base	$10,700,000
	Peterson Air Force Base	$4,900,000
	Schriever Air Force Base	$21,000,000
Delaware	Dover Air Force Base	$30,400,000
Florida	Eglin Air Force Base	$30,350,000
	Hurlburt Field	$32,950,000
	MacDill Air Force Base	$71,000,000
	Tyndall Air Force Base	$8,200,000
Georgia	Robins Air Force Base	$59,600,000
Hawaii	Hickam Air Force Base	$28,538,000
Illinois	Scott Air Force Base	$28,200,000
Kansas	McConnell Air Force Base	$3,875,000
Kentucky	Fort Knox	$3,500,000
Maryland	Andrews Air Force Base	$29,000,000
Massachusetts	Hanscom Air Force Base	$12,400,000
Missouri	Whiteman Air Force Base	$3,800,000
Montana	Malmstrom Air Force Base	$5,700,000
Nevada	Indian Springs Auxiliary Field	$49,923,000
New Jersey	McGuire Air Force Base	$28,500,000
New Mexico	Kirtland Air Force Base	$11,400,000
North Dakota	Minot Air Force Base	$9,000,000
Oklahoma	Altus Air Force Base	$9,500,000
	Tinker Air Force Base	$5,700,000
South Carolina	Charleston Air Force Base	$10,200,000
	Shaw Air Force Base	$31,500,000
South Dakota	Ellsworth Air Force Base	$3,000,000
Texas	Fort Bliss	$8,500,000
	Lackland Air Force Base	$13,200,000
	Laughlin Air Force Base	$12,600,000
	Sheppard Air Force Base	$7,000,000
Utah	Hill Air Force Base	$63,400,000
Virginia	Langley Air Force Base	$57,700,000
Washington	Fairchild Air Force Base	$4,250,000
Wyoming	Francis E. Warren Air Force Base	$11,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	$53,150,000
Guam	Andersen Air Base	$65,300,000
Korea	Kunsan Air Base	$37,360,000
	Osan Air Base	$2,156,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Project 1	$3,377,000
	Classified Project 2	$4,600,000
	Classified Project 3	$1,700,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation or Location	Units	Amount
Alaska	Eielson Air Force Base	129	$87,414,000
Idaho	Mountain Home Air Force Base	457	$107,800,000
Missouri	Whiteman Air Force Base	116	$39,270,000
Montana	Malmstrom Air Force Base	493	$140,252,000
North Carolina	Seymour Johnson Air Force Base	56	$22,956,000
North Dakota	Minot Air Force Base	575	$170,188,000
Texas	Dyess Air Force Base	199	$49,215,000
Germany	Ramstein Air Base	101	$59,488,000
	Spangdahlem Air Base	60	$39,294,000
United Kingdom	Royal Air Force Lakenheath	74	$35,282,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $13,202,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $403,777,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS:—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $3,231,442,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $962,286,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $157,966,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2301(c), $9,677,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $79,004,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $1,168,138,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $755,071,000.

(7) For the construction of increment 2 of the C-17 maintenance complex at Elmendorf Air Force Base, Alaska, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), $30,000,000.

(8) For the construction of increment 2 of the main base runway at Edwards Air Force Base, California, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), $31,000,000.

(9) For the construction of increment 2 of the CENTCOM Joint Intelligence Center at MacDill Air Force Base, Florida, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), as amended by section 2305 of this Act,$23,300,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECT.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494) is amended in the item relating to MacDill Air Force Base, Florida, by striking "$107,200,000" in the amount column and inserting "$101,500,000".

(b) CONFORMING AMENDMENT.—Section 2304(b)(4) of that Act (119 Stat. 3496) is amended by striking "$29,000,000" and inserting "$23,300,000".

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Family housing.
Sec. 2403. Energy conservation projects.
Sec. 2404. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
Sec. 2405. Authorization of appropriations, Defense Agencies.
Sec. 2406. Modification of authority to carry out certain fiscal year 2006 project.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Kentucky	Fort Knox	$18,108,000

Defense Logistics Agency

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$8,715,000
California	Beale Air Force Base	$9,000,000
Pennsylvania	Defense Distribution Depot, New Cumberland	$8,900,000

Defense Logistics Agency—Continued

State	Installation or Location	Amount
Viginia	Fort Belvoir	$5,500,000
Washington	Naval Air Station, Whidbey Island	$26,000,000

Special Operations Command

State	Installation or Location	Amount
California	Marine Corps Base, Camp Pendleton	$24,400,000
Colorado	Fort Carson	$26,100,000
Florida	Hurlburt Field	$14,482,000
	MacDill Air Force Base	$27,300,000
Kentucky	Fort Campbell	$24,500,000
Mississippi	Stennis Space Center	$10,200,000
North Carolina	Fort Bragg	$51,768,000
	Marine Corps Base, Camp Lejeune	$51,600,000
	Pope Air Force Base	$15,276,000
Virginia	Naval Air Base, Little Creek	$22,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Fort Richardson	$37,200,000
California	Fort Irwin	$6,050,000
Florida	MacDill Air Force Base	$92,000,000
	Naval Hospital, Jacksonville	$16,000,000
Hawaii	Naval Base, Pearl Harbor	$7,700,000
Illinois	Naval Hospital, Great Lakes	$20,000,000
Maryland	Fort Detrick	$550,000,000
New York	Fort Drum	$9,700,000
Texas	Fort Hood	$18,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

Country	Installation or Location	Amount
Italy	Vicenza	$47,210,000
Korea	Osan Air Base	$4,589,000
Spain	Naval Station, Rota	$23,048,000

Defense Logistics Agency

Country or Possession	Installation or Location	Amount
Japan	Okinawa	$5,000,000
Wake Island	Wake Island	$2,600,000

Missile Defense Agency

Country or Possession	Installation or Location	Amount
Kwajalein	Kwajalein Atoll	$7,592,000

Special Operations Command

Country	Installation or Location	Amount
Qatar	Al Udeid AB	$44,500,000

TRICARE Management Activity

Country	Installation or Location	Amount
Italy	Vicenza	$52,000,000

SEC. 2402. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(9)(A), the Secretary of Defense may construct or acquire family housing units (including land acquisition and supporting facilities) at the location, in the number of units, and in the amount set forth in the following table:

Defense Logistics Agency: Family Housing

State	*Location*	*Units*	*Amount*
Virginia	*Defense Supply Center, Richmond*	*25*	*$7,840,000*

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(9)(A), the Secretary of Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $200,000.

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $55,000,000.

SEC. 2404. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

(a) AUTHORIZED ACTIVITIES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(8), the Secretary of Defense may carry out base closure and realignment activities,. including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $5,902,723,000.

(b) CONFORMING AMENDMENTS TO FISCAL YEAR 2006 AUTHORIZATIONS.—

(1) AUTHORIZED ACTIVITIES.—Title XXIV of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3496) is amended by adding at the end the following new section:

"SEC. 2404. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

"Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(7), the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $2,035,466,000.".

(2) AUTHORIZATION OF APPROPRIATIONS AND LIMITATIONS.—Section 2403 of that Act (119 Stat. 3499) is amended—

(A) in subsection (a)(7)—

(i) by striking "as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)" and inserting "authorized by section 2404 of this Act"; and

(ii) by striking "section 2906 of such Act" and inserting "section 2906A of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)";

(B) by redesignating subsection (c) as subsection (d); and

(C) by inserting after subsection (b) the following new subsection (c):

"(c) LIMITATION ON TOTAL COST OF BASE CLOSURE AND REALIGNMENT ACTIVITIES.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all base closure and realignment activities, including real property acquisition and military construction projects, carried out under section 2404 of this Act may not exceed the sum of the following:

"(1) The total amount authorized to be appropriated under subsection (a)(7).

"(2) $531,000,000 (the balance of the amount authorized under section 2404 for base closure and realignment activities).".

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $7,163,431,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $533,099,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $170,789,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $21,672,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $172,950,000.

(6) For energy conservation projects authorized by section 2403 of this Act, $55,000,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, $191,220,000.

(8) For base closure and realignment activities authorized by section 2404 of this Act and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $5,236,223,000.

(9) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $8,808,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $48,506,000.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $2,500,000

(10) For the construction of increment 2 of the regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of Public Law 109–234 (120 Stat. 485), $77,118,000.

(11) For the construction of increment 2 of the regional security operations center at Kunia, Hawaii, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7017 of Public Law 109–234 (120 Stat. 485), $47,016,000.

(12) For the construction of increment 2 of the classified material conversion facility at Fort Meade, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), $11,151,000.

(13) For the construction of increment 2 of an operations building, Royal Air Force Menwith Hill Station, United Kingdom, authorized by section 2401(b) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3498), as amended by section 2406 of this Act, $46,386,000.

(14) For the construction of the second increment of certain base closure and realignment activities authorized by section 2404 of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3500), as added by section 2404(b) of this Act, $390,000,000.

(15) For the construction of increment 7 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act of 2002 (division B of Public Law 107–107; 115 Stat. 1298), and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $99,157,000.

(16) For the construction of increment 8 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $41,836,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $46,400,000 (the balance of the amount authorized under section 2401(a) for construction of a health clinic at MacDill Air Force Base, Florida).

(3) $521,000,000 (the balance of the amount authorized under section 2401(a) for stage 1 of the replacement of the Army Medical Research Institute of Infectious Diseases at Fort Detrick, Maryland).

(c) LIMITATION ON TOTAL COST OF BASE CLOSURE AND REALIGNMENT ACTIVITIES.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all base closure and realignment activities, including real property acquisition and military construction projects, carried out under section 2404(a) of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a)(8).

(2) $666,500,000 (the balance of the amount authorized under section 2404(a) for base closure and realignment activities).

(d) CONGRESSIONAL NOTIFICATION REGARDING BASE CLOSURE AND REALIGNMENT ACTIVITIES.—Not later later 14 days after the date on which funds appropriated pursuant to the authorization of appropriations in subsection (a)(8) are first obligated for a particular program, project, or activity, the Secretary of Defense shall submit to the congressional defense committees a report describing the program, project, or activity.

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION OF OUTSIDE THE UNITED STATES NATIONAL SECURITY AGENCY PROJECT.—The table relating to the National Security Agency in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3498) is amended in the item relating to Menwith Hill, United Kingdom, by striking "$86,354,000" in the amount column and inserting "$91,383,000".

(b) CONFORMING AMENDMENTS.—Section 2403(b)(5) of that Act (119 Stat. 3500) is amended by striking "$44,657,000" and inserting "$49,686,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects
Sec. 2502. Authorization of appropriations, NATO

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $200,985,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $561,375,000; and

(B) for the Army Reserve, $190,617,000.

(2) For the Department of the Navy, for the Navy Reserve and Marine Corps Reserve, $49,998,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $294,283,000; and

(B) for the Air Force Reserve, $56,836,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 2004 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 2003 projects.
Sec. 2704. Effective date.

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2009; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2009; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2010 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2004 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1716), authorizations set forth in the tables in subsection (b), as provided in section 2101, 2301, 2302, 2401, or 2601 of that Act shall remain in effect until October 1, 2007, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2008, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Aviano Air Base, Italy	Joint deployment facility	$15,500,000
Fort Wainwright, Alaska	Training range complex	$47,000,000

Air Force: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Eglin Air Force Base, Florida	Family housing (279 units)	$32,166,000
Hickam Air Force Base, Hawaii	Parking ramp	$10,102,000
Travis Air Force Base, California	Family housing (56 units)	$12,723,000

Defense Wide: Extension of 2004 Project Authorization

Installation or Location	Agency and Project	Amount
Hickam Air Force Base, Hawaii	DLA hydrant fuel system	$14,100,000

Army National Guard: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Albuquerque, New Mexico	Readiness center	$2,533,000
Fort Indiantown Gap, Pennsylvania	Training range	$15,338,000
Gary, Indiana	Aviation support facility	$15,581,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2003 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2700), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3502), shall remain in effect until October 1, 2007, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2008, whichever is later.

(b) TABLES.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2003 Project Authorizations

Installation or Location	Project	Amount
Eglin Air Force Base, Florida	Family housing (134 units)	$15,906,000
Eglin Air Force Base, Florida	Family housing office	$597,000
Randolph Air Force Base, Texas	Housing maintenance facility	$447,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this Act shall take effect on the later of—

(1) October 1, 2006; or

(2) the date of the enactment of this Act.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Increase in maximum annual amount authorized to be obligated for emergency military construction.
Sec. 2802. One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2803. Repeal of requirement to determine availability of suitable alternative housing for acquisition in lieu of construction of new family housing.
Sec. 2804. Authority to continue to occupy leased family housing for United States Southern Command personnel.
Sec. 2805. Consideration of alternative and more efficient uses for general officer and flag officer quarters in excess of 6,000 square feet.
Sec. 2806. Modification of notification requirements related to cost variation authority.
Sec. 2807. Consideration of local comparability of floor areas in construction, acquisition, and improvement of military unaccompanied housing.
Sec. 2808. Certification required for military construction projects for facilities designed to provide training in urban operations.
Sec. 2809. Authority to carry out military construction projects in connection with industrial facility investment program.
Sec. 2810. Repeal of special requirement for military construction contracts on Guam.
Sec. 2811. Temporary expansion of authority to convey property at military installations to support military construction.
Sec. 2812. Pilot projects for acquisition or construction of military unaccompanied housing.

Subtitle B—Real Property and Facilities Administration

Sec. 2821. Congressional notice requirements, in advance of acquisition of land by condemnation for military purposes.
Sec. 2822. Consolidation of Department of Defense authorities regarding granting of easements for rights-of-way.
Sec. 2823. Authority to grant restrictive easements for conservation purposes in connection with land conveyances.
Sec. 2824. Maximum term of leases for structures and real property relating to structures in foreign countries needed for purposes other than family housing.
Sec. 2825. Consolidation of laws relating to transfer of Department of Defense real property within the Department of Defense and to other Federal agencies.
Sec. 2826. Defense access road program.
Sec. 2827. Reports on Army operational ranges.

Subtitle C—Base Closure and Realignment

Sec. 2831. Modification of deposit requirements in connection with lease proceeds received at military installations approved for closure or realignment after January 1, 2005.
Sec. 2832. Report on Air Force and Air National Guard bases affected by 2005 round of defense base closure and realignment.

Subtitle D—Land Conveyances

Sec. 2841. Conveyance of easement, Pine Bluff Arsenal, Arkansas.
Sec. 2842. Modification of land transfer authority, Potomac Annex, District of Columbia.
Sec. 2843. Land conveyance, Naval Air Station, Barbers Point, Hawaii.
Sec. 2844. Land conveyances, Omaha, Nebraska.
Sec. 2845. Land conveyance, Hopkinton, New Hampshire.
Sec. 2846. Land conveyance, North Hills Army Reserve Center, Allison Park, Pennsylvania.
Sec. 2847. Transfer of jurisdiction, Fort Jackson, South Carolina.
Sec. 2848. Sense of Congress regarding land conveyance involving Army Reserve Center, Marshall, Texas.
Sec. 2849. Modifications to land conveyance authority, Engineering Proving Ground, Fort Belvoir, Virginia.
Sec. 2850. Land conveyance, Radford Army Ammunition Plant, New River Unit, Virginia.

Subtitle E—Energy Security

Sec. 2851. Consolidation and enhancement of laws to improve Department of Defense energy efficiency and conservation.
Sec. 2852. Department of Defense goal regarding use of renewable energy to meet electricity needs.
Sec. 2853. Congressional notification of cancellation ceiling for Department of Defense energy savings performance contracts.
Sec. 2854. Use of energy efficiency products in new construction.

Subtitle F—Other Matters

Sec. 2861. Availability of research and technical assistance under Defense Economic Adjustment Program.
Sec. 2862. Availability of community planning assistance relating to encroachment of civilian communities on military facilities used for training by the Armed Forces.
Sec. 2863. Prohibitions against making certain military airfields or facilities available for use by civil aircraft.
Sec. 2864. Modification of certain transportation projects.
Sec. 2865. Availability of funds for South County Commuter Rail project, Providence, Rhode Island.
Sec. 2866. Fox Point Hurricane Barrier, Providence, Rhode Island.
Sec. 2867. Federal funding for fixed guideway projects.
Sec. 2868. Feasibility study regarding use of General Services Administration property for Fort Belvoir, Virginia, realignment.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN MAXIMUM ANNUAL AMOUNT AUTHORIZED TO BE OBLIGATED FOR EMERGENCY MILITARY CONSTRUCTION.

Section 2803(c)(1) of title 10, United States Code, is amended by striking "$45,000,000" and inserting "$50,000,000".

SEC. 2802. ONE-YEAR EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

Section 2808(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128) and section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), is further amended by striking "and 2006" and inserting "through 2007".

SEC. 2803. REPEAL OF REQUIREMENT TO DETERMINE AVAILABILITY OF SUITABLE ALTERNATIVE HOUSING FOR ACQUISITION IN LIEU OF CONSTRUCTION OF NEW FAMILY HOUSING.

(a) IN GENERAL.—Section 2823 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 169 of such title is amended by striking the item relating to section 2823.

SEC. 2804. AUTHORITY TO CONTINUE TO OCCUPY LEASED FAMILY HOUSING FOR UNITED STATES SOUTHERN COMMAND PERSONNEL.

Section 2828(b)(4) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(D) Until September 30, 2008, the Secretary of the Army may authorize family members of a *member of the armed forces on active duty who is assigned to a family-member-restricted area and who, before such assignment, was occupying a housing unit leased under this paragraph, to remain in the leased housing unit until the member completes the assignment. Costs incurred for the leased housing unit during the assignment shall be included in the costs subject to the limitation under subparagraph (B).".*

SEC. 2805. CONSIDERATION OF ALTERNATIVE AND MORE EFFICIENT USES FOR GENERAL OFFICER AND FLAG OFFICER QUARTERS IN EXCESS OF 6,000 SQUARE FEET.

(a) REPORTING REQUIREMENTS.—Subsection (e)(1) of section 2831 of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking "and" at the end of the subparagraph;

(2) in subparagraph (B)—

(A) by striking "so identified" and inserting "identified under subparagraph (A)"; and

(B) by striking the period at the end of the subparagraph and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(C) identifying each family housing unit in excess of 6,000 square feet used, or intended for use, as quarters for a general officer or flag officer;

"(D) for each family housing unit identified under subparagraph (C), specifying any alternative and more efficient use to which the unit could be converted (which would include any costs necessary to convert the unit) and containing an explanation of the reasons why the unit is not being converted to the alternative use; and

"(E) for each family housing unit identified under subparagraph (C) for which costs under subparagraph (A) or new construction costs are anticipated to exceed $100,000 in the next fiscal year, specifying any alternative use to which the unit could be converted (which would include any costs necessary to convert the unit) and an estimate of the costs to demolish and rebuild the unit to private sector standards.".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "ESTABLISHMENT.—" after "(a)";

(2) in subsection (b), by inserting "CREDITS TO ACCOUNT.—" after "(b)";

(3) in subsection (c), by inserting "AVAILABILITY OF AMOUNTS IN ACCOUNT.—" after "(c)"; and

(4) in subsection (d), by inserting "USE OF ACCOUNT.—" after "(d)"; and

(5) in the heading of subsection (e), by striking "COST OF";

SEC. 2806. MODIFICATION OF NOTIFICATION REQUIREMENTS RELATED TO COST VARIATION AUTHORITY.

Section 2853(c) of title 10, United States Code, is amended by striking "if—" and paragraphs (1), (2), and (3) and inserting the following: "if the variation in cost or reduction in the scope of work is approved by the Secretary concerned and—

"(1) in the case of a cost increase or a reduction in the scope of work—

"(A) the Secretary concerned notifies the appropriate committees of Congress in writing of the cost increase or reduction in scope and the reasons therefor, including a description of the funds proposed to be used to finance any increased costs; and

"(B) a period of 21 days has elapsed after the date on which the notification is received by the committees or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title; or

"(2) in the case of a cost decrease, the Secretary concerned notifies the appropriate committees of Congress in writing not later than 14 days after the date funds are obligated in connection with the military construction project or military family housing project.".

SEC. 2807. CONSIDERATION OF LOCAL COMPARABILITY OF FLOOR AREAS IN CONSTRUCTION, ACQUISITION, AND IMPROVEMENT OF MILITARY UNACCOMPANIED HOUSING.

(a) COMPARABILITY OF FLOOR AREAS.—

(1) IN GENERAL.—Section 2856 of title 10, United States Code, is amended to read as follows:

"§2856. Military unaccompanied housing: local comparability of floor areas

"In the construction, acquisition, and improvement of military unaccompanied housing, the Secretary concerned shall ensure that the floor areas of such housing in a particular locality (as designated by the Secretary concerned for purposes of this section) do not exceed the floor areas of similar housing in the private sector in that locality.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2856 and inserting the following new item:

"2856. Military unaccompanied housing: local comparability of floor areas.".

(b) CONFORMING AMENDMENTS REGARDING ALTERNATIVE ACQUISITION AND IMPROVEMENT AUTHORITY.—Section 2880(b) of such title is amended—

(1) by striking "(1) Section 2826" and inserting "Sections 2826 and 2856";

(2) by inserting "or military unaccompanied housing" after "military family housing"; and

(3) by striking paragraph (2).

SEC. 2808. CERTIFICATION REQUIRED FOR MILITARY CONSTRUCTION PROJECTS FOR FACILITIES DESIGNED TO PROVIDE TRAINING IN URBAN OPERATIONS.

(a) CERTIFICATION REQUIRED.—Section 2859 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) CERTIFICATION REQUIRED FOR MILITARY CONSTRUCTION PROJECTS DESIGNED TO PROVIDE TRAINING IN URBAN OPERATIONS.—(1) Except as provided in paragraph (3), the Secretary concerned may not carry out a military construction project to construct a facility designed to provide training in urban operations for members of the armed forces or personnel of the Department of Defense or other Federal agencies until—

"(A) the Secretary of Defense approves a strategy for training and facility construction for operations in urban terrain; and

"(B) the Under Secretary of Defense for Personnel and Readiness evaluates the project and certifies to the appropriate committees of Congress that the project—

"(i) is consistent with the strategy; and

"(ii) incorporates the appropriate capabilities for joint and interagency use in accordance with the strategy.

"(2) The Under Secretary of Defense for Personnel and Readiness shall conduct the evaluation required by paragraph (1)(B) in consultation with the Commander of the United States Joint Forces Command.

"(3) This subsection shall not apply with respect to a military construction project carried out under the authority of section 2803, 2804, or 2808 of this title or section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723).".

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§2859. Construction requirements related to antiterrorism and force protection or urban-training operations".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2859 and inserting the following new item:

"2859. Construction requirements related to antiterrorism and force protection or urban-training operations.".

(c) EFFECTIVE DATE.—Subsection (d) of section 2859 of title 10, United States Code, as added by subsection (a), shall apply with respect to military construction projects described in such subsection (d) for which funds are first provided for fiscal year 2007 or thereafter.

SEC. 2809. AUTHORITY TO CARRY OUT MILITARY CONSTRUCTION PROJECTS IN CONNECTION WITH INDUSTRIAL FACILITY INVESTMENT PROGRAM.

(a) AUTHORITY.—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2860 the following new section:

"§2861. Military construction projects in connection with industrial facility investment program

"(a) AUTHORITY.—The Secretary of Defense may carry out a military construction project, not previously authorized, for the purpose of carrying out activities under section 2474(a)(2) of this title, using funds appropriated or otherwise made available for that purpose in military construction accounts.

"(b) CREDITING OF FUNDS TO CAPITAL BUDGET.—Funds appropriated or otherwise made available in a fiscal year for the purpose of carrying out a military construction project with respect to a covered depot (as defined in subsection (e) of section 2476 of this title) may be credited to the amount required by subsection (a) of such section to be invested in the capital budgets of the covered depots in that fiscal year.

"(c) NOTICE AND WAIT REQUIREMENT.—When a decision is made to carry out a project under subsection (a), the Secretary of Defense shall notify in writing the appropriate committees of Congress of that decision and the savings estimated to be realized from the project. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.

"(d) ANNUAL REPORT.—Not later than December 31 of each year, the Secretary shall submit to Congress a report describing actions taken under this section and the savings realized from such actions during the fiscal year ending in the year in which the report is submitted.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2860 the following new item:

"2861. Military construction projects in connection with industrial facility investment program.".

SEC. 2810. REPEAL OF SPECIAL REQUIREMENT FOR MILITARY CONSTRUCTION CONTRACTS ON GUAM.

(a) REPEAL.—Section 2864 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2864.

SEC. 2811. TEMPORARY EXPANSION OF AUTHORITY TO CONVEY PROPERTY AT MILITARY INSTALLATIONS TO SUPPORT MILITARY CONSTRUCTION.

(a) Temporary Inclusion of All Military Installations.—Subsection (a) of section 2869 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" before "The Secretary concerned";

(3) by striking "located on a military installation that is closed or realigned under a base closure law" and inserting "described in paragraph (2)"; and

(4) by adding at the end the following new paragraphs:

"(2) Paragraph (1) applies with respect to real property under the jurisdiction of the Secretary concerned that—

"(A) is located on a military installation that is closed or realigned under a base closure law; or

"(B) is located on a military installation not covered by subparagraph (A) and is determined to be excess to the needs of the Department of Defense.

"(3) Subparagraph (B) of paragraph (2) shall apply only during the period beginning on the date of the enactment of the John Warner National Defense Authorization Act for Fiscal Year 2007 and ending on September 30, 2008. Any conveyance of real property described in such subparagraph for which the Secretary concerned has provided the advance public notice required by subsection (d)(1) before the expiration date may be completed after that date.".

(b) Use of Authority to Support Agreements to Limit Encroachments.—Subparagraph (A) of paragraph (1) of subsection (a) of such section, as redesignated and amended by subsection (a), is further amended by striking "land acquisition" and inserting "land acquisition, including the acquisition of all right, title, and interest or a lesser interest in real property under an agreement entered into under section 2684a of this title to limit encroachments and other constraints on military training, testing, and operations".

(c) Advance Notice of Use of Authority; Content of Notice.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking "closed or realigned under the base closure laws is to be conveyed" and inserting "is proposed for conveyance";

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) The Secretary concerned may not enter into an agreement under subsection (a) for the conveyance of real property until—

"(A) the Secretary submits to Congress notice of the conveyance, including—

"(i) a description of the real property to be conveyed by the Secretary under the agreement;

"(ii) a description of the military construction project, land acquisition, military family housing, or military unaccompanied housing to be carried out under the agreement in exchange for the conveyance of the property; and

"(iii) the amount of any payment to be made under subsection (b) or under section 2684a(d) of this title to equalize the fair market values of the property to be conveyed and the military construction project, land acquisition, military family housing, or military unaccompanied housing to be carried out under the agreement in exchange for the conveyance of the property; and

"(B) the waiting period applicable to that notice under paragraph (3) expires.

"(3) If the notice submitted under paragraph (2) deals with the conveyance of real property located on a military installation that is closed or realigned under a base closure law or the conveyance of real property under an agreement entered into under section 2684a of this title, the Secretary concerned may enter into the agreement under subsection (a) for the conveyance of the property after a period of 21 days has elapsed from the date of receipt of the notice or, if over sooner, a period of 14 days has elapsed from the date on which a copy of the notice is provided in an electronic medium pursuant to section 480 of this title. In the case of other real property to be conveyed under subsection (a), the Secretary concerned may enter into the agreement only after a period of 60 days has elapsed from the date of receipt of the notice or, if over sooner, a period of 45 days has elapsed from the date on which the electronic copy is provided.".

(d) Deposit and Use of Funds.—Subsection (e) of such section is amended to read as follows:

"(e) Deposit and Use of Funds.—(1) Except as provided in paragraph (2), the Secretary concerned may deposit funds received under subsection (b) in the Department of Defense housing funds established under section 2883(a) of this title.

"(2) During the period specified in paragraph (3) of subsection (a), the Secretary concerned shall deposit funds received under subsection (b) in the appropriation 'Foreign Currency Fluctuations, Construction, Defense'.

"(3) The funds deposited under paragraph (2) shall be available, in such amounts as provided in appropriation Acts, for the purpose of paying increased costs of overseas military construction and family housing construction or improvement associated with unfavorable fluctuations in currency exchange rates. The use of such funds for this purpose does not relieve the Secretary concerned from the duty to provide advance notice to Congress under section 2853(c) of this title whenever the Secretary approves an increase in the cost of an overseas project under such section.".

(e) Annual Reports; Effect of Failure to Submit.—Subsection (f) of such section is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) in subparagraph (C), as so redesignated, by inserting before the period at the end the following: "and of excess real property at military installations";

(3) by striking "(f)" and all that follows through "the following:" and inserting the following:

"(f) Annual Reports; Effect of Failure to Submit.—(1) Not later than March 15 of each year, the Secretary of Defense shall submit to Congress a report detailing the following:"; and

(4) by adding at the end the following new paragraph:

"(2) If the report for a year is not submitted to Congress by the date specified in paragraph (1), the Secretary concerned may not enter into an agreement under subsection (a) after that date for the conveyance of real property until the date on which the report is finally submitted.".

(f) Clerical Amendments.—

(1) Section Heading.—The heading of such section is amended to read as follows:

"§2869. Conveyance of property at military installations to support military construction or limit encroachment".

(2) Table of Sections.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2869 and inserting the following new item:

"2869. Conveyance of property at military installations to support military construction or limit encroachment.".

(g) Conforming Amendments to Authority to Limit Encroachments.—Subsection (d)(3) of section 2684a of such title is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(2) in subparagraph (C), as so redesignated, by striking "in the sharing of acquisition costs of real property, or an interest in real property, under paragraph (1)(B)" and inserting "under subparagraph (A), either through the contribution of funds or excess real property, or both,"; and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) In lieu of or in addition to making a monetary contribution toward the cost of acquiring a parcel of real property, or an interest therein, pursuant to an agreement under this section, the Secretary concerned may convey, using the authority provided by section 2869 of this title, real property described in paragraph (2) of subsection (a) of such section, subject to the limitation in paragraph (3) of such subsection.".

SEC. 2812. PILOT PROJECTS FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.

(a) Reduction of Applicable Notification Periods.—Section 2881a of title 10, United States Code, is amended by striking "90 days" both places it appears and inserting "30 days".

(b) Extension of Authority.—Subsection (f) of such section is amended by striking "2007" and inserting "2009".

Subtitle B—Real Property and Facilities Administration

SEC. 2821. CONGRESSIONAL NOTICE REQUIREMENTS, IN ADVANCE OF ACQUISITION OF LAND BY CONDEMNATION FOR MILITARY PURPOSES.

(a) Sense of Congress.—It is the sense of Congress that the Secretary of Defense, when acquiring land for military purposes, should—

(1) make every effort to acquire the land by means of purchases from willing sellers; and

(2) employ condemnation, eminent domain, or seizure procedures only as a measure of last resort in cases of compelling national security requirements or at the request of the seller.

(b) Advance Notice of Use of Condemnation; Exceptions.—Section 2663 of title 10, United States Code, is amended—

(1) in subsection (a)(1), "The Secretary" and inserting "Subject to subsection (f), the Secretary"; and

(2) by adding at the end the following new subsections:

"(f) Advance Notice of Use of Condemnation.—(1) Before commencing any legal proceeding to acquire any interest in land under subsection (a), including acquisition for temporary use, by condemnation, eminent domain, or seizure, the Secretary of the military department concerned shall—

"(A) pursue, to the maximum extent practicable, all other available options for the acquisition or use of the land, such as the purchase of an easement or the execution of a land exchange; and

"(B) submit to the congressional defense committees a report containing—

"(i) a description of the land to be acquired;

"(ii) a certification that negotiations with the owner or owners of the land occurred, and that the Secretary tendered consideration in an amount equal to the fair market value of the land, as determined by the Secretary; and

"(iii) an explanation of the other approaches considered for acquiring use of the land, the reasons for the acquisition of the land, and the reasons why alternative acquisition strategies are inadequate.

"(2) The Secretary concerned may have proceedings brought in the name of the United

States to acquire the land after the end of the 21-day period beginning on the date on which the report is received by the committees or, if over sooner, the end of the 14-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title.

"(g) Exception to Advance Notice Requirement.—If the Secretary of a military department determines that the use of condemnation, eminent domain, or seizure to acquire an interest in land is required under subsection (a) to satisfy a requirement vital to national security, and that any delay would be detrimental to national security or the protection of health, safety, or the environment, the Secretary may have proceedings brought in the name of the United States to acquire the land in advance of submitting the report required by subsection (f)(1)(B). However, the Secretary shall submit the report not later than seven days after commencement of the legal proceedings with respect to the land.".

SEC. 2822. CONSOLIDATION OF DEPARTMENT OF DEFENSE AUTHORITIES REGARDING GRANTING OF EASEMENTS FOR RIGHTS-OF-WAY.

(a) Consolidation.—Subsection (a) of section 2668 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "he" both places it appears and inserting "the Secretary"; and

(B) by striking "his control, to a State, Commonwealth, or possession, or political subdivision thereof, or to a citizen, association, partnership, or corporation of a State, Commonwealth, or possession," and inserting "the Secretary's control";

(2) in paragraph (2), by striking "oil pipe lines" and inserting "gas, water, sewer, and oil pipe lines"; and

(3) in paragraph (13), by striking "he considers advisable, except a purpose covered by section 2669 of this title" and inserting "the Secretary considers advisable".

(b) Stylistic Amendments.—Such section is further amended—

(1) in subsection (a), by inserting "Authorized Types of Easements.—" after "(a)";

(2) in subsection (b), by inserting "Limitation on Size of Easement.—" after "(b)";

(3) in subsection (c), by inserting "Termination.—" after "(c)";

(4) in subsection (d), by inserting "Notice to Department of the Interior.—" after "(d)"; and

(5) in subsection (e), by inserting "Disposition of Consideration.—" after "(e)".

(c) Conforming Repeal.—Section 2669 of such title is repealed.

(d) Clerical Amendment.—The table of sections at the beginning of chapter 159 of such title is amended by striking the item related to section 2669.

SEC. 2823. AUTHORITY TO GRANT RESTRICTIVE EASEMENTS FOR CONSERVATION PURPOSES IN CONNECTION WITH LAND CONVEYANCES.

(a) Restrictive Easements.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2668 the following new section:

"§2668a. Easements: granting restrictive easements in connection with land conveyances

"(a) Authority to Include Restrictive Easement.—In connection with the conveyance of real property by the Secretary concerned under any provision of law, the Secretary concerned may grant an easement to an entity specified in subsection (b) restricting future uses of the conveyed real property for a conservation purpose consistent with section 170(h)(4)(A)(iv) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(4)(A)(iv)).

"(b) Authorized Recipients.—An easement under subsection (a) may be granted only to—

"(1) a State or local government; or

"(2) a qualified organization, as that term is defined in section 170(h) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)).

"(c) Limitations on Use of Easement Authority.—An easement under subsection (a) may not be granted unless—

"(1) the proposed recipient of the easement consents to the receipt of the easement;

"(2) the Secretary concerned determines that the easement is in the public interest and the conservation purpose to be promoted by the easement cannot be effectively achieved through the application of State law by the State or a local government without the grant of restrictive easements;

"(3) the jurisdiction that encompasses the property to be subject to the easement authorizes the grant of restrictive easements; and

"(4) the Secretary can give or assign to a third party the responsibility for monitoring and enforcing easements granted under this section.

"(d) Consideration.—Easements granted under this section shall be without consideration from the recipient.

"(e) Acreage Limitation.—No easement granted under this section may include more land than is necessary for the easement.

"(f) Terms and Conditions.—The grant of an easement under this section shall be subject to such additional terms and conditions as the Secretary concerned considers appropriate to protect the interests of the United States.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2668 the following new item:

"2668a. Easements: granting restrictive easements in connection with land conveyances.".

SEC. 2824. MAXIMUM TERM OF LEASES FOR STRUCTURES AND REAL PROPERTY RELATING TO STRUCTURES IN FOREIGN COUNTRIES NEEDED FOR PURPOSES OTHER THAN FAMILY HOUSING.

Section 2675(a) of title 10, United States Code, is amended by striking "five years" and inserting "10 years".

SEC. 2825. CONSOLIDATION OF LAWS RELATING TO TRANSFER OF DEPARTMENT OF DEFENSE REAL PROPERTY WITHIN THE DEPARTMENT OF DEFENSE AND TO OTHER FEDERAL AGENCIES.

(a) Inclusion of Transfer Authority Between Armed Forces.—Section 2696 of title 10, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting before subsection (b), as so redesignated, the following new subsection:

"(a) Transfers Between Armed Forces.—If either of the Secretaries concerned requests it and the other approves, real property may be transferred, without compensation, from one armed force to another. Section 2571(d) of this title shall apply to the transfer of real property under this subsection.".

(b) Inclusion of Department of Justice Program to Screen and Convey of Property for Correctional Facilities.—The text of section 2693 of such title is amended—

(1) by redesignating paragraphs (1), (2), and (3) of subsection (a) as subparagraphs (A), (B), and (C), respectively;

(2) by redesignating paragraphs (1) and (2) of subsection (b) as subparagraphs (A) and (B), respectively, and in such subparagraph (B), as so redesignated, by striking "this section" and inserting "paragraph (1)";

(3) by striking "(a) Except as provided in subsection (b)" and inserting "(f) Screening and Conveyance of Property for Correctional Facilities Purposes.—(1) Except as provided in paragraph (2)";

(4) by striking "(b) The provisions of this section" and inserting "(2) Paragraph (1)"; and

(5) by transferring the text, as so redesignated and amended, to appear as a new subsection (f) at the end of section 2696 of such title.

(c) Conforming Amendments.—

(1) Conforming amendment to authority on interchange of property and services.—Section 2571(a) of such title is amended by striking "and real estate".

(2) Repeal of superseded authority on screening and transfer for correctional purposes.—Section 2693 of such title is repealed.

(3) Conforming amendments to consolidated authority.—Section 2696 of such title is amended—

(A) in subsection (b), as redesignated by subsection (a)(1), by striking "Screening Requirement.—" and inserting "Screening Requirements for Additional Federal Use.—";

(B) in subsection (c)(1), as redesignated by subsection (a)(1), by striking "subsection (a)" in the first sentence and inserting "subsection (b)";

(C) in subsection (d), by striking "subsection (b)(1)" and inserting "subsection (c)(1)"; and

(D) in subsection (e), by striking "this section" and inserting "subsection (b)".

(d) Clerical Amendments.—

(1) Section 2571.—(A) The heading of section 2571 of such title is amended to read as follows:

"§2571. Interchange of supplies and services".

(B) The table of sections at the beginning of chapter 153 of such title is amended by striking the item relating to section 2571 and inserting the following new item:

"2571. Interchange of supplies and services.".

(2) Sections 2693 and 2696.—(A) The heading of section 2696 of such title is amended to read as follows:

"§2696. Real property: transfer between armed forces and screening requirements for other Federal use".

(B) The table of sections at the beginning of chapter 159 of such title is amended—

(i) by striking the item relating to section 2693; and

(ii) by striking the item relating to section 2696 and inserting the following new item:

"2696. Real property: transfer between armed forces and screening requirements for other Federal use.".

SEC. 2826. DEFENSE ACCESS ROAD PROGRAM.

Section 2837 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3522) is amended—

(1) in subsection (a)—

(A) by inserting "and transit systems" after "that roads"; and

(B) by striking "that is" and inserting "that are"; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (1); and

(B) by striking paragraph (2) and inserting the following new paragraphs:

"(2) to determine whether the existing surface transportation infrastructure, including roads and transit at each installation identified under paragraph (1) is adequate to support the increased traffic associated with the increase in the number of defense personnel described in that paragraph; and

"(3) to determine whether the defense access road program adequately considers the complete range of surface transportation options, including roads and other means of transit, necessary to support the national defense.".

SEC. 2827. REPORTS ON ARMY OPERATIONAL RANGES.

(a) Report on Pinon Canyon Maneuver Site.—

(1) REPORT REQUIRED.—Not later than November 30, 2006, the Secretary of the Army shall submit to the congressional defense committees a report containing an analysis of any potential expansion of the Pinon Canyon Maneuver Site at Fort Carson, Colorado.

(2) ELEMENTS OF REPORT.—The report required under paragraph (1) shall include the following:

(A) A description of the current and projected military requirements of the Army for training at the Pinon Canyon Maneuver Site.

(B) An analysis of the reasons for any changes in those requirements, including the extent to which the changes are the result of—

(i) an increase in military personnel using the Pinon Canyon Maneuver Site due to decisions made as part of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note);

(ii) the conversion of Army brigades to a modular format;

(iii) the Integrated Global Presence and Basing Strategy;

(iv) high operational tempos; or

(v) surge requirements.

(C) A proposed plan for addressing those requirements, including a description of any proposed expansion of the existing Pinon Canyon Maneuver Site by acquiring privately held land surrounding the site and an analysis of alternative approaches that would not require expansion.

(3) ADDITIONAL ELEMENTS.—If the expansion of the Pinon Canyon Maneuver Site is recommended in the plan required by paragraph (2)(C), the report shall also include the following:

(A) An assessment of the economic impact on local communities of expanding the Pinon Canyon Maneuver Site by acquiring privately held land surrounding the site.

(B) An assessment of the environmental impact of expanding the Pinon Canyon Maneuver Site.

(C) An estimate of the costs associated with the potential expansion, including land acquisition, range improvements, installation of utilities, environmental restoration, and other environmental activities in connection with the acquisition.

(D) An assessment of options for compensating local communities for the loss of property tax revenue as a result of the expansion of Pinon Canyon Maneuver Site.

(E) An assessment of whether the acquisition of additional land at the Pinon Canyon Maneuver Site can be carried out by the Secretary solely through transactions, including land exchanges and the lease or purchase of easements, with willing sellers of the privately held land.

(b) LIMITATION ON REAL PROPERTY ACQUISITION PENDING REPORT.—The Secretary of the Army may not carry out any acquisition of real property to expand the Pinon Canyon Maneuver Site until at least 30 days after the date on which the Secretary submits the report required under subsection (a).

(c) REPORT ON POTENTIAL EXPANSION OF ARMY OPERATIONAL RANGES.—

(1) REPORT REQUIRED.—Not later than February 1, 2007, the Secretary of the Army shall submit to the congressional defense committees a report containing an assessment of the Army operational ranges used to support range activities.

(2) CONTENT.—The report required under paragraph (1) shall include the following information:

(A) The size, description, and mission-essential tasks supported by each Army operational range during fiscal year 2003.

(B) A description of the projected changes in Army operational range requirements, including the size, characteristics, and attributes for mission-essential activities at each range and the extent to which any changes in requirements are a result of—

(i) decisions made as part of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note);

(ii) the conversion of Army brigades to a modular format;

(iii) the Integrated Global Presence and Basing Strategy;

(iv) high operational tempos; or

(v) surge requirements.

(C) The projected deficit or surplus of land at each Army operational range, and a description of the Army's plan to address that projected deficit or surplus of land as well as the upgrade of range attributes at each existing Army operational range.

(D) A description of the Army's prioritization process and investment strategy to address the potential expansion or upgrade of Army operational ranges.

(E) An analysis of alternatives to the expansion of Army operational ranges, including an assessment of the joint use of operational ranges under the jurisdiction, custody, or control of the Secretary of another military department.

(3) DEFINITIONS.—In this subsection:

(A) The term "Army operational range" has the meaning given the term "operational range" in section 101(e)(3) of title 10, United States Code, except that the term is limited to operational ranges under the jurisdiction, custody, or control of the Secretary of the Army.

(B) The term "range activities" has the meaning given that term in section 101(e)(2) of such title.

Subtitle C—Base Closure and Realignment

SEC. 2831. MODIFICATION OF DEPOSIT REQUIREMENTS IN CONNECTION WITH LEASE PROCEEDS RECEIVED AT MILITARY INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT AFTER JANUARY 1, 2005.

Section 2667(d) of title 10, United States Code, is amended—

(1) in paragraph (1)(B)(ii), by striking "paragraph (4) or (5)" and inserting "paragraph (4), (5), or (6)";

(2) in paragraph (5), by inserting after "lease under subsection (f)" the following: "at a military installation approved for closure or realignment under a base closure law before January 1, 2005,"; and

(3) by adding at the end the following new paragraph:

"(6) Money rentals received by the United States from a lease under subsection (f) at a military installation approved for closure or realignment under a base closure law on or after January 1, 2005, shall be deposited into the account established under section 2906A(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).".

SEC. 2832. REPORT ON AIR FORCE AND AIR NATIONAL GUARD BASES AFFECTED BY 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) REPORT.—Not later than January 1, 2007, the Secretary of the Air Force shall submit to Congress a report on planning by the Department of the Air Force for future roles and missions for each Air Force and Air National Guard installation that—

(1) will have the number of aircraft, weapon systems, or functions assigned to the installation reduced or eliminated as a result of decisions made as part of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note); or

(2) will serve as a receiving location for the realignment of aircraft, weapons systems, or functions as a result of such decisions.

(b) ELEMENTS OF REPORT.—The report required under subsection (a) shall include the following:

(1) An assessment of the capabilities, characteristics, and capacity of the facilities, other infrastructure, and personnel at each installation described in subsection (a).

(2) A description of the planning process used by the Department of the Air Force to determine future roles and missions at each installation described in subsection (a), including an analysis of alternatives for installations to support each future role or mission.

(3) A description of the future roles and missions under consideration for each Air Force and Air National Guard installation, including installations described in subsection (a), and an explanation of the criteria and decision-making process to make final decisions about future roles and missions for each installation.

(4) A timeline for decisions on the final determination of future roles and missions for each installation described in subsection (a).

Subtitle D—Land Conveyances

SEC. 2841. CONVEYANCE OF EASEMENT, PINE BLUFF ARSENAL, ARKANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Jefferson County, Arkansas (in this section referred to as the "County"), all right, title, and interest of the United States in and to an easement that was acquired by the United States in 1942 for the benefit of Pine Bluff Arsenal, Arkansas, and encumbers the real property described in subsection (c) if the Secretary determines that the conveyance and subsequent use of the easement will not adversely impact the mission of Pine Bluff Arsenal. The conveyance shall include all appurtenances to the easement and any improvements thereon constructed by the United States.

(b) PURPOSE OF CONVEYANCE.—The conveyance authorized by subsection (a) is for the sole purpose of permitting the County to construct, maintain, and operate a railroad over, upon, and across the real property encumbered by the easement.

(c) DESCRIPTION OF PROPERTY ENCUMBERED BY EASEMENT.—The real property encumbered by the easement is situated in Jefferson County, Arkansas, consists of approximately 38.18 acres, and is described as PBR Tract No. 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 38-A and 39 and includes the real property described in a Warranty Deed from C.C. Neal and Pearlee Neal dated August 14, 1942. If the Secretary determines that an additional survey is necessary to better determine the legal description of the real property encumbered by the easement, a survey satisfactory to the Secretary shall be conducted.

(d) FURTHER TRANSFER, ASSIGNMENTS, OR PERMITS.—Subject to subsection (b), the County may make such further transfer or assignments, grant such permits, or make such other arrangements with regard to the easement conveyed under subsection (a) as the County considers beneficial and appropriate for the interests of the County.

(e) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out a conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the County in advance of the Secretary incurring the actual

costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the County.

(2) Treatment of Amounts Received.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out a conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) Additional Term and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. MODIFICATION OF LAND TRANSFER AUTHORITY, POTOMAC ANNEX, DISTRICT OF COLUMBIA.

Section 2831(a) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2795) is amended by striking "consisting of approximately 3 acres" and inserting "consisting of approximately 4 acres and containing two buildings, known as building 6 and building 7".

SEC. 2843. LAND CONVEYANCE, NAVAL AIR STATION, BARBERS POINT, HAWAII.

(a) Conveyance of Property.—Not later than September 30, 2008, the Secretary of the Navy shall enter into a binding agreement to convey, by sale, lease, or a combination thereof, to any public or private person or entity outside the Department of Defense certain parcels of real property, including any improvements thereon, consisting of approximately 499 acres located at the former Naval Air Station, Barbers Point, Oahu, Hawaii, that are subject to the Ford Island Master Development Agreement developed pursuant to section 2814(a)(2) of title 10, United States Code, for the purpose of promoting the beneficial development of the real property.

(b) Use of Existing Authority.—To implement subsection (a), the Secretary may utilize the special conveyance and lease authorities provided to the Secretary by subsections (b) and (c) of section 2814 of title 10, United States Code, for the purpose of developing or facilitating the development of Ford Island, Hawaii.

(c) Description of Property.—The exact acreage and legal description of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with a conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. LAND CONVEYANCES, OMAHA, NEBRASKA.

(a) Conveyances Authorized.—

(1) Army conveyance.—The Secretary of the Army may convey to the Metropolitan Community College Area, a public community college located in Omaha, Nebraska (in this section referred to as the "College") all right, title, and interest of the United States in and to three parcels of real property under the control of the Army Reserve, including any improvements thereon, consisting of approximately 5.42 acres on the Fort Omaha campus at the College, for educational purposes.

(2) Navy conveyance.—The Secretary of the Navy may convey to the College all right, title, and interest of the United States in and to a parcel of real property under the control of the Navy Reserve and Marine Corps Reserve, including any improvements thereon, consisting of approximately 6.57 acres on the Fort Omaha campus at the College, for educational purposes.

(b) Consideration.—

(1) In general.—As consideration for each conveyance under subsection (a), the College shall provide the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary concerned.

(2) Reduced tuition rates.—The Secretary concerned may accept as in-kind consideration under paragraph (1) reduced tuition rates for military personnel at the College.

(c) Payment of Costs of Conveyances.—

(1) Payment required.—The Secretary concerned shall require the College to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out a conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the College in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the College. .

(2) Treatment of amounts received.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary concerned to carry out a conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary concerned.

(e) Additional Terms and Conditions.—The Secretary concerned may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2845. LAND CONVEYANCE, HOPKINTON, NEW HAMPSHIRE.

(a) Conveyance Authorized.—The Secretary of the Army may convey to the Town of Hopkinton, New Hampshire (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 90 acres located at a site in Hopkinton, New Hampshire, known as the "Kast Hill" property for the purpose of permitting the Town to use the existing sand and gravel resources on the property and to ensure perpetual conservation of the property.

(b) Consideration.—

(1) In general.—As consideration for the conveyance under subsection (a), the Town shall, subject to paragraph (2), provide to the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(2) Waiver of payment of consideration.—The Secretary may waive the requirement for consideration under paragraph (1) if the Secretary determines that the Town will not use the existing sand and gravel resources to generate revenue.

(c) Reversionary Interest.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) Prohibition on Reconveyance of Land.—The Town may not reconvey any of the land acquired from the United States under subsection (a) without the prior approval of the Secretary.

(e) Payment of Costs of Conveyance.—

(1) Payment required.—The Secretary shall require the Town to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Town in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Town.

(2) Treatment of amounts received.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance of real property under subsection (a) as the Secretary consider appropriate to protect the interests of the United States.

SEC. 2846. LAND CONVEYANCE, NORTH HILLS ARMY RESERVE CENTER, ALLISON PARK, PENNSYLVANIA.

(a) Conveyance Authorized.—The Secretary of the Army may convey to the North Allegheny School District (in this section referred to as the "School District") all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 11.15 acres and containing the North Hills Army Reserve Center in Allison Park, Pennsylvania, for the purpose of permitting the School District to use the property for educational and recreational purposes and for parking facilities related thereto.

(b) Consideration.—The Secretary may waive any requirement for consideration in connection with the conveyance under subsection (a) if the Secretary determines that, were the conveyance of the property to be made under subchapter III of chapter 5 of title 40, United States Code, for the same purpose specified in subsection (a), the conveyance could be made without consideration.

(c) Reversionary Interest.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United

States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the School District to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the School District in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the School District.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2847. TRANSFER OF JURISDICTION, FORT JACKSON, SOUTH CAROLINA.

(a) TRANSFER AUTHORIZED.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property, including any improvements thereon, consisting of approximately 600 acres and comprising a portion of Fort Jackson, South Carolina.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall establish on the real property transferred under subsection (a) a national cemetery under chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2848. SENSE OF CONGRESS REGARDING LAND CONVEYANCE INVOLVING ARMY RESERVE CENTER, MARSHALL, TEXAS.

It is the sense of Congress that the Secretary of the Army should consider the feasibility of conveying the Army Reserve Center at 1209 Pinecrest Drive East in Marshall, Texas, to the Marshall-Harrison County Veterans Association for the purpose of assisting the efforts of the Association in erecting a veterans memorial, creating a park, and establishing a museum recognizing and honoring the sacrifices and accomplishments of veterans of the Armed Forces.

SEC. 2849. MODIFICATIONS TO LAND CONVEYANCE AUTHORITY, ENGINEERING PROVING GROUND, FORT BELVOIR, VIRGINIA.

(a) CONSTRUCTION OF SECURITY BARRIER.—Section 2836 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1314), as amended by section 2846 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3527), is further amended—

(1) in subsection (b)(4), by striking "$3,880,000" and inserting "$4,880,000"; and

(2) in subsection (d)—

(A) in paragraph (1), by inserting after "Virginia," the following: "and the construction of a security barrier, as applicable,"; and

(B) in paragraph (2), by inserting after "Building 191" the following: "and the construction of a security barrier, as applicable".

(b) AUTHORITY TO ENTER INTO ALTERNATIVE AGREEMENT FOR DESIGN AND CONSTRUCTION OF FAIRFAX COUNTY PARKWAY PORTION.—Such section 2836 is further amended—

(1) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) except as provided in subsection (f), design and construct, at its expense and for public benefit, the portion of the Fairfax County Parkway through the Engineer Proving Ground (in this section referred to as the 'Parkway portion');"; and

(B) in paragraph (2), by inserting after "C514" the following: ", RW–214 (in this section referred to as 'Parkway project')";

(2) by redesignating subsection (f) as subsection (g);

(3) by inserting after subsection (e) the following new subsection:

"(f) ALTERNATE AGREEMENT FOR CONSTRUCTION OF ROAD.—(1) The Secretary of the Army may, in connection with the conveyance authorized under subsection (a), enter into an agreement with the Commonwealth providing for the design and construction by the Department of the Army or the United States Department of Transportation of the Parkway portion and other portions of the Fairfax County Parkway off the Engineer Proving Ground that are necessary to complete the Parkway project (in this subsection referred to as the 'alternate agreement') if the Secretary determines that the alternate agreement is in the best interests of the United States to support the permanent relocation of additional military and civilian personnel at Fort Belvoir pursuant to decisions made as part of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(2) If the Secretary of Defense certifies that the Parkway portion is important to the national defense pursuant to section 210 of title 23, United States Code, the Secretary of the Army may enter into an agreement with the Secretary of Transportation to carry out the alternate agreement under the Defense Access Road Program.

"(3) The Commonwealth shall pay to the Secretary of the Army the costs of the design and construction of the Parkway portion and any other portions of the Fairfax County Parkway off the Engineer Proving Ground designed and constructed under the alternate agreement. The Secretary shall apply such payment to the design and construction provided for in the alternate agreement.

"(4) Using the authorities available to the Secretary under chapter 160 of title 10, United States Code, and funds deposited in the Environmental Restoration Account, Army, established by section 2703(a) of such title and appropriated for this purpose, the Secretary may carry out environmental restoration activities on real property under the jurisdiction of the Secretary in support of the construction of the Parkway portion.

"(5) The alternate agreement shall be subject to the following conditions:

"(A) The Commonwealth shall acquire and retain all necessary right, title, and interest in any real property not under the jurisdiction of the Secretary that is necessary for construction of the Parkway portion or for construction of any other portions of the Fairfax County Parkway off the Engineer Proving Ground that will be constructed under the alternate agreement, and shall grant to the United States all necessary access to and use of such property for such construction.

"(B) The Secretary shall receive consideration from the Commonwealth as required in subsections (b)(2), (b)(3), and (b)(4) and shall carry out the acceptance and disposition of funds in accordance with subsection (d).

"(6) The design of the Parkway portion under the alternate agreement shall be subject to the approval of the Secretary and the Commonwealth in accordance with the Virginia Department of Transportation Approved Plan, dated June 15, 2004, Project #R000–029–249, PE–108, C–514; RW–214. For each phase of the design and construction of the Parkway portion under the alternate agreement, the Secretary may—

"(A) accept funds from the Commonwealth; or

"(B) transfer funds received from the Commonwealth to the United States Department of Transportation.

"(7) Upon completion of the construction of the Parkway portion and any other portions of the Fairfax County Parkway off the Engineer Proving Ground required under the alternate agreement, the Secretary shall carry out the conveyance under subsection (a). As a condition of such conveyance carried out under the alternate agreement, the Secretary shall receive a written commitment, in a form satisfactory to the Secretary, that the Commonwealth agrees to accept all responsibility for the costs of operation and maintenance of the Parkway portion upon conveyance to the Commonwealth of such real property."; and

(4) in subsection (g), as redesignated by paragraph (2), by inserting "or the alternate agreement authorized under subsection (f)" after "conveyance under subsection (a)".

SEC. 2850. LAND CONVEYANCE, RADFORD ARMY AMMUNITION PLANT, NEW RIVER UNIT, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Commonwealth of Virginia on behalf of the Virginia Department of Veterans Services (in this section referred to as the "Commonwealth") all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 85 acres at the Radford Army Ammunition Plant, New River Unit, Virginia, for the purpose of permitting the Commonwealth to establish on the property a cemetery operated by the Commonwealth for veterans of the Armed Forces.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Commonwealth to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Commonwealth in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Commonwealth.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Energy Security

SEC. 2851. CONSOLIDATION AND ENHANCEMENT OF LAWS TO IMPROVE DEPARTMENT OF DEFENSE ENERGY EFFICIENCY AND CONSERVATION.

(a) CREATION OF NEW CHAPTER.—

(1) REORGANIZATION OF SECTION 2865 OF TITLE 10.—Title 10, United States Code, is amended by inserting after chapter 172 the following new chapter:

"CHAPTER 173—ENERGY SECURITY

"Subchapter
"I. Energy Security Activities 2911
"II. Energy-Related Procurement 2922
"III. General Provisions 2925

"SUBCHAPTER I—ENERGY SECURITY ACTIVITIES

"Sec.
"2911. Energy performance goals and plan for Department of Defense.
"2912. Availability and use of energy cost savings.
"2913. Energy savings contracts and activities.
"2914. Energy conservation construction projects.
"2915. New construction: use of renewable forms of energy and energy efficient products.
"2916. Sale of electricity from alternate energy and cogeneration production facilities.
"2917. Development of geothermal energy on military lands.
"2918. Fuel sources for heating systems; prohibition on converting certain heating facilities.

"§2911. Energy performance goals and plan for Department of Defense

"(a) ENERGY PERFORMANCE GOALS.—(1) The Secretary of Defense shall submit to the congressional defense committees the energy performance goals for the Department of Defense regarding transportation systems, support systems, utilities, and infrastructure and facilities.

"(2) The energy performance goals shall be submitted annually not later than the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31 and cover that fiscal year as well as the next five, 10, and 20 years. The Secretary shall identify changes to the energy performance goals since the previous submission.

"(b) ENERGY PERFORMANCE PLAN.—The Secretary of Defense shall develop, and update as necessary, a comprehensive plan to help achieve the energy performance goals for the Department of Defense.

"(c) SPECIAL CONSIDERATIONS.—For the purpose of developing and implementing the energy performance goals and energy performance plan, the Secretary of Defense shall consider at a minimum the following:

"(1) Opportunities to reduce the current rate of consumption of energy.

"(2) Opportunities to reduce the future demand and the requirements for the use of energy.

"(3) Opportunities to implement conservation measures to improve the efficient use of energy.

"(4) Opportunities to pursue alternative energy initiatives, including the use of alternative fuels in military vehicles and equipment.

"(5) Cost effectiveness, cost savings, and net present value of alternatives.

"(6) The value of diversification of types and sources of energy used.

"(7) The value of economies-of-scale associated with fewer energy types used.

"(8) The value of the use of renewable energy sources.

"(9) The potential for an action to serve as an incentive for members of the armed forces and civilian personnel to reduce energy consumption or adopt an improved energy performance measure.

"(d) SELECTION OF ENERGY CONSERVATION MEASURES.—(1) For the purpose of implementing the energy performance plan, the Secretary of Defense shall provide that the selection of energy conservation measures, including energy efficient maintenance, shall be limited to those measures that—

"(A) are readily available;

"(B) demonstrate an economic return on the investment;

"(C) are consistent with the energy performance goals and energy performance plan for the Department; and

"(D) are supported by the special considerations specified in subsection (c).

"(2) In this subsection, the term 'energy efficient maintenance' includes—

"(A) the repair of military vehicles, equipment, or facility and infrastructure systems, such as lighting, heating, or cooling equipment or systems, or industrial processes, by replacement with technology that—

"(i) will achieve energy savings over the lifecycle of the equipment or system being repaired; and

"(ii) will meet the same end needs as the equipment or system being repaired; and

"(B) improvements in an operation or maintenance process, such as improved training or improved controls, that result in energy savings.

"§2912. Availability and use of energy cost savings

"(a) AVAILABILITY.—An amount of the funds appropriated to the Department of Defense for a fiscal year that is equal to the amount of energy cost savings realized by the Department, including financial benefits resulting from shared energy savings contracts entered into under section 2913 of this title, shall remain available for obligation under subsection (b) until expended, without additional authorization or appropriation.

"(b) USE.—The Secretary of Defense shall provide that the amount that remains available for obligation under subsection (a) and the funds made available under section 2916(b)(2) of this title shall be used as follows:

"(1) One-half of the amount shall be used for the implementation of additional energy conservation measures at buildings, facilities, or installations of the Department of Defense or related to vehicles and equipment of the Department, which are designated, in accordance with regulations prescribed by the Secretary of Defense, by the head of the department, agency, or instrumentality that realized the savings referred to in subsection (a).

"(2) One-half of the amount shall be used at the installation at which the savings were realized, as determined by the commanding officer of such installation consistent with applicable law and regulations, for—

"(A) improvements to existing military family housing units;

"(B) any unspecified minor construction project that will enhance the quality of life of personnel; or

"(C) any morale, welfare, or recreation facility or service.

"(c) TREATMENT OF CERTAIN FINANCIAL INCENTIVES.—Financial incentives received from gas or electric utilities under section 2913 of this title shall be credited to an appropriation designated by the Secretary of Defense. Amounts so credited shall be merged with the appropriation to which credited and shall be available for the same purposes and the same period as the appropriation with which merged.

"(d) CONGRESSIONAL NOTIFICATION.—The Secretary of Defense shall include in the budget material submitted to Congress in connection with the submission of the budget for a fiscal year pursuant to section 1105 of title 31 a separate statement of the amounts available for obligation under this section in that fiscal year.

"§2913. Energy savings contracts and activities

"(a) SHARED ENERGY SAVINGS CONTRACTS.—(1) The Secretary of Defense shall develop a simplified method of contracting for shared energy savings contract services that will accelerate the use of these contracts with respect to military installations and will reduce the administrative effort and cost on the part of the Department of Defense as well as the private sector.

"(2) In carrying out paragraph (1), the Secretary of Defense may—

"(A) request statements of qualifications (as prescribed by the Secretary of Defense), including financial and performance information, from firms engaged in providing shared energy savings contracting;

"(B) designate from the statements received, with an update at least annually, those firms that are presumptively qualified to provide shared energy savings services;

"(C) select at least three firms from the qualifying list to conduct discussions concerning a particular proposed project, including requesting a technical and price proposal from such selected firms for such project; and

"(D) select from such firms the most qualified firm to provide shared energy savings services pursuant to a contractual arrangement that the Secretary determines is fair and reasonable, taking into account the estimated value of the services to be rendered and the scope and nature of the project.

"(3) In carrying out paragraph (1), the Secretary may also provide for the direct negotiation, by departments, agencies, and instrumentalities of the Department of Defense, of contracts with shared energy savings contractors that have been selected competitively and approved by any gas or electric utility serving the department, agency, or instrumentality concerned.

"(b) PARTICIPATION IN GAS OR ELECTRIC UTILITY PROGRAMS.—The Secretary of Defense shall permit and encourage each military department, Defense Agency, and other instrumentality of

the Department of Defense to participate in programs conducted by any gas or electric utility for the management of energy demand or for energy conservation.

"(c) ACCEPTANCE OF FINANCIAL INCENTIVE, GOODS, OR SERVICES.—The Secretary of Defense may authorize any military installation to accept any financial incentive, goods, or services generally available from a gas or electric utility, to adopt technologies and practices that the Secretary determines are in the interests of the United States and consistent with the energy performance goals for the Department of Defense.

"(d) AGREEMENTS WITH GAS OR ELECTRIC UTILITIES.—(1) The Secretary of Defense may authorize the Secretary of a military department having jurisdiction over a military installation to enter into agreements with gas or electric utilities to design and implement cost-effective demand and conservation incentive programs (including energy management services, facilities alterations, and the installation and maintenance of energy saving devices and technologies by the utilities) to address the requirements and circumstances of the installation.

"(2) If an agreement under this subsection provides for a utility to advance financing costs for the design or implementation of a program referred to in that paragraph to be repaid by the United States, the cost of such advance may be recovered by the utility under terms no less favorable than those applicable to its most favored customer.

"(3) Subject to the availability of appropriations, repayment of costs advanced under paragraph (2) shall be made from funds available to a military department for the purchase of utility services.

"(4) An agreement under this subsection shall provide that title to any energy-saving device or technology installed at a military installation pursuant to the agreement vest in the United States. Such title may vest at such time during the term of the agreement, or upon expiration of the agreement, as determined to be in the best interests of the United States.

"§ 2914. Energy conservation construction projects

"(a) PROJECTS AUTHORIZED.—The Secretary of Defense may carry out a military construction project for energy conservation, not previously authorized, using funds appropriated or otherwise made available for that purpose.

"(b) CONGRESSIONAL NOTIFICATION.—When a decision is made to carry out a project under this section, the Secretary of Defense shall notify in writing the appropriate committees of Congress of that decision. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.

"SUBCHAPTER II—ENERGY-RELATED PROCUREMENT

"Sec.
"2922. Liquid fuels and natural gas: contracts for storage, handling, or distribution.
"2922a. Contracts for energy or fuel for military installations.
"2922b. Procurement of energy systems using renewable forms of energy.
"2922c. Procurement of gasohol as motor vehicle fuel.
"2922d. Procurement of fuel derived from coal, oil shale, and tar sands.
"2922e. Acquisition of certain fuel sources: authority to waive contract procedures; acquisition by exchange; sales authority.
"2922f. Preference for energy efficient electric equipment.

"SUBCHAPTER III—GENERAL PROVISIONS

"Sec.
"2925. Annual report.

"§ 2925. Annual report

"(a) REPORT REQUIRED.—As part of the annual submission of the energy performance goals for the Department of Defense under section 2911 of this title, the Secretary of Defense shall submit a report containing the following:

"(1) A description of the progress made to achieve the goals of the Energy Policy Act of 2005 (Public Law 109–58) and the energy performance goals for the Department of Defense during the preceding fiscal year.

"(2) A description of the actions taken to implement the energy performance plan in effect under section 2911 of this title and carry out this chapter during the preceding fiscal year.

"(3) A description of the energy savings realized from such actions.

"(4) An estimate of the types and quantities of energy consumed by the Department of Defense and members of the armed forces and civilian personnel residing or working on military installations during the preceding fiscal year, including a breakdown of energy consumption by user groups and types of energy, energy costs, and the quantities of renewable energy produced or procured by the Department.

"(5) A description of the types and amount of financial incentives received under section 2913 of this title during the preceding fiscal year and the appropriation account or accounts to which the incentives were credited.

"(b) INITIAL REPORT.—In the first report required under this section, the Secretary of Defense shall include the following:

"(1) Such recommendations for changes to this chapter as the Secretary considers appropriate to improve energy performance.

"(2) A description of how responsibility over energy performance is distributed within the Department of Defense and a discussion on whether such responsibilities should be consolidated within a single entity.

"(3) A discussion of the manner in which the Secretary intends to balance the considerations specified in subsection (c) of section 2911 of this title in developing and implementing the energy performance goals and energy performance plan.

"(4) A discussion of the extent to which nondirect energy costs are considered in making research and development, procurement, and construction decisions.".

(2) CONFORMING REPEAL.—Section 2865 of title 10, United States Code, is repealed.

(b) INCLUSION OF ADDITIONAL ENERGY-RELATED SECTIONS.—

(1) TRANSFER AND REDESIGNATION OF CHAPTER 159 AND 169 PROVISIONS.—Sections 2857, 2867, 2689, and 2690 of title 10, United States Code, are—

(A) transferred to chapter 173 of such title, as added by subsection (a)(1);

(B) inserted after section 2914; and

(C) redesignated as sections 2915, 2916, 2917, and 2918, respectively.

(2) TRANSFER AND REDESIGNATION OF CHAPTER 141 PROVISIONS.—Sections 2388, 2394, 2394a, 2398, 2398a, 2404, and 2410c of such title are—

(A) transferred to chapter 173 of such title, as added by subsection (a)(1);

(B) inserted after the table of sections of subchapter II of such chapter; and

(C) redesignated as sections 2922, 2922a, 2922b, 2922c, 2922d, 2922e, and 2922f, respectively.

(3) CONFORMING AMENDMENTS.—Chapter 173 of such title, as added by subsection (a)(1), is amended—

(A) in section 2915 (former section 2857), as transferred and redesignated by paragraph (1)—

(i) in subsection (a), by striking "would be practical and economically feasible" and inserting "is consistent with the energy performance goals and energy performance plan for the Department of Defense developed under section 2911 of this title and supported by the special considerations specified in subsection (c) of such section"; and

(ii) in subsection (b), by striking "in those cases in which use of such forms of energy has the potential for reduced energy costs";

(B) in subsection (b)(2) of section 2916 (former section 2867), as transferred and redesignated by paragraph (1), by striking "section 2865(a) of this title" and inserting "section 2911(b) of this title";

(C) in subsection (a)(1) of section 2922a (former section 2394), as transferred and redesignated by paragraph (2), by striking "section 2689 of this title" and inserting "section 2917 of this title";

(D) in section 2922b (former section 2394a), as transferred and redesignated by paragraph (2)—

(i) in subsection (a)—

(I) by striking "possible and will be cost effective, reliable, and otherwise suited" and inserting "possible, suited"; and

(II) by striking "his jurisdiction" and inserting "the jurisdiction of the Secretary, consistent with the energy performance goals and energy performance plan for the Department of Defense developed under section 2911 of this title, and supported by the special considerations specified in subsection (c) of such section";

(ii) in subsection (b)—

(I) by striking "cost effective and"; and

(II) by striking "section 2857 of this title" and inserting "section 2915 of this title"; and

(iii) by striking subsection (c); and

(E) in subsection (a) of section 2922f (former section 2410c), as transferred and redesignated by paragraph (2)—

(i) by striking "When cost effective, in" and inserting "In"; and

(ii) by striking "procurement, as the case may be." and inserting "procurement, if providing such a preference is consistent with the energy performance goals and energy performance plan for the Department of Defense developed under section 2911 of this title and supported by the special considerations specified in subsection (c) of such section.".

(4) APPLICABILITY OF CHAPTER 169 DEFINITIONS.—Section 2801(c) of such title is amended by inserting "and chapter 173 of this title" after "chapter" in the matter preceding paragraph (1).

(c) CLERICAL AMENDMENTS.—

(1) REFERENCE TO NEW CHAPTER.—The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 172 the following new item:

"173. Energy Security .... 2911".

(2) CHAPTER 141.—The table of sections at the beginning of chapter 141 of such title is amended by striking the items relating to sections 2388, 2394, 2394a, 2398, 2398a, 2404, and 2410c.

(3) CHAPTER 159.—The table of sections at the beginning of chapter 159 of such title is amended by striking the items relating to sections 2689 and 2690.

(4) CHAPTER 169.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the items relating to sections 2857, 2865, and 2867.

(d) CONFORMING AMENDMENT TO WATER CONSERVATION AUTHORITY.—Subsection (b) of section 2866 of title 10, United States Code, is amended to read as follows:

"(b) USE OF FINANCIAL INCENTIVES AND WATER COST SAVINGS.—(1) Financial incentives received from utilities for management of water demand or water conservation under subsection (a)(2) shall be credited to an appropriation designated by the Secretary of Defense. Amounts so credited shall be merged with the appropriation to which credited and shall be available for the same purposes and the same period as the appropriation with which merged.

"(2) Water cost savings realized under subsection (a)(3) shall be used as follows:

"(A) One-half of the amount shall be used for water conservation activities at such buildings, facilities, or installations of the Department of Defense as may be designated (in accordance with regulations prescribed by the Secretary of Defense) by the head of the department, agency, or instrumentality that realized the water cost savings.

"(B) One-half of the amount shall be used at the installation at which the savings were realized, as determined by the commanding officer of such installation consistent with applicable law and regulations, for—

"(i) improvements to existing military family housing units;

"(ii) any unspecified minor construction project that will enhance the quality of life of personnel; or

"(iii) any morale, welfare, or recreation facility or service.

"(3) The Secretary of Defense shall include in the budget material submitted to Congress in connection with the submission of the budget for a fiscal year pursuant to section 1105 of title 31 a separate statement of the amounts available for obligation under this subsection in that fiscal year.".

SEC. 2852. DEPARTMENT OF DEFENSE GOAL REGARDING USE OF RENEWABLE ENERGY TO MEET ELECTRICITY NEEDS.

Section 2911 of title 10, United States Code, as added by section 2851 of this Act, is amended by adding at the end the following new subsection:

"(e) GOAL REGARDING USE OF RENEWABLE ENERGY TO MEET ELECTRICITY NEEDS.—It shall be the goal of the Department of Defense—

"(1) to produce or procure not less than 25 percent of the total quantity of electric energy it consumes within its facilities and in its activities during fiscal year 2025 and each fiscal year thereafter from renewable energy sources (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))); and

"(2) to produce or procure electric energy from renewable energy sources whenever the use of such renewable energy sources is consistent with the energy performance goals and energy performance plan for the Department and supported by the special considerations specified in subsection (c).".

SEC. 2853. CONGRESSIONAL NOTIFICATION OF CANCELLATION CEILING FOR DEPARTMENT OF DEFENSE ENERGY SAVINGS PERFORMANCE CONTRACTS.

Section 2913 of title 10, United States Code, as added by section 2851 of this Act, is amended by adding at the end the following new subsection:

"(e) CONGRESSIONAL NOTIFICATION OF CANCELLATION CEILING FOR ENERGY SAVINGS PERFORMANCE CONTRACTS.—When a decision is made to award an energy savings performance contract that contains a clause setting forth a cancellation ceiling in excess of $7,000,000, the Secretary of Defense shall submit to the appropriate committees of Congress written notification of the proposed contract and of the proposed cancellation ceiling for the contract. The notification shall include the justification for the proposed cancellation ceiling. The contract may then be awarded only after the end of the 30-day period beginning on the date the notification is received by such committees or, if earlier, the end of the 15-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.".

SEC. 2854. USE OF ENERGY EFFICIENCY PRODUCTS IN NEW CONSTRUCTION.

(a) USE OF ENERGY EFFICIENT PRODUCTS.—Section 2915 of title 10, United States Code, as transferred, redesignated, and amended by section 2851(b) of this Act, is amended by adding at the end the following new subsection:

"(e) USE OF ENERGY EFFICIENCY PRODUCTS IN NEW CONSTRUCTION.—(1) The Secretary of Defense shall ensure, to the maximum extent practicable, that energy efficient products meeting the requirements of the Department of Defense are used in new facility construction by or for the Department carried out under chapter 169 of this title if such products are readily available and their use is consistent with the energy performance goals and energy performance plan for the Department developed under section 2911 of this title and supported by the special considerations specified in subsection (c) of such section.

"(2) In determining the energy efficiency of products, the Secretary shall consider products that—

"(A) meet or exceed Energy Star specifications; or

"(B) are listed on the Federal Energy Management Program Product Energy Efficiency Recommendations product list of the Department of Energy.".

(b) CLERICAL AMENDMENTS.—Such section is further amended—

(1) by striking the section heading and inserting the following:

"§2915. New construction: use of renewable forms of energy and energy efficient products";

(2) in subsection (a), by inserting "USE OF RENEWABLE FORMS OF ENERGY ENCOURAGED.—" after "(a)";

(3) in subsection (b), by inserting "CONSIDERATION DURING DESIGN PHASE OF PROJECTS.—" after "(b)";

(4) in subsection (c), by inserting "DETERMINATION OF COST EFFECTIVENESS.—" after "(c)"; and

(5) in subsection (d), by inserting "EXCEPTION TO SQUARE FEET AND COST PER SQUARE FOOT LIMITATIONS.—" after "(d)".

Subtitle F—Other Matters

SEC. 2861. AVAILABILITY OF RESEARCH AND TECHNICAL ASSISTANCE UNDER DEFENSE ECONOMIC ADJUSTMENT PROGRAM.

Section 2391 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

"(c) RESEARCH AND TECHNICAL ASSISTANCE.—The Secretary of Defense may make grants to, or conclude cooperative agreements or enter into contracts with, another Federal agency, a State or local government, or any private entity to conduct research and provide technical assistance in support of activities under this section or Executive Order 12788 (57 Fed. Reg. 2213), as amended by section 33 of Executive Order 13286 (68 Fed. Reg. 10625) and Executive Order 13378 (70 Fed. Reg. 28413).".

SEC. 2862. AVAILABILITY OF COMMUNITY PLANNING ASSISTANCE RELATING TO ENCROACHMENT OF CIVILIAN COMMUNITIES ON MILITARY FACILITIES USED FOR TRAINING BY THE ARMED FORCES.

Section 2391(d)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: "For purposes of subsection (b)(1)(D), the term 'military installation' includes a military facility owned and operated by any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, or the Virgin Islands, even though the facility is not under the jurisdiction of the Department of Defense, if the Secretary of Defense determines that the military facility is subject to significant use for training by the armed forces.".

SEC. 2863. PROHIBITIONS AGAINST MAKING CERTAIN MILITARY AIRFIELDS OR FACILITIES AVAILABLE FOR USE BY CIVIL AIRCRAFT.

(a) PROHIBITIONS.—With respect to each military installation specified in subsection (b), the Secretary of Defense and the Secretary of the Navy may not enter into an agreement, or authorize any other person to enter into an agreement, that would—

(1) authorize civil aircraft to regularly use an airfield or any other property at the installation; or

(2) convey any real property at the installation, including any airfield at the installation, for the purpose of permitting the use of the property by civil aircraft.

(b) COVERED INSTALLATIONS.—The prohibitions in subsection (a) apply with respect to the following military installations:

(1) Marine Corps Air Station, Camp Pendleton, California.

(2) Marine Corps Air Station, Miramar, California.

(3) Marine Corps Base, Camp Pendleton, California.

(4) Naval Air Station, North Island, California.

(c) REPEAL OF EXISTING LIMITED PROHIBITION.—Section 2894 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 592) is repealed.

SEC. 2864. MODIFICATION OF CERTAIN TRANSPORTATION PROJECTS.

(a) HIGH PRIORITY PROJECTS.—The table in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1256) is amended—

(1) in the item designated as project 4333 (119 Stat. 1422), by striking "Plan and construct, land acquisition, Detroit West Riverfront Greenway" in the project description column and inserting "Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit"; and

(2) in the item designated as project 4651 (119 Stat. 1434), by striking "Grading, paving" and all that follows through "Airport" in the project description column and inserting "Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, Ohio".

(b) TRANSPORTATION IMPROVEMENT PROJECT.—The table in section 1934(c) of such Act (119 Stat. 1485) is amended in the item designated as project 196 (119 Stat. 1495) by striking "Detroit Riverfront Conservancy" and all that follows through "Detroit" in the project description column and inserting "Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit".

SEC. 2865. AVAILABILITY OF FUNDS FOR SOUTH COUNTY COMMUTER RAIL PROJECT, PROVIDENCE, RHODE ISLAND.

Funds available for the South County Commuter Rail project, Providence, Rhode Island, authorized by paragraphs (34) and (35) of section 3043(d) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1650) shall be available for the purchase of commuter rail equipment for the South County Commuter

Rail project upon the receipt by the Rhode Island Department of Transportation of an approved environmental assessment for the South County Commuter Rail project.

SEC. 2866. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

(a) ASSUMPTION OF RESPONSIBILITY FOR BARRIER.—Not later than two years after the date of the enactment of this Act, the Secretary of the Army, acting through the Chief of Engineers, shall assume responsibility for the annual operation and maintenance of the Fox Point Hurricane Barrier in Providence, Rhode Island.

(b) IDENTIFICATION AND CONVEYANCE OF REQUIRED STRUCTURES.—The City of Providence, Rhode Island, in coordination with the Secretary, shall identify any land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the Fox Point Hurricane Barrier. The City shall convey to the Secretary, by quitclaim deed and without consideration, all right, title, and interest of the City in and to the land and structures so identified.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as are necessary for each fiscal year for the operation and maintenance, including repair, replacement, and rehabilitation, of the Fox Point Hurricane Barrier.

SEC. 2867. FEDERAL FUNDING FOR FIXED GUIDEWAY PROJECTS.

The Federal Transit Administration's Dear Colleague letter dated April 29, 2005 (C–05–05), which requires fixed guideway projects to achieve a "medium" cost-effectiveness rating for the Federal Transit Administration to recommend such projects for funding, shall not apply to the Northstar Corridor Commuter Rail Project in Minnesota.

SEC. 2868. FEASIBILITY STUDY REGARDING USE OF GENERAL SERVICES ADMINISTRATION PROPERTY FOR FORT BELVOIR, VIRGINIA, REALIGNMENT.

(a) FEASIBILITY STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report evaluating the costs, benefits, feasibility, and suitability of locating support functions for Fort Belvoir and the Engineering Proving Grounds, Virginia, on property currently occupied by General Services Administration warehouses in Springfield, Virginia.

(b) CONSULTATION.—The Secretary of the Army shall carry out this section in consultation with the Administrator of General Services.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Plan for transformation of National Nuclear Security Administration nuclear weapons complex.
Sec. 3112. Extension of Facilities and Infrastructure Recapitalization Program.
Sec. 3113. Utilization of contributions to Global Threat Reduction Initiative.
Sec. 3114. Utilization of contributions to Second Line of Defense program.
Sec. 3115. Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel.
Sec. 3116. National Academy of Sciences study of quantification of margins and uncertainty methodology for assessing and certifying the safety and reliability of the nuclear stockpile.
Sec. 3117. Consolidation of counterintelligence programs of Department of Energy and National Nuclear Security Administration.
Sec. 3118. Notice-and-wait requirement applicable to certain third-party financing arrangements.
Sec. 3119. Extension of deadline for transfer of lands to Los Alamos County, New Mexico, and of lands in trust for the Pueblo of San Ildefonso.
Sec. 3120. Limitations on availability of funds for Waste Treatment and Immobilization Plant.
Sec. 3121. Report on Russian Surplus Fissile Materials Disposition Program.
Sec. 3122. Limitation on availability of funds for construction of MOX Fuel Fabrication Facility.
Sec. 3123. Education of future nuclear engineers.
Sec. 3124. Technical correction related to authorization of appropriations for fiscal year 2006.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,300,811,000, to be allocated as follows:

(1) For weapons activities, $6,417,676,000.

(2) For defense nuclear nonproliferation activities, $1,701,426,000.

(3) For naval reactors, $795,133,000.

(4) For the Office of the Administrator for Nuclear Security, $386,576,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out the following new plant projects:

(1) For weapons activities:

Project 07–D–140, project engineering and design, various locations, $4,977,000.

Project 07–D–220, Radioactive Liquid Waste Treatment Facility upgrade, Los Alamos National Laboratory, Los Alamos, New Mexico, $14,828,000.

Project 07–D–253, Technical Area 1 Heating Systems Modernization, Sandia National Laboratories, Albuquerque, New Mexico, $14,500,000.

(2) For defense nuclear nonproliferation activities:

Project 07–SC–05, Physical Sciences Facility, Pacific Northwest National Laboratory, Richland, Washington, $4,220,000.

(3) For naval reactors:

Project 07–D–190, project engineering and design, Materials Research Technology Complex, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $1,485,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,435,312,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for other defense activities in carrying out programs necessary for national security in the amount of $717,788,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42. U.S.C. 10222(c)) in the amount of $358,080,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. PLAN FOR TRANSFORMATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION NUCLEAR WEAPONS COMPLEX.

(a) PLAN REQUIRED.—Subtitle A of title XLII of the Atomic Energy Defense Act (division D of Public Law 107–314) is amended by inserting after section 4213 (50 U.S.C. 2533) the following new section:

"SEC. 4214. PLAN FOR TRANSFORMATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION NUCLEAR WEAPONS COMPLEX.

"(a) PLAN REQUIRED.—The Secretary of Energy shall develop a plan to transform the nuclear weapons complex so as to achieve a responsive infrastructure by 2030. The plan shall be designed to accomplish the following objectives:

"(1) To maintain the safety, reliability, and security of the United States nuclear weapons stockpile.

"(2) To continue Stockpile Life Extension Programs that the Nuclear Weapons Council considers necessary.

"(3) To prepare to produce replacement warheads under the Reliable Replacement Warhead program at a rate necessary to meet future stockpile requirements, commencing with a first production unit in 2012 and achieving steady-state production using modern manufacturing processes by 2025.

"(4) To eliminate, within the nuclear weapons complex, duplication of production capability except to the extent required to ensure the safety, reliability, and security of the stockpile.

"(5) To maintain the current philosophy within the national security laboratories of peer review of nuclear weapons designs while eliminating duplication of laboratory capabilities except to the extent required to ensure the safety, reliability, and security of the stockpile.

"(6) To maintain the national security mission, and in particular the science-based Stockpile Stewardship Program, as the primary mission of the national security laboratories while optimizing the work-for-others activities of those laboratories to support other national security objectives in fields such as defense, intelligence, and homeland security.

"(7) To consolidate to the maximum extent practicable, and to provide for the ultimate disposition of, special nuclear material throughout the nuclear weapons complex, with the ultimate goal of eliminating Category I and II special nuclear material from the national security laboratories no later than March 1, 2012, so as to further reduce the footprint of the nuclear weapons complex, reduce security costs, and reduce transportation costs for special nuclear material. This objective does not preclude the retention of Category I and II special nuclear materials at a national security laboratory if the transformation plan required by this subsection envisions a pit production capability (including interim pit production) at a national security laboratory.

"(8) To employ a risk-based approach to ensure compliance with Design Basis Threat security requirements.

"(9) To expeditiously dismantle inactive nuclear weapons to reduce the size of the stockpile

to the lowest level required by the Nuclear Weapons Council.

"(10) To operate the nuclear weapons complex in a more cost-effective manner.

"(b) REPORT.—Not later than February 1, 2007, the Secretary of Energy shall submit to the congressional defense committees a report on the transformation plan required by subsection (a). The report shall address each of the objectives required by subsection (c) and also include each of the following:

"(1) A comprehensive list of the capabilities, facilities, and project staffing that the National Nuclear Security Administration will need to have in place at the nuclear weapons complex as of 2030 to meet the requirements of the transformation plan.

"(2) A comprehensive list of the capabilities and facilities that the National Nuclear Security Administration currently has in place at the nuclear weapons complex that will not be needed as of 2030 to meet the requirements of the transformation plan.

"(3) A plan for implementing the transformation plan, including a schedule with incremental milestones.

"(c) CONSULTATION.—The Secretary of Energy shall develop the transformation plan required by subsection (a) in consultation with the Secretary of Defense and the Nuclear Weapons Council.

"(d) DEFINITION.—In this section, the term 'national security laboratory' has the meaning given such term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).".

(b) INCLUSION IN FUTURE-YEARS NUCLEAR SECURITY PROGRAM.—Section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453) is amended in subsection (b) by adding at the end the following new paragraph:

"(5) A statement of proposed budget authority, estimated expenditures, and proposed appropriations necessary to support the programs required to implement the plan to transform the nuclear weapons complex under section 4214 of the Atomic Energy Defense Act, together with a detailed description of how the funds identified for each program element specified pursuant to paragraph (1) in the budget for the Administration for each fiscal year during that five-fiscal-year period will help ensure that those programs are implemented. The statement shall assume year-to-year funding profiles that account for increases only for projected inflation.".

SEC. 3112. EXTENSION OF FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM.

Section 3114 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 50 U.S.C. 2453 note), as amended by section 3113 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2160), is amended—

(1) in subsection (a)(3)(F), by striking "2011" and inserting "2013"; and

(2) in subsection (b), by striking "2011" and inserting "2013".

SEC. 3113. UTILIZATION OF CONTRIBUTIONS TO GLOBAL THREAT REDUCTION INITIATIVE.

Section 3132 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108—375; 118 Stat. 2166; 50 U.S.C. 2569) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by adding after subsection (e) the following new subsection:

"(f) PARTICIPATION BY OTHER GOVERNMENTS AND ORGANIZATIONS.—

"(1) IN GENERAL.—The Secretary of Energy may, with the concurrence of the Secretary of State, enter into one or more agreements with any person (including a foreign government, international organization, or multinational entity) that the Secretary of Energy considers appropriate under which the person contributes funds for purposes of the programs described in paragraph (2).

"(2) PROGRAMS COVERED.—The programs described in this paragraph are the following international programs within the Global Threat Reduction Initiative:

"(A) The International Radiological Threat Reduction program.

"(B) The Emerging Threats and Gap Materials program.

"(C) The Reduced Enrichment for Research and Test Reactors program.

"(D) The Russian Research Reactor Fuel Return program.

"(E) The Global Research Reactor Security program.

"(F) The Kazakhstan Spent Fuel program.

"(3) RETENTION AND USE OF AMOUNTS.—Notwithstanding section 3302 of title 31, United States Code, the Secretary of Energy may retain and use amounts contributed under an agreement under paragraph (1) for purposes of the programs described in paragraph (2). Amounts so contributed shall be retained in a separate fund established in the Treasury for such purposes and shall be available for use without further appropriation and without fiscal year limitation.

"(4) RETURN OF AMOUNTS NOT USED WITHIN 5 YEARS.—If an amount contributed under an agreement under paragraph (1) is not used under this subsection within 5 years after it was contributed, the Secretary of Energy shall return that amount to the person who contributed it.

"(5) NOTICE TO CONGRESSIONAL DEFENSE COMMITTEES.—Not later than 30 days after the receipt of an amount contributed under paragraph (1), the Secretary of Energy shall submit to the congressional defense committees a notice specifying the purpose and value of the contribution and identifying the person who contributed it. The Secretary may not use the amount until 15 days after the notice is submitted.

"(6) ANNUAL REPORT.—Not later than October 31 of each year, the Secretary of Energy shall submit to the congressional defense committees a report on the receipt and use of amounts under this subsection during the preceding fiscal year. Each report for a fiscal year shall set forth—

"(A) a statement of any amounts received under this subsection, including, for each such amount, the value of the contribution and the person who contributed it;

"(B) a statement of any amounts used under this subsection, including, for each such amount, the purposes for which the amount was used; and

"(C) a statement of the amounts retained but not used under this subsection, including, for each such amount, the purposes (if known) for which the Secretary intends to use the amount.

"(7) EXPIRATION.—The authority to accept, retain, and use contributions under this subsection expires on December 31, 2013.".

SEC. 3114. UTILIZATION OF CONTRIBUTIONS TO SECOND LINE OF DEFENSE PROGRAM.

(a) IN GENERAL.—The Secretary of Energy may, with the concurrence of the Secretary of State, enter into one or more agreements with any person (including a foreign government, international organization, or multinational entity) that the Secretary of Energy considers appropriate under which the person contributes funds for purposes of the Second Line of Defense program of the National Nuclear Security Administration.

(b) RETENTION AND USE OF AMOUNTS.—Notwithstanding section 3302 of title 31, United States Code, the Secretary of Energy may retain and use amounts contributed under an agreement under subsection (a) for purposes of the Second Line of Defense program. Amounts so contributed shall be retained in a separate fund established in the Treasury for such purposes and shall be available for use without further appropriation and without fiscal year limitation.

(c) RETURN OF AMOUNTS NOT USED WITHIN 5 YEARS.—If an amount contributed under an agreement under subsection (a) is not used under this section within 5 years after it was contributed, the Secretary of Energy shall return that amount to the person who contributed it.

(d) NOTICE TO CONGRESSIONAL DEFENSE COMMITTEES.—Not later than 30 days after the receipt of an amount contributed under subsection (a), the Secretary of Energy shall submit to the congressional defense committees a notice specifying the purpose and value of the contribution and identifying the person who contributed it. The Secretary may not use the amount until 15 days after the notice is submitted.

(e) ANNUAL REPORT.—Not later than October 31 of each year, the Secretary of Energy shall submit to the congressional defense committees a report on the receipt and use of amounts under this section during the preceding fiscal year. Each report for a fiscal year shall set forth—

(1) a statement of any amounts received under this section, including, for each such amount, the value of the contribution and the person who contributed it;

(2) a statement of any amounts used under this section, including, for each such amount, the purposes for which the amount was used; and

(3) a statement of the amounts retained but not used under this section, including, for each such amount, the purposes (if known) for which the Secretary intends to use the amount.

(f) EXPIRATION.—The authority to accept, retain, and use contributions under this section expires on December 31, 2013.

SEC. 3115. TWO-YEAR EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking "September 30, 2006" and inserting "September 30, 2008".

SEC. 3116. NATIONAL ACADEMY OF SCIENCES STUDY OF QUANTIFICATION OF MARGINS AND UNCERTAINTY METHODOLOGY FOR ASSESSING AND CERTIFYING THE SAFETY AND RELIABILITY OF THE NUCLEAR STOCKPILE.

(a) STUDY REQUIRED.—The Secretary of Energy shall, as soon as practicable and no later than 120 days after the date of the enactment of this Act, enter into an arrangement with the National Research Council of the National Academy of Sciences for the Council to carry out a study of the quantification of margins and uncertainty methodology used by the national security laboratories for assessing and certifying the safety and reliability of the nuclear stockpile.

(b) MATTERS INCLUDED.—The study required by subsection (a) shall evaluate the following:

(1) The use of the quantification of margins and uncertainty methodology by the national security laboratories, including underlying assumptions of weapons performance and the ability of modeling and simulation tools to predict nuclear explosive package characteristics.

(2) The manner in which that methodology is used to conduct the annual assessments of the nuclear weapons stockpile.

(3) How the use of that methodology compares and contrasts between the national security laboratories.

(4) Whether the application of the quantification of margins and uncertainty used for annual assessments and certification of the nuclear weapons stockpile can be applied to the planned Reliable Replacement Warhead program so as to carry out the objective of that program to reduce the likelihood of the resumption of underground testing of nuclear weapons.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date on which the arrangement required by subsection (a) is entered into, the National Research Council shall submit to the Secretary of Energy and the congressional committees specified in paragraph (2) a report on the study that addresses the matters listed in subsection (b) and any other matters considered by the National Research Council to be relevant to the use of the quantification of margins and uncertainty methodology in assessing the current or future nuclear weapons stockpile.

(2) SPECIFIED COMMITTEES.—The congressional committees referred to in paragraph (1) are the following:

(A) The Committee on Armed Services of the Senate.

(B) The Committee on Armed Services of the House of Representatives.

(d) PROVISION OF INFORMATION.—The Secretary of Energy shall, in a timely manner, make available to the National Research Council all information that the National Research Council considers necessary to carry out its responsibilities under this section.

(e) FUNDING.—Of the amounts made available to the Department of Energy pursuant to the authorization of appropriations in section 3101, $2,000,000 shall be available for carrying out the study required by this section.

SEC. 3117. CONSOLIDATION OF COUNTERINTELLIGENCE PROGRAMS OF DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—The functions, personnel, funds, assets, and other resources of the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration are transferred to the Secretary of Energy, to be administered (except to any extent otherwise directed by the Secretary) by the Director of the Office of Counterintelligence of the Department of Energy.

(2) SUNSET.—Effective September 30, 2010—

(A) the functions, personnel, funds, assets, and other resources transferred by paragraph (1) are transferred to the Administrator for Nuclear Security;

(B) subsection (e) of section 3220 of the National Nuclear Security Administration Act (50 U.S.C. 2410), as added by this section, is repealed; and

(C) section 3233 of the National Nuclear Security Administration Act (50 U.S.C. 2423) is amended—

(i) in each of subsections (a) and (b), by striking "The Secretary of Energy shall" and inserting "The Administrator shall"; and

(ii) in subsection (b), by striking "Office of Counterintelligence of the Department of Energy" and inserting "Administration".

(b) NNSA COUNTERINTELLIGENCE OFFICE ABOLISHED.—

(1) IN GENERAL.—Section 3232 of the National Nuclear Security Administration Act (50 U.S.C. 2422) is amended—

(A) by amending the heading to read as follows:

"SEC. 3232. OFFICE OF DEFENSE NUCLEAR SECURITY.".

(B) by striking subsection (a) and inserting the following new subsection (a):

"(a) ESTABLISHMENT.—There is within the Administration an Office of Defense Nuclear Security, headed by a Chief appointed by the Secretary of Energy. The Administrator shall recommend to the Secretary suitable candidates for such position.";

(C) by striking subsection (b); and

(D) by redesignating subsection (c) as subsection (b).

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of the National Nuclear Security Administration Act is amended by striking the item relating to section 3232 and inserting the following new item:

"Sec. 3232. Office of Defense Nuclear Security.".

(c) COUNTERINTELLIGENCE PROGRAMS AT NNSA FACILITIES.—Section 3233 of the National Nuclear Security Administration Act (50 U.S.C. 2423) is amended—

(1) in each of subsections (a) and (b), by striking "The Administrator shall" and inserting "The Secretary of Energy shall"; and

(2) in subsection (b), by striking "Office of Defense Nuclear Counterintelligence" and inserting "Office of Counterintelligence of the Department of Energy".

(d) STATUS OF NNSA INTELLIGENCE AND COUNTERINTELLIGENCE PERSONNEL.—Section 3220 of the National Nuclear Security Administration Act (50 U.S.C. 2410) is amended by adding at the end the following new subsection:

"(e) STATUS OF INTELLIGENCE AND COUNTERINTELLIGENCE PERSONNEL.—Notwithstanding the restrictions of subsections (a) and (b), each officer or employee of the Administration, or of a contractor of the Administration, who is carrying out activities related to intelligence or counterintelligence shall, in carrying out those activities, be subject to the authority, direction, and control of the Secretary of Energy or the Secretary's delegate.".

(e) NNSA INTELLIGENCE AND COUNTERINTELLIGENCE LIAISON.—Section 3218 of the National Nuclear Security Administration Act (50 U.S.C. 2408) is amended in subsection (b)—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) Liaison with the Department of Energy's Office of Intelligence and Counterintelligence.".

(f) SERVICE FROM WHICH DOE INTELLIGENCE DIRECTOR AND COUNTERINTELLIGENCE DIRECTOR APPOINTED.—Section 215(b)(1) (42 U.S.C. 7144b(b)(1)) and section 216(b)(1) (42 U.S.C. 7144c(b)(1)) of the Department of Energy Organization Act are each amended by striking "which shall be a position in the Senior Executive Service" and inserting "who shall be an employee in the Senior Executive Service, the Senior Intelligence Service, the Senior National Intelligence Service, or any other Service that the Secretary, in coordination with the Director of National Intelligence, considers appropriate".

(g) INTELLIGENCE EXECUTIVE COMMITTEE; BUDGET FOR INTELLIGENCE AND COUNTERINTELLIGENCE.—Section 214 of the Department of Energy Organization Act (42 U.S.C. 7144a) is amended—

(1) by inserting "(a)" before "The Secretary shall be responsible"; and

(2) by adding at the end the following:

"(b)(1) There is within the Department an Intelligence Executive Committee. The Committee shall consist of the Deputy Secretary of Energy, who shall chair the Committee, and each Under Secretary of Energy.

"(2) The Committee shall be staffed by the Director of the Office of Intelligence and the Director of the Office of Counterintelligence.

"(3) The Secretary shall use the Committee to assist in developing and promulgating the counterintelligence and intelligence policies, requirements, and priorities of the Department.

"(c) In the budget justification materials submitted to Congress in support of each budget submitted by the President to Congress under title 31, United States Code, the amounts requested for the Department for intelligence functions and the amounts requested for the Department for counterintelligence functions shall each be specified in appropriately classified individual, dedicated program elements. Within the amounts requested for counterintelligence functions, the amounts requested for the National Nuclear Security Administration shall be specified separately from the amounts requested for other elements of the Department.".

(h) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Department of Energy shall submit to Congress a report on the implementation of this section and of the amendments required by this section. The report shall include the Inspector General's evaluation of that implementation.

SEC. 3118. NOTICE-AND-WAIT REQUIREMENT APPLICABLE TO CERTAIN THIRD-PARTY FINANCING ARRANGEMENTS.

Subtitle A of title XLVIII of the Atomic Energy Defense Act (50 U.S.C. 2781 et seq.) is amended by adding at the end the following new section:

"SEC. 4804. NOTICE-AND-WAIT REQUIREMENT APPLICABLE TO CERTAIN THIRD-PARTY FINANCING ARRANGEMENTS.

"(a) NOTICE-AND-WAIT REQUIREMENT.—The Secretary of Energy may not enter into an arrangement described in subsection (b) until 30 days after the date on which the Secretary notifies the congressional defense committees in writing of the proposed arrangement.

"(b) COVERED ARRANGEMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an arrangement referred to in subsection (a) is any alternative financing arrangement, third-party financing arrangement, public-private partnership, privatization arrangement, private capital arrangement, or other financing arrangement that—

"(A) is entered into in connection with a project conducted using funds authorized to be appropriated to the Department of Energy to carry out programs necessary for national security; and

"(B) involves a contractor or Federal agency obtaining and charging to the Department of Energy as an allowable cost under a contract the use of office space, facilities, or other real property assets with a value of at least $5,000,000.

"(2) EXCEPTION.—An arrangement referred to in subsection (a) does not include an arrangement that—

"(A) involves the Department of Energy or a contractor acquiring or entering into a capital lease for office space, facilities, or other real property assets; or

"(B) is entered into in connection with a capital improvement project undertaken as part of an energy savings performance contract under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287).".

SEC. 3119. EXTENSION OF DEADLINE FOR TRANSFER OF LANDS TO LOS ALAMOS COUNTY, NEW MEXICO, AND OF LANDS IN TRUST FOR THE PUEBLO OF SAN ILDEFONSO.

Section 632 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119; 111 Stat. 2523; 42 U.S.C. 2391 note) is amended—

(1) in subsection (d)(2), by striking "10 years after the date of enactment of this Act" and inserting "November 26, 2012"; and

(2) in subsection (g)(3)(B), by striking "the end of the 10-year period beginning on the date of enactment of this Act" and inserting "November 26, 2012".

SEC. 3120. LIMITATIONS ON AVAILABILITY OF FUNDS FOR WASTE TREATMENT AND IMMOBILIZATION PLANT.

(a) LIMITATION RELATING TO EARNED VALUE MANAGEMENT SYSTEM.—

(1) IN GENERAL.—Of the amount appropriated or otherwise available for defense environmental cleanup activities and available for the Waste Treatment and Immobilization Plant, not more than 90 percent of that amount may be obligated or expended.

(2) TERMINATION OF LIMITATION.—Paragraph (1) does not apply after the date on which the Secretary of Energy certifies to the congressional defense committees that the Defense Contract Management Agency has recommended for acceptance the earned value management system used to track and report costs of the Waste Treatment and Immobilization Plant.

(b) LIMITATION RELATING TO SEISMIC CRITERIA.—

(1) IN GENERAL.—Of the amount appropriated or otherwise available for defense environmental cleanup activities and available for the Waste Treatment and Immobilization Plant, none of that amount may be obligated or expended for construction, or for the procurement of critical equipment affected by seismic criteria, relating to the Pretreatment Facility and the High-Level Waste Facility.

(2) EXCEPTION.—Paragraph (1) does not apply to the obligation or expenditure of funds for construction that is necessary for maintenance or for activities related to maintenance.

(3) TERMINATION OF LIMITATION.—Paragraph (1) does not apply after the date on which the Secretary of Energy certifies to the congressional defense committees that the final seismic and ground motion criteria have been approved by the Secretary and that the contracting officer of the Waste Treatment and Immobilization Plant Project has formally directed that the final criteria be used for the final design of the Pretreatment Facility and the High-Level Waste Facility.

SEC. 3121. REPORT ON RUSSIAN SURPLUS FISSILE MATERIALS DISPOSITION PROGRAM.

Not later than March 1, 2007, the Secretary of Energy shall submit to the congressional defense committees a report on the Russian Surplus Fissile Materials Disposition Program (in this section referred to as the "Program"). The report shall include—

(1) a description of the disposition method the Government of Russia has agreed to use under the Program;

(2) a description of the assistance the United States Government plans to provide under the Program;

(3) an estimate of the total cost and schedule of such assistance; and

(4) an explanation of how parallelism is to be defined for purposes of the Program, including projected goals for the disposition of Russian weapons-grade plutonium under the 2000 Plutonium Disposition and Management Agreement, and whether such parallelism can be achieved if the United States mixed-oxide (MOX) plutonium disposition program continues on the current planned schedule without further delays.

SEC. 3122. LIMITATION ON AVAILABILITY OF FUNDS FOR CONSTRUCTION OF MOX FUEL FABRICATION FACILITY.

Of the amount appropriated under section 3101(a)(2) or otherwise available for defense nuclear nonproliferation activities for fiscal year 2007, none of that amount may be obligated for construction project 99-D-143, the Mixed-Oxide (MOX) Fuel Fabrication Facility, until 30 days after the date on which the Secretary of Energy provides to the congressional defense committees—

(1) an independent cost estimate for the United States Surplus Fissile Materials Disposition Program and facilities;

(2) a written certification that the Department of Energy intends to use the MOX Fuel Fabrication Facility for United States plutonium disposition regardless of the future direction of the Russian Surplus Fissile Materials Disposition Program; and

(3) a corrective action plan for addressing the issues raised by the Inspector General of the Department of Energy in the December 2005 report titled "The status of the Mixed Oxide Fuel Fabrication Facility".

SEC. 3123. EDUCATION OF FUTURE NUCLEAR ENGINEERS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense and the Department of Energy depend on the specialized expertise of nuclear engineers who support the development and sustainment of technologies including naval reactors, strategic weapons, and nuclear power plants.

(2) Experts estimate that over 25 percent of the approximately 58,000 workers in the nuclear power industry in the United States will be eligible to retire within 5 years, representing both a huge loss of institutional memory and a potential national security crisis.

(3) This shortfall of workers is exacerbated by reductions to the University Reactor Infrastructure and Education Assistance program, which trains civilian nuclear scientists and engineers. The defense and civilian nuclear industries are interdependent on a limited number of educational institutions to produce their workforce. A reduction in nuclear scientists and engineers trained in the civilian sector may result in a further loss of qualified personnel for defense-related research and engineering.

(4) The Department of Defense's successful Science, Math and Research for Transformation (SMART) scholarship-for-service program serves as a good model for a targeted scholarship or fellowship program designed to educate future scientists at the postsecondary and postgraduate levels.

(b) REPORT ON EDUCATION OF FUTURE NUCLEAR ENGINEERS.—

(1) STUDY.—The Secretary of Energy shall study the feasibility and merit of establishing a targeted scholarship or fellowship program to educate future nuclear engineers at the postsecondary and postgraduate levels.

(2) REPORT REQUIRED.—The President shall submit to the congressional defense committees, at the same time that the budget for fiscal year 2008 is submitted under section 1105(a) of title 31, United States Code, a report on the study conducted by the Secretary of Energy under paragraph (1).

SEC. 3124. TECHNICAL CORRECTION RELATED TO AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

Effective as of January 6, 2006, and as if included therein as enacted, section 3101(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3537) is amended by striking "$9,196,456" and inserting "$9,196,456,000".

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2007, $22,260,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of National Defense Stockpile funds.
Sec. 3302. Revisions to required receipt objectives for previously authorized disposals from National Defense Stockpile.

SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2007, the National Defense Stockpile Manager may obligate up to $52,132,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. REVISIONS TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM NATIONAL DEFENSE STOCKPILE.

(a) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 98d note), as amended by section 3302 of the Ronald W. Reagan National Defense Authorization Act for Year 2005 (Public Law 108–375; 118 Stat. 2193) and section 3302 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3545), is amended—

(1) by striking "and" at the end of paragraph (5); and

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(7) $1,016,000,000 by the end of fiscal year 2014.".

(b) FISCAL YEAR 1998 DISPOSAL AUTHORITY.—Section 3305(a)(5) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d note), as amended by section 3305 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1390), is amended by striking "2006" and inserting "2008".

(c) FISCAL YEAR 1997 DISPOSAL AUTHORITY.—Section 3303 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 50 U.S.C. 98d note), as amended by section 3402(f) of the National Defense Authorization Act for Year 2000 (Public Law 106–65; 113 Stat. 973) and section 3304(c) of the National Defense Authorization Act for 2002 (Public Law 107–107; 115 Stat. 1390), is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following new paragraph (2):

"(2) $720,000,000 during the 12-fiscal year period ending September 30, 2008."; and

(2) in subsection (b)(2), by striking "the 10-fiscal year period" and inserting "the period".

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $18,810,000 for fiscal year 2007 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2007.
Sec. 3502. Amendments relating to the Maritime Security Fleet program.
Sec. 3503. Applicability to certain Maritime Administration vessels of limitations on overhaul, repair, and maintenance of vessels in foreign shipyards.
Sec. 3504. Vessel transfer authority.
Sec. 3505. United States Merchant Marine Academy graduates: service requirements.
Sec. 3506. United States Merchant Marine Academy graduates: service obligation performance reporting requirement.
Sec. 3507. Temporary authority to transfer obsolete combatant vessels to Navy for disposal.
Sec. 3508. Qualifying Reserve duty for receipt of student incentive payments.
Sec. 3509. Large passenger ship crew requirements.
Sec. 3510. Miscellaneous Maritime Administration provisions.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2007.

Funds are hereby authorized to be appropriated for fiscal year 2007, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $116,442,000.

(2) For paying reimbursement under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), $19,500,000.

(3) For assistance to small shipyards and maritime communities under section 3506 of the National Defense Authorization Act for Fiscal Year 2006 (46 U.S.C. App. 1249), $15,000,000.

(4) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92–402, $25,740,000.

(5) For administrative expenses related to the implementation of the loan guarantee program under title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.), administrative expenses related implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 3506 of the National Defense Authorization Act for Fiscal Year 2006 (46 U.S.C. App. 1249), $3,317,000.

SEC. 3502. AMENDMENTS RELATING TO THE MARITIME SECURITY FLEET PROGRAM.

(a) Limitation on Transfer of Operating Agreements.—Section 53105(e) of title 46, United States Code, is amended—

(1) by inserting "(1) In general.—" before the first sentence;

(2) by moving paragraph (1) (as designated by the amendment made by paragraph (1) of this subsection) so as to appear immediately below the heading for such subsection, and 2 ems to the right; and

(3) by adding at the end the following:

"(2) Limitation.—The Secretary of Defense may not approve under paragraph (1) transfer of an operating agreement to a person that is not a citizen of the United States under section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802), unless the Secretary of Defense determines that there is no person who is a citizen under such section and is interested in obtaining the operating agreement for a vessel that is otherwise eligible to be included in the Fleet under section 53102(b) and meets the requirements of the Department of Defense.".

(b) Maritime Security Fleet Program Tank Vessels.—

(1) In general.—Section 53103(c)(4) of title 46, United States Code, is amended—

(A) in subparagraph (A)(i) by striking "(i)" and inserting "(i)(I)";

(B) in subparagraph (A) by redesignating clause (ii) as subclause (II) of clause (i);

(C) in subparagraph (A)(i)(II), as so redesignated, by striking "53102(b)." and inserting "53102(b); or";

(D) by inserting after subparagraph (A)(i)(II), as so redesignated, the following:

"(ii)(I) not later than 9 months after the first date amounts are available to carry out this chapter, the operator of the existing tank vessel enters into an agreement to charter one or more tank vessels to be built in the United States and operated as a documented vessel or documented vessels;

"(II) the combined tonnage of the vessels required to be chartered under subclause (I) is equal to or greater than the tonnage of the existing tank vessel subject to an operating agreement;

"(III) the operator enters into an agreement with the Secretary that is substantially the same as an Emergency Preparedness Agreement under section 53107 of this title, under which the operator shall make available commercial transportation resources as provided in that section;

"(IV) if the person that is the owner or operator of the existing tank vessel owns or operates more than one existing tank vessel subject to an operating agreement, the combined tonnage of those vessels required to be chartered under subclause (I) by that person is equal to or greater than the combined tonnage of all such existing tank vessels owned or operated by such person that are subject to operating agreements.";

(E) in subparagraph (B) by inserting "with respect to which a binding contract is entered into under subparagraph (A)(i)" after "existing tank vessel"; and

(F) by adding at the end the following:

"(C) For purpose of subparagraph (A)(ii), tonnage shall be measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

"(D) No payment under this chapter may be made for an existing tank vessel with respect to which an agreement is entered into under subparagraph (A)(ii) for any period occurring—

"(i) after the date that is 5 years after the first date that amounts became available to carry out this chapter, if the vessel or vessels required to be chartered under subparagraph (A)(ii) have not been delivered; or

"(ii) after delivery of the vessel or vessels required to be chartered under such subparagraph, if any of such vessels is not chartered by the operator of the existing tank vessel.".

(2) Assistance authority.—Section 3543(a) of the National Defense Authorization Act for Fiscal Year 2004 (46 U.S.C. 53101 note) is amended by striking "shall, to the extent of the availability of appropriations," and inserting "may".

(c) Priority in Allocation of Amounts Available for Annual Payments.—Section 53106 of title 46, United States Code, is amended by adding at the end the following:

"(f) Priority in Allocation of Available Amounts.—If the amount available for a fiscal year for making payments under operating agreements under this chapter is not sufficient to pay the full amount authorized under each agreement pursuant to this section for such fiscal year, the amount available shall be allocated among such agreements in a manner that gives priority to payments for vessels that are subject to agreements under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note).".

SEC. 3503. APPLICABILITY TO CERTAIN MARITIME ADMINISTRATION VESSELS OF LIMITATIONS ON OVERHAUL, REPAIR, AND MAINTENANCE OF VESSELS IN FOREIGN SHIPYARDS.

Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744) is amended by inserting after subsection (c) the following:

"(d) Applicability of Limitations on Overhaul, Repair, and Maintenance in Foreign Shipyards.—

"(1) Application of limitation.—The provisions of section 7310 of title 10, United States Code, shall apply to vessels specified in subsection (b), and to the Secretary of Transportation with respect to those vessels, in the same manner as those provisions apply to vessels specified in subsection (b) of such section, and to the Secretary of the Navy, respectively.

"(2) Covered vessels.—Vessels specified in this paragraph are vessels maintained by the Secretary of Transportation in support of the Department of Defense, including any vessel assigned by the Secretary of Transportation to the Ready Reserve Force that is owned by the United States.".

SEC. 3504. VESSEL TRANSFER AUTHORITY.

The Secretary of Transportation may transfer or otherwise make available without reimbursement to any other department a vessel under the jurisdiction of the Department of Transportation, upon request by the Secretary of the department that receives the vessel.

SEC. 3505. UNITED STATES MERCHANT MARINE ACADEMY GRADUATES: SERVICE REQUIREMENTS.

(a) Alternate Service.—Section 1303(e) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295b(e)) is amended by adding at the end the following:

"(6)(A) An individual who for the 5-year period following graduation from the Academy, serves as a commissioned officer on active duty in an armed force of the United States or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service shall be excused from the requirements of subparagraphs (C), (D), and (E) of paragraph (1).

"(B) The Secretary may modify or waive any of the terms and conditions set forth in paragraph (1) through the imposition of alternative service requirements.".

(b) Application.—Paragraph (6) of section 1303(e) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295b(e)), as added by this section, applies only to an individual who enrolls as a cadet at the United States Merchant Marine Academy, and signs an agreement under paragraph (1) of that section, after the date of the enactment of this Act.

SEC. 3506. UNITED STATES MERCHANT MARINE ACADEMY GRADUATES: SERVICE OBLIGATION PERFORMANCE REPORTING REQUIREMENT.

(a) In General.—Section 1303(e) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295b(e)) is further amended by adding at the end the following:

"(7)(A) Subject to any otherwise applicable restrictions on disclosure in section 552a of title 5, United States Code, the Secretary of Defense, the Secretary of the department in which the Coast Guard is operating, the Administrator of the National Oceanic and Atmospheric Administration, and the Surgeon General of the Public Health Service—

"(i) shall report the status of obligated service of an individual graduate of the Academy upon request of the Secretary; and

"(ii) may, in their discretion, notify the Secretary of any failure of the graduate to perform *the graduate's duties, either on active duty or in the Ready Reserve component of their respective service, or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service, respectively.*

"(B) A report or notice under subparagraph (A) shall identify any graduate determined to have failed to comply with service obligation requirements and provide all required information as to why such graduate failed to comply.

"(C) Upon receipt of such a report or notice, such graduate may be considered to be in default of the graduate's service obligations by the Secretary, and subject to all remedies the Secretary may have with respect to such a default.".

(b) APPLICATION.—The amendment made by this section does not apply with respect to an agreement entered into under section 1303(e) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(e)) before the date of the enactment of this Act.

SEC. 3507. TEMPORARY AUTHORITY TO TRANSFER OBSOLETE COMBATANT VESSELS TO NAVY FOR DISPOSAL.

The Secretary of Transportation shall, subject to the availability of appropriations and consistent with section 1535 of title 31, United States Code, popularly known as the Economy Act, transfer to the Secretary of the Navy during fiscal year 2007 for disposal by the Navy, no fewer than 3 combatant vessels in the nonretention fleet of the Maritime Administration that are acceptable to the Secretary of the Navy.

SEC. 3508. QUALIFYING RESERVE DUTY FOR RECEIPT OF STUDENT INCENTIVE PAYMENTS.

Section 1304(g)(2) of title XIII of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295c(g)(2)) is amended to read as follows:

"(2) Each agreement entered into under paragraph (1) shall require the individual to accept enlisted reserve status in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve) or the United States Coast Guard Reserve before receiving any student incentive payments under this subsection.".

SEC. 3509. LARGE PASSENGER SHIP CREW REQUIREMENTS.

Section 8103 of title 46, United States Code, is amended by adding at the end the following:

"(k) CREW REQUIREMENTS FOR LARGE PASSENGER VESSELS.—

"(1) CITIZENSHIP AND NATIONALITY.—Each unlicensed seaman on a large passenger vessel shall be—

"(A) a citizen of the United States;

"(B) an alien lawfully admitted to the United States for permanent residence;

"(C) an alien allowed to be employed in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including an alien crewman described in section 101(a)(15)(D)(i) of that Act (8 U.S.C. 1101(a)(15)(D)(i)), who meets the requirements of paragraph (3)(A) of this subsection; or

"(D) a foreign national who is enrolled in the United States Merchant Marine Academy.

"(2) PERCENTAGE LIMITATION FOR ALIEN SEAMEN.—Not more than 25 percent of the unlicensed seamen on a vessel described in paragraph (1) of this subsection may be aliens referred to in subparagraph (B) or (C) of that paragraph.

"(3) SPECIAL RULES FOR CERTAIN UNLICENSED SEAMEN.—

"(A) QUALIFICATIONS.—An unlicensed seaman described in paragraph (1)(C) of this subsection—

"(i) shall have been employed, for a period of not less than 1 year, on a passenger vessel under the same common ownership or control as the vessel described in paragraph (1) of this subsection, as certified by the owner or managing operator of such vessel to the Secretary;

"(ii) shall have no record of material disciplinary actions during such employment, as verified in writing by the owner or managing operator of such vessel to the Secretary;

"(iii) shall have successfully completed a United States Government security check of the relevant domestic and international databases, as appropriate, or any other national security-related information or database;

"(iv) shall have successfully undergone an employer background check—

"(I) for which the owner or managing operator provides a signed report to the Secretary that describes the background checks undertaken that are reasonably and legally available to the owner or managing operator including personnel file information obtained from such seaman and from databases available to the public with respect to the seaman;

"(II) that consisted of a search of all information reasonably available to the owner or managing operator in the seaman's country of citizenship and any other country in which the seaman receives employment referrals, or resides;

"(III) that is kept on the vessel and available for inspection by the Secretary; and

"(IV) the information derived from which is made available to the Secretary upon request; and

"(v) may not be a citizen or temporary or permanent resident of a country designated by the United States as a sponsor of terrorism or any other country that the Secretary, in consultation with the Secretary of State and the heads of other appropriate United States agencies, determines to be a security threat to the United States.

"(B) RESTRICTIONS.—An unlicensed seaman described in paragraph (1)(C) of this subsection—

"(i) may be employed only in the steward's department of the vessel; and

"(ii) may not perform watchstanding, automated engine room duty watch, or vessel navigation functions.

"(C) STATUS, DOCUMENTATION, AND EMPLOYMENT.—An unlicensed seaman described in subparagraph (C) or (D) of paragraph (1) of this subsection—

"(i) is deemed to meet the nationality requirements necessary to qualify for a merchant mariners document notwithstanding the requirements of part 12 of title 46, Code of Federal Regulations;

"(ii) is deemed to meet the proof-of-identity requirements necessary to qualify for a merchant mariners document, as prescribed under regulations promulgated by the Secretary, if the seaman possesses—

"(I) an unexpired passport issued by the government of the country of which the seaman is a citizen or subject; and

"(II) an unexpired visa issued to the seaman, as described in paragraph (1)(C);

"(iii) shall, if eligible, be issued a merchant mariners document with an appropriate annotation reflecting the restrictions of subparagraph (B) of this paragraph; and

"(iv) may be employed for a period of service on board not to exceed 36 months in the aggregate as a nonimmigrant crewman described in section 101(a)(15)(D)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(D)(i)) on vessels engaged in domestic voyages notwithstanding the departure requirements and time limitations of such section and the regulations and rules promulgated thereunder.

"(4) MERCHANT MARINER'S DOCUMENT REQUIREMENTS NOT AFFECTED.—This subsection shall not be construed to affect any requirement under Federal law that an individual must hold a merchant mariner's document.

"(5) DEFINITIONS.—In this subsection:

"(A) STEWARD'S DEPARTMENT.—The term 'steward's department' means the department that includes entertainment personnel and all service personnel, including wait staff, housekeeping staff, and galley workers, as defined in the vessel security plan approved by the Secretary pursuant to section 70103(c) of this title.

"(B) LARGE PASSENGER VESSEL.—The term 'large' passenger vessel' means a vessel of more than 70,000 gross tons, as measured under section 14302 of this title, with capacity for at least 2,000 passengers and documented with a coastwise endorsement under chapter 121 of this title.".

SEC. 3510. MISCELLANEOUS MARITIME ADMINISTRATION PROVISIONS.

(a) TECHNICAL CORRECTION REGARDING WAR RISK INSURANCE FOR MERCHANT MARINE VESSELS.—

(1) IN GENERAL.—Section 1208(a) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1288(a)) is amended—

(A) by striking "Upon the request of the Secretary of Transportation, the Secretary of the Treasury may invest or reinvest all or any part of the fund in securities of the United States or in securities guaranteed as to principal and interest by the United States."; and

(B) by inserting after "to the credit of such fund." the following: "Payments of return premiums, losses, settlements, judgments, and all liabilities incurred by the United States under this title shall be made from such fund through the Fiscal Service of the Department of the Treasury.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if enacted by section 3502 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (118 Stat. 2195).

(b) RIGHT TO USE MARITIME ADMINISTRATION DECORATION.—Section 8 of the Merchant Marine Decorations and Medals Act (46 U.S.C. App. 2007) is amended by inserting "or the Secretary of Transportation," after "Act,".

(c) INTERMODAL CENTERS.—

(1) IN GENERAL.—Notwithstanding section 5309(m)(6)(B) of title 49, United States Code, half of the amounts appropriated or made available under subsections (b) and (c) of section 5338 of title 49, United States Code, for capital projects under section 5309(m)(6)(B) of that title for fiscal years 2006 through 2009 shall be made available and used, in accordance with section 9008(a) of Public Law 109–59, for an intermodal or marine facility comprising a component of the Hawaii Port Infrastructure Expansion Program.

(2) SUPPLEMENTARY FUNDING.—Any amount made available under paragraph (1) shall be in addition to any amounts authorized to be appropriated under subsections (b) and (c) of section 9008 of Public Law 109–59.

(d) TECHNICAL CORRECTION.—

(1) CORRECTION.—Section 3509 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3557) is amended by striking "Maritime Education and Training Act of 1980" and inserting "Merchant Marine Act, 1936".

(2) EFFECTIVE DATE.—This subsection shall be effective immediately after section 3509 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3557) takes effect.

And the Senate agree to the same.

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

DUNCAN HUNTER,
C. WELDON,
JOEL HEFLEY,
J. SAXTON,
JOHN M. MCHUGH,
TERRY EVERETT,

R. Bartlett,
Mac Thornberry,
John N. Hostettler,
Jim Ryun,
Jim Gibbons,
Robin Hayes,
Ken Calvert,
Rob Simmons,
Thelma Drake,
Geoff Davis,
Ike Skelton,
John M. Spratt, Jr.,
Solomon P. Ortiz,
Gene Taylor,
Neil Abercrombie,
Silvestre Reyes,
Vic Snyder,
Adam Smith,
Loretta Sanchez,
Ellen Tauscher,
R.A. Brady,
Robert E. Andrews,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

Pete Hoekstra,
Ray LaHood,
Jane Harman,

From the Committee on Education and the Workforce, for consideration of secs. 571 and 572 of the House bill, and secs. 571, 572, 1081, and 1104 of the Senate amendment, and modifications committed to conference:

Howard P. McKeon,
John Kline,

From the Committee on Energy and Commerce, for consideration of secs. 314, 601, 602, 710, 3115, 3117, and 3201 of the House bill, and secs. 332–335, 352, 601, 722, 2842, 3115, and 3201 of the Senate amendment, and modifications committed to conference:

Joe Barton,
Paul Gillmor,

From the Committee on Government Reform, for consideration of secs. 343, 721, 811, 823, 824, 1103, 1104, and 3115 of the House bill, and secs. 371, 619, 806, 823, 922, 1007, 1043, 1054, 1088, 1089, 1101, and 3115 of the Senate amendment, and modifications committed to conference:

Tom Davis,
C. Shays,

From the Committee on Homeland Security, for consideration of section 1026 of the House bill, and section 1044 of the Senate amendment, and modifications committed to conference:

Peter T. King,
D. Reichert,
Bennie G. Thompson,

From the Committee on International Relations, for consideration of secs. 1021–1023, 1201–1204, 1206, title XIII, sec. 3113 and 3114 of the House bill, and secs. 1014, 1021–1023, 1504, 1092, 1201–1208, 1210, 1214, title XIII, secs. 3112 and 3113 of the Senate amendment, and modifications committed to conference:

Henry Hyde,
James Leach,
Tom Lantos,

From the Committee on Resources, for consideration of secs. 601, 602, and 1036 of the House bill and section 601 of the Senate amendment, and modifications committed to conference:

Richard Pombo,
Greg Walden,

From the Committee on Science, for consideration of secs. 312 and 911 of the House bill, and secs. 333, 874, and 1082 of the Senate amendment, and modifications committed to conference:

Sherwood Boehlert,
Mike Sodrel,

From the Committee on Small Business, for consideration of secs. 874 and 1093 of the Senate amendment, and modifications committed to conference:

Donald Manzullo,
Sue W. Kelly,

From the Committee on Transportation and Infrastructure, for consideration of secs. 312, 551, 601, 602, and 2845 of the House bill, and secs. 333, 584, 601, 1042, 1095, 2842, 2851–2853, and 2855 of the Senate amendment, and modifications committed to conference:

Don Young,
Frank LoBiondo,
Jim Oberstar
(Except sections 1095,
2851, 2852, 2853 of the
Senate amendment),

From the Committee on Veterans' Affairs, for consideration of secs. 666, 682, 683, 687, 721, and 923 of the Senate amendment, and modifications committed to conference:

Steven Buyer,
John Boozman,
Stephanie Herseth,
Managers on the Part of the House.

John W. Warner,
John McCain,
James M. Inhofe,
Pat Roberts,
Jeff Sessions,
Susan M. Collins,
John Ensign,
Jim Talent,
Joe Lieberman,
Jack Reed,
Daniel K. Akaka,
Bill Nelson,
E. Benjamin Nelson,
Mark Dayton,
Evan Bayh,
H.R. Clinton,
Saxby Chambliss,
Lindsey Graham,
John Cornyn,
John Thune,
Carl Levin,
Ted Kennedy,
Robert C. Byrd,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SUMMARY STATEMENT OF CONFERENCE ACTIONS

The Conferees recommend authorization of appropriations for fiscal year 2007 for the Department of Defense for procurement; research and development; test and evaluation; operation and maintenance; working capital funds; military construction and family housing; and for weapons and environmental restoration programs of the Department of Energy; that have a budget authority implication of $462.8 billion for the national defense function.

The conferees recommend emergency authorization of appropriations for the Department of Defense of $70.0 billion for the costs associated with ongoing contingency operations in Iraq and Afghanistan, of which $23.8 billion is included for equipment reset costs for the Army and Marine Corps.

Summary table of authorizations

The defense authorization act provides authorizations for appropriations, but does not generally provide budget authority. Budget authority is provided in the appropriations act.

In order to relate the conference recommendations to the budget resolution, matters in addition to the dollar authorizations contained in this bill must be taken into account. A number of programs in the national defense function are authorized in other legislation.

The following table summarizes authorizations included in the bill for fiscal year 2007 and, in addition, summarizes the implications of the conference action for the budget authority totals for national defense (budget function 050).

SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2007

(Dollars in Thousands)

	Authorizatio	House	Senate	Conference	Conference	Budget Authority Implication			
	Request	Authorized	Authorized	Change	Agreement	Request	House	Senate	Conference
DIVISION A									
Title I – PROCUREMENT									
Aircraft Procurement, Army	3,566,483	3,714,783	3,457,329	-115,054	3,451,429	3,566,483	3,714,783	3,457,329	3,451,429
Missile Procurement, Army	1,350,898	1,490,898	1,428,859	-22,039	1,328,859	1,350,898	1,490,898	1,428,859	1,328,859
Weapons and Tracked Combat Vehicles, Army	2,301,943	2,335,004	2,849,743	-23,339	2,278,604	2,301,943	2,335,004	2,849,743	2,278,604
Procurement of Ammunition, Army	1,903,125	1,691,475	2,036,785	81,200	1,984,325	1,903,125	1,691,475	2,036,785	1,984,325
Other Procurement, Army	7,718,602	6,974,079	7,729,602	-31,100	7,687,502	7,718,602	6,974,079	7,729,602	7,687,502
Aircraft Procurement, Navy	10,868,771	10,760,671	10,704,155	-134,700	10,734,071	10,868,771	10,760,671	10,704,155	10,734,071
Weapons Procurement, Navy	2,555,020	2,517,020	2,587,020	-6,000	2,549,020	2,555,020	2,517,020	2,587,020	2,549,020
Procurement of Ammunition, Navy and MC	789,943	758,793	809,943	8,000	797,943	789,943	758,793	809,943	797,943
Shipbuilding and Conversion, Navy	10,578,553	11,183,153	12,058,553	443,000	11,021,553	10,578,553	11,183,153	12,058,553	11,021,553
Other Procurement, Navy	4,967,916	5,042,766	5,045,516	27,117	4,995,033	4,967,916	5,042,766	5,045,516	4,995,033
Procurement, Marine Corps	1,273,513	1,223,813	1,300,213	-19,700	1,253,813	1,273,513	1,223,813	1,300,213	1,253,813
Aircraft Procurement, Air Force	11,479,810	13,042,630	12,004,096	699,344	12,179,154	11,479,810	13,042,630	12,004,096	12,179,154
Procurement of Ammunition, Air Force	1,072,749	1,076,749	1,076,749		1,072,749	1,072,749	1,076,749	1,076,749	1,072,749
Missile Procurement, Air Force	4,204,145	4,171,495	4,219,145	-32,259	4,171,886	4,204,145	4,171,495	4,219,145	4,171,886
Other Procurement, Air Force	15,408,086	15,434,636	15,434,586	35,200	15,443,286	15,408,086	15,434,636	15,434,586	15,443,286
Procurement, Defense-wide	2,861,461	2,856,461	2,980,498	24,900	2,886,361	2,861,461	2,856,461	2,980,498	2,886,361
National Guard and Reserve Equipment		318,000		318,000	318,000		318,000		318,000
Defense Production Act Purchases						18,484	18,484	18,484	18,484
Total Procurement	**82,901,018**	**84,592,426**	**85,722,792**	**1,252,570**	**84,153,588**	**82,919,502**	**84,610,910**	**85,741,276**	**84,172,072**
Title II – RESEARCH, DEVELOPMENT, TEST & EVALUATION									
Research, Development, Test & Evaluation, Army	10,855,559	10,925,209	11,167,009	21,050	10,876,609	10,855,559	10,940,209	11,182,009	10,891,609
Research, Development, Test & Evaluation, Navy	16,912,223	17,377,769	17,459,823	471,634	17,383,857	16,912,223	17,377,769	17,459,823	17,383,857
Research, Development, Test & Evaluation, AF	24,396,767	24,810,041	23,970,857	-160,816	24,235,951	24,396,767	24,810,041	23,970,857	24,235,951
Research, Development, Test & Evaluation, Def	20,809,939	20,760,039	21,488,939	120,100	20,930,039	20,809,939	20,760,039	21,488,939	20,930,039
Operational Test & Evaluation, Defense	181,520	181,520	181,520		181,520	181,520	181,520	181,520	181,520
Total RDT&E	**73,156,008**	**74,054,578**	**74,268,148**	**451,968**	**73,607,976**	**73,156,008**	**74,069,578**	**74,283,148**	**73,622,976**

SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2007

(Dollars in Thousands)

	Authorizatio Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement	Budget Authority Implication			
						Request	House	Senate	Conference
Title III – OPERATION AND MAINTENANCE & OTHER PROGRAMS									
Operation and Maintenance									
Operation and Maintenance, Army	24,902,380	24,920,735	24,785,580	-486,028	24,416,352	24,902,380	24,920,735	24,785,580	24,416,352
Operation and Maintenance, Navy	31,330,984	31,089,075	31,130,784	-173,345	31,157,639	31,330,984	31,089,075	31,130,784	31,157,639
Operation and Maintenance, Marine Corps	3,878,962	3,974,081	3,905,262	-15,500	3,863,462	3,878,962	3,974,081	3,905,262	3,863,462
Operation and Maintenance, Air Force	31,342,307	31,098,957	31,251,107	-261,050	31,081,257	31,342,307	31,098,957	31,251,107	31,081,257
Operation and Maintenance, Defense-wide	20,075,656	19,875,763	20,116,756	18,220	20,093,876	20,075,656	19,875,763	20,116,756	20,093,876
Operation and Maintenance, Army Reserve	2,299,202	2,300,102	2,139,702	-38,400	2,260,802	2,299,202	2,300,102	2,139,702	2,260,802
Operation and Maintenance, Navy Reserve	1,288,764	1,288,764	1,288,764	-13,000	1,275,764	1,288,764	1,288,764	1,288,764	1,275,764
Operation and Maintenance, Marine Corps Reser	211,911	211,911	211,911	-600	211,311	211,911	211,911	211,911	211,311
Operation and Maintenance, Air Force Reserve	2,723,800	2,723,800	2,575,100	-25,400	2,698,400	2,723,800	2,723,800	2,575,100	2,698,400
Operation and Maintenance, Army National Gua	4,838,665	5,090,565	4,857,728	-62,244	4,776,421	4,838,665	5,090,565	4,857,728	4,776,421
Operation and Maintenance, Air National Guard	5,336,017	5,336,017	5,318,717	-43,500	5,292,517	5,336,017	5,336,017	5,318,717	5,292,517
Transfer Accounts	1,403,295	1,403,295	1,493,295	40,000	1,443,295	1,403,295	1,403,295	1,493,295	1,443,295
Miscellaneous Appropriations	457,053	457,053	457,053	-10,000	447,053	457,053	457,053	457,053	447,053
Subtotal Operation and Maintenance	130,088,996	129,770,118	129,531,759	-1,070,847	129,018,149	130,088,996	129,770,118	129,531,759	129,018,149
Other Programs									
Drug Interdiction and Counter-Drug Activities, D	926,890	926,890	926,890		926,890	926,890	926,890	926,890	926,890
Defense Health Program	21,025,121	21,226,521	20,931,321	401,500	21,426,621	21,025,121	21,226,521	20,931,321	21,426,621
Office of the Inspector General	216,297	216,297	216,297		216,297	216,297	216,297	216,297	216,297
Chemical Agents and Munitions Destruction, Ar	1,277,304	1,277,304	1,277,304		1,277,304	1,277,304	1,277,304	1,277,304	1,277,304
Subtotal Other Programs	23,445,612	23,647,012	23,351,812	401,500	23,847,112	23,445,612	23,647,012	23,351,812	23,847,112

SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2007

(Dollars in Thousands)

	Authorizatio	House	Senate	Conference	Conference	Budget Authority Implication			
	Request	Authorized	Authorized	Change	Agreement	Request	House	Senate	Conference
Revolving and Management Funds									
Def Working Capital Funds (A, N, AF, Def-wide	161,998	161,998	161,998		161,998	161,998	161,998	161,998	161,998
Defense Working Capital Funds - DeCA	1,184,000	1,184,000	1,184,000		1,184,000	1,184,000	1,184,000	1,184,000	1,184,000
National Defense Sealift Fund	1,071,932	1,138,732	1,071,932		1,071,932	1,071,932	1,138,732	1,071,932	1,071,932
Pentagon Reservation Maintenance Revolving Fu	18,500	18,500	18,500		18,500	18,500	18,500	18,500	18,500
Subtotal Revolving and Mgt Funds	**2,436,430**	**2,503,230**	**2,436,430**		**2,436,430**	**2,436,430**	**2,503,230**	**2,436,430**	**2,436,430**
Total O&M & Other Programs	**155,971,038**	**155,920,360**	**155,320,001**	**-669,347**	**155,301,691**	**155,971,038**	**155,920,360**	**155,320,001**	**155,301,691**
MILITARY PERSONNEL	**110,776,768**	**109,820,468**	**111,928,468**	**-678,140**	**110,098,628**	**110,776,768**	**109,820,468**	**111,928,468**	**110,098,628**
Title X – GENERAL PROVISIONS									
General Transfer Authority (non-additive)	[5,000,000]	[3,750,000]	[4,000,000]	[-500,000]	[4,500,000]				
Inflation Savings		-1,583,000	-951,469	-757,051	-757,051		-1,583,000	-951,469	-757,051
National Foreign Language Coordination Council			1,500					1,500	
Subtotal General Provisions		**-1,583,000**	**-949,969**	**-757,051**	**-757,051**		**-1,583,000**	**-949,969**	**-757,051**
DIVISION B									
MILITARY CONSTRUCTION									
Military Construction, Army	2,059,762	2,135,598	2,180,761	204,280	2,264,042	2,059,762	2,135,598	2,180,761	2,264,042
Military Construction, Navy	1,162,038	1,219,871	1,268,839	129,247	1,291,285	1,162,038	1,219,871	1,268,839	1,291,285
Military Construction, Air Force	1,156,148	1,233,673	1,257,276	152,085	1,308,233	1,156,148	1,233,673	1,257,276	1,308,233
Military Construction, Defense-wide	1,208,198	1,152,106	1,203,681	-63,017	1,145,181	1,208,198	1,152,106	1,203,681	1,145,181
NATO Security Investment Program	220,985	200,985	205,985	-20,000	200,985	220,985	200,985	205,985	200,985
Base Realignment and Closure Account IV	191,220	191,220	191,220		191,220	191,220	191,220	191,220	191,220
Base Realignment and Closure Account 2005	5,626,223	5,626,223	5,526,894		5,626,223	5,626,223	5,626,223	5,526,894	5,626,223
Military Construction, Army National Guard	473,197	518,403	524,031	88,178	561,375	473,197	638,403	644,031	561,375
Military Construction, Air National Guard	125,788	212,788	242,143	168,495	294,283	125,788	212,788	242,143	294,283
Military Construction, Army Reserve	166,487	169,487	189,817	24,130	190,617	166,487	169,487	189,817	190,617

SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2007

(Dollars in Thousands)

	Authorizatio	House	Senate	Conference	Conference	Budget Authority Implication			
	Request	Authorized	Authorized	Change	Agreement	Request	House	Senate	Conference
Military Construction, Naval and MC Reserve	48,408	55,158	48,408	1,590	49,998	48,408	79,158	72,408	49,998
Military Construction, Air Force Reserve	44,936	56,836	44,936	11,900	56,836	44,936	56,836	44,936	56,836
Military Construction, Foreign Currency Fluctuations									
Chemical Agents and Munitions Destruction	130,993	130,993	140,993	10,000	140,993	130,993	130,993	140,993	140,993
Subtotal Military Construction	**12,614,383**	**12,903,341**	**13,024,984**	**706,888**	**13,321,271**	**12,614,383**	**13,047,341**	**13,168,984**	**13,321,271**
FAMILY HOUSING									
Family Housing Construction, Army	594,991	578,791	594,991	-16,200	578,791	594,991	578,791	594,991	578,791
Family Housing Support, Army	676,829	674,657	676,829	-1,212	675,617	676,829	674,657	676,829	675,617
Family Housing Construction, Navy and MC	305,071	308,956	305,071	3,885	308,956	305,071	308,956	305,071	308,956
Family Housing Support, Navy and Marine Corps	509,126	509,126	498,525		509,126	509,126	509,126	498,525	509,126
Family Housing Construction, Air Force	1,183,138	1,169,138	1,183,138	-15,000	1,168,138	1,183,138	1,169,138	1,183,138	1,168,138
Family Housing Support, Air Force	755,071	755,071	755,071		755,071	755,071	755,071	755,071	755,071
Family Housing Construction, Defense-wide	8,808	8,808	8,808		8,808	8,808	8,808	8,808	8,808
Family Housing Support, Defense-wide	48,506	48,506	48,506		48,506	48,506	48,506	48,506	48,506
DoD Family Housing Improvement Fund	2,500	2,500	2,500		2,500	2,500	2,500	2,500	2,500
Subtotal Family Housing	**4,084,040**	**4,055,553**	**4,073,439**	**-28,527**	**4,055,513**	**4,084,040**	**4,055,553**	**4,073,439**	**4,055,513**
Prior Year Rescissions		-260,471		-278,361	-278,361		-260,471		-278,361
Total Mil Con and Family Housing	**16,698,423**	**16,698,423**	**17,098,423**	**400,000**	**17,098,423**	**16,698,423**	**16,842,423**	**17,242,423**	**17,098,423**

SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2007

(Dollars in Thousands)

	Authorizatio Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement	Budget Authority Implication Request	House	Senate	Conference
OTHER DoD MILITARY (Discretionary)									
Receipts from Travel and Purchase Card Refunds							51,000	51,000	51,000
Armed Forces Retirement Home Fund	54,846	54,846	54,846		54,846				
Disposal of DoD Real Property						15,000	15,000	15,000	15,000
Lease of DoD Real Property						12,000	12,000	12,000	12,000
Overseas Facility Investment Recovery						1,000	1,000	1,000	1,000
Total Other DoD Military Discretionary	54,846	54,846	54,846		54,846	28,000	79,000	79,000	79,000
Subfunction (051) Department of Defense Disc	439,558,101	439,558,101	443,442,709		439,558,101	439,549,739	439,759,739	443,644,347	439,615,739
OTHER DoD MILITARY (Mandatory)									
Concurrent Receipt Accrual Payment						2,369,000	2,369,000	2,369,000	2,369,000
Commissary Facilities, Defense							5,000	5,000	5,000
Restoration of Rocky Mountain Arsenal						9,000	6,000	6,000	6,000
Allied Contributions and Cooperation Account						600,000	600,000	600,000	600,000
Trust Funds - Department of Defense						247,000	235,000	235,000	235,000
National Defense Stockpile Transaction Fund				-186,000	-186,000		-50,000	-50,000	-236,000
Research, Development, Test and Evaluation						288,000			
Offsetting Receipts						-1,565,000	-1,239,000	-1,239,000	-1,239,000
SBP (Accelerate Paid Up Provision and Eliminate DIC Offset)			975,000					975,000	
Reservists education benefits			53,000					53,000	
Relaxation of limitations on Selective Early Retirement			38,000					38,000	
Repeal requirement of reduction of SBPfor DIC			492,000					492,000	
Effective date of paid-up coverage under SBP			202,000					202,000	
Concurrent Receipt for unemployable veterans			526,000					526,000	
Elimination of 75% maximum multiplier for determination of retired pay			2,000	2,000	2,000			2,000	2,000
Early receipt of Reserve retirement pay for activiation			50,000					50,000	
Required refills through TRICARE mail order pharmacy			42,000					42,000	
Ban on TRICARE retail drup copay increases			186,000	186,000	186,000			186,000	186,000

SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2007

(Dollars in Thousands)

	Authorizatio	House	Senate	Conference	Conference	Budget Authority Implication			
	Request	Authorized	Authorized	Change	Agreement	Request	House	Senate	Conference
Foreign currency fluctuation adj for military family housing leases in Korea			160,000					160,000	
Leases in foreign countries for purposes other than family housin		1,000	1,000	1,000	1,000		1,000	1,000	1,000
TRICARE pharmacy program cost share requirement		5,000					5,000		
Death gratuity for civilians		2,000					2,000		
National Defense Stockpile sales		-40,000		-18,000	-18,000		-40,000		-18,000
Military Survivor Benefit Plan - interest coverage		45,000					45,000		
Discretionary Action Number (Feb 1, 2006)		-13,000					-13,000		
Total Other DoD Military Mandatory				-186,000	-186,000	1,948,000	1,926,000	4,653,000	1,911,000
Subfunction (051) DOD Mandatory			2,727,000	-15,000	-15,000	1,948,000	1,926,000	4,653,000	1,911,000
SUBFUNCTION (051) TOTAL DOD MIL	439,558,101	439,558,101	446,169,709	-15,000	439,543,101	441,497,739	441,685,739	448,297,347	441,526,739
DIVISION C									
ATOMIC ENERGY DEFENSE ACTIVITIES (053)									
Energy Supply	6,079	6,079			6,079	6,079	6,079		6,079
National Nuclear Security Administration									
Weapons Activities	6,407,889	6,467,889	6,455,389	9,787	6,417,676	6,407,889	6,467,889	6,455,389	6,417,676
Defense Nuclear Nonproliferation	1,726,213	1,616,213	1,726,213	-24,787	1,701,426	1,726,213	1,616,213	1,726,213	1,701,426
Naval Reactors	795,133	795,133	795,133		795,133	795,133	795,133	795,133	795,133
Office of the Administrator	386,576	386,576	356,576		386,576	386,576	386,576	356,576	386,576
Subtotal National Nuclear Security Admin	9,315,811	9,265,811	9,333,311	-15,000	9,300,811	9,315,811	9,265,811	9,333,311	9,300,811
Environmental and Other Defense Activities									
Defense Environmental Cleanup	5,390,312	5,440,312	5,430,312	45,000	5,435,312	5,390,312	5,440,312	5,430,312	5,435,312
Other Defense Activities	717,788	717,788	624,530		717,788	717,788	717,788	624,530	717,788
Defense Nuclear Waste Disposal	388,080	388,080	333,080	-30,000	358,080	388,080	388,080	333,080	358,080
Subtotal Environ & Other Def Activities	6,496,180	6,546,180	6,387,922	15,000	6,511,180	6,496,180	6,546,180	6,387,922	6,511,180

SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2007

(Dollars in Thousands)

	Authorizatio Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement	Budget Authority Implication Request	House	Senate	Conference
Subtotal Department of Energy	**15,818,070**	**15,818,070**	**15,721,233**		**15,818,070**	**15,818,070**	**15,818,070**	**15,721,233**	**15,818,070**
OTHER ATOMIC ENERGY DEFENSE ACTIVITIES (Discretionary)									
Defense Nuclear Facilities Safety Board	22,260	22,260	22,260		22,260	22,260	22,260	22,260	22,260
Corps of Engineers - Civil Works						130,000	130,000	130,000	130,000
Total Other Atomic Energy Def Disc	**22,260**	**22,260**	**22,260**		**22,260**	**152,260**	**152,260**	**152,260**	**152,260**
Subfunction (053) Atomic Energy Def Disc	**15,840,330**	**15,840,330**	**15,743,493**		**15,840,330**	**15,970,330**	**15,970,330**	**15,873,493**	**15,970,330**
OTHER ATOMIC ENERGY DEFENSE ACTIVITIES (Mandatory)									
Energy Employees Illness Compensation Fund						874,000	371,000	371,000	371,000
Energy Employees Compensation - Administration						162,000	146,000	146,000	146,000
NNSA Office of the Administrator						11,000			
Subfunction (053) Other Atomic Energy Def Mand						**1,047,000**	**517,000**	**517,000**	**517,000**
SUBFUNCTION (053) ATOMIC ENERGY	**15,840,330**	**15,840,330**	**15,743,493**		**15,840,330**	**17,017,330**	**16,487,330**	**16,390,493**	**16,487,330**
DEFENSE RELATED ACTIVITIES (054)									
Department of Homeland Security						1,275,100	1,275,100	1,275,100	1,275,100
Department of Justice - FBI Salaries and Expenses						2,307,994	2,307,994	2,307,994	2,307,994
Department of Trans - MARAD Maritime Security Program						154,000	154,000	154,000	154,000
Intelligence Community Management Account						634,811	634,811	634,811	634,811
National Science Foundation - Antarctic Research Activities						67,000	67,000	67,000	67,000
Selective Service System - Salaries and Expenses						24,255	24,255	24,255	24,255
Subfunction (054) Defense Related Activities Disc						**4,463,160**	**4,463,160**	**4,463,160**	**4,463,160**

SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2007

(Dollars in Thousands)

	Authorizatio Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement	Budget Authority Implication Request	House	Senate	Conference
OTHER DEFENSE RELATED ACTIVITIES (Mandatory)									
CIA Retirement & Disability						251,000	251,000	251,000	251,000
Radiation Exposure Compensation Trust Fund						43,000	32,000	32,000	32,000
Subfunction (054) Defense Related Activities Mand						294,000	283,000	283,000	283,000
SUBFUNCTION (054) TOTAL DEFENSE-RELATED ACTIVITIES						4,757,160	4,746,160	4,746,160	4,746,160
Total National Def Funct (050) Disc	455,398,431	455,398,431	459,186,202		455,398,431	459,983,229	460,193,229	463,981,000	460,049,229
Total National Def Funct (050) Mand			2,727,000	-15,000	-15,000	3,289,000	2,726,000	5,453,000	2,711,000
TOTAL NATIONAL DEF FUNCT (050)	455,398,431	455,398,431	461,913,202	-15,000	455,383,431	463,272,229	462,919,229	469,434,000	462,760,229
Title XV: OIF/OEF 2006 Emergency Supplementa	50,000,000	50,000,000	50,000,000	20,000,000	70,000,000	50,000,000	50,000,000	50,000,000	70,000,000
TOTAL	505,398,431	505,398,431	511,913,202	19,985,000	525,383,431	513,272,229	512,919,229	519,434,000	532,760,229

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Procurement overview

The budget request included $82,901.0 million in Procurement for the Department of Defense.

The House bill would authorize $84,592.4 million.

The Senate amendment would authorize $85,722.8 million.

The conferees agree to authorize $84,153.6 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

NATIONAL DEFENSE AUTHORIZATION FOR FISCAL YEAR 2007

(Dollars in Thousands)

Title I – PROCUREMENT	Authorization Request	House Authorization	Senate Authorization	Conference Change	Conference Authorization
Aircraft Procurement, Army	3,566,483	3,714,783	3,457,329	-115,054	3,451,429
Missile Procurement, Army	1,350,898	1,490,898	1,428,859	-22,039	1,328,859
Procurement of W&TCV, Army	2,301,943	2,335,004	2,849,743	-23,339	2,278,604
Procurement of Ammunition, Army	1,903,125	1,691,475	2,036,785	81,200	1,984,325
Other Procurement, Army	7,718,602	6,974,079	7,729,602	-31,100	7,687,502
Aircraft Procurement, Navy	10,868,771	10,760,671	10,704,155	-134,700	10,734,071
Weapons Procurement, Navy	2,555,020	2,517,020	2,587,020	-6,000	2,549,020
Procurement of Ammunition, Navy & Marine Corps	789,943	758,793	809,943	8,000	797,943
Shipbuilding and Conversion, Navy	10,578,553	11,183,153	12,058,553	443,000	11,021,553
Other Procurement, Navy	4,967,916	5,042,766	5,045,516	27,117	4,995,033
Procurement, Marine Corps	1,273,513	1,223,813	1,300,213	-19,700	1,253,813
Aircraft Procurement, Air Force	11,479,810	13,042,630	12,004,096	699,344	12,179,154
Procurement of Ammunition, Air Force	1,072,749	1,076,749	1,076,749		1,072,749
Missile Procurement, Air Force	4,204,145	4,171,495	4,219,145	-32,259	4,171,886
Other Procurement, Air Force	15,408,086	15,434,636	15,434,586	35,200	15,443,286
Procurement, Defense-Wide	2,861,461	2,856,461	2,980,498	24,900	2,886,361
National Guard and Reserve Equipment		318,000		318,000	318,000
Defense Production Act Purchases					
TOTAL PROCUREMENT	82,901,018	84,592,426	85,722,792	1,252,570	84,153,588

BUDGET ITEMS

Aircraft Procurement, Army overview

The budget request included $3,566.5 million in Aircraft Procurement, Army for the Department of Defense.

The House bill would authorize $3,714.8 million.

The Senate amendment would authorize $3,457.3 million.

The conferees agree to authorize $3,451.4 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

			FY 2007 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Aircraft Procurement, Army										
		Aircraft										
		Fixed Wing										
2031	1	UTILITY F/W CARGO AIRCRAFT		109,154		109,154				-109,154		
		Future Cargo Aircraft ahead of need						[-109,154]				
		Future Cargo Aircraft transfer (funds to APAF, line 14)								[-109,154]		
2031	2	UTILITY F/W AIRCRAFT		4,060		4,060		4,060				4,060
		Rotary Wing										
2031	3	ARMED RECONNAISSANCE HELICOPTER	18	141,418	18	141,418	18	141,418		-39,600	18	101,818
		Schedule risk								[-39,600]		
2031	4	HELICOPTER, LIGHT UTILITY (LUH)	39	198,677	39	198,677	39	198,677			39	198,677
2031	5	UH-60 BLACKHAWK (MYP)	38	632,542	38	762,542	38	632,542		26,700	38	659,242
		HH-60L - USAR				[115,000]				[19,200]		
		UH-60A to L engine upgrade				[15,000]				[7,500]		
2031	5	LESS: ADVANCE PROCUREMENT (PY)		-77,991		-77,991		-77,991				-77,991
2031	6	ADVANCE PROCUREMENT (CY)		185,845		185,845		185,845				185,845
2031	7	HELICOPTER NEW TRAINING										
		Modification of Aircraft										
2031	8	GUARDRAIL MODS (TIARA)		58,000		58,000		58,000				58,000
2031	9	ARL MODS (TIARA)		48,000		48,000		48,000				48,000
2031	10	AH-64 MODS		794,387		801,387		794,387				794,387
		Modern signal processing unit				[6,000]						
		Bladefold kits				[1,000]						
2031	10	LESS: ADVANCE PROCUREMENT (PY)		-18,746		-18,746		-18,746				-18,746
2031	11	ADVANCE PROCUREMENT (CY)		19,000		19,000		19,000				19,000

Title I - Procurement

(Dollars in Thousands)

			FY 2007 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
Accour	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
2031	12	CH-47 CARGO HELICOPTER MODS		607,663		609,563		607,663		900		608,563
		Film laminates for windscreens				[900]				[900]		
		Crashworthy ramp gunner seat				[1,000]						
2031	12	LESS: ADVANCE PROCUREMENT (PY)		-24,358		-24,358		-24,358				-24,358
2031	13	ADVANCE PROCUREMENT (CY)		36,740		36,740		36,740				36,740
2031	14	UTILITY/CARGO AIRPLANE MODS		9,953		9,953		9,953				9,953
2031	15	AIRCRAFT LONG RANGE MODS		364		364		364				364
2031	16	LONGBOW										
2031	16	LESS: ADVANCE PROCUREMENT (PY)										
2031	17	UH-60 MODS		30,891		36,291		30,891		4,100		34,991
		Crashworthy External Fuel System				[3,000]				[3,000]		
		Film laminates for windscreens				[2,400]				[1,100]		
2031	17	LESS: ADVANCE PROCUREMENT (PY)										
2031	18	KIOWA WARRIOR		43,654		43,654		43,654				43,654
2031	19	AIRBORNE AVIONICS		156,452		156,452		156,452				156,452
2031	20	GATM ROLLUP		31,666		31,666		31,666				31,666

Title I - Procurement

(Dollars in Thousands)

			FY 2007 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Spares and Repair Parts										
2031	21	SPARE PARTS (AIR)		9,446		9,446		9,446				9,446
		Support Equipment and Facilities										
		Ground Support Avionics										
2031	22	AIRCRAFT SURVIVABILITY EQUIPMENT		27,920		27,920		27,920				27,920
2031	23	ASE INFRARED CM		305,631		305,631		305,631				305,631
		Other Support										
2031	24	AIRBORNE COMMAND & CONTROL		40,220		40,220		40,220				40,220
2031	25	AVIONICS SUPPORT EQUIPMENT		5,062		5,062		5,062				5,062
2031	26	COMMON GROUND EQUIPMENT		64,683		64,683		64,683				64,683
2031	27	AIRCREW INTEGRATED SYSTEMS		35,346		39,346		35,346		2,000		37,346
		Aircraft Wireless Intercom System				[4,000]				[2,000]		
2031	28	AIR TRAFFIC CONTROL		86,351		86,351		86,351				86,351
2031	29	INDUSTRIAL FACILITIES		2,100		2,100		2,100				2,100
2031	30	LAUNCHER, 2.75 ROCKET		2,353		2,353		2,353				2,353
2031	31	AIRBORNE COMMUNICATIONS										
		Total - Aircraft Procurement, Army		3,566,483		3,714,783		3,457,329		-115,054		3,451,429

Missile Procurement, Army overview

The budget request included $1,350.9 million in Missile Procurement, Army for the Department of Defense.

The House bill would authorize $1,490.9 million.

The Senate amendment would authorize $1,428.9 million.

The conferees agree to authorize $1,328.9 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Missile Procurement, Army										
		Other Missiles										
		Surface-to-Air Missile System										
2032	1	PATRIOT SYSTEM SUMMARY	108	489,067	108	489,067	108	514,067			108	489,067
		PAC-3 missiles						[25,000]				
2032	2	SURFACE-LAUNCHED AMRAAM SYSTEM SU		12,039		12,039				-12,039		
		SLAMRAAM procurement ahead of need						[-12,039]		[-12,039]		
2032	3	ADVANCE PROCUREMENT (CY)		10,000		10,000				-10,000		
		SLAMRAAM procurement ahead of need						[-10,000]		[-10,000]		
		Air-to-surface Missile System										
2032	4	HELLFIRE SYS SUMMARY										
		Anti-tank/Assault Missile System										
2032	5	JAVELIN (AAWS-M) SYSTEM SUMMARY	300	104,782	300	104,782	300	104,782			300	104,782
2032	5	LESS: ADVANCE PROCUREMENT (PY)										
2032	6	TOW 2 SYSTEM SUMMARY	949	50,541	949	50,541	949	50,541			949	50,541
2032	6	LESS: ADVANCE PROCUREMENT (PY)		-18,900		-18,900		-18,900				-18,900
2032	7	ADVANCE PROCUREMENT (CY)		32,700		32,700		32,700				32,700
2032	8	GUIDED MLRS ROCKET (GMLRS)	702	147,795	702	147,795	702	147,795			702	147,795
2032	9	MLRS REDUCED RANGE PRACTICE ROCKET	3,762	20,926	3,762	20,926	3,762	20,926			3,762	20,926
2032	10	MLRS LAUNCHER SYSTEMS										
2032	11	HIGH MOBILITY ARTILLERY ROCKET SYSTI	50	226,884	50	226,884	50	226,884			50	226,884
2032	12	ARMY TACTICAL MSL SYS (ATACMS) - SYS :	43	60,502	43	60,502	43	60,502			43	60,502

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Modification of Missiles										
		Modifications										
2032	13	PATRIOT MODS		69,856		209,856		144,856				69,856
		Patriot configuration 3 initiative						[75,000]				
		Program increase				[140,000]						
2032	14	JAVELIN MISSILE MODS		10,371		10,371		10,371				10,371
2032	15	ITAS/TOW MODS		84,350		84,350		84,350				84,350
2032	16	MLRS MODS		6,913		6,913		6,913				6,913
2032	17	HIMARS MODIFICATIONS		9,374		9,374		9,374				9,374
2032	18	HELLFIRE MODIFICATIONS										
		Spares and Repair Parts										
2032	19	SPARES AND REPAIR PARTS		25,794		25,794		25,794				25,794
		Support Equipment and Facilities										
2032	20	AIR DEFENSE TARGETS		3,924		3,924		3,924				3,924
2032	21	ITEMS LESS THAN $5.0M (MISSILES)		10		10		10				10
2032	22	PRODUCTION BASE SUPPORT		3,970		3,970		3,970				3,970
		Total - Missile Procurement Army		1,350,898		1,490,898		1,428,859		-22,039		1,328,859

Procurement of Weapons and Tracked Combat Vehicles, Army overview

The budget request included $2,301.9 million in Procurement of Weapons and Tracked Combat Vehicles, Army for the Department of Defense.

The House bill would authorize $2,335.0 million.

The Senate amendment would authorize $2,849.7 million.

The conferees agree to authorize $2,278.6 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Procurement of Weapons and Tracked Combat										
		Tracked Combat Vehicles										
2033	1	ABRAMS TRNG DEV MOD		899		899		899				899
2033	2	BRADLEY BASE SUSTAINMENT		284,966		431,966		523,766				284,966
		Bradley A3 conversion program						[238,800]				
		Program increase				[147,000]						
2033	3	BRADLEY FVS TRAINING DEVICES (MOD)		4,721		4,721		4,721				4,721
2033	4	ABRAMS TANK TRAINING DEVICES		899		899		899				899
2033	5	STRYKER VEHICLE	100	795,978	100	795,978	100	795,978			100	795,978
		Modification of Tracked Combat Vehicles										
2033	6	CARRIER, MOD		22,969		22,969		161,969				22,969
		M113 recap						[139,000]				
2033	7	FIST VEHICLE (MOD)		32,028		32,028		32,028				32,028
2033	8	MOD OF IN-SVC EQUIP, FIST VEHICLE										
2033	9	BFVS SERIES (MOD)		69,988		69,988		69,988				69,988
2033	10	HOWITZER, MED SP FT 155MM M109A6 (MOI		28,714		28,714		28,714				28,714
2033	11	FAASV PIP TO FLEET										
2033	12	IMPROVED RECOVERY VEHICLE (M88 MOD	12	36,494	12	36,494	12	36,494			12	36,494
2033	13	ARMORED VEH LAUNCH BRIDGE (AVLB) (M		66,054		66,054		66,054				66,054
2033	14	M1 ABRAMS TANK (MOD)		364,899		182,449		364,899				364,899
		Transfer to Title XV				[-182,450]						
2033	15	SYSTEM ENHANCEMENT PGM: SEP M1A2	23	171,097	23	299,997	23	341,097			23	171,097
		M1A2 SEP						[170,000]				
		Program increase - M1A2 SEP retrofit				[128,900]						
		Support Equipment and Facilities										
2033	16	ITEMS LESS THAN $5.0M (TCV-WTCV)		422		422		422				422
2033	17	PRODUCTION BASE SUPPORT (TCV-WTCV)		11,685		11,685		11,685				11,685

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Weapons and Other Combat Vehicles										
2033	18	HOWITZER, LIGHT, TOWED, 105MM, M119	10	20,369	10	20,369	10	20,369			10	20,369
2033	19	INTEGRATED AIR BURST WEAPON SYSTEM		32,339				32,339		-32,339		
		Program decrease				[-32,339]				[-32,339]		
2033	20	M240 MEDIUM MACHINE GUN (7.62MM)	3,025	43,175	3,025	21,575	3,025	43,175			3,025	43,175
		Transfer to Title XV				[-21,600]						
2033	21	M249 SAW MACHINE GUN (5.56MM)	8,600	36,614	8,600	18,314	8,600	36,614			8,600	36,614
		Transfer to Title XV				[-18,300]						
2033	22	MK-19 GRENADE MACHINE GUN (40MM)	68	1,725	68	1,725	68	1,725			68	1,725
2033	23	MORTAR SYSTEMS										
2033	24	M16 RIFLE	2,950	1,844	2,950	1,844	2,950	1,844			2,950	1,844
2033	25	M107, CAL. 50, SNIPER RIFLE	390	8,458	390	8,458	390	8,458			390	8,458
2033	26	XM110 SEMI-AUTOMATIC SNIPER SYSTEM (		15,300		15,300		15,300				15,300
2033	27	M4 CARBINE	1,475	2,221	1,475	11,521	1,475	2,221				2,221
		Program increase				[9,300]						
2033	28	SHOTGUN, MODULAR ACCESSORY SYSTEM				3,000						
		Multi-purpose area suppression shotgun				[3,000]						
2033	29	COMMON REMOTELY OPERATED WEAPONS										
2033	30	HOWITZER LT WT 155MM (T)	85	187,489	85	187,489	85	187,489			85	187,489
		Modification of Weapons and Other Combat Ve										
2033	31	MK-19 GRENADE MACHINE GUN MODS		3,168		3,168		3,168				3,168
2033	32	M4 CARBINE MODS		30,871		15,421		30,871				30,871
		Transfer to Title XV				[-15,450]						
2033	33	M2 50 CAL MACHINE GUN MODS										
2033	34	M249 SAW MACHINE GUN MODS		5,253		5,253		5,253				5,253
2033	35	M240 MEDIUM MACHINE GUN MODS		5,293		5,293		5,293				5,293
2033	36	PHALANX MODS										
2033	37	HOWITZER, TOWED, 155MM, M198 (MODS)										

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
2033	38	M119 MODIFICATIONS		692		692		692				692
2033	39	M16 RIFLE MODS		1,012		6,012		1,012				1,012
		M203 grenade launch module				[5,000]						
2033	40	MODIFICATIONS LESS THAN $5.0M (WOCV-\		1,700		1,700		1,700				1,700
		Support Equipment and Facilities										
2033	41	ITEMS LESS THAN $5.0M (WOCV-WTCV)		507		507		507				507
2033	42	PRODUCTION BASE SUPPORT (WOCV-WTCV		6,331		6,331		6,331				6,331
2033	43	INDUSTRIAL PREPAREDNESS		3,019		13,019		3,019		9,000		12,019
		Arsenal Support Initiative - equipment recapitalization				[10,000]				[9,000]		
2033	44	SMALL ARMS EQUIPMENT (SOLDIER ENH PI		2,750		2,750		2,750				2,750
2033	45	REF SMALL ARMS										
2033	46	CLOSED ACCOUNT ADJUSTMENTS										
		Spares										
2033	47	SPARES AND REPAIR PARTS (WTCV)										
		Total - Procurement of WTCV, Army		2,301,943		2,335,004		2,849,743		-23,339		2,278,604

Procurement of Ammunition, Army overview

The budget request included $1,903.1 million in Procurement of Ammunition, Army for the Department of Defense.

The House bill would authorize $1,691.5 million.

The Senate amendment would authorize $2,036.8 million.

The conferees agree to authorize $1,984.3 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

			FY 2007 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
Account	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Procurement of Ammunition, Army										
		Ammunition										
		Small/Medium Caliber Ammunition										
2034	1	CTG, 5.56MM, ALL TYPES		214,555		107,255		214,555				214,555
		Transfer to Title XV				[-107,300]						
2034	2	CTG, 7.62MM, ALL TYPES		113,555		56,755		113,555				113,555
		Transfer to Title XV				[-56,800]						
2034	3	CTG, 9MM, ALL TYPES		3,848		3,848		3,848				3,848
2034	4	CTG, .50 CAL, ALL TYPES		125,112		62,562		125,112				125,112
		Transfer to Title XV				[-62,550]						
2034	5	CTG, 20MM, ALL TYPES		101		101		101				101
2034	6	CTG, 25MM, ALL TYPES		32,089		32,089		32,089				32,089
2034	7	CTG, 30MM, ALL TYPES		19,431		19,431		19,431				19,431
2034	8	CTG, 40MM, ALL TYPES		129,409		129,409		129,409				129,409
		Mortar Ammunition										
2034	9	60MM MORTAR, ALL TYPES		13,046		13,046		13,046				13,046
2034	10	81MM MORTAR, ALL TYPES		54,618		54,618		54,618				54,618
2034	11	CTG, MORTAR, 120MM, ALL TYPES		66,506		66,506		66,506				66,506
		Tank Ammunition										
2034	12	CTG TANK 105MM: ALL TYPES		19,584		19,584		19,584				19,584
2034	13	120MM TANK TRAINING, ALL TYPES		142,933		142,933		142,933				142,933
2034	14	CTG, TANK, 120MM TACTICAL, ALL TYPES		48,004		48,004		57,204		9,000		57,004
		M1028 120mm tank cartridge						[9,200]		[9,000]		
		Artillery Ammunition										
2034	15	CTG, ARTY, 75MM: ALL TYPES		2,297		2,297		2,297				2,297
2034	16	CTG, ARTY, 105MM: ALL TYPES		45,585		45,585		57,785				45,585
		M915 105mm DPICM (LAP) all types						[12,200]				
2034	17	CTG, ARTY, 155MM, ALL TYPES		124,099		124,099		124,099				124,099

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
2034	18	PROJ 155MM EXTENDED RANGE XM982		22,971		22,971		22,971				22,971
2034	19	MODULAR ARTILLERY CHARGE SYSTEM (M		73,885		73,885		73,885				73,885
		Artillery Fuzes										
2034	20	ARTILLERY FUZES, ALL TYPES		4,083		4,083		4,083				4,083
		Mines										
2034	21	MINE, TRAINING, ALL TYPES		396		396		396				396
2034	22	MINES (CONVENTIONAL), ALL TYPES		4,221		4,221		4,221				4,221
2034	23	MINE, CLEARING CHARGE, ALL TYPES		4,897		4,897		4,897				4,897
2034	24	ANTIPERSONNEL LANDMINE ALTERNATIVI		85,879		85,879		85,879				85,879
		Rockets										
2034	25	SHOULDER FIRED ROCKETS, ALL TYPES		7,741		7,741		7,741				7,741
2034	26	ROCKET, HYDRA 70, ALL TYPES		136,670		136,670		136,670				136,670
		Other Ammunition										
2034	27	DEMOLITION MUNITIONS, ALL TYPES		33,746		33,746		37,746		3,000		36,746
		Rapid wall breaching kit						[4,000]		[3,000]		
2034	28	GRENADES, ALL TYPES		54,162		54,162		54,162				54,162
2034	29	SIGNALS, ALL TYPES		26,384		26,384		26,384				26,384
2034	30	SIMULATORS, ALL TYPES		10,791		10,791		10,791				10,791
		Miscellaneous										
2034	31	AMMO COMPONENTS, ALL TYPES		3,407		3,407		3,407				3,407
2034	32	NON-LETHAL AMMUNITION, ALL TYPES		30,089		30,089		30,089				30,089
2034	33	CAD/PAD ALL TYPES		2,628		2,628		2,628				2,628
2034	34	ITEMS LESS THAN $5 MILLION		5,493		5,493		5,493				5,493

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
2034	35	AMMUNITION PECULIAR EQUIPMENT		10,306		25,306		25,306		5,000		15,306
		Ammunition peculiar equipment outloading module						[6,000]		[2,000]		
		Automated Tactical Ammunition Classification System						[5,000]		[3,000]		
		Corrosion protection covers						[4,000]				
		Desert optimized equipment				[3,000]						
		Outloading module - Crane AAP				[6,000]						
		Outloading module - McAlester AAP				[6,000]						
2034	36	FIRST DESTINATION TRANSPORTATION (AN		9,552		9,552		9,552				9,552
2034	37	CLOSEOUT LIABILITIES		101		101		101				101
		Ammunition Production Base Support										
		Production Base Support										
2034	38	PROVISION OF INDUSTRIAL FACILITIES		116,175		116,175		209,435		64,200		180,375
		Insensitive Munitions High-shear Mixing System						[7,500]		[5,000]		
		Lake City Army Ammunition Plant						[18,200]		[18,200]		
		Modernization of forge equip at Scranton AAP						[4,000]		[1,000]		
		Radford AAP upgrades						[63,560]		[40,000]		
2034	39	LAYAWAY OF INDUSTRIAL FACILITIES		3,064		3,064		3,064				3,064
2034	40	MAINTENANCE OF INACTIVE FACILITIES		4,743		4,743		4,743				4,743
2034	41	CONVENTIONAL MUNITIONS DEMIL, ALL		94,201		94,201		94,201				94,201
2034	42	ARMS INITIATIVE		2,768		2,768		2,768				2,768
		Total - Procurement of Ammunition, Army		**1,903,125**		**1,691,475**		**2,036,785**		**81,200**		**1,984,325**

Other Procurement, Army overview

The budget request included $7,718.6 million in Other Procurement, Army for the Department of Defense.

The House bill would authorize $6,974.1 million.

The Senate amendment would authorize $7,729.6 million.

The conferees agree to authorize $7,687.5 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Other Procurement, Army										
		Tactical and Support Vehicles										
		Tactical Vehicles										
2035	1	TACTICAL TRAILERS/DOLLY SETS		22,961		22,961		22,961				22,961
2035	2	SEMITRAILERS, FLATBED:		7,565		7,565		7,565				7,565
2035	3	SEMITRAILERS, TANKERS		11,676		11,676		11,676				11,676
2035	4	HI MOB MULTI-PURP WHLD VEH (HMMWV)		582,613		582,613		582,613				582,613
2035	5	FAMILY OF MEDIUM TACTICAL VEH (FMTV		695,121		695,121		695,121				695,121
2035	6	FIRETRUCKS & ASSOCIATED FIREFIGHTING		29,286		29,286		29,286				29,286
2035	7	FAMILY OF HEAVY TACTICAL VEHICLES (FI		353,198		353,198		353,198				353,198
2035	8	ARMORED SECURITY VEHICLES (ASV)		155,491		77,741		155,491				155,491
		Transfer to Title XV				[-77,750]						
2035	9	MINE PROTECTION VEHICLE FAMILY										
2035	10	TRUCK, TRACTOR, LINE HAUL, M915/M916		31,202		40,502		31,202		9,300		40,502
		M915A3 program increase - ARNG				[9,300]						
		M915A3 program increase								[9,300]		
2035	11	HVY EXPANDED MOBILE TACTICAL TRUCK		220,416		110,216		220,416				220,416
		Transfer to Title XV				[-110,200]						
2035	12	HMMWV RECAPITALIZATION PROGRAM		34,823				34,823				34,823
		Transfer to Title XV				[-34,823]						
2035	13	MODIFICATION OF IN SVC EQUIP		2,562		2,562		2,562				2,562
2035	14	ITEMS LESS THAN $5.0M (TAC VEH)										
2035	15	TOWING DEVICE-FIFTH WHEEL		1,725		1,725		1,725				1,725
		Non-tactical Vehicles										
2035	16	HEAVY ARMORED SEDAN		609		609		609				609
2035	17	PASSENGER CARRYING VEHICLES		640		640		640				640
2035	18	NONTACTICAL VEHICLES, OTHER		3,486		3,486		3,486				3,486

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Communications and Electronics Equipment										
		Comm-Joint Communications										
2035	19	WIN - TACTICAL PROGRAM						100,000				
		Increase WIN-T funding						[100,000]				
2035	20	JCSE EQUIPMENT (USREDCOM)		4,805		4,805		4,805				4,805
		Comm-Satellite Communications										
2035	21	SECOMP-I		16,884		16,884		16,884				16,884
2035	22	DEFENSE ENTERPRISE WIDEBAND SATCOM		53,616		53,616		53,616				53,616
2035	23	SHF TERM		28,459		28,459		28,459				28,459
2035	24	SAT TERM, EMUT (SPACE)		833		833		833				833
2035	25	NAVSTAR GLOBAL POSITIONING SYSTEM (S		61,611		61,611		68,611		6,000		67,611
		Defense advanced GPS receivers						[7,000]		[6,000]		
2035	26	SMART-T (SPACE)		62,342		62,342		62,342				62,342
2035	27	SCAMP (SPACE)		954		954		954				954
2035	28	GLOBAL BRDCST SVC - GBS		16,803		16,803		16,803				16,803
2035	29	MOD OF IN-SVC EQUIP (TAC SAT)		9,113		9,113		9,113				9,113
		Comm-C3 System										
2035	30	ARMY GLOBAL CMD & CONTROL SYS (AGC		25,253		25,253		25,253				25,253
		Comm-Combat Communications										
2035	31	ARMY DATA DISTRIBUTION SYSTEM (DATA		4,890		4,890		4,890				4,890
2035	32	JOINT TACTICAL RADIO SYSTEM		1,302		1,302		1,302				1,302
2035	33	RADIO TERMINAL SET, MIDS LVT(2)		3,229		3,229		3,229				3,229
2035	34	SINCGARS FAMILY		116,523		58,273		116,523				116,523
		Transfer to Title XV				[-58,250]						
2035	35	MULTI-PURPOSE INFO OPERATIONS SYSTEI		10,460		10,460		10,460				10,460
2035	36	JOINT TACTICAL AREA COMMAND SYSTEM										
2035	37	BRIDGE TO FUTURE NETWORKS		340,231		340,231		240,231				340,231
		Joint network node reduction						[-100,000]				

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
2035	38	COMMS-ELEC EQUIP FIELDING		5,181		5,181		5,181				5,181
2035	39	SPIDER APLA REMOTE CONTROL UNIT		27,599		27,599		27,599				27,599
2035	40	SOLDIER ENHANCEMENT PROGRAM COMM		9,933		9,933		9,933				9,933
2035	41	COMBAT SURVIVOR EVADER LOCATOR (CS		16,541		12,591		16,541		-100		16,441
		ARS 6 mod-in-service terminal guidance				[4,300]				[2,000]		
		Transfer to Title XV				[-8,250]						
		Pricing adjustment								[-2,100]		
2035	42	RADIO, IMPROVED HF FAMILY		91,418		45,718		91,418				91,418
		Transfer to Title XV				[-45,700]						
2035	43	MEDICAL COMM FOR CBT CASUALTY CARE		10,548		10,548		10,548				10,548
		Comm-Intelligence Communications										
2035	44	CI AUTOMATION ARCHITECTURE		1,409		1,409		1,409				1,409
		Information Security										
2035	45	TSEC - ARMY KEY MGT SYS (AKMS)		14,924		14,924		14,924				14,924
2035	46	INFORMATION SYSTEM SECURITY PROGRA		90,379		90,379		90,379				90,379
		Comm-Long Haul Communications										
2035	47	TERRESTRIAL TRANSMISSION		14,432		14,432		14,432				14,432
2035	48	BASE SUPPORT COMMUNICATIONS		33,754		33,754		33,754				33,754
2035	49	ARMY DISN ROUTER										
2035	50	ELECTROMAG COMP PROG (EMCP)		508		508		508				508
2035	51	WW TECH CON IMP PROG (WWTCIP)		27,101		27,101		27,101				27,101
		Comm-Base Communications										
2035	52	INFORMATION SYSTEMS		19,553		19,553		19,553				19,553
2035	53	DEFENSE MESSAGE SYSTEM (DMS)		5,726		5,726		5,726				5,726
2035	54	INSTALLATION INFO INFRASTRUCTURE MO		279,579		279,579		279,579				279,579
2035	55	LOCAL AREA NETWORK (LAN)										
2035	56	PENTAGON INFORMATION MGT AND TELEC		32,711		32,711		32,711				32,711

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Elect Equip-Nat For Int Prog (NFIP)										
2035	57	FOREIGN COUNTERINTELLIGENCE PROG (F	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
2035	58	GENERAL DEFENSE INTELL PROG (GDIP)	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
		Elect Equip-Tact Int Rel Act (TIARA)										
2035	59	ALL SOURCE ANALYSIS SYS (ASAS) (MIP)		34,431		34,431		34,431				34,431
2035	60	JTT/CIBS-M (MIP)		985		985		985				985
2035	61	PROPHET GROUND (MIP)		96,532		48,282		96,532				96,532
		Transfer to Title XV				[-48,250]						
2035	62	TACTICAL UNMANNED AERIAL SYS (TUAS)		100,295		50,145		100,295				100,295
		Transfer to Title XV				[-50,150]						
2035	63	SMALL UNMANNED AERIAL SYSTEM (SUAS		10,200		10,200		10,200				10,200
2035	64	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MI		30,729		30,729		30,729				30,729
2035	65	DRUG INTERDICTION PROGRAM (DIP) (TIAR										
2035	66	TACTICAL EXPLOITATION SYSTEM (MIP)										
2035	67	DCGS-A (MIP)		65,424		65,424		65,424				65,424
2035	68	JOINT TACTICAL GROUND STATION (JTAGS		9,852		9,852		9,852				9,852
2035	69	TROJAN (MIP)		7,659		7,659		7,659				7,659
2035	70	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)		5,040		5,040		5,040				5,040
2035	71	CI HUMINT INFO MANAGEMENT SYSTEM (C		19,704		19,704		19,704				19,704
2035	72	ITEMS LESS THAN $5.0M (MIP)		29,739		29,739		29,739				29,739
		Elect Equip-Electronic Warfare (EW)										
2035	73	LIGHTWEIGHT COUNTER MORTAR RADAR		16,326		16,326		16,326				16,326
2035	74	WARLOCK										
2035	75	COUNTERINTELLIGENCE/SECURITY COUNT										
		Elect Equip-Tactical Surv. (TAC SURV)										
2035	76	SENTINEL MODS		15,125		15,125		15,125				15,125
2035	77	NIGHT VISION DEVICES		320,989		160,489		320,989				320,989
		Transfer to Title XV				[-160,500]						

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
2035	78	LONG RANGE ADVANCED SCOUT SURVEIL		179,594		179,594		179,594				179,594
2035	79	LTWT VIDEO RECON SYSTEM (LWVRS)										
2035	80	NIGHT VISION, THERMAL WPN SIGHT		209,537		209,537		209,537				209,537
2035	81	RADIATION MONITORING SYSTEMS		4,393		4,393		4,393				4,393
2035	82	RAPID AEROSTAT INITIAL DEPLOYMENT										
2035	83	ARTILLERY ACCURACY EQUIP		802		802		802				802
2035	84	MOD OF IN-SVC EQUIP (MMS)		321		321		321				321
2035	85	MOD OF IN-SVC EQUIP (MVS)										
2035	86	ENHANCED PORTABLE INDUCTIVE ARTILL		7,441		7,441		7,441				7,441
2035	87	PROFILER		2,119		2,119		2,119				2,119
2035	88	MOD OF IN-SVC EQUIP (FIREFINDER RADAR		19,249		9,649		19,249				19,249
		Transfer to Title XV				[-9,600]						
2035	89	FORCE XXI BATTLE CMD BRIGADE & BELO		160,060		80,010		160,060				160,060
		Transfer to Title XV				[-80,050]						
2035	90	LIGHTWEIGHT LASER DESIGNATOR/RANGE		50,160		50,160		50,160				50,160
2035	91	COMPUTER BALLISTICS: LHMBC XM32										
2035	92	MORTAR FIRE CONTROL SYSTEM		38,971		38,971		38,971				38,971
2035	93	INTEGRATED MET SYS SENSORS (IMETS) -		3,510		3,510		3,510				3,510
2035	94	ENHANCED SENSOR & MONITORING SYSTE										
		Elect Equip-Tactical C2 Systems										
2035	95	TACTICAL OPERATIONS CENTERS		57,707		57,707		57,707				57,707
2035	96	ADV FA TAC DATA SYS / EFF CTRL SYS		22,035		22,035		22,035				22,035
2035	97	MOD OF IN-SVC EQUIP, AFATDS		5,434		5,434		5,434				5,434
2035	98	LIGHT WEIGHT TECHNICAL FIRE DIRECTIO		6,042		6,042		6,042				6,042
2035	99	BATTLE COMMAND SUSTAINMENT SUPPOR		31,986		31,986		31,986				31,986
2035	100	FAAD C2		21,095		21,095		21,095				21,095
2035	101	AIR & MSL DEFENSE PLANNING & CONTRO		69,289		69,289		69,289				69,289
2035	102	FORWARD ENTRY DEVICE / LIGHTWEIGHT		9,305		9,305		9,305				9,305

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
2035	103	KNIGHT FAMILY		24,233		24,233		24,233				24,233
2035	104	LIFE CYCLE SOFTWARE SUPPORT (LCSS)		2,022		2,022		2,022				2,022
2035	105	LOGTECH		97,235		87,235		97,235				97,235
		Global Combat Support System - Army				[-10,000]						
2035	106	TC AIMS II		29,919		29,919		29,919				29,919
2035	107	JOINT NETWORK MANAGEMENT SYSTEM (J		8,279		8,279		8,279				8,279
2035	108	TACTICAL INTERNET MANAGER		11,355		11,355		11,355				11,355
2035	109	MANEUVER CONTROL SYSTEM (MCS)		77,023		77,023		77,023				77,023
2035	110	SINGLE ARMY LOGISTICS ENTERPRISE (SAL		121,808		121,808		121,808				121,808
2035	111	MOUNTED BATTLE COMMAND ON THE MO'		79,035		79,035		79,035				79,035
		Elect Equip - Automation										
2035	112	GENERAL FUND ENTERPRISE BUSINESS SY!		78,403		78,403		78,403		-25,000		53,403
		Program reduction								[-25,000]		
2035	113	ARMY TRAINING MODERNIZATION		21,636		21,636		21,636				21,636
2035	114	AUTOMATED DATA PROCESSING EQUIP		139,206		89,206		139,206		-35,000		104,206
		Global Combat Support System - Army				[-50,000]						
		Program reduction								[-35,000]		
2035	115	CSS COMMUNICATIONS		15,861		15,861		15,861				15,861
2035	116	RESERVE COMPONENT AUTOMATION SYS (		28,675		28,675		28,675				28,675
		Elect Equip-Audio Visual Sys (A/V)										
2035	117	AFRTS		1,007		1,007		1,007				1,007
2035	118	ITEMS LESS THAN $5.0M (A/V)		6,754		6,754		6,754				6,754
2035	119	ITEMS LESS THAN $5M (SURVEYING EQUIP!		1,671		1,671		1,671				1,671
		Elect Equip-Mods Tactical Sys/Eq										
2035	120	WEAPONIZATION OF UNMANNED AERIAL S'		15,161		15,161		15,161				15,161
		Elect Equip-Support										
2035	121	ITEMS UNDER $5M (SSE)		17,493		17,493		17,493				17,493
2035	122	PRODUCTION BASE SUPPORT (C-E)		497		497		497				497

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Other Support Equipment										
		Chemical Defensive Equipment										
2035	123	CBRN SOLDIER PROTECTION		38,312		38,312		38,312				38,312
2036	124	SMOKE & OBSCURANT FAMILY: SOF (NON		4,079		4,079		4,079				4,079
		Bridging Equipment										
2035	125	TACTICAL BRIDGING		69,608		69,608		69,608				69,608
2035	126	TACTICAL BRIDGE, FLOAT-RIBBON		80,093		80,093		80,093				80,093
		Engineer (Non-construction) Equipment										
2035	127	HANDHELD STANDOFF MINEFIELD DETECT		52,829		52,829		52,829				52,829
2035	128	KIT, STANDARD TELEOPERATING										
2035	129	GRND STANDOFF MINE DETECTION SYSTE		197,675		131,575		197,675				197,675
		Transfer to Title XV				[-66,100]						
2035	130	ROBOTIC COMBAT SUPPORT SYSTEM (RCS										
2035	131	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (		37,269		37,269		37,269				37,269
2035	132	ITEMS LESS THAN $5M (COUNTERMINE EQ		546		546		546				546
		Combat Service Support Equipment										
2035	133	HEATERS AND ECU'S		10,575		10,575		10,575				10,575
2035	134	LAUNDRIES, SHOWERS AND LATRINES										
2035	135	SOLDIER ENHANCEMENT		9,298		10,998		9,298		1,700		10,998
		Maxa beam strobe				[1,700]				[1,700]		
2035	136	LIGHTWEIGHT MAINTENANCE ENCLOSURE										
2035	137	DISMOUNTED BATTLE COMMAND SYSTEM		19,226		19,226		19,226				19,226
2035	138	MOUNTED WARRIOR										
2035	139	FIELD FEEDING EQUIPMENT		36,874		36,874		36,874				36,874
2035	140	CARGO AERIAL DELIVERY PROGRAM		42,653		42,653		42,653				42,653
2035	141	ITEMS LESS THAN $5M (ENG SPT)		5,552		5,552		5,552				5,552
2035	142	ITEMS LESS THAN $5.0M (CSS EQ)										

Title I - Procurement

(Dollars in Thousands)

			FY 2007 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Petroleum Equipment										
2035	143	QUALITY SURVEILLANCE EQUIPMENT		1,293		1,293		1,293				1,293
2035	144	DISTRIBUTION SYSTEMS, PETROLEUM & W		67,867		67,867		67,867				67,867
		Water Equipment										
2035	145	WATER PURIFICATION SYSTEMS		9,769		9,769		9,769				9,769
		Medical Equipment										
2035	146	COMBAT SUPPORT MEDICAL		20,467		40,467		20,467		3,000		23,467
		Blood bag transport modernization				[17,000]						
		Combat support hospitals				[3,000]				[3,000]		
		Maintenance Equipment										
2035	147	SHOP EQ CONTACT MAINTENANCE TRK MT		54,732		54,732		54,732				54,732
2035	148	WELDING SHOP, TRAILER MTD		3,051		3,051		3,051				3,051
2035	149	ITEMS LESS THAN $5.0M (MAINT EQ)										
		Construction Equipment										
2035	150	GRADER, ROAD MTZD, HVY, 6X4 (CCE)		2,902		2,902		2,902				2,902
2035	151	SCRAPERS, EARTHMOVING		1,049		1,049		1,049				1,049
2035	152	MISSION MODULES - ENGINEERING		12,108		12,108		12,108				12,108
2035	153	LOADERS		13,023		13,023		13,023				13,023
2035	154	HYDRAULIC EXCAVATOR		2,475		2,475		2,475				2,475
2035	155	TRACTOR, FULL TRACKED		4,799		4,799		4,799				4,799
2035	156	CRANES										
2035	157	HIGH MOBILITY ENGINEER EXCAVATOR (H		47,846		47,846		47,846				47,846
2035	158	CONST EQUIP ESP		40,209		40,209		40,209				40,209
2035	159	ITEMS LESS THAN $5.0M (CONST EQUIP)		22,209		22,209		22,209				22,209
		Rail Float Containerization Equipment										
2035	160	SMALL TUG										
2035	161	LOGISTIC SUPPORT VESSEL (LSV)										
2035	162	HARBORMASTER COMMAND AND CONTRO		9,265		9,265		9,265				9,265

Title I - Procurement

(Dollars in Thousands)

			FY 2007 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
2035	163	CAUSEWAY SYSTEMS		8,974		8,974		8,974				8,974
2035	164	ITEMS LESS THAN $5.0M (FLOAT/RAIL)		2,536		2,536		2,536				2,536
		Generators										
2035	165	GENERATORS AND ASSOCIATED EQUIP		69,468		69,468		69,468				69,468
		Material Handling Equipment										
2035	166	ROUGH TERRAIN CONTAINER HANDLER (R										
2035	167	ALL TERRAIN LIFTING ARMY SYSTEM		20,501		20,501		20,501				20,501
		Training Equipment										
2035	168	COMBAT TRAINING CENTERS (CTC) SUPPOI		38,497		47,797		38,497				38,497
		Simulated expandable combat training capability - ARNG				[9,300]						
2035	169	TRAINING DEVICES, NONSYSTEM		243,147		258,647		247,147		9,000		252,147
		Immersive group simulation				[6,500]						
		Tabletop gunnery/maneuver/full-fidelity trainers-ARNG				[5,000]						
		Tabletop gunnery/maneuver/full-fidelity trainers								[5,000]		
		Call-for-fire trainer II/Joint Fires and Effects Trainer System (HASC Amdt)				[4,000]		[4,000]		[4,000]		
2035	170	CLOSE COMBAT TACTICAL TRAINER		16,920		16,920		16,920				16,920
2035	171	AVIATION COMBINED ARMS TACTICAL TR/		80,555		80,555		80,555				80,555
		Test Measure and Dig Equipment (TMD)										
2035	172	CALIBRATION SETS EQUIPMENT		2,026		2,026		2,026				2,026
2035	173	INTEGRATED FAMILY OF TEST EQUIPMENT		47,789		47,789		47,789				47,789
2035	174	TEST EQUIPMENT MODERNIZATION (TEMO		11,827		11,827		11,827				11,827
		Other Support Equipment										
2035	175	RAPID EQUIPPING SOLDIER SUPPORT EQUII		50,679		55,679		50,679				50,679
		Body Ventilation System/cooling vests				[5,000]						
2035	176	IED DEFEAT EQUIPMENT										
2035	177	PHYSICAL SECURITY SYSTEMS (OPA3)		66,665		66,665		66,665				66,665
2035	178	BASE LEVEL COM'L EQUIPMENT		3,279		3,279		3,279				3,279
2035	179	MODIFICATION OF IN-SVC EQUIPMENT (OP/		35,469		35,469		35,469				35,469

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accoun	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
2035	180	PRODUCTION BASE SUPPORT (OTH)		2,997		2,997		2,997				2,997
2035	181	BUILDING, PRE-FAB, RELOCATABLE										
2035	182	SPECIAL EQUIPMENT FOR USER TESTING		19,562		19,562		19,562				19,562
2035	183	MA8975		2,423		2,423		2,423				2,423
		Spares and Repair Parts										
		OPA2										
2035	184	INITIAL SPARES - C&E		31,271		31,271		31,271				31,271
		OPA3										
2035	185	INITIAL SPARES - OTHER SUPPORT EQUIP		2,202		2,202		2,202				2,202
2035	999	CLASSIFIED PROGRAMS		12,831		12,831		12,831				12,831
		Total - Other Procurement, Army		**7,718,602**		**6,974,079**		**7,729,602**		**-31,100**		**7,687,502**

Aircraft Procurement, Navy overview

The budget request included $10,868.8 million in Aircraft Procurement, Navy for the Department of Defense.

The House bill would authorize $10,760.7 million.

The Senate amendment would authorize $10,704.2 million.

The conferees agree to authorize $10,734.1 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Aircraft Procurement, Navy										
		Combat Aircraft										
1506	1	AV-8B (V/STOL)HARRIER (MYP)										
1506	2	EA-18G	12	891,578	12	891,578	12	891,578			12	891,578
1506	2	LESS: ADVANCE PROCUREMENT (PY)		-26,157		-26,157		-26,157				-26,157
1506	3	ADVANCE PROCUREMENT (CY)		39,753		39,753		39,753				39,753
1506	4	F/A-18E/F (FIGHTER) HORNET (MYP)	30	2,362,471	30	2,362,471	30	2,362,471			30	2,362,471
1506	4	LESS: ADVANCE PROCUREMENT (PY)		-74,218		-74,218		-74,218				-74,218
1506	5	ADVANCE PROCUREMENT (CY)		52,954		52,954		52,954				52,954
1506	6	JSF ADVANCE PROCUREMENT (CY)		245,016		92,016				-122,000		123,016
		Joint Strike Fighter production reduction				[-153,000]		[-245,016]		[-122,000]		
1506	7	V-22 (MEDIUM LIFT)	14	1,371,125	14	1,371,125	14	1,371,125			14	1,371,125
1506	7	LESS: ADVANCE PROCUREMENT (PY)		-66,438		-66,438		-66,438				-66,438
1506	8	ADVANCE PROCUREMENT (CY)		194,080		194,080		194,080				194,080
1506	9	UH-1Y/AH-1Z	18	446,718	18	446,718	18	446,718			18	446,718
1506	10	MH-60S (MYP)	18	573,458	18	573,458	26	685,458			18	573,458
		MH-60S helicopters					[8]	[112,000]				
1506	10	LESS: ADVANCE PROCUREMENT (PY)		-115,300		-115,300		-115,300				-115,300
1506	11	ADVANCE PROCUREMENT (CY)		90,401		90,401		90,401				90,401
1506	12	MH-60R	25	911,854	25	911,854	26	939,854			25	911,854
		MH-60R helicopters					[1]	[28,000]				
1506	12	LESS: ADVANCE PROCUREMENT (PY)		-116,592		-116,592		-116,592				-116,592
1506	13	ADVANCE PROCUREMENT (CY)		120,480		120,480		120,480				120,480
1506	14	E-2C (EARLY WARNING) HAWKEYE (MYP)	2	265,015	2	265,015	2	265,015			2	265,015
1506	14	LESS: ADVANCE PROCUREMENT (PY)		-61,443		-61,443		-61,443				-61,443
1506	15	ADVANCE PROCUREMENT (CY)										
		Airlift Aircraft										
1506	16	UC-35										

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
1506	17	C-40A										
1506	18	C-37										
		Trainer Aircraft										
1506	19	T-45TS (TRAINER) GOSHAWK	12	376,361	12	376,361	10	312,361			12	376,361
		T-45TS					[-2]	[-64,000]				
1506	20	JPATS	21	146,068	25	174,968	21	146,068			21	146,068
		Additional systems			[4]	[28,900]						
		Other Aircraft										
1506	21	KC-130J	4	311,179	4	311,179	4	311,179			4	311,179
1506	21	LESS: ADVANCE PROCUREMENT (PY)		-58,000		-58,000		-58,000				-58,000
1506	22	ADVANCE PROCUREMENT (CY)		45,737		45,737		45,737				45,737
1506	23	F-5	5	2,530	5	2,530	5	2,530			5	2,530
1506	24	VTUAV	4	37,570	4	37,570	4	37,570			4	37,570
		Modification of Aircraft										
1506	25	EA-6 SERIES		48,983		48,983		48,983				48,983
1506	26	AV-8 SERIES		20,506		20,506		20,506				20,506
1506	27	ADVERSARY		2,638		2,638		2,638				2,638
1506	28	F-18 SERIES		411,524		411,524		411,524				411,524
1506	29	H-46 SERIES		47,401		47,401		47,401				47,401
1506	30	AH-1W SERIES		19,760		19,760		19,760				19,760
1506	31	H-53 SERIES		28,252		31,252		32,652		7,400		35,652
		CH-53 Integrated Mechanical Diagnostic System accel						[4,400]		[4,400]		
		Emergency Egress Lighting System				[3,000]				[3,000]		
1506	32	SH-60 SERIES		33,113		33,113		33,113				33,113
1506	33	H-1 SERIES		7,426		7,426		7,426				7,426
1506	34	EP-3 SERIES		56,797		66,797		56,797				56,797
		Service life extension				[10,000]						

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
1506	35	P-3 SERIES		204,606		207,606		204,606		-7,300		197,306
		High resolution digital recorders				[3,000]				[2,700]		
		Program reduction								[-10,000]		
1506	36	S-3 SERIES		750		750		750				750
1506	37	E-2 SERIES		9,087		9,087		9,087				9,087
1506	38	TRAINER A/C SERIES		17,062		17,062		17,062				17,062
1506	39	C-2A		37,157		37,157		37,157				37,157
1506	40	C-130 SERIES		3,547		3,547		3,547				3,547
1506	41	FEWSG		625		625		625				625
1506	42	CARGO/TRANSPORT A/C SERIES		30,332		30,332		30,332				30,332
1506	43	E-6 SERIES		99,184		99,184		99,184				99,184
1506	44	EXECUTIVE HELICOPTERS SERIES		40,190		40,190		40,190				40,190
1506	45	SPECIAL PROJECT AIRCRAFT		14,300		14,300		14,300				14,300
1506	46	T-45 SERIES		34,933		34,933		34,933				34,933
1506	47	POWER PLANT CHANGES		24,580		24,580		24,580				24,580
1506	48	JPATS SERIES		1,656		1,656		1,656				1,656
1506	49	AVIATION LIFE SUPPORT MODS		14,315		14,315		14,315		-5,400		8,915
		Mobile aircrew restraint system-slower ramp up rate								[-5,400]		
1506	50	COMMON ECM EQUIPMENT		35,886		35,886		35,886				35,886
1506	51	COMMON AVIONICS CHANGES		177,500		177,500		177,500				177,500
1506	52	COMMON DEFENSIVE WEAPON SYSTEM		13,656		13,656		13,656				13,656
1506	53	ID SYSTEMS		11,148		11,148		11,148				11,148
1506	54	V-22 (TILT/ROTOR ACFT) OSPREY		85,767		85,767		85,767				85,767
		Aircraft Spares and Repair Parts										
1506	55	SPARES AND REPAIR PARTS		812,689		812,689		812,689		-7,400		805,289
		EA-18G to F/A-18E/F spares								[-7,400]		
		Aircraft Support Equipment and Facilities										
1506	56	COMMON GROUND EQUIPMENT		426,673		426,673		426,673				426,673

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
1506	57	AIRCRAFT INDUSTRIAL FACILITIES		9,472		9,472		9,472				9,472
1506	58	WAR CONSUMABLES		34,916		34,916		34,916				34,916
1506	59	OTHER PRODUCTION CHARGES		19,501		19,501		19,501				19,501
1506	60	SPECIAL SUPPORT EQUIPMENT		64,968		64,968		64,968				64,968
1506	61	FIRST DESTINATION TRANSPORTATION		1,671		1,671		1,671				1,671
1506	62	CANCELLED ACCOUNT ADJUSTMENTS										
		Total - Aircraft Procurement, Navy		10,868,771		10,760,671		10,704,155		-134,700		10,734,071

Weapons Procurement, Navy overview

The budget request included $2,555.0 million in Weapons Procurement, Navy for the Department of Defense.

The House bill would authorize $2,517.0 million.

The Senate amendment would authorize $2,587.0 million.

The conferees agree to authorize $2,549.0 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Weapons Procurement, Navy										
		Ballistic Missiles										
1507	1	TRIDENT II										
1507	1	LESS: ADVANCE PROCUREMENT (PY)										
		Modification of Missiles										
1507	2	TRIDENT II MODS		957,637		919,637		957,637		-38,000		919,637
		Conventional Trident modification				[-38,000]				[-38,000]		
		Support Equipment and Facilities										
1507	3	MISSILE INDUSTRIAL FACILITIES		3,453		3,453		3,453				3,453
		Other Missiles										
		Strategic Missiles										
1507	4	TOMAHAWK	350	354,565	350	354,565	350	354,565			350	354,565
		Tactical Missiles										
1507	5	AMRAAM	150	98,651	150	98,651	150	98,651			150	98,651
1507	6	SIDEWINDER	174	40,380	174	40,380	174	40,380			174	40,380
1507	7	JSOW	397	125,551	397	125,551	397	125,551			397	125,551
1507	8	STANDARD MISSILE	75	139,672	75	139,672	75	139,672			75	139,672
1507	9	RAM	90	56,874	90	56,874	90	56,874			90	56,874
1507	10	HELLFIRE										
1507	11	AERIAL TARGETS		83,299		83,299		83,299				83,299
1507	12	DRONES AND DECOYS										
1507	13	OTHER MISSILE SUPPORT		8,990		8,990		8,990				8,990
		Modification of Missiles										
1507	14	ESSM	108	99,571	108	99,571	108	99,571			108	99,571
1507	15	STANDARD MISSILES MODS		54,644		54,644		54,644				54,644
		Support Equipment and Facilities										
1507	16	WEAPONS INDUSTRIAL FACILITIES		4,645		4,645		24,645		20,000		24,645
		Allegany Ballistics Laboratory facility restoration						[20,000]		[20,000]		

Title I - Procurement

(Dollars in Thousands)

			FY 2007 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Ordnance Support Equipment										
1507	17	ORDNANCE SUPPORT EQUIPMENT		29,534		29,534		29,534				29,534
		Torpedoes and Related Equipment										
		Torpedoes and Related Equip.										
1507	18	SSTD		5,856		5,856		5,856				5,856
1507	19	ASW TARGETS		25,034		25,034		25,034				25,034
		Mod of Torpedoes and Related Equipment										
1507	20	MK-46 TORPEDO MODS		96,505		96,505		96,505				96,505
1507	21	MK-48 TORPEDO ADCAP MODS		61,528		61,528		61,528				61,528
1507	22	QUICKSTRIKE MINE		3,103		3,103		3,103				3,103
		Support Equipment										
1507	23	TORPEDO SUPPORT EQUIPMENT		26,345		26,345		26,345				26,345
1507	24	ASW RANGE SUPPORT		13,288		13,288		13,288				13,288
		Destination Transportation										
1507	25	FIRST DESTINATION TRANSPORTATION		3,259		3,259		3,259				3,259
		Other Weapons										
		Guns and Gun Mounts										
1507	26	SMALL ARMS AND WEAPONS		12,508		12,508		12,508				12,508

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Modification of Guns and Gun Mounts										
1507	27	CIWS MODS		151,194		151,194		151,194				151,194
1507	28	COAST GUARD WEAPONS		5,385		5,385		5,385				5,385
1507	29	GUN MOUNT MODS		8,936		8,936		20,936		12,000		20,936
		Mk 110 57mm naval gun						[12,000]		[12,000]		
1507	30	PIONEER		7,056		7,056		7,056				7,056
1507	31	CRUISER MODERNIZATION WEAPONS		18,470		18,470		18,470				18,470
1507	32	AIRBORNE MINE NEUTRALIZATION SYSTEN		3,151		3,151		3,151				3,151
		Other										
1507	33	CANCELLED ACCOUNT ADJUSTMENTS										
		Spares and Repair Parts										
1507	34	SPARES AND REPAIR PARTS		55,936		55,936		55,936				55,936
		Total - Weapons Procurement, Navy		2,555,020		2,517,020		2,587,020		-6,000		2,549,020

Procurement of Ammunition, Navy and Marine Corps overview

The budget request included $789.9 million in Procurement of Ammunition, Navy and Marine Corps for the Department of Defense.

The House bill would authorize $758.8 million.

The Senate amendment would authorize $809.9 million.

The conferees agree to authorize $797.9 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

			FY 2007 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Procurement of Ammunition, Navy & Marine Corps										
		Proc Ammo, Navy										
		Navy Ammunition										
1508	1	GENERAL PURPOSE BOMBS		119,561		119,561		119,561				119,561
1508	2	JDAM	3,400	84,014	3,400	84,014	3,400	84,014			3,400	84,014
1508	3	AIRBORNE ROCKETS, ALL TYPES		15,473		15,473		15,473				15,473
1508	4	MACHINE GUN AMMUNITION		16,140		16,140		16,140				16,140
1508	5	PRACTICE BOMBS		44,573		44,573		44,573				44,573
1508	6	CARTRIDGES & CART ACTUATED DEVICES		33,999		33,999		33,999				33,999
1508	7	AIRCRAFT ESCAPE ROCKETS		11,029		11,029		11,029				11,029
1508	8	AIR EXPENDABLE COUNTERMEASURES		72,935		72,935		72,935				72,935
1508	9	JATOS		4,643		4,643		4,643				4,643
1508	10	5 INCH/54 GUN AMMUNITION		24,547		24,547		24,547				24,547
1508	11	76MM GUN AMMUNITION										
1508	12	INTERMEDIATE CALIBER GUN AMMUNITIO		5,729		5,729		15,729		8,000		13,729
		Mk295/ MK296 ammo for Mk110 57mm naval gun						[10,000]		[8,000]		
1508	13	OTHER SHIP GUN AMMUNITION		21,772		21,772		21,772				21,772
1508	14	SMALL ARMS & LANDING PARTY AMMO		32,647		32,647		32,647				32,647
1508	15	PYROTECHNIC AND DEMOLITION		9,189		9,189		9,189				9,189
1508	16	AMMUNITION LESS THAN $5 MILLION		1,197		1,197		1,197				1,197
		Proc Ammo, MC										
		Marine Corps Ammunition										
1508	17	5.56 MM, ALL TYPES		24,365		12,165		24,365				24,365
		Transfer to Title XV				[12,200]						
1508	18	7.62 MM, ALL TYPES		14,814		7,414		14,814				14,814
		Transfer to Title XV				[-7,400]						
1508	19	LINEAR CHARGES, ALL TYPES		8,032		8,032		8,032				8,032

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
1508	20	.50 CALIBER		6,440		3,240		6,440				6,440
		Transfer to Title XV				[-3,200]						
1508	21	40 MM, ALL TYPES		39,369		39,369		39,369				39,369
1508	22	60MM, ALL TYPES		2,947		2,947		2,947				2,947
1508	23	81MM, ALL TYPES		57,351		57,351		57,351				57,351
1508	24	120MM, ALL TYPES		32,858		32,858		32,858				32,858
1508	25	CTG 25MM, ALL TYPES		9,536		9,536		9,536				9,536
1508	26	9 MM ALL TYPES		4,197		4,197		4,197				4,197
1508	27	GRENADES, ALL TYPES		16,733		8,383		26,733				16,733
		M67 hand grenade						[10,000]				
		Transfer to Title XV				[-8,350]						
1508	28	ROCKETS, ALL TYPES		10,201		10,201		10,201				10,201
1508	29	ARTILLERY, ALL TYPES		35,514		35,514		35,514				35,514
1508	30	EXPEDITIONARY FIGHTING VEHICLE		9,529		9,529		9,529				9,529
1508	31	DEMOLITION MUNITIONS, ALL TYPES		8,282		8,282		8,282				8,282
1508	32	FUZE, ALL TYPES		565		565		565				565
1508	33	NON LETHALS		4,030		4,030		4,030				4,030
1508	34	AMMO MODERNIZATION		7,732		7,732		7,732				7,732
1508	35	ITEMS LESS THAN $5 MILLION										
		Total - Procurement of Ammo, Navy & USMC		**789,943**		**758,793**		**809,943**		**8,000**		**797,943**

Shipbuilding and Conversion, Navy overview

The budget request included $10,578.6 million in Shipbuilding and Conversion, Navy for the Department of Defense.

The House bill would authorize $11,183.2 million.

The Senate amendment would authorize $12,058.6 million.

The conferees agree to authorize $11,021.6 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Shipbuilding and Conversion, Navy										
		Other Warships										
1611	1	CARRIER REPLACEMENT PROGRAM		552,502		552,502		552,502				552,502
1611	1	LESS: ADVANCE PROCUREMENT (PY)		-552,502		-552,502		-552,502				-552,502
1611	2	ADVANCE PROCUREMENT (CY)		784,143		784,143		834,143		10,000		794,143
		CVN 21 class aircraft carrier program						[50,000]		[10,000]		
1611	3	VIRGINIA CLASS SUBMARINE	1	2,613,135	1	2,613,135	1	2,613,135			1	2,613,135
1611	3	LESS: ADVANCE PROCUREMENT (PY)		-837,663		-837,663		-837,663				-837,663
1611	4	ADVANCE PROCUREMENT (CY)		676,582		1,076,582		676,582		400,000		1,076,582
		Program increase				[400,000]				[400,000]		
1611	5	SSGN CONVERSION										
1611	5	LESS: ADVANCE PROCUREMENT (PY)										
1611	6	ADVANCE PROCUREMENT (CY)										
1611	7	CVN REFUELING OVERHAULS		954,495		954,495		954,495				954,495
1611	7	LESS: ADVANCE PROCUREMENT (PY)										
1611	8	ADVANCE PROCUREMENT (CY)		117,139		117,139		137,139				117,139
		M290 nuclear defueling facility						[20,000]				
1611	9	SSN ERO		3,975		3,975		3,975				3,975
1611	9	LESS: ADVANCE PROCUREMENT (PY)		-3,975		-3,975		-3,975				-3,975
1611	10	ADVANCE PROCUREMENT (CY)		22,078		22,078		22,078				22,078
1611	11	SSBN ERO	1	249,930	1	249,930	1	249,930			1	249,930
1611	11	LESS: ADVANCE PROCUREMENT (PY)		-60,908		-60,908		-60,908				-60,908
1611	12	ADVANCE PROCUREMENT (CY)		37,154		37,154		37,154				37,154
1611	13	DD(X)	2	3,578,245	1	3,578,245	2	3,578,245			2	3,578,245
		Program decrease			[-1]							
1611	13	LESS: ADVANCE PROCUREMENT (PY)		-1,010,134		-1,010,134		-1,010,134				-1,010,134
1611	14	ADVANCE PROCUREMENT (CY)										
1611	15	DDG-51		355,849		355,849		355,849				355,849

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
1611	15	LESS: ADVANCE PROCUREMENT (PY)										
1611	16	DDG MODERNIZATION PROGRAM				200,000				50,000		50,000
		Program increase				[200,000]				[50,000]		
1611	17	LITTORAL COMBAT SHIP	2	520,670	2	520,670	2	520,670			2	520,670
		Amphibious Ships										
1611	18	LHD-1 AMPHIBIOUS ASSAULT SHIP										
1611	19	LPD-17		3,469		3,469	1	1,585,961				3,469
		Restore LPD-17 full funding					[1]	[1,582,492]				
1611	19	LESS: ADVANCE PROCUREMENT (PY)		-3,469		-3,469		-3,469				-3,469
1611	20	ADVANCE PROCUREMENT (CY)		297,492		297,492						297,492
		Eliminate advance procurement						[-297,492]				
1611	21	LHA REPLACEMENT	1	1,433,560	1	1,433,560	1	1,433,560			1	1,433,560
1611	21	LESS: ADVANCE PROCUREMENT (PY)		-297,643		-297,643		-297,643				-297,643
1611	22	ADVANCE PROCUREMENT (CY)						175,000				
		LHA replacement LHA-R						[175,000]				
		Auxiliaries, Craft and Prior Yr Program Costs										
1611	23	SPECIAL PURPOSE										
1611	24	LCU(X)										
1611	25	OUTFITTING		410,643		410,643		380,643				410,643
		Outfitting and post-delivery						[-30,000]				
1611	26	SERVICE CRAFT		45,245	1	49,845		45,245		3,000		48,245
		Weapon retrieval vehicle			[1]	[4,600]				[3,000]		
1611	27	LCAC SLEP	6	110,692	6	110,692	6	110,692			6	110,692
1611	28	COMPLETION OF PY SHIPBUILDING PROGR/		577,849		577,849		557,849		-20,000		557,849
		Completion of prior year shipbuilding						[-20,000]		[-20,000]		
1611	29	POWER UNIT ASSEMBLY FACILITY										
		Total - Shipbuilding and Conversion, Navy		10,578,553		11,183,153		12,058,553		443,000		11,021,553

Other Procurement, Navy overview

The budget request included $4,967.9 million in Other Procurement, Navy for the Department of Defense.

The House bill would authorize $5,042.8 million.

The Senate amendment would authorize $5,045.5 million.

The conferees agree to authorize $4,995.0 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Other Procurement, Navy										
		Ships Support Equipment										
		Ship Propulsion Equipment										
1810	1	LM-2500 GAS TURBINE		7,441		7,441		7,441				7,441
1810	2	ALLISON 501K GAS TURBINE		16,182		16,182		16,182				16,182
		Navigation Equipment										
1810	3	OTHER NAVIGATION EQUIPMENT		31,039		35,539		35,039		3,000		34,039
		Amphib Integrated Bridge System				[4,500]		[4,000]		[3,000]		
		Underway Replenishment Equipment										
1810	4	UNDERWAY REPLENISHMENT EQUIPMENT		928		928		928				928
		Periscopes										
1810	5	SUB PERISCOPES & IMAGING EQUIP		73,729		73,729		73,729				73,729
		Other Shipboard Equipment										
1810	6	DDG MOD		2,179		2,179		27,179				2,179
		DDG 51 Arleigh Burke class AEGIS modernization						[25,000]				
1810	7	FIREFIGHTING EQUIPMENT		17,914		17,914		17,914				17,914
1810	8	COMMAND AND CONTROL SWITCHBOARD		2,693		2,693		2,693				2,693
1810	9	POLLUTION CONTROL EQUIPMENT		27,889		27,889		27,889				27,889
1810	10	SUBMARINE SUPPORT EQUIPMENT		25,231		25,231		27,231		1,000		26,231
		High performance brush program						[2,000]		[1,000]		
1810	11	VIRGINIA CLASS SUPPORT EQUIPMENT		155,510		155,510		155,510				155,510
1810	12	SUBMARINE BATTERIES		33,814		33,814		33,814				33,814
1810	13	STRATEGIC PLATFORM SUPPORT EQUIP		21,892		21,892		21,892				21,892
1810	14	DSSP EQUIPMENT		4,729		4,729		4,729				4,729
1810	15	CG MODERNIZATION		233,666		233,666		233,666				233,666
1810	16	LCAC		437		437		437				437

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
1810	17	MINESWEEPING EQUIPMENT		17,843		17,843		17,843		-3,850		13,993
		Very shallow water UUV-reduce from 9 to 6								[-3,850]		
1810	18	ITEMS LESS THAN $5 MILLION		172,775		182,775		181,775		9,500		182,275
		Advanced Control Monitoring System						[4,000]		[4,000]		
		CVN propeller replacement program				[3,500]		[3,000]		[3,500]		
		Canned lube pumps for LSD 41/49 class ships				[2,500]		[2,000]		[2,000]		
		Ultrasonic maintenance tools				[4,000]						
1810	19	CHEMICAL WARFARE DETECTORS		3,141		3,141		3,141				3,141
1810	20	SUBMARINE LIFE SUPPORT SYSTEM		13,751		13,751		13,751				13,751
		Reactor Plant Equipment										
1810	21	REACTOR POWER UNITS		126,974		126,974		126,974				126,974
1810	22	REACTOR COMPONENTS		228,087		228,087		228,087				228,087
		Ocean Engineering										
1810	23	DIVING AND SALVAGE EQUIPMENT		6,287		6,287		6,287				6,287
		Small Boats										
1810	24	STANDARD BOATS		41,081		42,081		41,081		1,000		42,081
		Boat lifts for small boats				[1,000]				[1,000]		
		Training Equipment										
1810	25	OTHER SHIPS TRAINING EQUIPMENT		3,887		3,887		3,887				3,887
		Production Facilities and Equipment										
1810	26	OPERATING FORCES IPE		53,648		53,648		53,648				53,648
		Other Ship Support										
1810	27	NUCLEAR ALTERATIONS		109,571		109,571		109,571				109,571
1810	28	LCS MODULES		79,059		79,059		79,059				79,059
		Drug Interdiction Support										
1810	29	DRUG INTERDICTION SUPPORT										

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Communications and Electronics Equipment										
		Ship Radars										
1810	30	RADAR SUPPORT				7,250				6,000		6,000
		AN/SPS-48 ROAR				[7,250]				[6,000]		
		Ship Sonars										
1810	31	SPQ-9B RADAR		2,494		8,494		2,494		6,000		8,494
		LCS				[6,000]				[6,000]		
1810	32	AN/SQQ-89 SURF ASW COMBAT SYSTEM		37,783		37,783		37,783				37,783
1810	33	SSN ACOUSTICS		284,896		284,896		284,896				284,896
1810	34	UNDERSEA WARFARE SUPPORT EQUIPMEN		9,204		9,204		9,204				9,204
1810	35	SONAR SWITCHES AND TRANSDUCERS		12,524		12,524		12,524				12,524
		ASW Electronic Equipment										
1810	36	SUBMARINE ACOUSTIC WARFARE SYSTEM		20,227		20,227		20,227				20,227
1810	37	SSTD		8,404		8,404		8,404				8,404
1810	38	FIXED SURVEILLANCE SYSTEM		60,681		60,681		60,681				60,681
1810	39	SURTASS		4,688		4,688		4,688				4,688
1810	40	TACTICAL SUPPORT CENTER		5,238		5,238		5,238				5,238
		Electronic Warfare Equipment										
1810	41	AN/SLQ-32		30,955		30,955		30,955				30,955
1810	42	INFORMATION WARFARE SYSTEMS		5,032		5,032		5,032				5,032
		Reconnaissance Equipment										
1810	43	SHIPBOARD IW EXPLOIT		70,782		70,782		70,782				70,782
		Submarine Surveillance Equipment										
1810	44	SUBMARINE SUPPORT EQUIPMENT PROG		83,114		83,114		83,114				83,114
		Other Ship Electronic Equipment										
1810	45	NAVY TACTICAL DATA SYSTEM										
1810	46	COOPERATIVE ENGAGEMENT CAPABILITY		22,502		22,502		22,502				22,502
1810	47	GCCS-M EQUIPMENT		52,508		52,508		52,508				52,508

Title I - Procurement

(Dollars in Thousands)

			FY 2007 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
1810	48	NAVAL TACTICAL COMMAND SUPPORT SY!		35,311		35,311		35,311				35,311
1810	49	ATDLS		12,458		12,458		12,458				12,458
1810	50	MINESWEEPING SYSTEM REPLACEMENT		75,442		75,442		75,442				75,442
1810	51	SHALLOW WATER MCM		8,269		8,269		8,269				8,269
1810	52	NAVSTAR GPS RECEIVERS (SPACE)		13,291		13,291		13,291				13,291
1810	53	ARMED FORCES RADIO AND TV		4,481		4,481		4,481				4,481
1810	54	STRATEGIC PLATFORM SUPPORT EQUIP		3,838		3,838		3,838				3,838
		Training Equipment										
1810	55	OTHER TRAINING EQUIPMENT		19,833		19,833		19,833				19,833
		Aviation Electronic Equipment										
1810	56	MATCALS		20,261		20,261		20,261				20,261
1810	57	SHIPBOARD AIR TRAFFIC CONTROL		7,476		7,476		7,476				7,476
1810	58	AUTOMATIC CARRIER LANDING SYSTEM		18,005		18,005		18,005				18,005
1810	59	NATIONAL AIR SPACE SYSTEM		27,575		27,575		27,575				27,575
1810	60	AIR STATION SUPPORT EQUIPMENT		3,968		3,968		3,968				3,968
1810	61	MICROWAVE LANDING SYSTEM		9,157		9,157		9,157				9,157
1810	62	FACSFAC		3,758		3,758		3,758				3,758
1810	63	ID SYSTEMS		28,567		28,567		28,567				28,567
1810	64	TAC A/C MISSION PLANNING SYS(TAMPS)		8,316		8,316		8,316				8,316
		Other Shore Electronic Equipment										
1810	65	DEPLOYABLE JOINT COMMAND AND CONT										
1810	66	COMMON IMAGERY GROUND SURFACE SY!		78,321		78,321		78,321				78,321
1810	67	RADIAC		10,373		10,373		10,373				10,373
1810	68	GPETE		7,086		7,086		7,086				7,086
1810	69	INTEG COMBAT SYSTEM TEST FACILITY		4,283		4,283		4,283				4,283
1810	70	EMI CONTROL INSTRUMENTATION		5,710		5,710		5,710				5,710
1810	71	ITEMS LESS THAN $5 MILLION		22,489		22,489		26,689				22,489
		Thermal imaging systems						[4,200]				

Title I - Procurement

(Dollars in Thousands)

			FY 2007 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Shipboard Communications										
1810	72	SHIPBOARD TACTICAL COMMUNICATIONS										
1810	73	PORTABLE RADIOS		40,467		40,467		40,467				40,467
1810	74	SHIP COMMUNICATIONS AUTOMATION		209,123		209,123		209,123				209,123
1810	75	COMMUNICATIONS ITEMS UNDER $5M		12,574		12,574		12,574				12,574
		Submarine Communications										
1810	76	SUBMARINE BROADCAST SUPPORT		666		666		666				666
1810	77	SUBMARINE COMMUNICATION EQUIPMENT		87,900		87,900		87,900				87,900
		Satellite Communications										
1810	78	SATELLITE COMMUNICATIONS SYSTEMS		12,291		14,391		12,291				12,291
		Mini-DAMA on submarines				[2,100]						
		Shore Communications										
1810	79	JCS COMMUNICATIONS EQUIPMENT		2,788		2,788		2,788				2,788
1810	80	ELECTRICAL POWER SYSTEMS		1,145		1,145		1,145				1,145
1810	81	NSIPS										
1810	82	JEDMICS										
1810	83	NAVAL SHORE COMMUNICATIONS		50,429		50,429		50,429				50,429
		Cryptographic Equipment										
1810	84	INFO SYSTEMS SECURITY PROGRAM (ISSP)		101,749		101,749		101,749				101,749
		Cryptologic Equipment										
1810	85	CRYPTOLOGIC COMMUNICATIONS EQUIP		21,758		21,758		21,758				21,758
		Other Electronic Support										
1810	86	COAST GUARD EQUIPMENT		41,133		41,133		41,133				41,133
		Drug Interdiction Support										
1810	87	OTHER DRUG INTERDICTION SUPPORT										
		Aviation Support Equipment										
		Sonobuoys										

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
1810	88	SONOBUOYS - ALL TYPES		66,943		66,943		74,943				66,943
		Sonobouys						[8,000]				
		Aircraft Support Equipment										
1810	89	WEAPONS RANGE SUPPORT EQUIPMENT		56,226		64,226		56,226		2,000		58,226
		Multi-Spectral Threat Emitter System				[8,000]				[2,000]		
1810	90	EXPEDITIONARY AIRFIELDS		8,064		8,064		8,064				8,064
1810	91	AIRCRAFT REARMING EQUIPMENT		12,246		12,246		12,246				12,246
1810	92	AIRCRAFT LAUNCH & RECOVERY EQUIPME		29,817		29,817		29,817				29,817
1810	93	METEOROLOGICAL EQUIPMENT		14,905		14,905		14,905				14,905
1810	94	OTHER PHOTOGRAPHIC EQUIPMENT		1,459		1,459		1,459				1,459
1810	95	AVIATION LIFE SUPPORT		18,624		22,624		18,624		-3,500		15,124
		Multi-Climate Protection System				[4,000]				[3,000]		
		Combat survivor evader locator (CSEL) radio								[-10,000]		
		RI-2200 high-intensity searchlights for NAVIR								[3,500]		
1810	96	AIRBORNE MINE COUNTERMEASURES		89,727		89,727		89,727				89,727
1810	97	LAMPS MK III SHIPBOARD EQUIPMENT		27,369		27,369		27,369				27,369
1810	98	OTHER AVIATION SUPPORT EQUIPMENT		10,821		10,821		10,821				10,821
		Ordnance Support Equipment										
		Ship Gun System Equipment										
1810	99	NAVAL FIRES CONTROL SYSTEM		3,311		3,311		3,311				3,311
1810	100	GUN FIRE CONTROL EQUIPMENT		7,443		7,443		7,443				7,443
		Ship Missile System Equipment										
1810	101	HARPOON SUPPORT EQUIPMENT		100		100		100				100
1810	102	NATO SEASPARROW		4,582		4,582		4,582				4,582
1810	103	RAM GMLS		9,987		9,987		9,987				9,987
1810	104	SHIP SELF DEFENSE SYSTEM		56,668		56,668		56,668				56,668
1810	105	AEGIS SUPPORT EQUIPMENT		75,349		80,349		75,349		4,000		79,349
		AEGIS land based test site modernization				[5,000]				[4,000]		

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
1810	106	SURFACE TOMAHAWK SUPPORT EQUIPMEN										
1810	107	TOMAHAWK SUPPORT EQUIPMENT		61,185		61,185		61,185				61,185
1810	108	SUBMARINE TOMAHAWK SUPPORT EQUIP										
1810	109	VERTICAL LAUNCH SYSTEMS		6,557		6,557		6,557				6,557
		FBM Support Equipment										
1810	110	STRATEGIC MISSILE SYSTEMS EQUIP		111,127		99,127		111,127		-12,000		99,127
		Conventional Trident modification				[-12,000]				[-12,000]		
		ASW Support Equipment										
1810	111	SSN COMBAT CONTROL SYSTEMS		92,876		92,876		92,876				92,876
1810	112	SUBMARINE ASW SUPPORT EQUIPMENT		4,946		4,946		4,946				4,946
1810	113	SURFACE ASW SUPPORT EQUIPMENT		4,642		4,642		4,642				4,642
1810	114	ASW RANGE SUPPORT EQUIPMENT		7,188		7,188		7,188				7,188
		Other Ordnance Support Equipment										
1810	115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP		21,494		21,494		29,194				21,494
		Joint Service and EOD IED countermeasures						[7,700]				
1810	116	ITEMS LESS THAN $5 MILLION		4,041		4,041		4,041				4,041
		Other Expendable Ordnance										
1810	117	ANTI-SHIP MISSILE DECOY SYSTEM		54,131		54,131		60,131		5,500		59,631
		MK53 (NULKA) Decoy System						[6,000]		[5,500]		
1810	118	SURFACE TRAINING DEVICE MODS		11,243		11,243		11,243				11,243
1810	119	SUBMARINE TRAINING DEVICE MODS		24,776		27,776		24,776				24,776
		SNADIS shore interface				[3,000]						
		Civil Engineering Support Equipment										
1810	120	PASSENGER CARRYING VEHICLES		2,184		2,184		2,184				2,184
1810	121	GENERAL PURPOSE TRUCKS		2,200		2,200		2,200				2,200
1810	122	CONSTRUCTION & MAINTENANCE EQUIP		25,441		25,441		25,441				25,441
1810	123	FIRE FIGHTING EQUIPMENT		16,726		16,726		16,726				16,726
1810	124	TACTICAL VEHICLES		29,432		29,432		29,432				29,432

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accoun	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
1810	125	AMPHIBIOUS EQUIPMENT		86,604		86,604		86,604				86,604
1810	126	POLLUTION CONTROL EQUIPMENT		12,066		12,066		12,066				12,066
1810	127	ITEMS UNDER $5 MILLION		39,845		39,845		39,845				39,845
1810	128	PHYSICAL SECURITY VEHICLES		1,317		1,317		1,317				1,317
		Supply Support Equipment										
1810	129	MATERIALS HANDLING EQUIPMENT		13,716		23,716		13,716		5,000		18,716
		NCF forklift systems				[10,000]				[5,000]		
1810	130	OTHER SUPPLY SUPPORT EQUIPMENT		12,080		15,080		12,080		1,000		13,080
		Serial Number Tracking System				[3,000]				[1,000]		
1810	131	FIRST DESTINATION TRANSPORTATION		5,925		5,925		5,925				5,925
1810	132	SPECIAL PURPOSE SUPPLY SYSTEMS		65,938		65,938		65,938				65,938
		Personnel and Command Support Equipment										
		Training Devices										
1810	133	TRAINING SUPPORT EQUIPMENT		18,222		26,222		18,222		2,000		20,222
		Laser Marksmanship Training System - Navy Reserve				[8,000]						
		Laser Marksmanship Training System								[2,000]		
		Command Support Equipment										
1810	134	COMMAND SUPPORT EQUIPMENT		58,576		67,376		66,176		3,000		61,576
		Man overboard identification program				[8,800]		[4,400]		[3,000]		
		Multi Climate Protection System						[3,200]				
1810	135	EDUCATION SUPPORT EQUIPMENT		390		390		390				390
1810	136	MEDICAL SUPPORT EQUIPMENT		5,590		11,790		9,690		6,000		11,590
		Combat casualty care equipment upgrade program				[6,200]		[4,100]		[6,000]		
1810	138	OPERATING FORCES SUPPORT EQUIPMENT		15,270		15,270		15,270				15,270
1810	139	C4ISR EQUIPMENT		10,685		10,685		10,685				10,685
1810	140	ENVIRONMENTAL SUPPORT EQUIPMENT		16,138		16,138		16,138				16,138
1810	141	PHYSICAL SECURITY EQUIPMENT		166,302		166,302		166,302		-8,533		157,769
		WRAS and SPS program adjustment								[-8,533]		

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
1810	142	ENTERPRISE INFORMATION TECHNOLOGY		3,995		3,995		3,995				3,995
1810	143	CLASSIFIED PROGRAMS	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
1810	144	SPECIAL PROGRAM	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
		Productivity Programs										
1810	145	JUDGMENT FUND REIMBURSEMENT										
		Other										
1810	146	CANCELLED ACCOUNT ADJUSTMENTS										
		Spares and Repair Parts										
1810	147	SPARES AND REPAIR PARTS		219,886		219,886		219,886				219,886
1810	999	CLASSIFIED PROGRAMS		8,841		8,841		8,841				8,841
		Total - Other Procurement, Navy		4,967,916		5,042,766		5,845,516		27,117		4,995,033

Procurement, Marine Corps overview

The budget request included $1,273.5 million in Procurement, Marine Corps for the Department of Defense.

The House bill would authorize $1,223.8 million.

The Senate amendment would authorize $1,300.2 million.

The conferees agree to authorize $1,253.8 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

			FY 2007 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Procurement, Marine Corps										
		Weapons and Combat Vehicles										
		Tracked Combat Vehicles										
1109	1	AAV7A1 PIP		12,481		12,481		12,481				12,481
1109	2	EXPEDITIONARY FIGHTING VEHICLE	15	239,859	15	239,859	15	239,859			15	239,859
1109	2	LESS: ADVANCE PROCUREMENT (PY)		-9,237		-9,237		-9,237				-9,237
1109	3	ADVANCE PROCUREMENT (CY)		25,582		25,582		25,582				25,582
1109	4	LAV PIP		25,990		25,990		25,990				25,990
1109	5	HIMARS										
1109	6	IMPROVED RECOVERY VEHICLE (IRV)										
1109	7	MODIFICATION KITS (ARMOR AND FIRE SUI										
1109	8	M1A1 FIREPOWER ENHANCEMENTS		19,085		19,085		19,085				19,085
		Artillery and Other Weapons										
1109	9	EXPEDITIONARY FIRE SUPPORT SYSTEM		7,361		7,361		7,361				7,361
1109	10	155MM LIGHTWEIGHT TOWED HOWITZER	34	94,365	40	106,765	40	106,765			34	94,365
		Lightweight 155-millimeter towed howitzer					[6]	[12,400]				
		Program increase			[6]	[12,400]						
1109	11	MODIFICATION KITS (INFANTRY WEAPONS						5,000				
		M2HB .50 caliber machine gun modification kits						[5,000]				
1109	12	MARINE ENHANCEMENT PROGRAM										
1109	13	HIGH MOBILITY ARTILLERY ROCKET SYSTI	6	57,524	6	57,524	6	57,524			6	57,524
1109	14	WEAPONS AND COMBAT VEHICLES UNDER		8,959		4,459		8,959				8,959
		Transfer to Title XV				[-4,500]						
		Weapons										
1109	15	MODULAR WEAPON SYSTEM										
		Other Support										
1109	16	MODIFICATION KITS		8,968		8,968		8,968				8,968
1109	17	WEAPONS ENHANCEMENT PROGRAM		17,051		17,051		17,051				17,051

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
1109	18	OPERATIONS OTHER THAN WAR										
		Guided Missiles and Equipment										
		Guided Missiles										
1109	19	GROUND BASED AIR DEFENSE		3,894		3,894		3,894				3,894
1109	20	JAVELIN										
1109	21	HIMARS ROCKETS										
1109	22	COMPLEMENTARY LOW ALTITUDE WEAPOI		3,155		3,155		3,155				3,155
		Other Support										
1109	23	MODIFICATION KITS		3,282		3,282		3,282				3,282
		Communications and Electronics Equipment										
		Command and Control Systems										
1109	24	UNIT OPERATIONS CENTER		7,752		7,752		7,752				7,752
		Repair and Test Equipment										
1109	25	REPAIR AND TEST EQUIPMENT		13,088		13,088		13,088				13,088
1109	26	AUTO TEST SYSTEMS										
1109	27	GENERAL PURPOSE TOOLS & TEST SYSTEM										
1109	28	CALIBRATION FACILITIES										
		Other Support (Tel)										
1109	29	COMBAT SUPPORT SYSTEM		14,304		14,304		14,304				14,304
1109	30	MODIFICATION KITS		17,456		17,456		17,456				17,456
		Command and Control System (Non-tel)										
1109	31	GLOBAL COMBAT SUPPORT SYSTEM										
1109	32	ITEMS UNDER $5 MILLION (COMM & ELEC)		4,061		4,061		4,061				4,061
1109	33	AIR OPERATIONS C2 SYSTEMS		41,056		41,056		41,056				41,056
1109	34	MAGTF CSSE & SE										
1109	35	MULTIPLE ROLE RADAR SYSTEM										
1109	36	JOINT TACTICAL RADIO SYSTEMS										

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Repair and Equipment (Non-tel)										
1109	37	RADAR SYSTEMS		14,796		14,796		14,796				14,796
1109	38	RADAR SET AN/TPS-59										
1109	39	TRANSITION SWITCH MODULE										
		Intell/Comm Equipment (Non-tel)										
1109	40	TACTICAL REMOTE SENSOR SYSTEM										
1109	41	FIRE SUPPORT SYSTEM		31,808		34,808		31,808				31,808
		Envelope protective covers for MEU weapon systems				[3,000]						
1109	42	SMALL UNIT REMOTE SCOUTING SYSTEM (:										
1109	43	INTELLIGENCE SUPPORT EQUIPMENT		26,040		26,040		26,040				26,040
1109	44	MOD KITS (INTEL)										
		Repair and Test Equipment (Non-tel)										
1109	45	VISUAL INFORMATION SYSTEMS (VIS)										
		Other Comm/Elec Equipment (Non-tel)										
1109	46	COMPLIMENTARY LOW ALTITUDE WEAPON										
1109	47	NIGHT VISION EQUIPMENT		13,675		6,825		13,675				13,675
		Transfer to Title XV				[-6,850]						
		Other Support (Non-tel)										
1109	48	COMMON COMPUTER RESOURCES		67,230		67,230		67,230				67,230
1109	49	COMMAND POST SYSTEMS		19,747		19,747		29,047		1,000		20,747
		Laser Integrated Target Engagement System						[9,300]		[1,000]		
1109	50	RADIO SYSTEMS		53,521		26,771		53,521				53,521
		Transfer to Title XV				[-26,750]						
1109	51	COMM SWITCHING & CONTROL SYSTEMS		49,190		49,190		49,190				49,190
1109	52	COMM & ELEC INFRASTRUCTURE SUPPORT		17,137		17,137		17,137				17,137
1109	53	MOD KITS MAGTF C41										

Title I - Procurement
(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Support Vehicles										
		Administrative Vehicles										
1109	54	COMMERCIAL PASSENGER VEHICLES		351		351		351				351
1109	55	COMMERCIAL CARGO VEHICLES		12,035		12,035		12,035				12,035
		Tactical Vehicles										
1109	56	5/4T TRUCK HMMWV (MYP)	851	72,351	851	36,151	851	72,351			851	72,351
		Transfer to Title XV				[-36,200]						
1109	57	MOTOR TRANSPORT MODIFICATIONS										
1109	58	MEDIUM TACTICAL VEHICLE REPLACEMEN		656		656		656				656
1109	59	LIGHTWEIGHT PRIME MOVER		11		11		11				11
1109	60	LOGISTICS VEHICLE SYSTEM REP		68,785		68,785		68,785		-21,700		47,085
		Program delays								[-21,700]		
1109	61	FAMILY OF TACTICAL TRAILERS		12,664		12,664		12,664				12,664
		Other Support										
1109	62	ITEMS LESS THAN $5 MILLION		2,869		2,869		2,869				2,869
		Engineer and Other Equipment										
1109	63	ENVIRONMENTAL CONTROL EQUIP ASSORT		2,039		2,039		2,039				2,039
1109	64	ASSAULT BREACHER VEHICLE										
1109	65	BULK LIQUID EQUIPMENT		17,543		17,543		17,543				17,543
1109	66	TACTICAL FUEL SYSTEMS		4,064		4,064		4,064				4,064
1109	67	DEMOLITION SUPPORT SYSTEMS										
1109	68	POWER EQUIPMENT ASSORTED		9,999		9,999		9,999				9,999
1109	69	AMPHIBIOUS SUPPORT EQUIPMENT		13,218		13,218		13,218				13,218
1109	70	EOD SYSTEMS		14,838		7,438		14,838				14,838
		Transfer to Title XV				[-7,400]						
		Materials Handling Equipment										
1109	71	AMPHIBIOUS RAID EQUIPMENT										

Title I - Procurement

(Dollars in Thousands)

			FY 2007 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
1109	72	PHYSICAL SECURITY EQUIPMENT		5,205		14,705		5,205				5,205
		Laser Perimeter Awareness System				[9,500]						
1109	73	GARRISON MOBILE ENGINEER EQUIPMENT		11,161		11,161		11,161				11,161
1109	74	MATERIAL HANDLING EQUIP		17,031		17,031		17,031				17,031
1109	75	FIRST DESTINATION TRANSPORTATION		5,216		5,216		5,216				5,216
		General Property										
1109	76	FAMILY OF INCIDENT RESPONSE										
1109	77	FIELD MEDICAL EQUIPMENT		3,224		3,224		3,224				3,224
1109	78	FAMILY OF EOD EQUIPMENT										
1109	79	TRAINING DEVICES		13,797		18,797		13,797				13,797
		Video Flashlight Training System				[5,000]						
1109	80	CONTAINER FAMILY		3,011		5,111		3,011		1,000		4,011
		Nitrile rubber collapsible storage units				[2,100]				[1,000]		
1109	81	FAMILY OF CONSTRUCTION EQUIPMENT		20,058		20,058		20,058				20,058
1109	82	FAMILY OF INTERNALLY TRANSPORTABLE		2,759		2,759		2,759				2,759
1109	83	BRIDGE BOATS										
1109	84	RAPID DEPLOYABLE KITCHEN		5,148		5,148		5,148				5,148
		Other Support										
1109	85	MODIFICATION KITS										
1109	86	ITEMS LESS THAN $5 MILLION		10,463		10,463		10,463				10,463
1109	87	CANCELLED ACCOUNT ADJUSTMENT (M)										
		Spares and Repair Parts										
1109	88	SPARES AND REPAIR PARTS		35,837		35,837		35,837				35,837
		Total - Procurement, Marine Corps		1,273,513		1,223,813		1,300,213		-19,700		1,253,813

Aircraft Procurement, Air Force overview

The budget request included $11,479.8 million in Aircraft Procurement, Air Force for the Department of Defense.

The House bill would authorize $13,042.6 million.

The Senate amendment would authorize $12,004.1 million.

The conferees agree to authorize of $12,179.2 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Aircraft Procurement, Air Force										
		Combat Aircraft										
		Tactical Forces										
3010	1	F-35	5	988,109	5	988,109	5	118,405	-1	-140,000	4	848,109
		Joint Strike Fighter production reduction						[-869,704]	[-1]	[-140,000]		
3010	1	LESS: ADVANCE PROCUREMENT (PY)		-118,405		-118,405		-118,405				-118,405
3010	2	ADVANCE PROCUREMENT (CY)		145,310		57,310		60,030		-72,000		73,310
		Joint Strike Fighter production reduction				[-88,000]		[-85,280]		[-72,000]		
3010	3	F-22A		1,503,898	20	2,903,898	20	3,103,898	20	1,400,000	20	2,903,898
		Additional aircraft			[20]	[1,400,000]	[20]	[1600,000]	[20]	[1,400,000]		
3010	3	LESS: ADVANCE PROCUREMENT (PY)										
3010	4	ADVANCE PROCUREMENT (CY)		477,404		477,404		277,404				477,404
		Reduction						[-200,000]				
3010	5	F-15E										
3010	5	LESS: ADVANCE PROCUREMENT (PY)										
3010	6	ADVANCE PROCUREMENT (CY)										
		Airlift Aircraft										
		Tactical Airlift										
3010	7	C-17A (MYP)	12	3,306,394	15	3,606,194	14	3,273,214		-348,000	12	2,958,394
		Eliminate settlement fees						[-433,180]		[-348,000]		
		Additional aircraft			[3]	[299,800]	[2]	[400,000]				
3010	7	LESS: ADVANCE PROCUREMENT (PY)		-670,202		-670,202		-670,202				-670,202
3010	8	ADVANCE PROCUREMENT (CY)						33,180				
		Advance procurement for FY 2008						[33,180]				
3010	9	C-17 ICS										
		Other Airlift										
3010	10	C-40										

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	11	C-130J	9	806,974	9	806,974	9	806,974			9	806,974
3010	11	LESS: ADVANCE PROCUREMENT (PY)		-109,687		-109,687		-109,687				-109,687
3010	12	ADVANCE PROCUREMENT (CY)		90,000		90,000		90,000				90,000
3010	13	KC- X ADVANCE PROCUREMENT (CY)		36,130						-36,130		
		KC-135 aircraft replacement				[-36,130]		[-36,130]		[-36,130]		
3010	14	LIGHT CARGO AIRCRAFT		15,783		15,783		15,783		109,154		124,937
		Light Cargo Aircraft, transfer of funds from APA, line 1)								[109,154]		
		Trainer Aircraft										
		UPT Trainers										
3010	15	DRUG INTERDICTION										
3010	16	INTRO TO FLIGHT/AIRMANSHIP PRG										
		Operational Trainers										
3010	17	JPATS	48	305,129	48	305,129	48	305,129			48	305,129
		Other Aircraft										
		Helicopters										
3010	18	V22 OSPREY	2	218,958	2	218,958	2	218,958			2	218,958
3010	18	LESS: ADVANCE PROCUREMENT (PY)		-10,385		-10,385		-10,385				-10,385
3010	19	ADVANCE PROCUREMENT (CY)		34,390		34,390		34,390				34,390
		Mission Support Aircraft										
3010	20	CIVIL AIR PATROL A/C		2,193		10,193		2,193		8,000		10,193
		Program increase				[8,000]				[8,000]		
		Other Aircraft										
3010	21	TARGET DRONES		82,042		82,042		82,042				82,042
3010	22	C-37A										
3010	23	GLOBAL HAWK	6	493,417	6	493,417	6	493,417	-1	-37,000	5	456,417
		Reduction of aircraft							[-1]	[-37,000]		
3010	23	LESS: ADVANCE PROCUREMENT (PY)		-64,129		-64,129		-64,129				-64,129
3010	24	ADVANCE PROCUREMENT (CY)		63,903		63,903		63,903		-13,000		50,903
		Reduction of 2 aircraft								[-13,000]		

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
3010	25	PREDATOR UAV	26	229,095	26	114,545	26	229,095		-76,680	26	152,415
		Transfer to Title XV				[-114,550]						
		Acceleration of SOF capability								[-76,680]		
		Modification of In-service Aircraft										
		Strategic Aircraft										
3010	26	B-2A		191,282		191,282		191,282				191,282
3010	27	B-1B		53,255		57,755		53,255		2,000		55,255
		MSOGS improvement program				[4,500]				[2,000]		
3010	28	B-52		70,147		70,147		70,147				70,147
3010	29	F-117		24,422		24,422		24,422				24,422
		Tactical Aircraft										
3010	30	A-10		107,432		107,432		190,832		2,700		110,132
		A/OA-10 modifications						[83,400]		[20,300]		
		Precision engagement								[-17,600]		
3010	31	F-15		92,901		92,901		92,901				92,901
3010	32	F-16		352,054		352,054		352,054				352,054
3010	33	F-22A		216,095		216,095		216,095		-60,000		156,095
		Common configuration								[-60,000]		
3010	34	T/AT-37										
		Airlift Aircraft										
3010	35	C-5		176,112		220,612		208,112		12,000		188,112
		C-5 avionics modernization program			[8]	[32,000]		[32,000]		[12,000]		
		Defensive system upgrade			[10]	[12,500]						
3010	35	LESS: ADVANCE PROCUREMENT (PY)		-19,734		-19,734		-19,734				-19,734
3010	36	ADVANCE PROCUREMENT (CY)		66,700		88,900		66,700				66,700
		RERP kit				[22,200]						
3010	37	C-9										
3010	38	C-17A		251,404		251,404		251,404				251,404

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
3010	39	C-21		1,322		1,322		1,322				1,322
3010	40	C-32A		198		198		198				198
3010	41	C-37A		404		404		404				404
		Trainer Aircraft										
3010	42	GLIDER MODS		115		115		115				115
3010	43	T-6		6,164		6,164		6,164				6,164
3010	44	T-1		188		188		188				188
3010	45	T-38		143,701		143,701		143,701				143,701
3010	46	T-41 AIRCRAFT										
3010	47	T-43		2,139		2,139		2,139				2,139
		Other Aircraft										
3010	48	KC-10A (ATCA)		6,761		6,761		6,761				6,761
3010	49	C-12		929		929		929				929
3010	50	C-20 MODS		513		513		513				513
3010	51	VC-25A MOD		1,027		1,027		1,027				1,027
3010	52	C-40		198		198		198				198
3010	53	C-130		217,677		236,977		217,677		7,300		224,977
		APN-241 radar				[5,500]				[5,500]		
		Scathe View communications				[1,800]				[1,800]		
		Senior Scout shelter				[7,000]						
		Project RAINCOAT				[5,000]						
3010	54	C130J MODS		39,001		39,001		39,001		-14,000		25,001
		Block 6.0 upgrade								[-14,000]		
3010	55	C-135		83,541		83,541		83,541				83,541
3010	56	COMPASS CALL MODS		46,818		46,818		46,818				46,818
3010	57	C-29A MODS										
3010	58	DARP		89,796		89,796		89,796				89,796
3010	59	E-3		64,547		64,547		64,547				64,547

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
3010	60	E-4		5,640		5,640		5,640				5,640
3010	61	E-8		138,162		138,162		138,162				138,162
3010	62	H-1		40,421		40,421		40,421				40,421
3010	63	H-60		16,738		16,738		16,738				16,738
3010	64	GLOBAL HAWK MODS		11,309		11,309		11,309				11,309
3010	65	OTHER AIRCRAFT		43,733		43,733		43,733				43,733
3010	66	PREDATOR MODS		58,255		58,255		58,255				58,255
3010	67	CV-22 MODS		451		451		451				451
		Other Modifications										
3010	68	CLASSIFIED PROJECTS										
		Aircraft Spares and Repair Parts										
3010	69	INITIAL SPARES/REPAIR PARTS		305,207		305,207		305,207		-45,000		260,207
		Joint Strike Fighter								[-45,000]		
		Aircraft Support Equipment and Facilities										
		Common Support Equip										
3010	70	COMMON SUPPORT EQUIPMENT		138,918		138,918		138,918				138,918
		Post Production Support										
3010	71	B-1		10,320		10,320		10,320				10,320
3010	72	B-2A		7,693		7,693		7,693				7,693
3010	73	B-2A		11,709		11,709		11,709				11,709
3010	74	B-52		8,081		8,081		8,081				8,081
3010	75	C-130										
3010	76	F-15 POST PRODUCTION SUPPORT		10,741		10,741		10,741				10,741
3010	77	F-16 POST PRODUCTION SUPPORT		12,245		12,245		12,245				12,245
		Industrial Preparedness										
3010	78	INDUSTRIAL RESPONSIVENESS		23,524		23,524		23,524				23,524
		War Consumables										
3010	79	WAR CONSUMABLES		25,438		25,438		25,438				25,438

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Other Production Charges										
3010	80	OTHER PRODUCTION CHARGES		474,853		478,053		474,853				474,853
		P5 Combat Training System				[3,200]						
3010	81	DEPOT MODERNIZATION		1,370		1,370		1,370				1,370
		Classified Pgms										
3010	82	CLASSIFIED PROGRAMS	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
3010	83	CLASSIFIED ACTIVITIES	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
3010	84	SPECIAL PROGRAMS	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
		Other Production Charges SOF										
3010	85	CANCELLED ACCT ADJUSTMENTS										
		DARP										
3010	86	DARP		13,000		13,000		13,000				13,000
3010	999	CLASSIFIED PROGRAMS		8,572		8,572		8,572				8,572
		Total - Aircraft Procurement, Air Force		11,479,810		13,042,630		12,004,096	18	699,344		12,179,154

Procurement of Ammunition, Air Force overview

The budget request included $1,072.7 million for Procurement of Ammunition, Air Force for the Department of Defense.

The House bill would authorize $1,076.7 million.

The Senate amendment would authorize $1,076.7 million.

The conferees agree to authorize $1,072.7 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

			FY 2007 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Procurement of Ammunition, Air Force										
		Procurement of Ammo, Air Force										
		Rockets										
3011	1	ROCKETS		58,671		58,671		58,671				58,671
		Cartridges										
3011	2	CARTRIDGES		168,499		168,499		168,499				168,499
		Bombs										
3011	3	PRACTICE BOMBS		15,036		15,036		15,036				15,036
3011	4	GENERAL PURPOSE BOMBS		235,533		239,533		239,533				235,533
		Bomb insensitive munitions upgrade						[4,000]				
		Insensitive munitions upgrade				[4,000]						
3011	5	SENSOR FUZED WEAPON	305	118,887	305	118,887	305	118,887			305	118,887
3011	6	JOINT DIRECT ATTACK MUNITION	7,261	175,013	7,261	175,013	7,261	175,013			7,261	175,013
3011	7	WIND CORRECTED MUNITIONS DISPENSER	250	34,704	250	34,704	250	34,704			250	34,704
		Flare, IR MJU-7B										
3011	8	CAD/PAD		29,909		29,909		29,909				29,909
3011	9	EXPLOSIVE ORDINANCE DISPOSAL (EOD)		3,091		3,091		3,091				3,091
3011	10	SPARES AND REPAIR PARTS		4,705		4,705		4,705				4,705
3011	11	INITIAL SPARES										
3011	12	MODIFICATIONS		919		919		919				919
3011	13	ITEMS LESS THAN $2,000,000		4,083		4,083		4,083				4,083

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Fuzes										
3011	14	FLARES		161,958		161,958		161,958				161,958
3011	15	FUZES		56,777		56,777		56,777				56,777
		Weapons										
		Small Arms										
3011	16	SMALL ARMS		4,964		4,964		4,964				4,964
		Total - Procurement of Ammunition, Air Force		1,072,749		1,076,749		1,076,749				1,072,749

Missile Procurement, Air Force overview

The budget request included $4,204.1 million in Missile Procurement, Air Force for the Department of Defense.

The House bill would authorize $4,171.5 million.

The Senate amendment would authorize $4,219.1 million.

The conferees agree to authorize $4,171.9 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Missile Procurement, Air Force										
		Ballistic Missiles										
		Missile Replacement Equipment-Ballistic										
3020	1	MISSILE REPLACEMENT EQ-BALLISTIC		34,344		34,344		34,344				34,344
		Other Missiles										
		Tactical										
3020	2	JASSM	234	187,165	234	187,165	234	187,165			234	187,165
3020	3	JOINT STANDOFF WEAPON										
3020	4	SIDEWINDER (AIM-9X)	195	43,834	195	43,834	195	43,834			195	43,834
3020	5	AMRAAM	215	135,869	215	135,869	215	135,869			215	135,869
3020	6	PREDATOR HELLFIRE MISSILE	677	65,312	677	32,662	677	65,312			677	65,312
		Transfer to Title XV				[-32,650]						
3020	7	SMALL DIAMETER BOMB	1,343	99,062	1,343	99,062	1,343	99,062			1,343	99,062
		Industrial Facilities										
3020	8	INDUSTR'L PREPAREDNS/POL PREVENTION		2,236		2,236		2,236				2,236
		Modification of In-service Missiles										
		Class IV										
3020	9	ADVANCED CRUISE MISSILE		1,352		1,352		1,352				1,352
3020	10	MISSILE REPLACEMENT EQ-BALLISTIC		833		833		833				833
3020	11	MM III MODIFICATIONS		691,657		691,657		711,657		11,000		702,657
		Propulsion replacement program						[20,000]		[11,000]		
3020	12	AGM-65D MAVERICK		246		246		246				246
3020	13	AIR LAUNCH CRUISE MISSILE		9,708		9,708		9,708				9,708
		Spares and Repair Parts										
		Missiles and Repair Parts										
3020	14	INITIAL SPARES/REPAIR PARTS		50,602		50,602		50,602				50,602

Title I - Procurement
(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Other Support										
		Space Programs										
3020	15	ADVANCED EHF										
3020	15	LESS: ADVANCE PROCUREMENT (PY)										
3020	16	ADVANCE PROCUREMENT (CY)										
3020	17	WIDEBAND GAPFILLER SATELLITES(SPACE	1	413,868	1	413,868	1	413,868			1	413,868
3020	17	LESS: ADVANCE PROCUREMENT (PY)		-50,217		-50,217		-50,217				-50,217
3020	18	ADVANCE PROCUREMENT (CY)		50,700		50,700		50,700				50,700
3020	19	SPACEBORNE EQUIP (COMSEC)		10,085		10,085		10,085				10,085
3020	20	GLOBAL POSITIONING (SPACE)		139,182		139,182		139,182				139,182
3020	20	LESS: ADVANCE PROCUREMENT (PY)		-42,000		-42,000		-42,000				-42,000
3020	21	ADVANCE PROCUREMENT (CY)		43,259		43,259		43,259		-43,259		
		Program slip (SV 10-12)								[-43,259]		
3020	22	DEF METEOROLOGICAL SAT PROG(SPACE)		86,720		86,720		86,720				86,720
3020	23	DEFENSE SUPPORT PROGRAM(SPACE)		38,391		38,391		38,391				38,391
3020	24	DEFENSE SATELLITE COMM SYSTEM(SPACI										
3020	25	TITAN SPACE BOOSTERS(SPACE)		31,126		31,126		31,126				31,126
3020	26	EVOLVED EXPENDABLE LAUNCH VEH(SPA(	4	936,490	4	936,490	4	931,490			4	936,490
		Program reduction (S. Amdt)						[-5,000]				
3020	27	MEDIUM LAUNCH VEHICLE(SPACE)		102,004		102,004		102,004				102,004

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Special Programs										
3020	28	CANCELLED ACCOUNTS										
3020	29	DEFENSE SPACE RECONN PROGRAM		214,262		214,262		214,262				214,262
3020	30	SPECIAL PROGRAMS	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
3020	31	SPECIAL ACTIVITIES	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
3020	32	CLASSIFIED PROGRAMS	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
3020	33	SPECIAL UPDATE PROGRAMS		131,362		131,362		131,362				131,362
3020	999	CLASSIFIED PROGRAMS		776,693		776,693		776,693				776,693
		Total - Missile Procurement, Air Force		4,204,145		4,171,495		4,219,145		-32,259		4,171,886

Other Procurement, Air Force overview

The budget request included $15,408.1 million in Other Procurement, Air Force for the Department of Defense.

The House bill would authorize $15,434.6 million.

The Senate amendment would authorize $15,434.6 million.

The conferees agree to authorize $15,443.3 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Other Procurement, Air Force										
		Vehicular Equipment										
		Passenger Carrying Vehicles										
3080	1	ARMORED VEHICLE	1	487	1	487	1	487			1	487
3080	2	PASSENGER CARRYING VEHICLES	153	14,373	153	14,373	153	14,373			153	14,373
		Cargo and Utility Vehicles										
3080	3	TRUCK, STAKE/PLATFORM										
3080	4	TRUCK, CARGO-UTILITY, 3/4T, 4X4										
3080	5	TRUCK, CARGO-UTILITY, 3/4T, 4X2										
3080	6	TRUCK, MAINT/UTILITY/DELIVERY VAN										
3080	7	TRUCK, CARRYALL										
3080	8	MEDIUM TACTICAL VEHICLE		21,003		21,003		21,003				21,003
3080	9	HIGH MOBILITY VEHICLE (MYP)		4,072		4,072		4,072				4,072
3080	10	TRUCK, TRACTOR, OVER 5T										
3080	11	CAP VEHICLES		695		695		695				695
3080	12	ITEMS LESS THAN $2,000,000										
		Special Purpose Vehicles										
3080	13	TRUCK TANK 1200 GAL										
3080	14	TRUCK, TANK FUEL R-11										
3080	15	HMMWV, ARMORED		8,432		4,232		8,432				8,432
		Transfer to Title XV				[-4,200]						
3080	16	TRUCK, REFUSE										
3080	17	HMWWV,UP-ARMORED		11,334		5,684		11,334				11,334
		Transfer to Title XV				[-5,650]						
3080	18	TRACTOR A/C TOW MB-4										
3080	19	TRACTOR, TOW, FLIGHTLINE										
3080	20	TRUCK HYDRANT FUEL										
3080	21	ITEMS LESS THAN $2M										

Title I - Procurement

(Dollars in Thousands)

			FY 2007 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Fire Fighting Equipment										
3080	22	FIRE FIGHTING/CRASH RESCUE VEHICLES		21,492		21,492		21,492				21,492
3080	23	ITEMS LESS THAN $2M										
		Materials Handling Equipment										
3080	24	TRUCK F/L 6000 LB										
3080	25	TRUCK, F/L 10,000 LB										
3080	26	HALVERSEN LOADER		8,211		8,211		8,211				8,211
3080	27	ITEMS LESS THAT $2,000,000										
		Base Maintenance Support										
3080	28	LOADER, SCOOP										
3080	29	LOADER- SCOOP- W/BACKHOE										
3080	30	TRUCK, DUMP 5CY										
3080	31	RUNWAY SNOW REMOV AND CLEANING EC		30,260		30,260		30,260				30,260
3080	32	CRANE 7-50 TON										
3080	33	MODIFICATIONS										
3080	34	ITEMS LESS THAN $5,000,000(VEHICLES)		27,918		27,918		27,918				27,918
		Cancelled Account Adjustment										
3080	35	CANCELLED ACCOUNT ADJUSTMENTS										
		Electronics and Telecommunications										
		Comm Security Equipment (COMSEC)										
3080	36	COMSEC EQUIPMENT		121,763		121,763		121,763				121,763
3080	37	MODIFICATIONS (COMSEC)		692		692		692				692
		Intelligence Programs										
3080	38	INTELLIGENCE TRAINING EQUIPMENT		5,235		5,235		5,235				5,235
3080	39	INTELLIGENCE COMM EQUIPMENT		1,576		1,576		9,076		7,500		9,076
		Intelligence squadron equipment for reachback						[7,500]		[7,500]		

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Electronics Programs										
3080	40	TRAFFIC CONTROL/LANDING		6,241		23,541		6,241		9,300		15,541
		Mobile Approach Control System -ANG				[17,300]						
		Mobile Approach Control System								[9,300]		
3080	41	NATIONAL AIRSPACE SYSTEM		53,761		53,761		53,761				53,761
3080	42	THEATER AIR CONTROL SYS IMPROVE		77,184		77,184		77,184				77,184
3080	43	WEATHER OBSERVATION FORECAST		35,093		35,093		35,093				35,093
3080	44	STRATEGIC COMMAND AND CONTROL		27,076		27,076		27,076				27,076
3080	45	CHEYENNE MOUNTAIN COMPLEX		19,257		4,357		19,257				19,257
		CCIC2S				[-14,900]						
3080	46	TAC SIGINT SPT										
3080	47	DRUG INTERDICTION SPT		431		431		431				431
		Special Comm-Electronics Projects										
3080	48	GENERAL INFORMATION TECHNOLOGY		120,406		126,406		120,406				120,406
		Science and engineering lab data integration (SELDI) (HASC Amdt)				[6,000]						
3080	49	AF GLOBAL COMMAND & CONTROL SYS		13,877		13,877		13,877				13,877
3080	50	MOBILITY COMMAND AND CONTROL		10,060		10,060		10,060				10,060
3080	51	AIR FORCE PHYSICAL SECURITY SYSTEM		41,382		44,382		56,382		4,200		45,582
		Air Force Space Command security upgrades						[15,000]		[3,200]		
		Near real time surveillance				[3,000]				[1,000]		
3080	52	COMBAT TRAINING RANGES		35,382		47,382		35,382		9,200		44,582
		Unmanned threat emitter modernization				[12,000]				[4,000]		
		P5 Combat Training System (CTS) Infrastructure Assets								[5,200]		
3080	53	MINIMUM ESSENTIAL EMERGENCY COMM		3,413		3,413		3,413				3,413
3080	54	C3 COUNTERMEASURES		4,657		4,657		4,657				4,657
3080	55	GCSS-AF FOS		31,994		31,994		31,994				31,994
3080	56	THEATER BATTLE MGT C2 SYSTEM		23,586		23,586		23,586				23,586
3080	57	AIR OPERATIONS CENTER (AOC)		25,183		25,183		25,183				25,183

Title I - Procurement

(Dollars in Thousands)

			FY 2007 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Air Force Communications										
3080	58	BASE INFO INFRASTRUCTURE		334,655		334,655		334,655				334,655
3080	59	USCENTCOM		32,558		32,558		32,558				32,558
3080	60	AUTOMATED TELECOMMUNICATIONS PGM										
		DISA Programs										
3080	61	SPACE BASED IR SENSOR PGM SPACE		4,219		4,219		4,219				4,219
3080	62	NAVSTAR GPS SPACE		6,004		6,004		6,004				6,004
3080	63	NUDET DETECTION SYS SPACE		13,456		13,456		13,456				13,456
3080	64	AF SATELLITE CONTROL NETWORK SPACE		85,512		85,512		85,512				85,512
3080	65	SPACELIFT RANGE SYSTEM SPACE		120,450		120,450		120,450				120,450
3080	66	MILSATCOM SPACE		75,846		75,846		75,846				75,846
3080	67	SPACE MODS SPACE		25,153		25,153		25,153				25,153
3080	68	COUNTERSPACE SYSTEM		31,434		31,434		31,434				31,434
		Organization and Base										
3080	69	TACTICAL C-E EQUIPMENT		147,658		147,658		147,658				147,658
3080	70	COMBAT SURVIVOR EVADER LOCATER		27,225		27,225		27,225				27,225
3080	71	RADIO EQUIPMENT		7,730		12,730		7,730		1,000		8,730
		HF ground control station antennas				[5,000]				[1,000]		
3080	72	TV EQUIPMENT (AFRTV)		2,743		2,743		2,743				2,743
3080	73	CCTV/AUDIOVISUAL EQUIPMENT		8,416		8,416		8,416				8,416
3080	74	BASE COMM INFRASTRUCTURE		135,169		135,169		135,169				135,169
3080	75	ITEMS LESS THAN $2,000,000		3,795		3,795		3,795				3,795
		Modifications										
3080	76	COMM ELECT MODS		28,344		28,344		28,344				28,344
		Other Base Maintenance and Support Equip										
		Test Equipment										
3080	77	BASE/ALC CALIBRATION PACKAGE										
3080	78	PRIMARY STANDARDS LABORATORY PACK										

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
3080	79	ITEMS LESS THAN $2M										
		Personal Safety and Rescue Equipment										
3080	80	NIGHT VISION GOGGLES		19,304		19,304		19,304				19,304
3080	81	ITEMS LESS THAN $2M (SAFETY)				4,000		4,000		4,000		4,000
		Self-deploying infrared streamers				[4,000]		[4,000]		[4,000]		
		Depot Plant and Material Handling Equip										
3080	82	MECHANIZED MATERIAL HANDLING EQUIP		14,593		18,593		14,593				14,593
		Enterprise data collection solution				[4,000]						
3080	83	ITEMS LESS THAN $2M (DEPOT)										
		Electrical Equipment										
3080	84	FLOODLIGHTS SET TYPE NF2D										
3080	85	ITEMS LESS THAN $2M (ELECTRICAL)										
		Base Support Equipment										
3080	86	BASE PROCURED EQUIPMENT		11,417		11,417		11,417				11,417
3080	87	MEDICAL/DENTAL EQUIPMENT		16,377		16,377		16,377				16,377
3080	88	AIR BASE OPERABILITY		5,063		5,063		5,063				5,063
3080	89	PHOTOGRAPHIC EQUIPMENT										
3080	90	PRODUCTIVITY CAPITAL INVESTMENT		5,401		5,401		5,401				5,401
3080	91	MOBILITY EQUIPMENT		26,043		26,043		26,043				26,043
3080	92	AIR CONDITIONERS										
3080	93	ITEMS LESS THAN $2M (BASE SUPPORT)		30,876		30,876		30,876				30,876
3080	94	PRODUCTION ACTIVITIES	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Special Support Projects										
3080	95	TECH SURV COUNTERMEASURES EQMT										
3080	96	DARP RC135		21,204		21,204		21,204				21,204
3080	97	DARP, MRIGS		195,723		195,723		195,723				195,723
3080	98	SELECTED ACTIVITIES	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
3080	99	SPECIAL UPDATE PROGRAM		467,601		467,601		467,601				467,601
3080	100	DEFENSE SPACE RECONNAISSANCE PROG.		15,171		15,171		15,171				15,171
3080	101	FIRST DESTINATION TRANSPORTATION										
		Spares and Repair Parts										
3080	102	SPARES AND REPAIR PARTS		28,634		28,634		28,634				28,634
3080	103	SPARES AND REPAIR PARTS										
3080	999	CLASSIFIED PROGRAMS		12,653,786		12,653,786		12,653,786				12,653,786
		Total - Other Procurement, Air Force		**15,408,086**		**15,434,636**		**15,434,586**		**35,200**		**15,443,286**

Procurement, Defense-wide overview

The budget request included $2,861.5 million in Procurement, Defense-wide for the Department of Defense.

The House bill would authorize $2,856.5 million.

The Senate amendment would authorize $2,980.5 million.

The conferees agree to authorize $2,886.4 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Accou	Line	Program Title	FY 2007 Request Qty	FY 2007 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Change Qty	Conference Change Cost	Conference Authorized Qty	Conference Authorized Cost
		Procurement, Defense-Wide										
		Major Equipment										
		Major Equipment, OSD/WHS										
300	1	MAJOR EQUIPMENT, OSD		84,861		84,861		107,198				84,861
		Army high performance computing research center						[22,337]				
		Major Equipment, NSA										
300	2	CONSOLIDATED CRYPTOLOGIC PROGRAM	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
300	3	INFORMATION SYSTEMS SECURITY PROGR.		12,133		12,133		12,133				12,133
300	4	DEFENSE AIRBORNE RECONNAISSANCE PG	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
300	5	COUNTERDRUG INTELLIGENCE										
		Major Equipment, WHS										
300	6	WHS MOTOR VEHICLES	1	175	1	175	1	175			1	175
300	7	MAJOR EQUIPMENT, WHS		23,451		23,451		23,451				23,451
		Major Equipment, DISA										
300	8	INTERDICTION SUPPORT										
300	9	INFORMATION SYSTEMS SECURITY		18,747		18,747		18,747				18,747
300	10	DEFENSE MESSAGE SYSTEM		6,247		6,247		6,247				6,247
300	11	GLOBAL COMMAND AND CONTROL SYSTEI		5,584		5,584		5,584				5,584
300	12	GLOBAL COMBAT SUPPORT SYSTEM		2,652		2,652		2,652				2,652
300	13	TELEPORT PROGRAM		50,280		50,280		50,280				50,280
300	14	GLOBAL INFORMATION GRID										
300	15	ITEMS LESS THAN $5 MILLION		41,386		41,386		41,386				41,386
300	16	NET CENTRIC ENTERPRISE SERVICES (NCES		26,952		11,952		26,952				26,952
		Program decrease				[-15,000]						
300	17	DEFENSE INFORMATION SYSTEM NETWORI		29,870		29,870		29,870				29,870
300	18	PUBLIC KEY INFRASTRUCTURE		1,928		1,928		1,928				1,928
		Major Equipment, DIA										
300	19	INTELLIGENCE AND COMMUNICATIONS	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
300	20	COMBATANT COMMAND INTELLIGENCE OF	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
300	21	INTELLIGENCE SUPPORT TO OSD COUNTER	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
300	22	DEFENSE HUMINT INTELLIGENCE (HUMINT	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
		Major Equipment, DLA										
300	23	MAJOR EQUIPMENT		8,694		8,694		8,694				8,694
		Major Equipment, DCAA										
300	24	ITEMS LESS THAN $5 MILLION		1,520		1,520		1,520				1,520
		Major Equipment, TJS										
300	25	MAJOR EQUIPMENT, TJS		42,988		42,988		42,988				42,988
		Major Equipment, DHRA										
300	26	PERSONNEL ADMINISTRATION		7,915		7,915		7,915				7,915
		National Geospatial Intelligence Agency										
300	27	MAJOR EQUIPMENT, NGA	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
		Defense Threat Reduction Agency										
300	28	VEHICLES		180		180		180				180
300	29	OTHER MAJOR EQUIPMENT		15,698		15,698		15,698				15,698
		Defense Security Cooperation Agency										
300	30	OTHER MAJOR EQUIPMENT		507		507		507				507
		Major Equipment, AFIS										
300	31	MAJOR EQUIPMENT, AFIS		5,636		5,636		5,636				5,636
		Major Equipment, DODDE										
300	32	AUTOMATION/EDUCATIONAL SUPPORT & L		1,522		1,522		1,522				1,522
		Major Equipment, DCMA										
300	33	MAJOR EQUIPMENT		3,257		3,257		3,257				3,257
		Major Equipment, DTSA										
300	34	MAJOR EQUIPMENT		421		421		421				421
		Major Equipment, BTA										
300	35	MAJOR EQUIPMENT, BTA		16,291		16,291		16,291				16,291

Title I - Procurement

(Dollars in Thousands)

			FY 2007 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Special Operations Command										
		Aviation Programs										
300	36	ROTARY WING UPGRADES AND SUSTAINMI		86,758		86,758		100,658				86,758
		M134D-T mini gun						[13,900]				
300	37	SOF TRAINING SYSTEMS										
300	38	MC-130H AIR REFUELING SYSTEM		1,522		1,522		1,522				1,522
300	39	MH-47 SERVICE LIFE EXTENSION PROGRAM		59,812		59,812		59,812				59,812
300	40	MH-60 SOF MODERNIZATION PROGRAM		91,902		91,902		91,902				91,902
300	41	MC-130H, COMBAT TALON II		158,824		158,824		158,824				158,824
300	42	CV-22 SOF MOD	2	168,780	2	168,780	2	168,780			2	168,780
300	43	AC-130U GUNSHIP ACQUISITION		1,131		1,131		1,131				1,131
300	44	C-130 MODIFICATIONS		49,763		49,763		49,763				49,763
300	45	AIRCRAFT SUPPORT		1,143		1,143		1,143				1,143
		Shipbuilding										
300	46	ADVANCED SEAL DELIVERY SYSTEM (ASDS		12,629		12,629		12,629				12,629
300	47	MK8 MOD1 SEAL DELIVERY VEHICLE		2,473		2,473		2,473				2,473
		Ammunition Programs										
300	48	SOF ORDNANCE REPLENISHMENT		43,679		43,679		43,679				43,679
300	49	SOF ORDNANCE ACQUISITION		13,604		13,604		21,104				13,604
		M153 time delayed firing device/sympathetic detonator						[7,500]				
		Other Procurement Programs										
300	50	COMMUNICATIONS EQUIPMENT AND ELEC		70,410		70,410		70,410		-10,000		60,410
		MBITR radios								[-10,000]		
300	51	SOF INTELLIGENCE SYSTEMS		32,743		32,743		51,643				32,743
		Persistent Predator operations and intelligence						[13,400]				
		JTWS variants for network-centric advanced platforms						[5,500]				

Title I - Procurement

(Dollars in Thousands)

			FY 2007 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
300	52	SMALL ARMS AND WEAPONS		105,788		105,788		123,988		12,900		118,688
		MK47 Mod 0 Striker40						[12,900]		[12,900]		
		Special Operations Forces laser acquisition marker (SOFLAM)						[5,300]				
300	53	CLASSIFIED PROGRAMS	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
300	54	MARITIME EQUIPMENT MODIFICATIONS		1,831		1,831		1,831				1,831
300	55	SPECIAL APPLICATIONS FOR CONTINGENCI		9,608		9,608		9,608				9,608
300	56	SOF COMBATANT CRAFT SYSTEMS		20,204		20,204		28,404		8,200		28,404
		SOCOM craft modifications						[8,200]		[8,200]		
300	57	SPARES AND REPAIR PARTS		5,302		5,302		5,302				5,302
300	58	SPECIAL PROGRAMS	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
300	59	TACTICAL VEHICLES		13,196		13,196		13,196				13,196
300	60	MISSION TRAINING AND PREPARATIONS SY		12,841		12,841		12,841				12,841
300	61	COMBAT MISSION REQUIREMENTS										
300	62	MILCON COLLATERAL EQUIPMENT		3,090		3,090		3,090				3,090
300	63	UNMANNED VEHICLES		20,700		20,700		20,700				20,700
300	64	CLASSIFIED PROGRAM (GDIP)	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]			[ ]	[ ]
300	65	SOF MARITIME EQUIPMENT		2,655		2,655		2,655				2,655
300	66	DRUG INTERDICTION										
300	67	MISCELLANEOUS EQUIPMENT		13,074		13,074		13,074				13,074
300	68	SPECIAL OPS MISSION PLANNING ENVIRON										
300	69	SOF OPERATIONAL ENHANCEMENTS		434,472		444,472		434,472		1,800		436,272
		Craft modifications				[8,200]						
		LAN crypto devices				[1,800]				[1,800]		
300	70	PSYOP EQUIPMENT		93,881		93,881		93,881				93,881

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		Chemical/Biological Defense										
		CBDP										
300	71	INSTALLATION FORCE PROTECTION		86,157		86,157		86,157				86,157
300	72	INDIVIDUAL PROTECTION		76,732		76,732		76,732				76,732
300	73	DECONTAMINATION		16,793		16,793		16,793				16,793
300	74	JOINT BIOLOGICAL DEFENSE PROGRAM		47,113		47,113		47,113				47,113
300	75	COLLECTIVE PROTECTION		43,508		43,508		43,508				43,508
300	76	CONTAMINATION AVOIDANCE		236,120		236,120		266,120		12,000		248,120
		M22 automatic chemical agent alarm (ACADA)						[20,000]		[12,000]		
		Improved chemical agent monitor (ICAM)						[10,000]				
300	999	CLASSIFIED PROGRAMS		414,328		414,328		414,328				414,328
		Total - Procurement, Defense-Wide		2,861,461		2,856,461		2,980,498		24,900		2,886,361

National Guard and Reserve Equipment.

The budget request included no funding in the National Guard and Reserve Equipment account for the Department of Defense.

The House bill would authorize $318.0 million.

The Senate amendment contained no similar funding.

The Senate recedes.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

			FY 2007		House		Senate		Conference			
			Request		Authorized		Authorized		Change		Authorized	
Accou	Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
		National Guard & Reserve Equipment										
		Reserve Equipment										
		ARMY RESERVE										
	1	MISCELLANEOUS EQUIPMENT										
		NAVY RESERVE										
	2	MISCELLANEOUS EQUIPMENT										
		MARINE CORPS RESERVE										
	3	MISCELLANEOUS EQUIPMENT										
		AIR FORCE RESERVE										
	4	MISCELLANEOUS EQUIPMENT										
		National Guard Equipment										
		ARMY NATIONAL GUARD										
	5	MISCELLANEOUS EQUIPMENT				318,000				318,000		318,000
		Restoration of ARNG end strength funding				[318,000]						
		Additional equipment								[318,000]		
		AIR NATIONAL GUARD										
	6	MISCELLANEOUS EQUIPMENT										
		Total - National Guard & Reserve Equipment				318,000				318,000		318,000
		Defense Production Act Purchases										
360	1	DEFENSE PRODUCTION ACT PURCHASES										
		Total - Defense Production Act Purchases										
		TOTAL PROCUREMENT		82,901,018		84,592,426		85,722,792		1,252,570		84,153,588

Light Cargo Aircraft

The budget request included $109.2 million in Aircraft Procurement, Army (APA) for the procurement of three Future Cargo Aircraft (FCA) and $15.8 million in Aircraft Procurement, Air Force (APAF) for the Light Cargo Aircraft (LCA).

The House bill would authorize the budget request.

The Senate amendment would authorize a decrease of $109.2 million.

The conferees agree to authorize a decrease of $109.2 million in APA, and an increase by the same amount in APAF.

The conferees note that the Army initiated the FCA program to support an Army organic, time-sensitive cargo mission. The Air Force is also interested in procuring a similar type of aircraft and has been in the process of establishing a program office for a new intra-theater LCA. Since submission of the budget request, the Army and Air Force have signed a Memorandum of Understanding (MOU) regarding merging the two programs into a new program called the Joint Cargo Aircraft (JCA).

As part of implementing that MOU, the Air Force is conducting F-series (functional analysis) studies and an independent analysis of alternatives to define the broader requirement for the aircraft. The Air Force's LCA would provide intra-theater lift mission support for the U.S. Transportation Command (USTRANSCOM), which is the distribution process owner for the Department of Defense. The conferees note that intra-theater lift using fixed wing aircraft is performed most efficiently when it is coordinated by USTRANSCOM.

The conferees also note that the Joint Chiefs of Staff Intra-theater Lift Capabilities Study Phase 1 and the Air Mobility Command's Mobility Roadmap are currently being developed. The conferees further agree that, until these documents are complete, the right mix and number of intra-theater aircraft will not be determined. Therefore, it would be premature to procure aircraft until the Department completes these efforts and presents them to the congressional defense committees.

ITEMS OF SPECIAL INTEREST

Battleship transfer

The House report accompanying H.R. 5122 (H. Rept. 109–452) of the National Defense Authorization Act for Fiscal Year 2007 contained an item of special interest to clarify instructions to the Navy regarding the transfer of the battleships USS *Wisconsin* and USS *Iowa*, included in the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163). The conferees understand that: (1) the Navy will require that the USS *Wisconsin* and USS *Iowa* be preserved in their present condition through continued use of cathodic protection, dehumidification, and other methods as needed; (2) any alterations to the battleships while in the custody of entities within the Commonwealth of Virginia and State of California, respectively, could be reverted; and (3) spare parts and unique equipment, such as 16-inch gun barrels and projectiles, if donated, will include a provision in the donation agreement that they can be recalled if the battleships are returned to the Navy in the event of a national emergency. The conferees agree that these measures would meet the intent of the instructions contained in the House report.

Study on replacement of the T–38 training aircraft

The Senate report accompanying S. 2766 (S. Rept. 109–254) of the National Defense Authorization Act for Fiscal Year 2007 directed the Secretary of the Air Force to conduct a study that would determine the suitability of T–45 and Korean built KT–50 training aircraft to replace the T–38 training aircraft.

The conferees direct the Secretary to conduct a study that would determine the suitability of the T–45, and any other appropriate aircraft, to replace the T–38, and to submit a report on the results of this study to the congressional defense committees by March 15, 2007.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations

Authorization of appropriations (secs. 101–104)

The House bill contained provisions (secs. 101–104) that would authorize the recommended fiscal year 2007 funding levels for Procurement Army, Navy, Marine Corps, Air Force, and Defense-wide activities.

The Senate amendment contained similar provisions (secs. 101–104).

The conference agreement includes these provisions.

Subtitle B–Army Programs

Sense of Congress on future multiyear procurement authority for the Family of Medium Tactical Vehicles (sec. 111)

The House bill contained a provision (sec. 111) that would authorize the Secretary of the Army to enter into a 3-year multiyear procurement contract, beginning with fiscal year 2008, for procurement of the Family of Medium Tactical Vehicles (FMTV).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress on the use of a multiyear procurement contract to extend FMTV procurement beyond the current 5-year multiyear contract. The amendment would also recommend that the Army incorporate product improvements from lessons learned from Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF) and from product improvement programs in the area of force protection, survivability, reliability, network communications situational awareness, and safety.

The conferees recognize that the current 5-year multiyear procurement for FMTV A1R vehicles ends with fiscal year 2007 funding and calendar year 2008 deliveries. The conferees understand that 28,000 trucks have been produced to date, which falls short of the Army requirement for 85,000 trucks. The Army's Tactical Wheeled Vehicle (TWV) Modernization Strategy Report to Congress stated that "As a risk mitigator, use of contract options will be sought to permit extension of current production models to avoid any breaks in vehicle supply." The conferees note that the Army has saved approximately 6–10 percent on the costs of a 3-year multiyear contract versus single year procurement under three successive multiyear contracts. The conferees are concerned that single year contract awards would be costly because of the outstanding requirement and costly given the current savings provided by the current multiyear contract.

Furthermore, the conferees also note that a multiyear contract would potentially assure favorable, cost-effective prices for a more advanced FMTV configuration that would incorporate lessons learned from OEF and OIF, as well as ensure stability in the industrial base.

The conferees expect the Department of the Army to comply with all documentation and certifications requirements of section 2306(b) of title 10, United States Code.

Multiyear procurement authority for MH–60R helicopter and mission equipment (sec. 112)

The House bill contained a provision (sec. 112) that would authorize the Secretary of the Army, acting as the executive agent for the Department of the Navy, to enter into a 5-year, multiyear procurement contract for 144 MH–60R helicopters and associated mission equipment beginning with the fiscal year 2007 program year. Further, the provision would require that the multiyear procurement contract authority be executed in accordance with section 2306b of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of the Army, acting as the executive agent for the Department of the Navy, to enter into a multiyear contract, beginning with fiscal year 2007, for the procurement of MH–60R helicopters. The amendment would also authorize the Secretary of the Navy to enter into a multiyear contract for the procurement of associated mission equipment for MH–60R helicopters.

The conferees expect the Secretary of the Army and the Secretary of the Navy to submit certifications required by section 2306b before approving multiyear contracts for MH–60R helicopters and associated mission equipment. The conferees also understand that the Department of the Army and the Department of the Navy intend to procure at least 144 MH–60R helicopters and associated mission equipment.

Funding profile for modular force initiative of the Army (sec. 113)

The House bill contained a provision (sec. 113) that would require the Secretary of the Army to include the M1A2 Abrams SEP tank and Bradley A3 fighting vehicles within the Army's modularity funding profile beginning with the 2008 budget submission, in accordance with the March 2006 Army report to Congress entitled "The Army Modular Initiative."

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Bridge to Future Networks program (sec. 114)

The House bill contained a provision (sec. 114) that would limit to not more than 70 percent, the amounts authorized to be appropriated for the bridge to Future Networks program, until the Secretary of the Army submits a report to the congressional defense committees on an analysis of the integration of the Joint Network Node (JNN) and the Warfighter Information Network-Tactical (WIN–T).

The Senate amendment contained a similar provision (sec. 111) that would withhold 50 percent of the funds authorized to be appropriated for the procurement of the JNN until the Secretary provides a report to the congressional defense committees on the Army's strategy for the convergence of the JNN, WIN–T, and the Mounted Battle Command On-the-Move communications programs.

The Senate recedes with a clarifying amendment.

Comptroller General report on the contract for the Future Combat Systems program (sec. 115)

The Senate amendment contained a provision (sec. 112) that would require the Comptroller General to submit to the congressional defense committees a report on the participation and activities of the lead systems integrator in the Future Combat Systems (FCS) program under the contract of the Army for the FCS program.

The House bill contained no similar provision.

The House recedes.

Priority for allocation of replacement equipment to operational units based on combat mission deployment schedule (sec. 116)

The Senate amendment contained a provision (sec. 114) that would establish a priority for the distribution of new and combat serviceable equipment for active and reserve component forces to units scheduled for mission deployment, employment, or both regardless of component. Priority for the distribution of new and combat serviceable equipment would then be given to Army National Guard units in States that have experienced a major disaster, as determined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121–5206), and may require replacement equipment to respond to future emergencies or disasters.

The House bill contained no similar provision.

The House recedes with an amendment that would expand the authority, as provided for in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), by directing the Secretary of Defense to ensure that priority for the distribution of equipment using the amounts authorized to be appropriated for the procurement of replacement equipment for the distribution of new and combat serviceable equipment, with associated support and test equipment, for active and reserve component forces be given to operational units based on combat mission deployment schedule regardless of component.

The conferees recognize that National Guard units operating in States that have experienced a major disaster, as determined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121–5206), may require replacement equipment to respond to future natural and manmade disasters. The conferees direct the Secretary of Defense to conduct a study on the priority distribution strategy for replacing National Guard equipment and to submit a report on the results of the study to the congressional defense committees no later than April 1, 2007. The conferees expect the Department to allocate equipment based on the priorities determined by this analysis.

Subtitle C—Navy Programs

CVN–21 class aircraft carrier procurement (sec. 121)

The Senate amendment contained a provision (sec. 121) that would authorize the Secretary of the Navy to incrementally fund procurement of CVN–21 class aircraft carriers over four year periods, commencing with CVN–78 procurement in fiscal year 2008. The provision would also authorize the Secretary to enter into a contract during fiscal year 2007 for advance procurement with respect to the CVN–21 class aircraft carriers designated CVN–79 and CVN–80.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary to incrementally fund procurement of a CVN–21 class aircraft carrier designated CVN–78, CVN–79, and CVN–80, as applicable, over four year periods, commencing with the fiscal year of the contract for construction of the applicable aircraft carrier.

Adherence to Navy cost estimates for CVN–21 class of aircraft carriers (sec. 122)

The House bill contained a provision (sec. 122) that would limit the total amount to be obligated or expended from funds appropriated or otherwise made available in Shipbuilding and Conversion, Navy, or for any other procurement account, for the detail design, non-recurring engineering and construction of the lead ship of the CVN–21 class aircraft carrier program to $10.5 billion. The provision would also limit the total amount to be obligated or expended for the construction of the follow-on ships of the CVN–21 class aircraft carrier program to $8.1 billion. The provision would allow the Secretary of the Navy to adjust the limitation amounts for: (1) economic inflation; (2) changes in Federal, State, or local laws enacted after September 30, 2006; (3) outfitting and post-delivery costs; and (4) insertion of new technology. The insertion of new technology would be limited to those technologies that could be used to either lower life cycle costs or meet an emerging threat. The provision would also require the Secretary to report any adjustment to the cost limitation with the submission of the annual budget request.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would also allow the Secretary to make adjustments for amounts of increases or decreases to cost attributable to: (1) non-recurring design and engineering pursuant to achieving compliance with the cost limitation; and (2) correction of deficiencies that affect safety of ship, safety of personnel, or otherwise preclude safe operations and crew certifications.

The amendment would not provide the Secretary authority to adjust the limitation amounts for cost increases attributable to congressional actions that impact on the shipbuilding program of record. However, the conferees understand that such action could have significant impact on program cost, and therefore direct that the Secretary include, within the annual written notice to the congressional defense committees regarding changes to the cost limitations, an assessment of any negative impact of congressional action on program costs.

The conferees understand that the CVN–21 class budget represents the Navy's risk-balanced assessment of the cost for completing design and construction of the future class of nuclear powered aircraft carriers. The conferees recognize that many uncertainties remain with regard to completion of CVN–21 design and construction, including innumerable, inestimable events which will impact cost during the next 15 years of performance on the program. Accordingly, the amendment would allow adjustment to the cost limitation for non-recurring design and engineering in order to enable the Navy to reduce this risk in the execution of the design effort.

The conferees expect that the Navy will ultimately manage program execution within the bounds of the budget estimate. Accordingly, the conferees understand that compliance with this provision will require procurement cost trade-offs to be accomplished, which could reduce the capabilities, system performance, safety, crew quality of life, future growth margin, or other important factors in the design and construction of the CVN–21 class. The conferees believe that most of these trade-offs will be within the purview of the program office and requirements office. However, the Secretary shall notify the Committees on Armed Services of the Senate and the House of Representatives not less than 30 days prior to implementing any cost-driven reduction which would unacceptably impact safety, crew quality of life, or otherwise preclude the program from meeting the requirements of the CVN–21 Operational Requirements Document. The Secretary's notification shall identify the specific characteristic proposed to be reduced and the cost avoidance provided by such reduction.

Modification of limitation on total cost of procurement of CVN–77 aircraft carrier (sec. 123)

The Senate amendment contained a provision (sec. 123) that would increase the limitation on the total cost of procurement for the CVN–77 aircraft carrier to $6.057 billion.

The House bill contained no similar provision.

The House recedes.

Construction of first two vessels under the DDG–1000 Next-Generation Destroyer program (sec. 124)

The Senate amendment contained a provision (sec. 122) that would authorize the Secretary of the Navy to enter into a contract to fund the detail design and construction of the first two DDG–1000 class destroyers in Shipbuilding and Conversion, Navy (SCN), with funding split over fiscal years 2007 and 2008.

The House bill contained a similar provision (sec. 127).

The House recedes with a technical amendment.

The conferees understand that the Secretary has requested split funding authority for the two lead ships of the DDG–1000 class as a one-time program exception to the full funding policy in order to support the competitive procurement of the follow-on ships of the program. The conferees agree that there is sufficient benefit to authorizing this one-time exception with the expectation that the Secretary will structure the DDG–1000 program so that each ship, after the first two ships, is procured using the method of full funding in a single year.

Adherence to Navy cost estimates for LHA Replacement amphibious assault ship program (sec. 125)

The House bill contained a provision (sec. 123) that would limit the total amount to be obligated or expended from funds appropriated or otherwise made available in Shipbuilding and Conversion, Navy, or for any other procurement account, for the detail design, non-recurring engineering and construction of the lead ship of the LHA Replacement amphibious assault ship, LHA–6, to $2.81 billion. The provision would allow the Secretary of the Navy to adjust the limitation amounts for: (1) economic inflation; (2) changes in Federal, State, or local laws enacted after September 30, 2006; (3) outfitting and post-delivery costs; and (4) insertion of new technology. The insertion of new technology would be limited to those technologies that could be used to either lower life-cycle costs or meet an emerging threat. The provision would require the Secretary to report any adjustment to the cost limitation with the submission of the annual budget request.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would also allow the Secretary to make adjustments for amounts of increases or decreases to cost attributable to: (1) non-recurring design and engineering pursuant to achieving compliance with the cost limitation; (2) correction of deficiencies that affect safety of ship, safety of personnel, or otherwise preclude safe operations and crew certifications; and (3) the effect of Hurricane Katrina in August 2005 or other force majeure contract modifications.

The amendment would not provide the Secretary authority to adjust the limitation amounts for cost increases attributable to congressional actions that impact on the shipbuilding program of record. However, the conferees understand that such action could have significant impact on program cost, and therefore direct that the Secretary include, within the annual written notice to the congressional defense committees regarding changes to the cost limitations, an assessment of any negative impact of congressional action on program costs.

The conferees understand that the LHA–6 budget represents the Navy's risk-balanced assessment of the cost for completing design and construction of the future LHA Replacement ship. The conferees recognize that many uncertainties remain with regard to completion of LHA–6 design and construction, including innumerable, inestimable events which will impact cost during the next 6 years of performance on the program. Accordingly, the amendment would allow adjustment to the cost limitation for non-recurring design and engineering in order to enable the Navy to reduce this risk in the execution of the design effort.

The conferees expect that the Navy will ultimately manage program execution within the bounds of the budget estimate. The conferees understand that compliance with this provision will require procurement cost trade-offs to be accomplished, which could reduce the capabilities, system performance, safety, crew quality of life, future growth margin, or other important factors in the design and construction of the LHA Replacement ship. The conferees believe that most of these trade-offs will be within the purview of the program office and requirements office. However, the Secretary shall notify the Committees on Armed Services of the Senate and the House of Representatives not less than 30 days prior to implementing any cost-driven reduction which would unacceptably impact safety, crew quality of life, or otherwise preclude the program from meeting the requirements of the LHA Replacement program Capability Development Document. The Secretary's notification shall identify the specific characteristic proposed to be reduced and the cost avoidance provided by such reduction.

Cost limitation for San Antonio (LPD–17) class amphibious ship program (sec. 126)

The House bill contained a provision (sec. 124) that would limit the total amount to be obligated or expended from funds appropriated or otherwise made available for Shipbuilding and Conversion, Navy, or for any other procurement account; for eight *San Antonio* class amphibious ships (LPD–18, LPD–19, LPD–20, LPD–21, LPD–22, LPD–23, LPD–24, and LPD–25) to the cost estimates submitted for those ships with the fiscal year 2007 budget request. The provision would allow the Secretary of the Navy to adjust the limitation amounts for economic inflation; changes in Federal, State, or local laws enacted after September 30, 2006; outfitting and post-delivery costs; and the amounts of insertion of new technology. The insertion of new technology would be limited to those technologies that could be used to either lower life cycle costs or meet an emerging threat. The provision would require the Secretary to report any adjustment to the cost limitation with the submission of the annual budget request.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would raise the amounts of the limitation for the LPD–22, LPD–23, LPD–24, and LPD–25 *San Antonio* class amphibious ships to the contract ceiling prices for those four ships. The amendment would also allow the Secretary to make adjustments for contract cost adjustments directly attributed to the effect of Hurricane Katrina or other force majeure contract modifications, and for amounts of closeout costs associated with completion of the LPD–17 class program.

Multiyear procurement authority for V–22 tiltrotor aircraft program (sec. 127)

The House bill contained a provision (sec. 125) that would authorize the Secretary of the Navy, acting as the executive agent for the Secretary of the Air Force and the Commander, U.S. Special Operations Command (USSOCOM), to enter into a multiyear contract, beginning with the fiscal year 2008 program year, for the procurement of 211 V–22 tiltrotor aircraft, of which not more than 185 would be in the MV–22 configuration and not more than 26 would be in the CV–22 configuration.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would allow the Secretary of the Navy, acting as the executive agent for the Secretary of the Air Force and the Commander, USSOCOM, to enter into a multiyear contract, beginning with the fiscal year 2008 program year, for the procurement of V–22 tiltrotor aircraft.

The conferees expect that the Secretary of the Navy will procure V–22 tiltrotor aircraft at the quantity that was requested in the budget.

Alternative technologies for future surface combatants (sec. 128)

The House bill contained a provision (sec. 128) that would express the sense of Congress that the Navy should make greater use of alternative technologies, including nuclear power, as a means of vessel propulsion for its future fleet of surface combatants.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand the definition of alternative technologies for propulsion of future major surface combatants to include integrated power systems and fuel cells. The amendment would also require that the Secretary of the Navy include integrated power systems, fuel cells, and nuclear power as propulsion alternatives to be evaluated within the analysis of alternatives for future major surface combatant ships.

Sense of Congress regarding the size of the attack submarine force (sec. 129)

The House bill contained a provision (sec. 121) that would amend section 5062 of title 10, United States Code, to require the Secretary of Defense to maintain a minimum force structure of 48 operational attack submarines.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress that the Secretary of the Navy should take all reasonable effort to accelerate the construction of *Virginia* class submarines to maintain the attack submarine force structure at not less than 48 submarines and (if the number of attack submarines should fall below 48), to minimize the period the attack submarine force structure remains below 48 vessels.

The conferees are aware that the earliest possible date to accelerate *Virginia* class construction to 2 boats per year is 2010, which would require advance procurement funding commencing in 2008. Therefore, the conferees direct the Secretary to submit a report to the congressional defense committees with the fiscal year 2008 budget request that would identify the necessary planning and programming required to increase *Virginia* class construction to 2 boats per year commencing in fiscal year 2010. The report shall consider program cost, shipyard workload impacts, budget implications, and other significant factors that would weigh in the decision process regarding acceleration of attack submarine construction. The report shall also identify the operational impact associated with delaying the increase in attack submarine construction until 2012 in accordance with the program of record.

Quality control in procurement of ship critical safety items and related services (sec. 130)

The Senate amendment contained a provision (sec. 809) that would require the Secretary of Defense to prescribe in regulation a quality control policy for the procurement of ship critical safety items and the procurement of modifications, repair, and overhaul of such items.

The House bill contained a similar provision (sec. 126).

The House recedes.

The conferees agree to extend the date for the submission of the Comptroller General's report to the congressional defense committees required by the Senate report accompanying S. 2766 (S. Rept. 109–254) of the John Warner National Defense Authorization Act for Fiscal Year 2007 until February 1, 2008.

The conferees expect the Comptroller General to brief the congressional defense committees on the initial findings of the report by April 1, 2007.

Subtitle D—Air Force Programs

Bomber force structure (sec. 131)

The House bill contained a provision (sec. 131) that would prohibit the Air Force from retiring any B–52 aircraft, except for the one B–52 aircraft no longer in use by the National Aeronautics and Space Administration for testing. The provision would require the Air Force to maintain a minimum of 44 B–52H combat coded aircraft until the year 2018 or until a long-range strike replacement aircraft with equal or greater capability than the B–52H model has attained initial operational capability.

The Senate amendment contained similar provisions (secs. 144–145). Section 144 would allow the Secretary of the Air Force to retire up to 18 B–52H bomber aircraft in fiscal year 2007. Section 145 would prevent the obligation or expenditure of funds for the retirement or dismantling of any of the 93 B–52H bomber aircraft in service in the Air Force as of June 1, 2006, until the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the amount and type of bomber force structure required to carry out the National Security Strategy of the United States.

The Senate recedes with an amendment that would authorize the Secretary to retire up to 18 B–52H bomber aircraft, but maintain not less than 44 combat coded B–52H bomber aircraft, beginning 45 days after the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report prepared by the Institute for Defense Analyses on the amount and type of bomber force structure required to carry out the National Security Strategy of the United States. The amendment would also prohibit retirement of more than 18 B–52s until a long-range strike replacement aircraft with equal or greater capability has attained initial operational capability status or until January 1, 2018, whichever occurs first.

The conferees direct the Secretary to include in the report:

(1) the plans to modernize the Air Force bomber fleets;

(2) the amount and type of bomber force required in executing two overlapping "swift defeat" campaigns involving both conventional and strategic nuclear missions;

(3) a justification of the cost and projected savings associated with any reductions to the B–52H bomber aircraft fleet;

(4) the life expectancy of each bomber aircraft to remain in the bomber force structure; and

(5) the capabilities of the bomber force structure that would be replaced, augmented, or superceded by any new bomber aircraft.

The conferees expect the Secretary to maintain all retired B–52H bomber aircraft, retired in fiscal year 2007 or later, in a condition known as "Type–1000 storage" at the Aircraft Maintenance and Regeneration Center.

Strategic airlift force structure (sec. 132)

The House bill contained a provision (sec. 132) that would require the Air Force to maintain a minimum strategic airlift force of 299 aircraft beginning in fiscal year 2009, and would repeal section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate the repeal of any portion of section 132.

Limitation on retirement of U–2 aircraft (sec. 133)

The House bill contained a provision (sec. 133) that would preclude the Department of Defense from retiring U–2 aircraft in fiscal year 2007. The provision would permit retirement after fiscal year 2007 only if the Secretary of Defense were able to certify to Congress that the U–2's intelligence, surveillance, and reconnaissance (ISR) capabilities no longer contribute to mitigating any gaps in ISR capabilities identified in the 2006 Quadrennial Defense Review report.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Multiyear procurement authority for F–22A Raptor fighter aircraft (sec. 134)

The House bill contained a provision (sec. 134) that would authorize the Secretary of the Air Force, beginning in program year 2007, to enter into a 3-year multiyear contract for procurement of up to 60 F–22A Raptor fighter aircraft. The provision would allow the multiyear contract to be entered into only after the Secretary of Defense certifies that the conditions specified in subsection (a) of section 2306b of title 10, United States Code, have been met, subject to a 30-day congressional notice-and-wait period.

The Senate amendment contained similar provisions (secs. 146–147) that would prohibit the use of incremental funding for the procurement of F–22A fighter aircraft, authorize the Secretary of the Air Force to enter into a multiyear contract for the procurement of up to 60 F–22A fighter aircraft and up to 120 F119 engines, including not more than 13 spare F119 engines, beginning with the fiscal year 2007 program year.

The Senate recedes with an amendment that would:

(1) prohibit the use of incremental funding for the procurement of F–22A fighter aircraft;

(2) require the Secretary of Defense to certify to the congressional defense committees that the multiyear contract is in compliance with each of the conditions specified in subsection (a) of section 2306b, as well as the certification required in subsection (i)(1)(A) of section 2306b;

(3) require the Secretary, in certifying that the cost savings are substantial, to duly consider the historical cost savings that led to a decision to proceed with a multiyear procurement contract under section 2306b of title 10, United States Code, in the case of previous aviation-related multiyear contracts authorized by law dating back to fiscal year 1982; and

(4) require the Secretary of Defense to provide a new F–22A cost analysis, prepared by a federally-funded research and development center other than the Institute for Defense Analyses, to the congressional defense committees.

The conferees expect that the Secretary of Defense's certification of projected multiyear procurement savings will include a consideration of savings, relative to historical experience, that are attributable to economic order quantity investments, number of units procured, length of the multiyear contracts, and cost reduction initiatives.

Limitation on retirement of KC–135E aircraft during fiscal year 2007 (sec. 135)

The House bill contained a provision (sec. 135) that would prohibit the Air Force from retiring more than 29 KC–135E aircraft during fiscal year 2007. Beginning in fiscal year 2007, the provision would also require the Secretary to maintain all retired KC–135Es, after September 30, 2006, in a condition that would allow recall of that aircraft for future service in the Air Force Reserve, Guard, or regular forces aerial refueling force structure.

The Senate amendment contained a provision (sec. 143) that would authorize the Secretary to retire up to and including 29 Air Force KC–135E aircraft.

The Senate recedes.

The conferees expect the Secretary to maintain all KC–135E aircraft, retired in fiscal year 2007 or later, in a condition known as "Type–1000 storage" at the Aircraft Maintenance and Regeneration Center.

Limitation on retirement of F–117A aircraft during fiscal year 2007 (sec. 136)

The House bill contained a provision (sec. 136) that would limit the number of F–117A aircraft to be retired by the Secretary of the Air Force in fiscal year 2007 to 10 aircraft. The provision would also require the Secretary to maintain each F–117A aircraft, retired after September 30, 2006, in a condition that would allow recall of that aircraft for future service.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees expect the Secretary to maintain all F–117A aircraft, retired in fiscal year 2007 or later, in a condition known as "Type–1000 storage" at the Aircraft Maintenance and Regeneration Center.

Limitation on retirement of C–130E tactical airlift aircraft (sec. 137)

The Senate amendment contained a provision (sec. 142) that would prohibit the Secretary of the Air Force from retiring any C–130E/H tactical airlift aircraft in fiscal year 2007.

The House bill contained no similar provision.

The House recedes with an amendment that would allow the Secretary to retire up to 51 C–130E tactical airlift aircraft.

The conferees expect the Secretary to maintain all C–130E aircraft, retired in fiscal year 2007 or later, in a condition known as "Type–1000 storage" at the Aircraft Maintenance and Regeneration Center.

Procurement of Joint Primary Aircraft Training System aircraft after fiscal year 2006 (sec. 138)

The Senate amendment contained a provision (sec. 141) that would require any Joint Primary Aircraft Training System aircraft procured after fiscal year 2006 to be procured through a contract under part 15 of the Federal Acquisition Regulations (FAR), relating to acquisition of items by negotiated contract, rather than through a contract under part 12 of the FAR, relating to acquisition of commercial items.

The House bill contained no similar provision.

The House recedes.

Minuteman III intercontinental ballistic missiles modernization (sec. 139)

The Senate amendment contained a provision (sec. 149) that would restrict the Department of Defense from terminating any Minuteman III Intercontinental Ballistic Missile (ICBM) modernization program or withdraw any Minuteman III ICBM from the active force until 30 days after the Secretary of Defense submits to the congressional defense committees a report. The provision would also make available $5.0 million of the amounts available for research, development, test, and evaluation, Air Force, for Remote Visual Assessment for security of the silos housing ICBMs.

The House bill contained no similar provision.

The House recedes with an amendment that would place the findings in the statement of managers, and that would reflect the conference outcome of the amounts available for Remote Visual Assessment in the tables of this report in research, development, test, and evaluation, Air Force.

The conferees make the following findings: (1) In the statement of managers accompanying the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), the conferees state that the policy of the United States "is to deploy a force of 500 ICBMs." The conferees further note "that unanticipated strategic developments may compel the United States to make changes to this force structure in the future;" (2) The Quadrennial Defense Review (QDR) Report of 2006 finds that maintaining a robust nuclear deterrent "remains a keystone of United States national power." However, notwithstanding that finding and without providing any specific justification for the recommendation, the QDR recommends reducing the number of deployed Minuteman III ICBMs from 500 to 450 beginning in fiscal year 2007. The QDR also fails to identify what unanticipated strategic developments compelled the United States to reduce the ICBM force structure; and (3) General James Cartwright, Commander, U.S. Strategic Command, testified before the Committee on Armed Services of the Senate that the reduction in deployment of Minuteman III ICBMs is required so that the 50 missiles withdrawn from the deployed force could be used for test assets and spares to extend the life of the Minuteman III ICBMs well into the future. If spares are not modernized, the Air Force may not have sufficient replacement missiles to sustain the force size.

Subtitle E—Joint and Multi-Service Matters

Clarification of limitation on initiation of new unmanned aerial vehicle systems (sec. 141)

The conferees agree to include a provision that would amend section 142 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–162) to explicitly state that the section applies to the procurement of new unmanned aerial vehicle (UAV) systems, and to provide clarifying language for those systems for which an exception is made, including: any UAV system or any component thereof, as described in section 142, if as of January 6, 2006, the UAV system or any component thereof to be procured was otherwise currently under contract or had previously been procured by the Department of Defense, or funds had been appropriated but not yet obligated for the UAV system or any component thereof. The conferees also agree to authorize the Undersecretary of Defense for Acquisition, Technology, and Logistics (AT&L) to delegate this authority within the Office of AT&L.

LEGISLATIVE PROVISIONS NOT ADOPTED

Reports on Army modularity initiative

The Senate amendment contained a provision (sec. 113) that would require the Secretary of the Army to submit a report to the congressional defense committees, not later than March 15, 2007, on specific costs, funding, and equipment distribution of the Army's modularity initiative. The provision would also require that the Comptroller General conduct an annual review of the modularity initiative and the progress that the Army is making in the equipping of the active and reserve components.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the reporting requirements of this provision are incorporated elsewhere in this report.

Funding for the Call for Fire Trainer/Joint Fires and Effects Trainer System

The House bill contained a provision (sec. 115) that would authorize $4.0 million for the procurement of the Call for Fire Trainer/Joint Fires and Effects Trainer System for the Army.

The Senate amendment contained no similar provision.

The House recedes.

The conference outcome is reflected in the tables of this report in Other Procurement, Army, line number 169.

Air Force program

The House bill contained a provision (sec. 137) that would authorize an increase of $6.0 million in section 103 for Other Procurement, Air Force for Science Engineering Lab Data Integration at Ogden Air Logistics Center, Utah. This would be offset by an equal decrease in PE 62301E for Information and Communications Technology.

The Senate amendment contained no similar provision.

The House recedes.

The conference outcome is reflected in the tables of this report.

Multi-spectral imaging capabilities

The Senate amendment contained a provision (sec. 148) that would: (1) express the sense of the Senate that the Air Force should investigate ways to retain the multispectral imaging capabilities of the Senior Year Electro-optical Reconnaissance System (SYERS–2) that would otherwise be lost with the retirement of the U–2 aircraft; and (2) require that the Secretary of the Air Force provide a plan for migrating these multispectral capabilities to the Global Hawk unmanned aerial vehicle.

The House bill contained no similar provision.

The Senate recedes.

The conferees expect the Secretary to develop a plan for migrating the multi-spectral imaging capability provided by the SYERS-2 capabilities from the U–2 to the Global Hawk, and provide the results of that plan to the congressional defense committees with the submission of the fiscal year 2008 budget request.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

BUDGET ITEMS

Research, Development, Test, and Evaluation overview

The budget request included $73,156.0 million in Research, Development, Test, and Evaluation for the Department of Defense.

The House bill would authorize $74,054.6 million.

The Senate amendment would authorize $74,268.1 million.

The conferees agree to authorize $73,608.0 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

NATIONAL DEFENSE AUTHORIZATION FOR FISCAL YEAR 2007

(Dollars in Thousands)

Title II – RESEARCH, DEVELOPMENT, TEST & EVALUATION	Authorization Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Research, Development, Test & Evaluation, Army	10,855,559	10,925,209	11,167,009	21,050	10,876,609
Research, Development, Test & Evaluation, Navy	16,912,223	17,377,769	17,459,823	471,634	17,383,857
Research, Development, Test & Evaluation, Air Force	24,396,767	24,810,041	23,970,857	-160,816	24,235,951
Research, Development, Test & Evaluation, Defense-wide	20,809,939	20,760,039	21,488,939	120,100	20,930,039
Operational Test & Evaluation	181,520	181,520	181,520	0	181,520
TOTAL RDT&E	73,156,008	74,054,578	74,268,148	451,968	73,607,976

Research, Development, Test, and Evaluation, Army overview

The budget request included $10,855.6 million in Research, Development, Test, and Evaluation, Army for the Department of Defense.

The House bill would authorize $10,925.2 million.

The Senate amendment would authorize $11,167.0 million.

The conferees agree to authorize $10,876.6 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
			RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY					
2040	0601101A	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	19,402	19,402	19,402		19,402
2040	0601102A	2	DEFENSE RESEARCH SCIENCES	137,568	146,568	151,668	14,100	151,668
			Advanced ground reliability research			[1,000]	[1,000]	
			Document exploitation			[4,000]	[1,000]	
			Integrated nanosensor technologies for NBC detection applications			[1,000]	[1,000]	
			Dynamic landscape support program			[2,000]	[1,000]	
			Nanomaterials for ISR			[3,000]	[1,000]	
			Organic semiconductor modeling and simulation research			[2,100]	[2,100]	
			Early career awards			[1,000]		
			Advanced carbon nanotechnology		[3,000]		[3,000]	
			Chemical mechanical planarization		[2,000]		[1,000]	
			Functionally integrated reactive surfaces technology		[4,000]		[3,000]	
2040	0601103A	3	UNIVERSITY RESEARCH INITIATIVES	68,545	68,545	80,545	1,000	69,545
			Low temperature vehicle performance research			[2,000]	[1,000]	
			University research initiative (S. Amdt)			[10,000]		
2040	0601104A	4	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	86,416	91,416	93,666	5,250	91,666
			Information assurance			[1,000]	[1,000]	
			Integrated systems in sensing, imaging and communications research			[1,000]	[1,000]	
			Nanotubes composite materials research			[2,000]	[2,000]	
			Development of slow rotor concepts			[2,000]		
			SOUTHCOM regional analyses			[1,000]	[1,000]	
			Transparent nanocomposite armor			[250]	[250]	
			Modeling and analysis of response structures		[5,000]			
2040	0601105A	5	FORCE HEALTH PROTECTION					

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2040	0602105A	6	MATERIALS TECHNOLOGY	18,822	29,822	24,222	13,900	32,722
			Thermoplastic composite body armor			[1,000]	[1,000]	
			Future affordable multi-utility materials			[1,600]	[1,600]	
			Improvised explosive device simulations in different soils		[500]	[500]	[500]	
			Control system for the laser powder deposition manufacturing process			[300]	[300]	
			Munition shape charge control research			[2,000]	[2,000]	
			Cutting tools for aerospace materials		[3,000]		[3,000]	
			Nano manufacturing of multifunction sensors		[3,000]		[2,000]	
			Ultrasonic consolidation for advanced materials fabrication		[4,500]		[3,500]	
2040	0602120A	7	SENSORS AND ELECTRONIC SURVIVABILITY	38,428	43,428	42,928	8,200	46,628
			Advanced microelectronics manufacturing			[3,000]	[3,000]	
			Lighter-than-air unmanned vehicle with scalable payload capabilities			[1,500]	[1,500]	
			Flexible display initiative		[5,000]		[3,700]	
2040	0602122A	8	TRACTOR HIP	8,466	8,466	8,466		8,466
2040	0602211A	9	AVIATION TECHNOLOGY	32,804	42,804	32,804	4,000	36,804
			Center for rotorcraft innovation		[10,000]		[4,000]	
2040	0602270A	10	ELECTRONIC WARFARE TECHNOLOGY	19,218	34,118	19,218	5,800	25,018
			See through-the-wall viewer		[7,400]			
			Battlelab technologies for Silver Fox UAS		[5,000]		[3,500]	
			Xenon light source for small UAVs		[2,500]		[2,300]	
2040	0602303A	11	MISSILE TECHNOLOGY	59,439	59,439	65,439	6,000	65,439
			Hypervelocity ground testing			[3,500]	[3,500]	
			Unmanned air systems technology			[2,500]	[2,500]	
2040	0602307A	12	ADVANCED WEAPONS TECHNOLOGY	19,430	19,430	19,430		19,430
2040	0602308A	13	ADVANCED CONCEPTS AND SIMULATION	16,181	16,181	19,181	3,000	19,181
			Surveillance and targeting robot platform			[3,000]	[3,000]	

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2040	0602601A	14	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	59,304	79,804	62,804	6,800	66,104
			Advanced electrical drive		[3,500]	[2,500]	[2,500]	
			Light utility vehicle		[6,000]			
			Nanofluids for lubricants and coolants		[3,000]		[1,300]	
			Transportation energy research		[3,000]		[3,000]	
			Bio-robotics		[5,000]			
			Legged mobility robotic research (S. Arndt)			[1,000]		
2040	0602618A	15	BALLISTICS TECHNOLOGY	52,221	54,221	52,221		52,221
			Robotic-based through the wall detector		[2,000]			
2040	0602622A	16	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLO(	2,212	2,212	2,212		2,212
2040	0602623A	17	JOINT SERVICE SMALL ARMS PROGRAM	6,247	6,247	6,247		6,247
2040	0602624A	18	WEAPONS AND MUNITIONS TECHNOLOGY	35,344	47,744	45,344	14,000	49,344
			Transition of active coatings technology		[4,400]	[2,000]	[2,000]	
			Parts-on-demand			[3,000]	[3,000]	
			UGV weaponization			[2,500]	[2,500]	
			Rarefaction wave gun			[2,500]	[2,500]	
			Head aimed weapons for UGVs		[4,000]			
			High power electrolytic supercapacitors		[4,000]		[4,000]	
2040	0602705A	19	ELECTRONICS AND ELECTRONIC DEVICES	42,175	59,575	42,175	7,600	49,775
			Next generation gaseous diffusion layer for direct methanol fuel cells		[5,000]			
			Advanced components for high power solid state lasers		[6,900]		[3,600]	
			E Beam reticle and lithography inspection tool		[3,000]		[3,000]	
			Nanofluidic electronic biosensors		[2,500]		[1,000]	
2040	0602709A	20	NIGHT VISION TECHNOLOGY	23,907	29,907	23,907	2,000	25,907
			Mini-sensors for UAVs		[6,000]		[2,000]	

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2040	0602712A	21	COUNTERMINE SYSTEMS	22,088	24,588	22,088		22,088
			High gain ground penetrating radar		[2,500]			
2040	0602716A	22	HUMAN FACTORS ENGINEERING TECHNOLOGY	18,858	42,858	21,358	25,500	44,358
			Team performance and optimization research			[2,500]	[2,500]	
			MANPRINT		[4,000]		[3,000]	
			Collaborative research in military consequence management		[20,000]		[20,000]	
2040	0602720A	23	ENVIRONMENTAL QUALITY TECHNOLOGY	17,923	17,923	22,923	2,500	20,423
			Mapping and detection of UXO			[5,000]	[2,500]	
2040	0602782A	24	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	21,193	25,193	21,193	2,000	23,193
			Integrated digital environment service model		[4,000]		[2,000]	
2040	0602783A	25	COMPUTER AND SOFTWARE TECHNOLOGY	3,844	3,844	3,844		3,844
2040	0602784A	26	MILITARY ENGINEERING TECHNOLOGY	50,098	50,098	50,098		50,098
2040	0602785A	27	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	16,200	16,200	16,200		16,200
2040	0602786A	28	WARFIGHTER TECHNOLOGY	25,436	30,736	28,936	3,500	28,936
			Ballistic tent inserts			[2,000]		
			Biosecurity research for soldier food safety			[1,500]	[1,500]	
			Warfighter sustainment		[5,300]		[2,000]	
2040	0602787A	29	MEDICAL TECHNOLOGY	75,407	89,707	80,907	7,500	82,907
			Advanced bioengineering for enhancement of solider survivability			[2,000]	[1,000]	
			Blast protection research			[1,000]	[1,000]	
			Protein hydrogel treatment		[6,300]	[2,500]	[1,500]	
			Prosthetic research for lower limb amputations		[2,000]		[2,000]	
			Moment of care information system		[3,000]		[1,000]	
			Tissue regeneration technologies		[3,000]		[1,000]	
2040	0603001A	30	WARFIGHTER ADVANCED TECHNOLOGY	45,666	48,666	45,666	3,000	48,666
			MRE high pressure processing		[3,000]		[3,000]	

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2040	0603002A	31	MEDICAL ADVANCED TECHNOLOGY	50,757	58,257	74,257	21,000	71,757
			Advanced lower limb prosthesis			[2,000]	[2,000]	
			Applied emergency hypothermia			[3,000]	[3,000]	
			Fibrinogen bandage improvements			[3,000]	[3,000]	
			Integrated clinical information systems			[2,000]	[1,500]	
			Medical imaging			[1,000]	[1,000]	
			Tissue engineering research			[2,000]		
			Diagnosis and treatment of post traumatic stress disorder			[2,000]	[2,000]	
			Soldier treatment and regeneration research			[3,500]		
			Surgical Safety System			[2,000]		
			Robotic tele-surgery research			[3,000]	[3,000]	
			Thunderbolt		[3,500]		[3,000]	
			Oxygen diffusion dressing		[1,000]		[1,000]	
			Nightingale		[3,000]		[1,500]	
2040	0603003A	32	AVIATION ADVANCED TECHNOLOGY	64,654	84,154	81,154	23,500	88,154
			Excalibur			[14,000]	[10,000]	
			Quick Materiel Express Delivery System			[2,500]	[2,500]	
			Polymer matrix composites for rotorcraft drive systems		[6,000]		[2,000]	
			Lightweight armored window technology		[2,500]		[1,000]	
			Vectored thrust ducted propeller		[6,500]		[5,000]	
			FADEC		[3,000]		[3,000]	
			High performance gear for rotorcraft transmission		[1,500]			
2040	0603004A	33	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	74,717	94,217	76,717	3,000	77,717
			Nanotechnology manufacturing			[2,000]	[2,000]	
			High explosive airburst capability		[10,000]			
			Mobile Assessment Detection Response System		[6,500]			
			Precision aspheric optics		[3,000]		[1,000]	

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2040	0603005A	34	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLC	109,952	125,102	144,952	35,000	144,952
			Advanced thermal management controls			[2,000]	[2,000]	
			Anti-ballistic windshield armor			[3,000]	[3,000]	
			Armored composite cab program			[3,000]	[3,000]	
			Compressible magneto-rheological (CMR) fluids		[1,250]	[1,000]	[1,000]	
			Logistical fuel processors			[1,500]	[1,500]	
			Fuel cell ground support equipment demonstration			[3,000]	[3,000]	
			Next generation nontactical vehicle propulsion			[3,000]	[3,000]	
			Segmented band track		[2,000]	[1,500]	[1,500]	
			Solid oxide fuel cell materials and manufacturing			[2,000]	[2,000]	
			Tactical vehicle design tools			[2,000]	[2,000]	
			Power electronics systems research			[3,000]		
			Unmanned ground vehicle initiative			[10,000]	[10,000]	
			Coal to liquid fuels		[5,000]		[3,000]	
			Fastening and joining research		[6,900]			
2040	0603006A	35	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHI	10,851	10,851	10,851		10,851
2040	0603007A	36	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNC	6,794	10,294	8,794	2,000	8,794
			Adaptive command and control team training		[3,500]	[2,000]	[2,000]	
2040	0603008A	37	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	44,022	59,022	44,022	11,500	55,522
			Man Portable Emergency Broadband System		[4,000]		[4,000]	
			Advanced wireless technologies		[4,000]		[1,500]	
			Applied communications and information networking		[7,000]		[6,000]	
2040	0603009A	38	TRACTOR HIKE	9,324	9,324	9,324		9,324
2040	0603015A	39	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	18,296	18,296	24,296	4,000	22,296
			Joint Fires and Effects Training System			[6,000]	[4,000]	
2040	0603020A	40	TRACTOR ROSE	5,183	5,183	5,183		5,183

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2040	0603100A	41	IED DEFEAT TECHNOLOGY DEVELOPMENT					
2040	0603103A	42	EXPLOSIVES DEMILITARIZATION TECHNOLOGY	10,376	22,576	12,376	7,000	17,376
			Missile recycling capability		[6,000]	[2,000]	[2,000]	
			Supercritical water oxidation demilitarization		[6,200]		[5,000]	
2040	0603105A	43	MILITARY HIV RESEARCH	7,042	7,042	7,042		7,042
2040	0603125A	44	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT	7,497	7,497	7,497		7,497
2040	0603238A	45	GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISION STRIKE TE(	12,995	12,995	12,995		12,995
2040	0603270A	46	ELECTRONIC WARFARE TECHNOLOGY	18,612	18,612	18,612		18,612
2040	0603313A	47	MISSILE AND ROCKET ADVANCED TECHNOLOGY	42,127	58,127	42,127	4,500	46,627
			Smart energetics architecture		[6,000]		[2,000]	
			Compact kinetic energy missile		[10,000]		[2,500]	
2040	0603322A	48	TRACTOR CAGE	19,192	19,192	19,192		19,192
2040	0603606A	49	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOG	25,554	25,554	25,554		25,554
2040	0603607A	50	JOINT SERVICE SMALL ARMS PROGRAM	7,202	14,702	7,202	2,000	9,202
			Lightweight small arms technologies		[7,500]		[2,000]	
2040	0603710A	51	NIGHT VISION ADVANCED TECHNOLOGY	44,307	68,507	44,307	4,000	48,307
			Intelligent surveillance sensor suite		[6,000]		[4,000]	
			Helo Wire and Obstacle Avoidance System		[4,000]			
			Hyper spectral imaging		[3,000]			
			Personal miniature thermal viewer		[5,000]			
			Warfighter Enhanced Vision System		[3,200]			
			Soldier Mobility and Rifle Targeting System (SMaRTS)		[3,000]			
2040	0603728A	52	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATION:	14,089	14,089	14,089		14,089
2040	0603734A	53	MILITARY ENGINEERING ADVANCED TECHNOLOGY	7,848	13,848	7,848		7,848
			Gas engine air conditioning demonstration		[6,000]			

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2040	0603772A	54	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TEC	64,604	85,204	67,604	13,400	78,004
			Hand-held phraselator translation technology			[3,000]	[2,000]	
			Communications electronics cost module		[11,000]		[7,000]	
			Digital array radars		[5,000]		[2,000]	
			Instant language translator		[4,600]		[2,400]	
2040	0603024A	55	UNIQUE ITEM IDENTIFICATION (UID)	1,520	1,520	1,520		1,520
2040	0603305A	56	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION(NON SPACE	11,233	29,233	62,233	34,000	45,233
			Advanced hypersonic weapon mod & sim		[6,000]	[11,000]	[6,000]	
			Distributed ops control center			[5,000]	[3,000]	
			Missile & space model and simulation technology			[4,000]	[4,000]	
			Future TOC hardware			[5,000]	[3,000]	
			Protected test link			[2,000]		
			Thermal protection systems for hypersonics			[3,000]	[2,000]	
			Low cost avionics			[2,000]	[2,000]	
			Advanced fuel cell research			[2,000]	[2,000]	
			High Sentinel airship			[2,000]		
			Advanced electronics integration			[5,000]	[5,000]	
			Standoff sensor for radionuclide identification			[10,000]	[3,000]	
			Next generation advanced materials		[6,000]		[2,000]	
			Radiation hardening initiative		[4,000]		[2,000]	
			Advanced solid rocket and gel propellants		[2,000]			
2040	0603308A	57	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)	11,771	11,771	31,771	5,000	16,771
			Advanced hypersonic weapon			[20,000]	[5,000]	
2040	0603327A	58	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	143,417	143,417	146,417		143,417
			ASMD architecture analysis program			[3,000]		
2040	0603619A	59	LANDMINE WARFARE AND BARRIER - ADV DEV	8,439	8,439	8,439		8,439

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2040	0603627A	60	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	10,714	10,714	10,714		10,714
2040	0603639A	61	TANK AND MEDIUM CALIBER AMMUNITION					
2040	0603653A	62	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	5,415	15,415	5,415	4,000	9,415
			Open architecture electronic enhancements		[10,000]		[4,000]	
2040	0603747A	63	SOLDIER SUPPORT AND SURVIVABILITY	2,778	2,778	2,778		2,778
2040	0603766A	64	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - ADV DEV	20,077	20,077	20,077		20,077
2040	0603774A	65	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	5,337	5,337	5,337		5,337
2040	0603779A	66	ENVIRONMENTAL QUALITY TECHNOLOGY	5,166	9,566	10,166	3,000	8,166
			Demonstration and validation			[5,000]		
			Vanadium technology partnership		[4,400]		[3,000]	
2040	0603782A	67	WARFIGHTER INFORMATION NETWORK-TACTICAL	158,157	118,157	158,157	-30,000	128,157
			Program decrease		[-40,000]		[-30,000]	
2040	0603790A	68	NATO RESEARCH AND DEVELOPMENT	4,946	4,946	4,946		4,946
2040	0603801A	69	AVIATION - ADV DEV	6,542	6,542	6,542		6,542
2040	0603802A	70	WEAPONS AND MUNITIONS - ADV DEV					
2040	0603804A	71	LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV	13,216	13,216	13,216		13,216
2040	0603805A	72	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION	8,645	8,645	8,645		8,645
2040	0603807A	73	MEDICAL SYSTEMS - ADV DEV	11,973	11,973	11,973		11,973
2040	0603827A	74	SOLDIER SYSTEMS - ADVANCED DEVELOPMENT	10,605	10,605	10,605		10,605
2040	0603850A	75	INTEGRATED BROADCAST SERVICE	1,135	1,135	1,135		1,135
2040	0603856A	76	SCAMP BLOCK II					
2040	0603869A	77	MEDIUM EXTENDED AIR DEFENSE SYSTEM (MEADS) CONCEP					
2040	0604201A	78	AIRCRAFT AVIONICS	61,946	61,946	61,946	-10,000	51,946
			Program decrease				[-10,000]	
2040	0604220A	79	ARMED, DEPLOYABLE OH-58D	132,781	132,781	132,781		132,781

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2040	0604270A	80	ELECTRONIC WARFARE DEVELOPMENT	41,655	46,655	41,655		41,655
			APR-39 radar warning receiver upgrade		[5,000]			
2040	0604280A	81	JOINT TACTICAL RADIO	832,259	828,259	832,259		832,259
			Program decrease (HASC Amdt)		[-4,000]			
2040	0604321A	82	ALL SOURCE ANALYSIS SYSTEM	7,074	7,074	7,074		7,074
2040	0604328A	83	TRACTOR CAGE	16,057	16,057	16,057		16,057
2040	0604329A	84	COMMON MISSILE					
2040	0604601A	85	INFANTRY SUPPORT WEAPONS	31,748	39,748	31,748	3,000	34,748
			Subcompact 5.56mm personal defense weapon		[5,000]			
			CROWS lightning integration acoustic sensor		[3,000]		[3,000]	
2040	0604604A	86	MEDIUM TACTICAL VEHICLES	1,925	2,325	1,925	400	2,325
			Future Track Over the Tire System		[400]		[400]	
2040	0604609A	87	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-SDD	5,297	5,297	5,297		5,297
2040	0604611A	88	JAVELIN					
2040	0604622A	89	FAMILY OF HEAVY TACTICAL VEHICLES	3,960	3,960	3,960		3,960
2040	0604633A	90	AIR TRAFFIC CONTROL	4,527	4,527	4,527		4,527
2040	0604642A	91	LIGHT TACTICAL WHEELED VEHICLES					
2040	0604645A	92	ARMORED SYSTEMS MODERNIZATION (ASM)-SDD	3,310,477	2,984,677	3,310,477	-254,000	3,056,477
			Program decrease		[-325,800]		[-254,000]	
2040	0604646A	93	NON-LINE OF SIGHT LAUNCH SYSTEM	322,880	322,880	322,880		322,880
2041	0604647A	94	NON-LINE OF SIGHT CANNON	112,237	112,237	112,237		112,237
2040	0604710A	95	NIGHT VISION SYSTEMS - SDD	38,821	38,821	38,821		38,821
2040	0604713A	96	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	3,017	3,017	3,017		3,017
2040	0604715A	97	NON-SYSTEM TRAINING DEVICES - SDD	121,553	121,553	121,553		121,553
2040	0604716A	98	TERRAIN INFORMATION - SDD					
2040	0604726A	99	INTEGRATED METEOROLOGICAL SUPPORT SYSTEM					

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2040	0604741A	100	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE - SDI	21,757	21,757	47,257		21,757
			Counter Rocket, Artillery and Mortar (C-RAM) System			[25,500]		
2040	0604742A	101	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	40,006	40,006	40,006		40,006
2040	0604746A	102	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	8,136	8,136	8,136		8,136
2040	0604760A	103	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - SDD	19,596	19,596	19,596		19,596
2040	0604766A	104	TACTICAL SURVEILLANCE SYSTEMS - SDD					
2040	0604768A	105	ARMY TACTICAL MISSILE SYSTEM (ATACMS)					
2040	0604778A	106	POSITIONING SYSTEMS DEVELOPMENT (SPACE)					
2040	0604780A	107	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	39,901	39,901	39,901		39,901
2040	0604783A	108	JOINT NETWORK MANAGEMENT SYSTEM	5,187	5,187	5,187		5,187
2040	0604801A	109	AVIATION - SDD					
2040	0604802A	110	WEAPONS AND MUNITIONS - SDD	130,581	130,581	130,581		130,581
2040	0604804A	111	LOGISTICS AND ENGINEER EQUIPMENT - SDD	40,301	40,301	40,301		40,301
2040	0604805A	112	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - SDD	10,783	13,283	10,783	1,500	12,283
			HIMARS		[2,500]		[1,500]	
2040	0604807A	113	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPM	14,509	19,209	14,509	4,000	18,509
			Leishmania diagnostic skin test		[1,700]		[1,000]	
			LSTAT		[3,000]		[3,000]	
2040	0604808A	114	LANDMINE WARFARE/BARRIER - SDD	118,078	121,078	118,078		118,078
			AT4 confined space enhancements		[3,000]			
2040	0604814A	115	ARTILLERY MUNITIONS	102,554	113,554	102,554		102,554
			Excalibur XM982		[11,000]			
2040	0604817A	116	COMBAT IDENTIFICATION	39	39	39		39
2040	0604818A	117	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFT	69,172	69,172	69,172		69,172
2040	0604819A	118	LOSAT					
2040	0604820A	119	RADAR DEVELOPMENT	2,527	2,527	2,527		2,527

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2040	0604822A	120	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	61,194	61,194	61,194	-39,200	21,994
			Program adjustment				[-39,200]	
2040	0604823A	121	FIREFINDER	70,151	70,151	70,151		70,151
2040	0604827A	122	SOLDIER SYSTEMS - WARRIOR DEM/VAL	27,498	27,498	27,498		27,498
2040	0604854A	123	ARTILLERY SYSTEMS	1,650	1,650	1,650		1,650
2040	0604865A	124	PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION					
2040	0604869A	125	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP)	329,583	329,583	329,583		329,583
2040	0604870A	126	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK	7,428	7,428	7,428		7,428
2040	0605013A	127	INFORMATION TECHNOLOGY DEVELOPMENT	70,185	60,385	70,185	-7,500	62,685
			Future business systems		[-14,300]		[-7,500]	
			Automated shop floor work instructions		[4,500]			
2040	0604256A	128	THREAT SIMULATOR DEVELOPMENT	21,180	21,180	21,180		21,180
2040	0604258A	129	TARGET SYSTEMS DEVELOPMENT	10,928	10,928	12,928	2,000	12,928
			Prototype Electro-Expulsive Ice Protection System			[2,000]	[2,000]	
2040	0604759A	130	MAJOR T&E INVESTMENT	64,953	64,953	64,953		64,953
2040	0605103A	131	RAND ARROYO CENTER	20,171	20,171	22,671	2,000	22,171
			Analytical and technical support			[2,500]	[2,000]	
2040	0605301A	132	ARMY KWAJALEIN ATOLL	178,891	178,891	178,891		178,891
2040	0605326A	133	CONCEPTS EXPERIMENTATION PROGRAM	21,626	25,126	28,826	4,500	26,126
			Biometric ID device			[4,000]		
			Automated communications support			[3,200]	[1,000]	
			Auto language translation		[3,500]		[3,500]	
2040	0605502A	134	SMALL BUSINESS INNOVATIVE RESEARCH					
2040	0605601A	135	ARMY TEST RANGES AND FACILITIES	389,840	389,840	389,840		389,840
2040	0605602A	136	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	74,066	74,066	74,066		74,066
2040	0605604A	137	SURVIVABILITY/LETHALITY ANALYSIS	40,780	40,780	40,780		40,780

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2040	0605605A	138	DOD HIGH ENERGY LASER TEST FACILITY	16,622	16,622	21,622	4,000	20,622
			High energy laser low aspect target tracking (S. Amdt)			[5,000]	[4,000]	
2040	0605606A	139	AIRCRAFT CERTIFICATION	4,580	4,580	4,580		4,580
2040	0605702A	140	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	8,571	8,571	8,571		8,571
2040	0605706A	141	MATERIEL SYSTEMS ANALYSIS	16,526	16,526	16,526		16,526
2040	0605709A	142	EXPLOITATION OF FOREIGN ITEMS	4,993	4,993	4,993		4,993
2040	0605712A	143	SUPPORT OF OPERATIONAL TESTING	80,057	80,057	80,057		80,057
2040	0605716A	144	ARMY EVALUATION CENTER	60,129	60,129	60,129		60,129
2040	0605718A	145	SIMULATION & MODELING FOR ACQ, RQTS, & TNG (SMART)	5,441	5,441	5,441		5,441
2040	0605737A	146	DEFENSE FOREIGN LANGUAGE TRAINING RESEARCH					
2040	0605801A	147	PROGRAMWIDE ACTIVITIES	72,214	72,214	72,214		72,214
2040	0605803A	148	TECHNICAL INFORMATION ACTIVITIES	34,834	34,834	34,834		34,834
2040	0605805A	149	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFET	18,726	18,726	18,726		18,726
2040	0605857A	150	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	4,418	4,418	4,418		4,418
2040	0605898A	151	MANAGEMENT HQ - R&D	14,092	14,092	14,092		14,092
2040	0909999A	152	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS					
2040	0603778A	153	MLRS PRODUCT IMPROVEMENT PROGRAM	74,506	74,506	74,506		74,506
2040	0603820A	154	WEAPONS CAPABILITY MODIFICATIONS UAV	16,532	16,532	16,532		16,532
2040	0102419A	155	AEROSTAT JOINT PROJECT OFFICE	264,491	266,491	264,491	1,000	265,491
			JLENS - lightweight X-band radar MEMS ESA		[2,000]		[1,000]	
2040	0203726A	156	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	17,394	18,394	17,394	1,000	18,394
			Fire support technology improvement		[1,000]		[1,000]	
2040	0203735A	157	COMBAT VEHICLE IMPROVEMENT PROGRAMS	12,741	12,741	12,741		12,741
2040	0203740A	158	MANEUVER CONTROL SYSTEM	37,976	37,976	37,976		37,976
2040	0203744A	159	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGR.	301,739	301,739	301,739	-9,600	292,139
			Aerial common sensor				[-9,600]	

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2040	0203752A	160	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	860	860	860		860
2040	0203758A	161	DIGITIZATION	13,373	13,373	13,373		13,373
2040	0203759A	162	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB:	26,375	26,375	26,375		26,375
2040	0203801A	163	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	10,770	10,770	10,770		10,770
2040	0203802A	164	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	19,706	19,706	19,706		19,706
2040	0203806A	165	TRACTOR RUT					
2040	0203808A	166	TRACTOR CARD	7,242	7,242	7,242		7,242
2040	0208010A	167	JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC)	5,804	5,804	5,804		5,804
2040	0208053A	168	JOINT TACTICAL GROUND SYSTEM	15,044	15,044	15,044		15,044
2040	0208058A	169	JOINT HIGH SPEED VESSEL (JHSV)	20,397	20,397	20,397		20,397
2040	0301359A	170	SPECIAL ARMY PROGRAM	[ ]	[ ]	[ ]		[ ]
2040	0301555A	171	CLASSIFIED PROGRAMS	[ ]	[ ]	[ ]		[ ]
2040	0301556A	172	SPECIAL PROGRAM	[ ]	[ ]	[ ]		[ ]
2040	0303028A	173	SECURITY AND INTELLIGENCE ACTIVITIES	3,170	3,170	6,670	3,000	6,170
			Portable iris enrollment and recognition device			[3,500]	[3,000]	
2040	0303140A	174	INFORMATION SYSTEMS SECURITY PROGRAM	23,828	23,828	26,828	2,000	25,828
			Retinal/iris multimodal biometrics technology			[3,000]	[2,000]	
2040	0303141A	175	GLOBAL COMBAT SUPPORT SYSTEM	55,272	61,272	55,272		55,272
			Product lifecycle management plus		[6,000]			
2040	0303142A	176	SATCOM GROUND ENVIRONMENT (SPACE)	41,336	41,336	41,336		41,336
2040	0303150A	177	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	12,200	12,200	12,200		12,200
2040	0303158A	178	JOINT COMMAND AND CONTROL PROGRAM (JC2)	4,057	4,057	4,057		4,057
2040	0305204A	179	TACTICAL UNMANNED AERIAL VEHICLES	114,087	125,487	114,087	5,000	119,087
			Heavy fuel engine - Shadow UAV		[11,400]		[5,000]	
2040	0305206A	180	AIRBORNE RECONNAISSANCE SYSTEMS	12	12	12		12

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2040	0305208A	181	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	120,562	131,562	120,562	4,500	125,062
			High assurance secure object proxy		[6,000]			
			Asymmetric threat response and analysis		[5,000]		[4,500]	
2040	0702239A	182	AVIONICS COMPONENT IMPROVEMENT PROGRAM	1,031	1,031	1,031		1,031
2040	0708045A	183	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	68,075	72,475	79,575	20,900	88,975
			Adv modeling technology for large structure titanium machining			[2,000]	[2,000]	
			Manufacturing systems demonstration			[3,000]	[3,000]	
			Super Pulse Laser System development			[3,500]	[3,500]	
			Packaging and interconnect technologies			[3,000]	[3,000]	
			Vehicle common armor manufacturing process		[4,400]		[4,400]	
			Low cost domestic titanium reduction to powder initiative				[5,000]	
2040	1001018A	184	NATO JOINT STARS	688	688	688		688
	06070XX	NEW	Tactical Wheeled Vehicle Product Improvement Program		10,000			
2040	XXXXXXX	999	CLASSIFIED PROGRAMS	3,700	3,700	3,700		3,700
			Total, RDT&E Army	**10,855,559**	**10,925,209**	**11,167,009**	**21,050**	**10,876,609**

Research, Development, Test, and Evaluation, Navy overview

The budget request included $16,912.2 million in Research, Development, Test, and Evaluation, Navy for the Department of Defense.

The House bill would authorize $17,377.8 million.

The Senate amendment would authorize $17,459.8 million.

The conferees agree to authorize $17,383.9 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
			RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY					
1319	0601103N	1	UNIVERSITY RESEARCH INITIATIVES	73,322	73,322	88,822	5,500	78,822
			Multifunctional materials for Navy structures			[1,500]	[1,500]	
			Neurotechnology research			[2,000]	[2,000]	
			Smart, remote sensing systems using nanotechnology			[2,000]	[2,000]	
			University research initiative (S. Amdt)			[10,000]		
1319	0601152N	2	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	15,916	15,916	15,916		15,916
1319	0601153N	3	DEFENSE RESEARCH SCIENCES	366,649	383,149	369,649	9,000	375,649
			Early career awards			[1,000]		
			Software reliability			[2,000]		
			Carbon nanotube based hard non-volatile RAM		[9,000]		[9,000]	
			N-STEP		[7,500]			
1319	0602114N	4	POWER PROJECTION APPLIED RESEARCH	84,914	100,614	86,914	8,500	93,414
			Thermal management systems			[2,000]	[2,000]	
			High performance FM fiber optic link		[2,000]		[2,000]	
			Retroreflecting optical communications for special operations		[4,000]		[3,000]	
			Boost to cruise hypersonic technology		[4,000]			
			Marine mammal research		[2,200]		[1,500]	
			FireLidar		[3,500]			

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
1319	0602123N	5	FORCE PROTECTION APPLIED RESEARCH	123,443	127,643	141,443	20,000	143,443
			Advanced simulation tools for aircraft structures			[2,000]	[2,000]	
			Real-time wide band acoustic processor for fiber sensors			[2,500]	[2,500]	
			Mark V technology demonstrator			[5,000]	[5,000]	
			Nano-magnetic materials for propulsion and energy systems			[2,500]	[1,000]	
			Undersea perimeter security integrated defense environment (UPSIDE)			[2,000]	[2,000]	
			Small watercraft propulsion demonstrator			[4,000]	[4,000]	
			Advanced material techniques for lithium ion large cell manufacturing		[4,200]		[3,500]	
1319	0602131M	6	MARINE CORPS LANDING FORCE TECHNOLOGY	37,741	37,741	43,641	5,900	43,641
			High power zinc-air battery			[1,900]	[1,900]	
			Rapid awareness processing technology (S. Amdt)			[4,000]	[4,000]	
1319	0602233N	7	HUMAN SYSTEMS TECHNOLOGY					
1319	0602234N	8	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY					
1319	0602235N	9	COMMON PICTURE APPLIED RESEARCH	68,352	71,852	66,352	-2,000	66,352
			Human factors and organizational design			[-2,000]		
			Fiber optic remote amplifier		[3,500]			
			Program reduction				[-2,000]	

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
1319	0602236N	10	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	89,964	109,764	84,964	-2,000	87,964
			Bi-directional translator			[2,000]		
			Sea basing technologies			[-7,000]		
			POSS biofilm packaging		[2,000]			
			Partnership simulation lab - PULSE		[4,000]		[3,000]	
			Virtual clinical learning lab		[6,000]		[2,000]	
			Phase one clinical trials for infusible hemostatic agent		[6,300]		[2,000]	
			New materials for aircraft tires		[1,500]		[1,000]	
			Program reduction				[-10,000]	
1319	0602271N	11	RF SYSTEMS APPLIED RESEARCH	42,619	42,619	42,619		42,619
1319	0602435N	12	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	48,718	48,718	48,718		48,718
1319	0602651M	13	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,036	6,036	6,036		6,036
1319	0602747N	14	UNDERSEA WARFARE APPLIED RESEARCH	83,435	83,435	83,435		83,435
1319	0602782N	15	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	53,435	53,435	53,435		53,435
1319	0603114N	16	POWER PROJECTION ADVANCED TECHNOLOGY	76,806	92,806	68,806	12,000	88,806
			Information processing technologies for mobile targeting			[2,000]	[2,000]	
			Reduce growth due to lack of transition path			[-10,000]		
			DP-2 vectored thrust aircraft		[8,000]		[6,000]	
			Fly by wire for high speed watercraft		[2,000]			
			Laser radar		[6,000]		[4,000]	

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
1319	0603123N	17	FORCE PROTECTION ADVANCED TECHNOLOGY	61,504	110,204	78,504	51,700	113,204
			Navy manufacturing and repair cell			[5,000]	[5,000]	
			Completion of advanced ship service fuel cell power plant			[4,000]	[2,000]	
			Wide-band gap semiconductor materials research			[8,000]	[8,000]	
			DockShock Ship Shock System		[8,000]			
			Sea fighter (X craft)		[25,700]		[23,000]	
			High temperature superconducting generator study		[3,000]		[3,000]	
			Pure hydrogen supply from logistics fuels		[3,000]		[2,700]	
			Secure infrastructure technology laboratory		[8,000]		[8,000]	
			HM&E data integration firewall		[1,000]			
1319	0603235N	18	COMMON PICTURE ADVANCED TECHNOLOGY	61,725	66,525	66,725	6,000	67,725
			Improved shipboard combat information center			[3,000]	[3,000]	
			Rail sensor testbed			[2,000]	[2,000]	
			MIST phased array radar		[4,800]		[1,000]	
1319	0603236N	19	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	82,035	92,535	99,035	15,000	97,035
			Advanced composite materials research			[5,000]	[5,000]	
			Vertical lift center of excellence			[4,000]	[3,000]	
			Defense systems modernization and sustainment initiative			[8,000]	[4,000]	
			SEAPRINT		[3,000]		[3,000]	
			Virtual at sea training technologies		[5,000]			
			Validation of prognostic of health management systems		[2,500]			
1319	0603271N	20	RF SYSTEMS ADVANCED TECHNOLOGY	45,317	47,317	47,317	2,000	47,317
			APY-6 real-time precision targeting radar			[2,000]	[2,000]	
			Advanced Radar Module Cooling System		[2,000]			

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
1319	0603640M	21	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	59,170	59,170	80,170	17,000	76,170
			Expeditionary water purification			[3,000]	[3,000]	
			Advanced technology demonstrations			[12,000]	[8,000]	
			Advanced tactical vehicle			[6,000]	[6,000]	
1319	0603651M	22	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	1,405	1,405	1,405		1,405
1319	0603727N	23	NAVY TECHNICAL INFORMATION PRESENTATION SYSTEM					
1319	0603729N	24	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	17,982	20,482	17,982	2,500	20,482
			Special warfare performance and injury prevention program		[2,500]		[2,500]	
1319	0603747N	25	UNDERSEA WARFARE ADVANCED TECHNOLOGY	35,055	38,055	35,055		35,055
			HE lithium ion battery technology		[3,000]			
1319	0603757N	26	JOINT WARFARE EXPERIMENTS					
1319	0603758N	27	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	41,308	41,308	41,308		41,308
1319	0603782N	28	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOL	21,326	23,926	23,326	2,000	23,326
			Augmented reality visualization of the common operational picture			[2,000]	[2,000]	
			Countermine LIDAR for UAVs		[2,600]			
1319	0603158N	29	JOINT COMMAND AND CONTROL PROGRAM (JC2)	1,001		1,001		1,001
			Transfer to line 179a		[-1,001]			
1319	0603207N	30	AIR/OCEAN TACTICAL APPLICATIONS	31,778	31,778	31,778		31,778
1319	0603216N	31	AVIATION SURVIVABILITY	6,177	11,177	6,177	2,000	8,177
			Air Sentinel UAV		[5,000]		[2,000]	
1319	0603237N	32	DEPLOYABLE JOINT COMMAND AND CONTROL	16,383	16,383	16,383		16,383
1319	0603254N	33	ASW SYSTEMS DEVELOPMENT	16,782	26,782	23,482	9,700	26,482
			Electro-optic Passive ASW System		[4,000]	[6,700]	[6,700]	
			Tactical e-field buoy development		[6,000]		[3,000]	
1319	0603261N	34	TACTICAL AIRBORNE RECONNAISSANCE	3,959	3,959	3,959		3,959
1319	0603382N	35	ADVANCED COMBAT SYSTEMS TECHNOLOGY	12,398	12,398	12,398		12,398

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(Dollars in Thousands)

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1319	0603502N	36	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	130,265	130,265	132,265	2,000	132,265
			Surface Navy integrated undersea tactical technology			[2,000]	[2,000]	
1319	0603506N	37	SURFACE SHIP TORPEDO DEFENSE	40,627	50,627	40,627	9,000	49,627
			Detection, classification, and localization demo		[10,000]		[9,000]	
1319	0603512N	38	CARRIER SYSTEMS DEVELOPMENT	153,894	153,894	153,894		153,894
1319	0603513N	39	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	14,135	23,135	28,135	9,500	23,635
			Smart valve		[2,000]	[2,500]	[2,500]	
			Gas Turbine Electric Start System technology upgrade			[5,500]		
			High temp superconductor AC synchronous propulsion motor		[4,000]	[6,000]	[6,000]	
			Shipboard wireless maintenance assistant		[3,000]		[1,000]	
1319	0603525N	40	PILOT FISH	134,550	134,550	134,550		134,550
1319	0603527N	41	RETRACT LARCH	87,180	87,180	87,180		87,180
1319	0603536N	42	RETRACT JUNIPER	38,462	38,462	38,462		38,462
1319	0603542N	43	RADIOLOGICAL CONTROL	1,901	1,901	1,901		1,901
1319	0603553N	44	SURFACE ASW	38,696	38,696	38,696		38,696
1319	0603559N	45	SSGN CONVERSION	25,953	25,953	25,953		25,953
1319	0603561N	46	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	140,432	146,432	150,432	6,000	146,432
			Next strategic missile submarine			[10,000]		
			LD-UUV At-Sea Launch and Recovery System		[6,000]		[6,000]	
1319	0603562N	47	SUBMARINE TACTICAL WARFARE SYSTEMS	10,357	10,357	10,357		10,357
1319	0603563N	48	SHIP CONCEPT ADVANCED DESIGN	21,549	24,549	21,549	-2,500	19,049
			Machinery Analytics for Control and Monitoring System		[3,000]		[3,000]	
			Program underexecution				[-5,500]	
1319	0603564N	49	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	21,314	21,314	21,314		21,314
1319	0603570N	50	ADVANCED NUCLEAR POWER SYSTEMS	174,648	174,648	174,648		174,648
1319	0603573N	51	ADVANCED SURFACE MACHINERY SYSTEMS					

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(Dollars in Thousands)

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1319	0603576N	52	CHALK EAGLE	139,017	139,017	139,017		139,017
1319	0603581N	53	LITTORAL COMBAT SHIP (LCS)	319,671	319,671	319,671		319,671
1319	0603582N	54	COMBAT SYSTEM INTEGRATION	62,095	62,095	62,095		62,095
1319	0603609N	55	CONVENTIONAL MUNITIONS	22,385	22,385	22,385		22,385
1319	0603611M	56	MARINE CORPS ASSAULT VEHICLES	188,306	188,306	188,306		188,306
1319	0603612M	57	USMC MINE COUNTERMEASURES SYSTEMS - ADV DEV	3,777	3,777	3,777		3,777
1319	0603635M	58	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	503	3,503	4,503	7,000	7,503
			Moldable fabric armor			[2,000]	[2,000]	
			Urban operations laboratory			[2,000]	[2,000]	
			Marine expeditionary rifle squad		[3,000]		[3,000]	
1319	0604402N	NEW	UCAV (from line 164)		239,163			
1319	0603654N	59	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	24,467	24,467	33,567		24,467
			Joint service and EOD IED countermeasures R&D			[9,100]		
1319	0603658N	60	COOPERATIVE ENGAGEMENT	53,406	53,406	53,406		53,406
1319	0603713N	61	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	16,324	26,324	16,324	2,000	18,324
			Advanced composite riverine craft		[10,000]		[2,000]	
1319	0603721N	62	ENVIRONMENTAL PROTECTION	20,271	20,271	20,271		20,271
1319	0603724N	63	NAVY ENERGY PROGRAM	1,600	1,600	1,600		1,600
1319	0603725N	64	FACILITIES IMPROVEMENT	4,194	4,194	4,194		4,194
1319	0603734N	65	CHALK CORAL	28,578	28,578	28,578		28,578
1319	0603739N	66	NAVY LOGISTIC PRODUCTIVITY	6,306	6,306	6,306		6,306
1319	0603746N	67	RETRACT MAPLE	344,912	344,912	344,912		344,912
1319	0603748N	68	LINK PLUMERIA	80,662	80,662	80,662		80,662
1319	0603751N	69	RETRACT ELM	64,133	64,133	64,133		64,133
1319	0603755N	70	SHIP SELF DEFENSE	8,897	8,897	8,897		8,897
1319	0603764N	71	LINK EVERGREEN	55,051	55,051	55,051		55,051
1319	0603787N	72	SPECIAL PROCESSES	47,180	47,180	47,180		47,180

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(Dollars in Thousands)

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1319	0603790N	73	NATO RESEARCH AND DEVELOPMENT	9,784	9,784	9,784		9,784
1319	0603795N	74	LAND ATTACK TECHNOLOGY	18,571	57,571	18,571	35,800	54,371
			Affordable Weapon System		[27,000]		[24,000]	
			BTERM		[10,000]		[10,000]	
			76mm gun system explosives safety review		[2,000]		[1,800]	
1319	0603851M	75	NONLETHAL WEAPONS	44,815	44,815	44,815		44,815
1319	0603857N	76	ALL SERVICE COMBAT IDENTIFICATION EVALUATION TEAM (					
1319	0603860N	77	JOINT PRECISION APPROACH AND LANDING SYSTEMS	41,242	41,242	41,242		41,242
1319	0603879N	78	SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER	50,282	50,282	50,282	-10,282	40,000
			Reduce growth pending plan				[-10,282]	
1319	0603889N	79	COUNTERDRUG RDT&E PROJECTS			6,500	4,000	4,000
			Project Athena			[6,500]	[4,000]	
NEW	0603925N	79a	Directed Energy Research			50,000	30,000	30,000
1320	0604272N	80	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES	20,527	20,527	20,527		20,527
1319	0604327N	81	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTI	77,000	30,000	71,000	-47,000	30,000
			Program decrease		[-47,000]		[-47,000]	
			Trident II conventional modifications (S. Amdt)			[-6,000]		
1319	0604707N	82	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/EN	43,909	43,909	43,909		43,909
1319	0604787N	83	JOINT WARFARE TRANSFORMATION PROGRAMS					
1319	0604212N	84	OTHER HELO DEVELOPMENT	86,197	86,197	86,197		86,197
1319	0604214N	85	AV-8B AIRCRAFT - ENG DEV	13,878	13,878	13,878		13,878
1319	0604215N	86	STANDARDS DEVELOPMENT	112,257	120,957	112,257	5,000	117,257
			Metrological standards and systems		[8,700]		[5,000]	
1319	0604216N	87	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	19,259	19,259	19,259		19,259
1319	0604218N	88	AIR/OCEAN EQUIPMENT ENGINEERING	5,578	5,578	5,578		5,578
1319	0604221N	89	P-3 MODERNIZATION PROGRAM	16,139	16,139	16,139		16,139

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1319	0604230N	90	WARFARE SUPPORT SYSTEM	2,203	2,203	2,203		2,203
1319	0604231N	91	TACTICAL COMMAND SYSTEM	74,225	74,225	74,225	-13,600	60,625
			Program growth				[-13,600]	
1319	0604234N	92	ADVANCED HAWKEYE	497,842	505,042	497,842		497,842
			IFF technology development		[7,200]			
1319	0604245N	93	H-1 UPGRADES	7,844	7,844	7,844		7,844
1319	0604261N	94	ACOUSTIC SEARCH SENSORS	36,764	39,264	36,764	2,300	39,064
			Acoustic Environmental Sensor System		[2,500]		[2,300]	
1319	0604262N	95	V-22A	268,461	268,461	268,461		268,461
1319	0604264N	96	AIR CREW SYSTEMS DEVELOPMENT	12,434	12,434	12,434		12,434
1319	0604269N	97	EA-18	372,363	372,363	372,363		372,363
1319	0604270N	98	ELECTRONIC WARFARE DEVELOPMENT	39,842	47,842	39,842	3,000	42,842
			Next generation electronic warfare simulator		[8,000]		[3,000]	
1319	0604273N	99	VHXX EXECUTIVE HELO DEVELOPMENT	682,597	643,597	682,597		682,597
			Program decrease		[-39,000]			
1319	0604280N	100	JOINT TACTICAL RADIO SYSTEM - NAVY (JTRS-NAVY)	1,153	1,153	1,153		1,153
1319	0604300N	101	SC-21 TOTAL SHIP SYSTEM ENGINEERING	817,528	842,528	817,528	17,500	835,028
			Permanent magnet motor		[15,000]		[15,000]	
			Wireless Maritime Inspection System		[5,000]		[2,500]	
			Integrated shipboard intelligent surveillance		[5,000]			
1319	0604307N	102	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	190,059	190,059	190,059		190,059
1319	0604311N	103	LPD-17 CLASS SYSTEMS INTEGRATION	5,960	5,960	5,960		5,960
1319	0604312N	104	TRI-SERVICE STANDOFF ATTACK MISSILE					
1319	0604329N	105	SMALL DIAMETER BOMB (SDB)	10,021	10,021	10,021		10,021
1319	0604366N	106	STANDARD MISSILE IMPROVEMENTS	186,144	186,144	186,144		186,144
1319	0604373N	107	AIRBORNE MCM	56,145	56,145	56,145		56,145

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Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
1319	0604378N	108	NAVAL INTEGRATED FIRE CONTROL - COUNTER AIR SYSTEM!	14,792	14,792	14,792		14,792
1319	0604503N	109	SSN-688 AND TRIDENT MODERNIZATION	94,839	103,839	104,839	8,500	103,339
			Twin line thinline towed array			[10,000]	[2,500]	
			Affordable towed array construction		[4,500]		[2,000]	
			Common submarine radio room		[4,500]		[4,000]	
1319	0604504N	110	AIR CONTROL	4,603	4,603	4,603		4,603
1319	0604507N	111	ENHANCED MODULAR SIGNAL PROCESSOR					
1319	0604512N	112	SHIPBOARD AVIATION SYSTEMS	33,392	34,392	33,392	1,000	34,392
			Aircraft carrier launch, recovery and support equipment		[1,000]		[1,000]	
1319	0604518N	113	COMBAT INFORMATION CENTER CONVERSION	6,708	6,708	6,708		6,708
1319	0604558N	114	NEW DESIGN SSN	169,580	214,580	234,580	54,600	224,180
			Virginia class affordable design			[65,000]	[23,600]	
			Flexible payload module		[25,000]		[15,000]	
			Large aperture bow array		[20,000]		[16,000]	
1319	0604561N	115	SSN-21 DEVELOPMENTS	3,260	3,260	3,260		3,260
1319	0604562N	116	SUBMARINE TACTICAL WARFARE SYSTEM	51,656	51,656	51,656		51,656
1319	0604567N	117	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	72,055	72,055	72,055		72,055
1319	0604574N	118	NAVY TACTICAL COMPUTER RESOURCES					
1319	0604601N	119	MINE DEVELOPMENT	5,631	5,631	5,631		5,631
1319	0604603N	120	UNGUIDED CONVENTIONAL AIR-LAUNCHED WEAPONS					
1319	0604610N	121	LIGHTWEIGHT TORPEDO DEVELOPMENT	40,540	40,540	40,540		40,540
1319	0604654N	122	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	10,026	10,026	10,026		10,026
1319	0604703N	123	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	8,754	9,754	8,754	1,000	9,754
			SEAPRINT		[1,000]		[1,000]	
1319	0604721N	124	BATTLE GROUP PASSIVE HORIZON EXTENSION SYSTEM					
1319	0604727N	125	JOINT STANDOFF WEAPON SYSTEMS	27,524	27,524	27,524		27,524

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1319	0604755N	126	SHIP SELF DEFENSE (DETECT & CONTROL)	10,050	10,050	14,050		10,050
			Autonomous unmanned surface vessel			[4,000]		
1319	0604756N	127	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	46,390	55,390	46,390	5,000	51,390
			Next generation phalanx		[9,000]		[5,000]	
1319	0604757N	128	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	11,513	11,513	17,513	4,000	15,513
			MK 53 (NULKA) Decoy System			[6,000]	[4,000]	
1319	0604761N	129	INTELLIGENCE ENGINEERING	4,865	4,865	4,865		4,865
1319	0604771N	130	MEDICAL DEVELOPMENT	7,663	7,663	10,163		7,663
			Non-invasive vectored vaccine research			[2,000]		
			Chiropractic treatment study			[500]		
1319	0604777N	131	NAVIGATION/ID SYSTEM	47,070	47,070	47,070		47,070
1319	0604784N	132	DISTRIBUTED SURVEILLANCE SYSTEM	58,273	61,673	58,273		58,273
			Wet end installation system element		[3,400]			
1319	0604800N	133	JOINT STRIKE FIGHTER (JSF)	2,030,979	2,030,979	2,231,379	170,000	2,200,979
			Joint Strike Fighter alternate engine development			[200,400]	[170,000]	
1319	0604910N	134	SMART CARD					
1319	0605013M	135	INFORMATION TECHNOLOGY DEVELOPMENT	13,326	13,326	13,326		13,326
1319	0605013N	136	INFORMATION TECHNOLOGY DEVELOPMENT	88,323	47,523	88,323		88,323
			Navy enterprise resource planning (ERP)		[-40,800]			
1319	0605172N	137	MULTINATIONAL INFORMATION SHARING (MNIS)	20,856	20,856	20,856		20,856
1319	0605212N	138	CH-53X RDTE	362,672	362,672	362,672		362,672
1319	0605500N	139	MULTI-MISSION MARITIME AIRCRAFT (MMA)	1,131,655	1,131,655	1,131,655		1,131,655
1319	0304785N	140	TACTICAL CRYPTOLOGIC SYSTEMS	23,526	23,526	23,526		23,526
1319	0604256N	141	THREAT SIMULATOR DEVELOPMENT	23,668	23,668	23,668		23,668
1319	0604258N	142	TARGET SYSTEMS DEVELOPMENT	45,666	45,666	45,666		45,666
1319	0604759N	143	MAJOR T&E INVESTMENT	39,750	39,750	39,750		39,750

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1319	0605152N	144	STUDIES AND ANALYSIS SUPPORT - NAVY	7,093	7,093	7,093		7,093
1319	0605154N	145	CENTER FOR NAVAL ANALYSES	48,900	48,900	48,900		48,900
1319	0605155N	146	FLEET TACTICAL DEVELOPMENT	2,595	2,595	2,595		2,595
1319	0605502N	147	SMALL BUSINESS INNOVATIVE RESEARCH					
1319	0605804N	148	TECHNICAL INFORMATION SERVICES	670	670	670		670
1319	0605853N	149	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	47,213	47,213	47,213		47,213
1319	0605856N	150	STRATEGIC TECHNICAL SUPPORT	3,347	3,347	3,347		3,347
1319	0605861N	151	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	67,328	67,328	67,328		67,328
1319	0605862N	152	RDT&E INSTRUMENTATION MODERNIZATION	1,243	1,243	1,243		1,243
1319	0605863N	153	RDT&E SHIP AND AIRCRAFT SUPPORT	83,140	83,140	83,140		83,140
1319	0605864N	154	TEST AND EVALUATION SUPPORT	328,276	328,276	328,276		328,276
1319	0605865N	155	OPERATIONAL TEST AND EVALUATION CAPABILITY	11,532	11,532	11,532		11,532
1319	0605866N	156	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	2,904	2,904	2,904		2,904
1319	0605867N	157	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	20,073	20,073	20,073		20,073
1319	0605873M	158	MARINE CORPS PROGRAM WIDE SUPPORT	25,343	29,343	30,343	2,000	27,343
			Detection and recovery of UXO		[4,000]	[5,000]	[2,000]	
1319	0305885N	159	TACTICAL CRYPTOLOGIC ACTIVITIES	1,004	1,004	1,004		1,004
1319	0804758N	160	SERVICE SUPPORT TO JFCOM, JNTC	5,202	5,202	5,202		5,202
1319	0909999N	161	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS					
1319	0603660N	162	ADVANCED DEVELOPMENT PROJECTS	[ ]	[ ]	[ ]		[ ]
1319	0604227N	163	HARPOON MODIFICATIONS	36,284	36,284	36,284	-8,284	28,000
			Defer new start				[-8,284]	
1319	0604402N	164	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMP	239,163		239,163	-50,000	189,163
			Transfer to line 58a		[-239,163]			
			Program execution reduction				[-50,000]	

Title II-RDT and E
(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
1319	0101221N	165	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	124,522	127,022	124,522		124,522
			Lithium battery technology		[2,500]			
1319	0101224N	166	SSBN SECURITY TECHNOLOGY PROGRAM	42,869	42,869	42,869		42,869
1319	0101226N	167	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	2,131	2,131	2,131		2,131
1319	0101402N	168	NAVY STRATEGIC COMMUNICATIONS	37,464	37,464	37,464		37,464
1319	0203761N	169	RAPID TECHNOLOGY TRANSITION (RTT)	39,285	39,285	39,285		39,285
1319	0204136N	170	F/A-18 SQUADRONS	31,098	48,198	31,098	7,600	38,698
			Composite missile launcher improvement		[2,000]			
			Digital Electronic Warfare System		[10,000]		[7,600]	
			Digital heads-up display upgrade		[5,100]			
1319	0204152N	171	E-2 SQUADRONS	1,540	1,540	1,540		1,540
1319	0204163N	172	FLEET TELECOMMUNICATIONS (TACTICAL)	27,189	27,189	27,189		27,189
1319	0204229N	173	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (	18,635	18,635	18,635		18,635
1319	0204311N	174	INTEGRATED SURVEILLANCE SYSTEM	30,740	30,740	30,740		30,740
1319	0204413N	175	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CR	1,812	1,812	1,812		1,812
1319	0204571N	176	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	17,857	17,857	17,857		17,857
1319	0204574N	177	CRYPTOLOGIC DIRECT SUPPORT	1,425	1,425	1,425		1,425
1319	0204575N	178	ELECTRONIC WARFARE (EW) READINESS SUPPORT	20,673	20,673	20,673		20,673
1319	0205601N	179	HARM IMPROVEMENT	99,208	99,208	99,208		99,208
1319	0205604N	180	TACTICAL DATA LINKS	41,967	41,967	41,967		41,967
1319	0205620N	181	SURFACE ASW COMBAT SYSTEM INTEGRATION	9,417	13,417	9,417	2,000	11,417
			Advanced materials for acoustic windows		[4,000]		[2,000]	
1319	0205632N	182	MK-48 ADCAP	24,988	24,988	24,988		24,988
1319	0205633N	183	AVIATION IMPROVEMENTS	71,612	71,612	71,612		71,612
1319	0205658N	184	NAVY SCIENCE ASSISTANCE PROGRAM	3,376	3,376	3,376		3,376
1319	0205675N	185	OPERATIONAL NUCLEAR POWER SYSTEMS	69,350	69,350	69,350		69,350

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
1319	0206313M	186	MARINE CORPS COMMUNICATIONS SYSTEMS	218,460	228,760	250,460	7,700	226,160
			AN/TPS-59 low earth orbit (LEOS) acceleration			[5,000]		
			Battlefield Management System software development		[5,000]	[2,000]	[5,000]	
			Counter-radio controlled IED development			[25,000]		
			Dismounted soldier training test instrumentation		[1,000]			
			Network Communication System for extreme environments		[4,300]		[2,700]	
1319	0206623M	187	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTE	47,592	54,692	56,092	6,000	53,592
			Ultrasonic consolidation technology			[4,500]		
			Polymer-based IED detection tools			[4,000]	[2,800]	
			Lightweight multi-threat body and appendage armor		[2,000]		[1,800]	
			Small arms and crew served weapon shot counter		[3,300]		[1,400]	
			Tunable camouflage netting		[1,800]			
1319	0206624M	188	MARINE CORPS COMBAT SERVICES SUPPORT	17,524	17,524	26,524		17,524
			Expeditionary assault bridge development			[9,000]		
1319	0207161N	189	TACTICAL AIM MISSILES	7,946	7,946	7,946		7,946
1319	0207163N	190	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	6,705	6,705	6,705		6,705
1319	0208058N	191	JOINT HIGH SPEED VESSEL (JHSV)	14,163	14,160	14,163		14,163
			Program decrease		[-3]			
1319	0301303N	192	MARITIME INTELLIGENCE	[ ]	[ ]	5,500		[ ]
			Vessel Integrity System			[1,000]		
			Surf Eagle environmental intelligence			[4,500]		
1319	0301323N	193	COLLECTION MANAGEMENT	[ ]	[ ]	[ ]		[ ]
1319	0303217N	194	TECHNICAL RECONNAISSANCE AND SURVEILLANCE	[ ]	[ ]	[ ]		[ ]
1319	0303109N	195	SATELLITE COMMUNICATIONS (SPACE)	748,662	754,662	748,662	3,000	751,662
			Joint integrated systems for advanced digital networking		[6,000]		[3,000]	
1319	0303140N	196	INFORMATION SYSTEMS SECURITY PROGRAM	23,037	23,037	23,037		23,037

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
1319	0303158N	197	JOINT COMMAND AND CONTROL PROGRAM (JC2)	5,073	6,073	5,073		5,073
			Transfer from line 29		[1,000]			
1319	0305149N	198	COBRA JUDY	135,372	135,372	135,372		135,372
1319	0305160N	199	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (MET(	7,307	7,307	7,307		7,307
1319	0305188N	200	JOINT C4ISR BATTLE CENTER (JBC)					
1319	0305192N	201	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	6,793	6,793	6,793		6,793
1319	0305204N	202	TACTICAL UNMANNED AERIAL VEHICLES	115,950	115,950	115,950		115,950
1319	0305205N	203	ENDURANCE UNMANNED AERIAL VEHICLES	26,357	26,357	26,357		26,357
1319	0305206N	204	AIRBORNE RECONNAISSANCE SYSTEMS	35,038	40,038	35,038	1,000	36,038
			Passive collision avoidance and reconnaissance		[5,000]		[1,000]	
1319	0305207N	205	MANNED RECONNAISSANCE SYSTEMS	22,815	73,815	22,815	12,000	34,815
			Classified program		[51,000]		[12,000]	
1319	0305208N	206	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	16,587	16,587	16,587		16,587
1319	0307207N	207	AERIAL COMMON SENSOR (ACS)	17,182	17,182	17,182		17,182
1319	0308601N	208	MODELING AND SIMULATION SUPPORT	7,503	7,503	7,503		7,503
1319	0702207N	209	DEPOT MAINTENANCE (NON-IF)	2,960	2,960	2,960		2,960
1319	0702239N	210	AVIONICS COMPONENT IMPROVEMENT PROGRAM	1,375	1,375	1,375		1,375
1319	0708011N	211	INDUSTRIAL PREPAREDNESS	55,048	55,798	55,048		55,048
			Gas Turbine Diagnostic System		[750]			
1319	0708730N	212	MARITIME TECHNOLOGY (MARITECH)		120,000	10,000	20,000	20,000
			National shipbuilding research program-adv shipbuilding enterprise		[20,000]	[10,000]	[20,000]	
			Shipbuilding industrial base grants		[50,000]			
			Shipbuilding industry loan guarantees		[50,000]			
1319	XXXXXXX	999	CLASSIFIED PROGRAMS	1,181,325	1,181,325	1,181,325		1,181,325
			Total, RDT&E Navy	16,912,223	17,377,769	17,459,823	471,634	17,383,857

Sea Fighter (X-Craft)

The House bill would authorize $25.7 million in PE 63123N for modifications to Sea Fighter to improve the ship's survivability, command and control, armament, and other ship systems to make Sea Fighter an operationally deployable asset.

The Senate amendment contained no similar funding.

The conferees agree to authorize $23.0 million in PE 63123N for Sea Fighter modifications.

Of the amount authorized, the conferees direct the Secretary of the Navy to utilize the additional funding to: (1) improve aviation capabilities; (2) improve damage control and firefighting capabilities; (3) improve the quality of and increase the capacity of berthing and messing facilities for 12 additional crew; (4) provide command and control upgrades; (5) add weapons (offensive and defensive); and (6) make topside changes to reduce radiation hazards. The conferees expect the Secretary to utilize Sea Fighter in support of Navy operations and to develop and validate operational concepts for littoral warfare.

The conferees are aware that on September 6, 2006, Sea Fighter sustained significant damage while operating off of the Pacific coast. The conferees expect the Secretary to make all repairs necessary to restore Sea Fighter to previous capability and make available for operational use.

Research, Development, Test, and Evaluation, Air Force overview

The budget request included $24,396.8 million in Research Development, Test, and Evaluation, Air Force for the Department of Defense.

The House bill would authorize $24,810.0 million.

The Senate amendment would authorize $23,970.9 million.

The conferees agree to authorize $24,236.0 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
			RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE					
3600	0601102F	1	DEFENSE RESEARCH SCIENCES	250,232	250,232	253,232	2,000	252,232
			Basic hypersonics air flow research			[2,000]	[2,000]	
			Early career awards			[1,000]		
3600	0601103F	2	UNIVERSITY RESEARCH INITIATIVES	107,571	107,571	123,071	2,000	109,571
			High assurance software engineering			[2,000]	[2,000]	
			Secure grids for network centric operations			[2,000]		
			Enterprise service secure grid research			[1,500]		
			University research initiative (S. Amdt)			[10,000]		
3600	0601108F	3	HIGH ENERGY LASER RESEARCH INITIATIVES	12,403	12,403	12,403		12,403
3600	0602015F	4	MEDICAL DEVELOPMENT					
3600	0602102F	5	MATERIALS	111,073	126,373	120,073	10,000	121,073
			Advanced materials development			[2,000]	[2,000]	
			Blast resistant barrier research			[3,000]	[2,000]	
			Domestic source of high modulus carbon fibers		[3,000]	[1,500]	[3,000]	
			Complex composite structures research			[2,500]		
			Nanocrystaline diamond coating		[2,900]			
			Electronic type-specific buckytubes		[9,400]		[3,000]	
3600	0602201F	6	AEROSPACE VEHICLE TECHNOLOGIES	112,751	115,751	112,751		112,751
			Active feedback flow control		[3,000]			
3600	0602202F	7	HUMAN EFFECTIVENESS APPLIED RESEARCH	92,991	95,991	92,991	3,000	95,991
			AIRPRINT		[3,000]		[3,000]	

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
3600	0602203F	8	AEROSPACE PROPULSION	170,885	177,585	175,885	7,000	177,885
			High energy laser research			[2,000]	[2,000]	
			Scramjet technology			[3,000]	[3,000]	
			Advanced engine starter/generator		[3,500]		[1,000]	
			Affordable lightweight power supply		[3,200]		[1,000]	
3600	0602204F	9	AEROSPACE SENSORS	117,553	125,753	120,553	5,000	122,553
			Compact optical receiver for loitering weapons		[3,000]		[2,000]	
			Wavelength agile spectral harmonic oxygen sensor		[2,700]			
			Cell level battery controller		[2,500]			
			Wideband digital airborne electronic sensing array (S. Amdt)			[3,000]	[3,000]	
3600	0602500F	10	MULTI-DISCIPLINARY SPACE TECHNOLOGY		3,000		3,000	3,000
			Engineering tool improvement		[3,000]		[3,000]	
3600	0602601F	11	SPACE TECHNOLOGY	85,594	93,794	85,884	5,985	91,579
			Shield rocket payloads			[290]	[285]	
			Deployable space structures		[3,000]		[2,500]	
			Elastic memory composites		[3,000]		[1,000]	
			Multicontinuum technology for space structures		[2,200]		[2,200]	
3600	0602602F	12	CONVENTIONAL MUNITIONS	62,105	65,105	62,105		62,105
			Advanced carbon nanotube research		[3,000]			
3600	0602605F	13	DIRECTED ENERGY TECHNOLOGY	48,422	48,422	48,422		48,422
3600	0602702F	14	COMMAND CONTROL AND COMMUNICATIONS	119,267	125,267	120,767	3,000	122,267
			MASINT visualization tools		[6,000]	[1,500]	[3,000]	
3600	0602805F	15	DUAL USE SCIENCE AND TECHNOLOGY PROGRAM					
3600	0602890F	16	HIGH ENERGY LASER RESEARCH	50,166	50,166	50,166		50,166
3600	0207170F	17	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	2,287		2,287		2,287
			Transfer to line 136a		[-2,287]			

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
3600	0603112F	18	ADVANCED MATERIALS FOR WEAPON SYSTEMS	48,901	64,201	54,901	9,200	58,101
			Inspection techniques to detect fatigue related damage on aircraft components			[3,000]	[3,000]	
			Metals Affordability Initiative		[11,300]	[3,000]	[3,500]	
			Large panel sapphire window producibility (F-35)		[4,000]		[2,700]	
3600	0603203F	19	ADVANCED AEROSPACE SENSORS	55,150	55,150	55,150		55,150
3600	0603211F	20	AEROSPACE TECHNOLOGY DEV/DEMO	27,424	32,424	29,424	4,000	31,424
			Advanced aerospace titanium structures		[5,000]		[2,000]	
			Advanced aluminum aerostructures initiative (A3I) (S. Amdt)			[2,000]	[2,000]	
3600	0603216F	21	AEROSPACE PROPULSION AND POWER TECHNOLOGY	115,546	118,546	128,046	13,000	128,546
			Certification of flexible JP8 military fuel			[2,000]	[2,000]	
			Turbine engine supersonic cruise missile engine			[6,000]	[6,000]	
			Bi-polar wafer-cell, nickel-metal hyrdide battery research			[2,000]	[2,000]	
			Versatile affordable advanced turbine engines		[3,000]	[2,500]	[3,000]	
3600	0603231F	22	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY	32,156	39,156	32,156	2,000	34,156
			Mobile Collaborative Air Traffic Control System		[4,000]			
			Variable transmittal visor		[3,000]		[2,000]	
3600	0603270F	23	ELECTRONIC COMBAT TECHNOLOGY	24,436	24,436	24,436		24,436
3600	0603311F	24	BALLISTIC MISSILE TECHNOLOGY					
3600	0603400F	25	JOINT UNMANNED COMBAT AIR SYSTEMS (J-UCAS) ADVANCE					
3600	0603401F	26	ADVANCED SPACECRAFT TECHNOLOGY	68,026	84,026	88,026	28,500	96,526
			Radically segmented launch vehicle			[4,000]	[2,000]	
			Thin film amorphous solar arrays			[16,000]	[16,000]	
			PINPOINT		[5,000]		[5,000]	
			Low cost reconnaissance spacecraft		[4,000]		[2,500]	
			Intelligent free space optical satellite communications node		[7,000]		[3,000]	

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
3600	0603444F	27	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	6,074	11,074	6,074	5,000	11,074
			High Accuracy Network Determination System		[5,000]		[5,000]	
3600	0603500F	28	MULTI-DISCIPLINARY ADVANCED DEVELOPMENT SPACE TEC					
3600	0603601F	29	CONVENTIONAL WEAPONS TECHNOLOGY	19,658	19,658	19,658		19,658
3600	0603605F	30	ADVANCED WEAPONS TECHNOLOGY	51,336	50,536	51,336	3,000	54,336
			Mid-infrared semiconductor laser for aircraft protection		[5,700]		[3,000]	
			Advanced optics and laser space technology		[-6,500]			
3600	0603723F	31	ENVIRONMENTAL ENGINEERING TECHNOLOGY					
3600	0603789F	32	C3I ADVANCED DEVELOPMENT	35,785	40,585	40,585	3,000	38,785
			Massively parallel optical interconnects for battlespace information		[4,800]	[4,800]	[3,000]	
3600	0603801F	33	SPECIAL PROGRAMS	316,605	316,605	316,605		316,605
3600	0603850F	34	INTEGRATED BROADCAST SERVICE					
3600	0603924F	35	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	3,713	3,713	3,713		3,713
3600	0207418F	36	TACTICAL AIRBORNE CONTROL SYSTEMS	26		26		26
			Program decrease		[-26]			
3600	0207423F	37	ADVANCED COMMUNICATIONS SYSTEMS					
3600	0401840F	38	AMC COMMAND AND CONTROL SYSTEM					
3600	0804757F	39	JOINT NATIONAL TRAINING CENTER					
3600	0603260F	40	INTELLIGENCE ADVANCED DEVELOPMENT	4,776	4,776	4,776		4,776
3600	0603287F	41	PHYSICAL SECURITY EQUIPMENT	298	3,298	298		298
			Tactical Automated Security System		[3,000]			
3600	0603421F	42	NAVSTAR GLOBAL POSITIONING SYSTEM III	315,314	315,314	315,314		315,314
3600	0603430F	43	ADVANCED EHF MILSATCOM (SPACE)	633,258	633,258	633,258		633,258
3600	0603432F	44	POLAR MILSATCOM (SPACE)	35,685	35,685	35,685		35,685
3600	0603438F	45	SPACE CONTROL TECHNOLOGY	27,076	27,076	27,076		27,076
3600	0603742F	46	COMBAT IDENTIFICATION TECHNOLOGY	26,517	26,517	26,517		26,517
3600	0603790F	47	NATO RESEARCH AND DEVELOPMENT	4,095	4,095	4,095		4,095

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
3600	0603791F	48	INTERNATIONAL SPACE COOPERATIVE R&D	593	593	593		593
3600	0603845F	49	TRANSFORMATIONAL SATCOM (TSAT)	867,102	787,102	797,102	-100,000	767,102
			Transformational satellite communications			[-70,000]	[-100,000]	
			Program decrease		[-80,000]			
3600	0603850F	50	INTEGRATED BROADCAST SERVICE	20,592	20,592	20,592		20,592
3600	0603851F	51	INTERCONTINENTAL BALLISTIC MISSILE	45,538	45,538	45,538		45,538
3600	0603854F	52	WIDEBAND GAPFILLER SYSTEM RDT&E (SPACE)	37,672	37,672	46,172		37,672
			Satellite command and control consolidation			[8,500]		
3600	0603858F	53	SPACE RADAR	266,401	236,401	200,001	-66,401	200,000
			Space radar			[-66,400]		
			Program decrease		[-30,000]		[-66,401]	
3600	0603859F	54	POLLUTION PREVENTION	2,853	2,853	4,353	1,500	4,353
			O2 diesel particulate emission reduction research			[1,500]	[1,500]	
3600	0603860F	55	JOINT PRECISION APPROACH AND LANDING SYSTEMS	10,011	10,011	10,011		10,011
3600	0604015F	56	NEXT GENERATION BOMBER	25,598	25,598	25,598		25,598
3600	0604327F	57	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTI					
3600	0604400F	58	JOINT UNMANNED COMBAT AIR SYSTEMS (J-UCAS) ADVANCE					
3600	0604855F	59	OPERATIONALLY RESPONSIVE LAUNCH					
3600	0604856F	60	COMMON AERO VEHICLE (CAV)	33,386	33,386	33,386		33,386
3600	0604857F	61	OPERATIONALLY RESPONSIVE SPACE	35,625	60,625	35,625		35,625
			Program increase		[20,000]			
			High altitude airship program increase (HASC Amdt)		[5,000]			
3600	0207423F	62	ADVANCED COMMUNICATIONS SYSTEMS					
3601	0305178F	63	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAI	349,311	349,311	349,311		349,311
3600	0603840F	64	GLOBAL BROADCAST SERVICE (GBS)	23,599	23,599	23,599		23,599

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
3600	0604012F	65	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	2,792		2,792		2,792
			Program decrease		[-2,792]			
3600	0604222F	66	NUCLEAR WEAPONS SUPPORT	14,895	14,895	14,895		14,895
3600	0604226F	67	B-1B	130,546	130,546	130,546		130,546
3600	0604233F	68	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	3,703	3,703	3,703		3,703
3600	0604239F	69	F-22					
3600	0604240F	70	B-2 ADVANCED TECHNOLOGY BOMBER	224,177	240,177	224,177	16,000	240,177
			SDB integration		[16,000]		[16,000]	
3600	0604261F	71	PERSONNEL RECOVERY SYSTEMS	254,310	254,310	254,310	-30,000	224,310
			Contract award delays				[-30,000]	
3600	0604270F	72	ELECTRONIC WARFARE DEVELOPMENT	87,784	87,784	87,784		87,784
3600	0604280F	73	JOINT TACTICAL RADIO					
3600	0604287F	74	PHYSICAL SECURITY EQUIPMENT	93	93	93		93
3600	0604329F	75	SMALL DIAMETER BOMB (SDB)	104,080	104,080	104,080		104,080
3600	0604421F	76	COUNTERSPACE SYSTEMS	47,292	52,292	55,292	8,000	55,292
			Space control test capabilities		[5,000]	[8,000]	[8,000]	
3600	0604425F	77	SPACE SITUATION AWARENESS SYSTEMS	121,157	116,157	125,157	2,000	123,157
			Joint space intelligent decision support			[4,000]	[2,000]	
			Space Based Space Surveillance System program reduction (HASC Amdt)		[-5,000]			
3600	0604429F	78	AIRBORNE ELECTRONIC ATTACK	12,421	12,421	12,421		12,421
3600	0604441F	79	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	668,902	668,902	668,902		668,902
3600	0604443F	80	ALTERNATIVE INFRARED SPACE SYSTEM (AIRSS)	102,962	102,962	102,962		102,962
3600	0604479F	81	MILSTAR LDR/MDR SATELLITE COMMUNICATIONS (SPACE) (H					
3600	0604600F	82	MUNITIONS DISPENSER DEVELOPMENT					
3600	0604602F	83	ARMAMENT/ORDNANCE DEVELOPMENT	5,039	5,039	5,039		5,039
3600	0604604F	84	SUBMUNITIONS	5,759	5,759	5,759		5,759
3600	0604617F	85	AGILE COMBAT SUPPORT	10,095	10,095	10,095		10,095

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
3600	0604618F	86	JOINT DIRECT ATTACK MUNITION	15,450	15,450	15,450		15,450
3600	0604706F	87	LIFE SUPPORT SYSTEMS	12,370	12,370	12,370		12,370
3600	0604735F	88	COMBAT TRAINING RANGES	14,363	14,363	14,363		14,363
3600	0604740F	89	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	167	5,167	4,167	7,000	7,167
			Global Awareness Presentation System			[4,000]	[2,000]	
			Distributed mission interoperability tool kit		[5,000]		[5,000]	
3600	0604750F	90	INTELLIGENCE EQUIPMENT	1,426	1,426	1,426		1,426
3600	0604762F	91	COMMON LOW OBSERVABLES VERIFICATION SYSTEM (CLOVI					
3600	0604800F	92	JOINT STRIKE FIGHTER (JSF)	1,999,068	2,408,568	2,199,468	171,500	2,170,568
			Joint Strike Fighter alternate engine development		[408,000]	[200,400]	[170,000]	
			Second source tire research		[1,500]		[1,500]	
3600	0604851F	93	INTERCONTINENTAL BALLISTIC MISSILE			5,000		
			ICBM security modernization (S. Amdt)			[5,000]		
3600	0604853F	94	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE	18,513	18,513	18,513		18,513
3600	0605011F	95	RDT&E FOR AGING AIRCRAFT	25,490	25,490	25,490		25,490
3600	0605807F	96	TEST AND EVALUATION SUPPORT	2,388	2,388	2,388		2,388
3600	0207434F	97	LINK-16 SUPPORT AND SUSTAINMENT	172,625	172,625	172,625		172,625
3600	0207443F	98	FAMILY OF INTEROPERABLE OPERATIONAL PICTURES (FIOP)					
3600	0207450F	99	E-10 SQUADRONS	390,896	390,896	390,896		390,896
3600	0207451F	100	SINGLE INTEGRATED AIR PICTURE (SIAP)	40,124	40,124	40,124		40,124
3600	0207701F	101	FULL COMBAT MISSION TRAINING	32,243	32,243	32,243		32,243
3600	0305176F	102	COMBAT SURVIVOR EVADER LOCATOR					
3600	0401318F	103	CV-22	26,601	26,601	26,601		26,601
3600	0604256F	104	THREAT SIMULATOR DEVELOPMENT	38,131	38,131	38,131		38,131

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
3600	0604759F	105	MAJOR T&E INVESTMENT	58,506	67,306	58,506	4,000	62,506
			Enterprise test data management		[5,800]		[3,000]	
			Eglin Air Armament Center		[3,000]		[1,000]	
3600	0605101F	106	RAND PROJECT AIR FORCE	25,211	25,211	29,711	3,000	28,211
			Analytical and technical support			[4,500]	[3,000]	
3600	0605306F	107	RANCH HAND II EPIDEMIOLOGY STUDY					
3600	0605502F	108	SMALL BUSINESS INNOVATION RESEARCH					
3600	0605712F	109	INITIAL OPERATIONAL TEST & EVALUATION	34,802	34,802	34,802		34,802
3600	0605807F	110	TEST AND EVALUATION SUPPORT	740,134	740,134	740,134		740,134
3600	0605860F	111	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	14,704	26,704	27,704	13,000	27,704
			Ballistic missile range safety tech			[13,000]	[13,000]	
			Joint advanced global strike demo		[12,000]			
3600	0605864F	112	SPACE TEST PROGRAM (STP)	46,310	46,310	46,310		46,310
3600	0605976F	113	FACILITIES RESTORATION AND MODERNIZATION - TEST AND	54,683	54,683	54,683		54,683
3600	0605978F	114	FACILITIES SUSTAINMENT - TEST AND EVALUATION SUPPORT	25,579	25,579	25,579		25,579
3600	0804731F	115	GENERAL SKILL TRAINING	305	305	305		305
3600	0909900F	116	FINANCING FOR EXPIRED ACCOUNT ADJUSTMENTS					
3600	0909980F	117	JUDGMENT FUND REIMBURSEMENT					
3600	1001004F	118	INTERNATIONAL ACTIVITIES	3,911	3,911	3,911		3,911
3600	0605024F	119	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	8,014	8,014	8,014		8,014
3600	0605798F	120	ANALYSIS SUPPORT GROUP	[ ]	[ ]	[ ]		[ ]
3600	0101113F	121	B-52 SQUADRONS	71,379	77,379	71,379	6,000	77,379
			MIL-STD-1760		[6,000]		[6,000]	
3600	0101120F	122	ADVANCED CRUISE MISSILE	6,983	6,983	6,983		6,983
3600	0101122F	123	AIR-LAUNCHED CRUISE MISSILE (ALCM)	3,736	3,736	3,736		3,736

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
3600	0101313F	124	STRAT WAR PLANNING SYSTEM - USSTRATCOM	27,285	27,285	32,285	3,000	30,285
			Global command & control devel center			[5,000]	[3,000]	
3600	0101314F	125	NIGHT FIST - USSTRATCOM	5,162	5,162	5,162		5,162
3600	0101815F	126	ADVANCED STRATEGIC PROGRAMS	22,423	22,423	22,423		22,423
3600	0102326F	127	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZA'	14,853	14,853	14,853		14,853
3600	0203761F	128	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TF	30,584	30,584	30,584		30,584
3600	0207131F	129	A-10 SQUADRONS	80,771	80,771	80,771	-48,800	31,971
			Propulsion upgrade program				[-48,800]	
3600	0207133F	130	F-16 SQUADRONS	148,373	148,373	148,373		148,373
3600	0207134F	131	F-15E SQUADRONS	125,062	125,062	125,062		125,062
3600	0207136F	132	MANNED DESTRUCTIVE SUPPRESSION	515	515	515		515
3600	0207138F	133	F/A-22 SQUADRONS	584,290	584,290	584,290	-100,000	484,290
			Program growth				[-100,000]	
3600	0207141F	134	F-117A SQUADRONS	14,093	14,093	14,093		14,093
3600	0207161F	135	TACTICAL AIM MISSILES	8,850	8,850	8,850		8,850
3600	0207163F	136	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	43,417	45,704	43,417		43,417
			Transfer from line 17		[2,287]			
3600	0207224F	137	COMBAT RESCUE AND RECOVERY					
3600	0207247F	138	AF TENCAP	11,202	11,202	11,202		11,202
3600	0207248F	139	SPECIAL EVALUATION PROGRAM	530,038	530,038	530,038		530,038
3600	0207253F	140	COMPASS CALL	4,469	4,469	4,469		4,469
3600	0207268F	141	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	154,319	154,319	154,319		154,319
3600	0207277F	142	CSAF INNOVATION PROGRAM	1,612	1,612	1,612		1,612
3600	0207325F	143	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	40,881	40,881	40,881		40,881
3600	0207410F	144	AIR & SPACE OPERATIONS CENTER (AOC)	87,483	87,483	87,483	-10,000	77,483
			Program moderation				[-10,000]	

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
3600	0207412F	145	CONTROL AND REPORTING CENTER (CRC)	8,798	8,798	8,798		8,798
3600	0207417F	146	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	165,820	165,820	165,820		165,820
3600	0207418F	147	TACTICAL AIRBORNE CONTROL SYSTEMS	2,286	2,286	2,286		2,286
3600	0207423F	148	ADVANCED COMMUNICATIONS SYSTEMS	53,093	53,093	53,093		53,093
3600	0207424F	149	EVALUATION AND ANALYSIS PROGRAM					
3600	0207433F	150	ADVANCED PROGRAM TECHNOLOGY	313,251	313,251	313,251		313,251
3600	0207438F	151	THEATER BATTLE MANAGEMENT (TBM) C4I	31,835	31,835	31,835		31,835
3600	0207445F	152	FIGHTER TACTICAL DATA LINK	113,388	113,388	113,388		113,388
3600	0207446F	153	BOMBER TACTICAL DATA LINK	168,168	168,168	168,168	-67,000	101,168
			B-52 TDL restructure				[-67,000]	
3600	0207448F	154	C2ISR TACTICAL DATA LINK	4,338	4,338	4,338		4,338
3600	0207449F	155	COMMAND AND CONTROL (C2) CONSTELLATION	44,027	44,027	44,027		44,027
3600	0207581F	156	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JST/	152,696	152,696	152,696		152,696
3600	0207590F	157	SEEK EAGLE	16,426	16,426	16,426		16,426
3600	0207591F	158	ADVANCED PROGRAM EVALUATION	437,057	437,057	437,057		437,057
3600	0207601F	159	USAF MODELING AND SIMULATION	23,470	23,470	23,470		23,470
3600	0207605F	160	WARGAMING AND SIMULATION CENTERS	6,595	6,595	6,595		6,595
3600	0207697F	161	DISTRIBUTED TRAINING AND EXERCISES	6,138	6,138	6,138		6,138
3600	0208006F	162	MISSION PLANNING SYSTEMS	146,396	146,396	146,396		146,396
3600	0208021F	163	INFORMATION WARFARE SUPPORT	24,758	24,758	24,758		24,758
3600	0301310F	164	NATIONAL AIR INTELLIGENCE CENTER	[ ]	[ ]	[ ]		[ ]
3600	0301314F	165	COBRA BALL	[ ]	[ ]	[ ]		[ ]
3600	0301315F	166	MISSILE AND SPACE TECHNICAL COLLECTION	[ ]	[ ]	[ ]		[ ]
3600	0301324F	167	FOREST GREEN	[ ]	[ ]	[ ]		[ ]
3600	0301386F	168	GDIP COLLECTION MANAGEMENT	[ ]	[ ]	[ ]		[ ]
3600	0302015F	169	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	283	283	283		283

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
3600	0303131F	170	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETW	64,109	64,109	64,109		64,109
3600	0303140F	171	INFORMATION SYSTEMS SECURITY PROGRAM	183,523	183,523	183,523		183,523
3600	0303141F	172	GLOBAL COMBAT SUPPORT SYSTEM	19,895	19,895	19,895		19,895
3600	0303150F	173	GLOBAL COMMAND AND CONTROL SYSTEM	3,348	13,348	3,348	10,000	13,348
			Command and control service level management		[10,000]		[10,000]	
3600	0303158F	174	JOINT COMMAND AND CONTROL PROGRAM (JC2)	5,818	5,818	5,818		5,818
3600	0303601F	175	MILSATCOM TERMINALS	271,562	271,562	271,562		271,562
3600	0304111F	176	SPECIAL ACTIVITIES	[ ]	[ ]	[ ]		[ ]
3600	0304260F	177	AIRBORNE SIGINT ENTERPRISE	117,834	117,834	117,834		117,834
3600	0304311F	178	SELECTED ACTIVITIES	[ ]	[ ]	[ ]		[ ]
3600	0304346F	179	IMAGERY DERIVED MASINT	[ ]	[ ]	[ ]		[ ]
3600	0304347F	180	OVERHEAD NON-IMAGING INFRARED	[ ]	[ ]	[ ]		[ ]
3600	0305099F	181	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	6,620	6,620	6,620		6,620
3600	0305110F	182	SATELLITE CONTROL NETWORK (SPACE)	19,907	19,907	19,907		19,907
3600	0305111F	183	WEATHER SERVICE	34,899	34,899	34,899		34,899
3600	0305114F	184	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (/					
3600	0305116F	185	AERIAL TARGETS	5,203	5,203	5,203		5,203
3600	0305124F	186	SPECIAL APPLICATIONS PROGRAM	[ ]	[ ]	[ ]		[ ]
3600	0305128F	187	SECURITY AND INVESTIGATIVE ACTIVITIES	509	509	509		509
3600	0305142F	188	APPLIED TECHNOLOGY AND INTEGRATION	[ ]	[ ]	[ ]		[ ]
3600	0305148F	189	MEASUREMENT AND SIGNATURE INTELLIGENCE (MASINT) SY					
3600	0305159F	190	DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES (SPACE)	[ ]	[ ]	[ ]		[ ]
3600	0305160F	191	DEFENSE METEOROLOGICAL SATELLITE PROGRAM (SPACE)	969	969	969		969
3600	0305164F	192	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT)	131,083	131,083	131,083		131,083
3600	0305165F	193	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTR	177,792	177,792	177,792		177,792
3600	0305172F	194	COMBINED ADVANCED APPLICATIONS	[ ]	[ ]	[ ]		[ ]

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
3600	0305173F	195	SPACE AND MISSILE TEST AND EVALUATION CENTER	4,675	4,675	4,675		4,675
3600	0305174F	196	SPACE WARFARE CENTER	726	726	726		726
3600	0305182F	197	SPACELIFT RANGE SYSTEM (SPACE)	38,044	38,044	38,044		38,044
3600	0305193F	198	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	3,813	3,813	3,813		3,813
3600	0305202F	199	DRAGON U-2					
3600	0305206F	200	AIRBORNE RECONNAISSANCE SYSTEMS	52,824	52,824	52,824		52,824
3600	0305207F	201	MANNED RECONNAISSANCE SYSTEMS	10,132	10,132	10,132		10,132
3600	0305208F	202	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	120,777	124,777	120,777	3,800	124,577
			Formal training unit		[4,000]		[3,800]	
3600	0305219F	203	PREDATOR UAV (JMIP)	61,466	61,466	61,466		61,466
3600	0305220F	204	GLOBAL HAWK UAV	247,665	247,665	247,665		247,665
3600	0305221F	205	NETWORK-CENTRIC COLLABORATIVE TARGET (TIARA)	8,499	15,499	8,499		8,499
			Project Suter		[7,000]			
3600	0305887F	206	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	5,163	5,163	5,163		5,163
3600	0305906F	207	NCMC - TW/AA SYSTEM	50,908		55,908	-34,600	16,308
			Single integrated space picture			[5,000]		
			CCIC2S		[-50,908]		[-34,600]	
3600	0305910F	208	SPACETRACK (SPACE)					
3600	0305913F	209	NUDET DETECTION SYSTEM (SPACE)	60,281	60,281	60,281		60,281
3600	0305917F	210	SPACE ARCHITECT					
3600	0305924F	211	NATIONAL SECURITY SPACE OFFICE	13,437	13,437	18,437		13,437
			National security space office			[5,000]		
3600	0305940F	212	SPACE SITUATION AWARENESS OPERATIONS	31,401	31,401	31,401		31,401
3600	0307141F	213	NASS, IO TECHNOLOGY INTEGRATION & TOOL DEV	15,449	15,449	15,449		15,449
3600	0308699F	214	SHARED EARLY WARNING (SEW)	2,999	2,999	2,999		2,999
3600	0401115F	215	C-130 AIRLIFT SQUADRON	248,283	255,383	248,283	3,000	251,283
			Automated maintenance		[7,100]		[3,000]	

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
3600	0401119F	216	C-5 AIRLIFT SQUADRONS (IF)	150,209	150,209	150,209		150,209
3600	0401130F	217	C-17 AIRCRAFT (IF)	173,781	173,781	173,781		173,781
3600	0401132F	218	C-130J PROGRAM	40,542	40,542	40,542		40,542
3600	0401133F	219	AEROMEDICAL EVACUATION					
3600	0401134F	220	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	34,916	49,916	34,916		34,916
			AC-130U		[15,000]			
3600	0401218F	221	KC-135S	1,126	1,126	1,126		1,126
3600	0401219F	222	KC-10S	4,781	4,781	4,781		4,781
3600	0401221F	223	KC-135 TANKER REPLACEMENT	203,932	152,432	4,932	-51,500	152,432
			KC-135 aircraft replacement		[-51,500]	[-199,000]	[-51,500]	
3600	0401839F	224	AIR MOBILITY TACTICAL DATA LINK	32,099	32,099	32,099	-10,000	22,099
			Program scope				[-10,000]	
3600	0408011F	225	SPECIAL TACTICS / COMBAT CONTROL	1,024	3,924	1,024	2,000	3,024
			Biostatic protective clothing		[2,900]		[2,000]	
3600	0702207F	226	DEPOT MAINTENANCE (NON-IF)	1,457	3,457	1,457		1,457
3600	0702239F	227	AVIONICS COMPONENT IMPROVEMENT PROGRAM					
			Interactive avionics roadmap		[2,000]			
3600	0702806F	228	ACQUISITION AND MANAGEMENT SUPPORT	17,706	17,706	17,706		17,706
3600	0708011F	229	INDUSTRIAL PREPAREDNESS	36,673	47,173	46,673	19,000	55,673
			Advanced prototyping of nanomaterials			[8,000]	[7,000]	
			Rapid manufacturing and repair of composites for high temp apps			[2,000]	[2,000]	
			Laser peening fatigue life extension		[3,000]		[3,000]	
			Nanocomposites for aerospace applications		[4,500]		[4,000]	
			Radio frequency identification tag		[3,000]		[3,000]	
3600	0708012F	230	LOGISTICS SUPPORT ACTIVITIES					

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
3600	0708610F	231	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	166,338	136,338	166,338	-30,000	136,338
			Expeditionary Combat Support System		[-30,000]		[-30,000]	
3600	0708611F	232	SUPPORT SYSTEMS DEVELOPMENT	10,596	13,596	13,596	6,000	16,596
			Aircraft sustainment and availability tools			[3,000]	[3,000]	
			Heavy duty hybrid electric engine propulsion		[3,000]		[3,000]	
3600	0804757F	233	JOINT NATIONAL TRAINING CENTER	3,073	3,073	3,073		3,073
3600	0808716F	234	OTHER PERSONNEL ACTIVITIES	113	113	113		113
3600	0901202F	235	JOINT PERSONNEL RECOVERY AGENCY	992	992	992		992
3600	0901218F	236	CIVILIAN COMPENSATION PROGRAM	7,779	7,779	7,779		7,779
3600	0901220F	237	PERSONNEL ADMINISTRATION	18,262	18,262	18,262		18,262
3600	0901538F	238	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOI	27,541	27,541	27,541		27,541
3600	XXXXXXX	999	CLASSIFIED PROGRAMS	7,196,154	7,196,154	6,746,154		7,196,154
			Program reduction (S. Amdt)			[-450,000]		
			Total, RDT&E Air Force	**24,396,767**	**24,810,041**	**23,970,857**	**-160,816**	**24,235,951**

Transformational satellite communications

The budget request included $867.0 million in PE 63845F for transformational satellite communications (TSAT).

The House bill would authorize a decrease of $80.0 million in PE 63845F for TSAT.

The Senate amendment would authorize a decrease of $70.0 million in PE 63845F for TSAT.

The conferees agree to authorize $767.0 million in PE 63845F for TSAT, a decrease of $100.0 million due to unexecutable growth in the program budget.

While fully supportive of the restructured TSAT program, the conferees note that the budget request for fiscal year 2007 represents a 100 percent increase over fiscal year 2006 appropriated amount of $429.0 million. The Government Accountability Office questions whether the contractors associated with the space segment of the TSAT program will be able to increase development activities to the requested fiscal year 2007 budget level, hence the recommended reduction.

The conferees direct the Secretary of the Air Force to submit a report to the congressional defense committees by February 15, 2007, explaining what actions the Air Force has taken to address the remaining concerns raised by the TSAT Program Review Group and the Government Accountability Office, including: (1) the need to significantly refine requirements so that program content can be matched to budget constraints, and how the Department plans to control requirements to prevent problems associated with "requirements creep"; (2) the need to adequately staff the TSAT program office with experienced space acquisition professionals; (3) the status of refining key performance parameters so they provide specificity and validation metrics; and (4) the implications for other programs, such as Space Radar and Future Combat System, of a less capable initial block of TSAT satellites.

Space Radar

The budget request included $266.4 million in PE 63858F for Space Radar (SR) program.

The House bill would authorize a decrease of $30.0 million in PE 63858F.

The Senate amendment would authorize a decrease of $66.4 million in PE 63858F.

The conferees agree to authorize $200.0 million in PE 63858F, a decrease of $66.4 million, and recommend that the remaining funds be directed toward technology development, system engineering, and concept definition that assumes a single SR system that will meet joint requirements and employ a joint concept of operations with the intelligence community. The conferees are aware that the SR program is being restructured, and may benefit from an incremental, block approach similar to that chosen for the Transformational Satellite (TSAT) program. The conferees would welcome such an approach, however, until further definition of the program is provided, the conferees do not believe it is prudent to move beyond technology development, systems engineering, and concept definition activities. Further definition would include an agreed upon joint requirements document.

Conferees direct the Secretary of Defense and the Director of National Intelligence (DNI) to submit a joint report to the congressional defense and intelligence committees by March 1, 2007, containing the following elements: (1) a description of the respective roles and responsibilities of the intelligence community and the Department of Defense with respect to the development of the SR, including an updated Memorandum of Agreement between the Secretary and the DNI; (2) the process by which the intelligence community and the Department coordinate joint development efforts and requirements definition; (3) the plans for achieving a cost-share agreement between the intelligence community and the Department for the development and acquisition of a SR capability; and (4) a commitment from the Secretary and the DNI that SR will be a single system responsive to the requirements of each organization.

The conferees also direct the Secretary, in consultation with the DNI, to submit a report to the congressional defense committees by January 1, 2007, addressing the following: (1) the scope of the space radar architecture, including the system's interactions with other intelligence, surveillance, and reconnaissance platforms providing similar capability, as well as interactions with TSAT or alternative systems for processing and transmitting space radar data to other military applications; (2) the concept of operations, including how space radar data could be used to support defense and intelligence missions, and models for tasking, processing, exploitation, and dissemination to end users; (3) the acquisition approach that could be pursued by the SR program, including the identification of key technologies and their expected maturity at the time of program initiation; and (4) the schedule for meeting a realistic launch date, potential risks to that schedule, and potential risks of not meeting that launch date.

Combatant commanders' integrated command and control system

The budget request included $50.9 million in PE 35906F for the combatant commanders' integrated command and control system (CCIC2S).

The House bill would authorize no funds in PE 35906F.

The Senate amendment would authorize the budget request.

The conferees agree to authorize $16.3 million in PE 35906F for the CCIC2S program, a decrease of $34.6 million.

The conferees believe that the capability to warn against air, missile, and space attacks is critical to our national security and homeland defense, and support the necessary modernization and integration of the command and control systems at Cheyenne Mountain, Colorado for mission execution by North American Aerospace Defense Command, U.S. Northern Command, and U.S. Strategic Command.

In a July 2006 report on the CCIC2S program, the Government Accountability Office (GAO) found that poor past performance, inadequate management and oversight, and changing requirements resulted in significant cost overruns and an undefined delivery schedule. The report further noted that most mission critical capabilities will not be delivered in fiscal year 2006, as initially planned. While the missile warning mission is partially complete, no work has been completed on the space mission and estimated completion dates have not been determined. GAO recommended that eight actions be taken to improve management and oversight of the project.

The conferees believe that many of these recommendations are being addressed, but remain concerned about the Department's prioritization of and commitment to the CCIC2S program, as evidenced by its continued reductions in program funding. The conferees further believe that continued investments in a development program without a defined schedule and final cost risks further cost overruns and schedule delays. It is therefore prudent to reassess program requirements, cost, and schedule; and determine program affordability within the context of the Department's priorities, other acquisition programs, and long-range investment plans, prior to continuing with further development.

The conferees direct the Secretary of Defense to maintain essential operation and maintenance activities, and limit developmental activities to the completion of the missile warning system. In addition, the conferees direct the Secretary of Defense to submit a report by March 1, 2007, to the congressional defense committees that addresses all eight of the GAO recommended actions including an affordability assessment, an economic analysis, and an independent life cycle cost estimate.

The conferees would like to be clear that the reduction to the amount requested for the CCIC2S program should not be construed as a lack of support for the program, but rather a reflection of continuing concerns related to the CCIC2S acquisition approach. The conferees expect that future budget requests reflect an executable program with a defined schedule and commitment of adequate resources.

Research, Development, Test, and Evaluation, Defense-wide overview

The budget request included $20,809.9 million in Research, Development, Test, and Evaluation, Defense-wide for the Department of Defense.

The House bill would authorize $20,760.0 million.

The Senate amendment would authorize $21,488.9 million.

The conferees agree to authorize $20,930.0 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title II-RDT and E
(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
			RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE					
0400	0601000BR	1	DTRA UNIVERSITY STRATEGIC PARTNERSHIP BASIC RESEAR(	5,000	5,000	5,000		5,000
0400	0601101E	2	DEFENSE RESEARCH SCIENCES	150,690	150,690	163,690	1,000	151,690
			Next-generation protective gear for small arms threats			[3,000]	[1,000]	
			Computer science and cybersecurity (S. Amdt)			[10,000]		
0400	0601111D8Z	3	GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY R					
0400	0601114D8Z	4	DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPET	9,532	9,532	9,532		9,532
0400	0601120D8Z	5	NATIONAL DEFENSE EDUCATION PROGRAM	19,532	19,532	24,532		19,532
			Program increase (S. Amdt)			[5,000]		
0400	0601384BP	6	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	99,182	109,182	108,882	11,500	110,682
			Detection of biological agents in water			[1,500]	[1,500]	
			Organic light emitting receptor based nanosensors			[2,000]	[2,000]	
			Next -generation protective gear for chem bio defense			[3,000]	[3,000]	
			Superstructural particle evaluation and characterization with targeted reaction analysis			[3,200]		
			Basic research initiative		[10,000]		[5,000]	
0400	0602000D8Z	7	INSENSITIVE MUNITIONS - EXPLORATORY DEVELOPMENT	10,447	10,447	10,447		10,447
0400	0602227D8Z	8	MEDICAL FREE ELECTRON LASER (MFEL)	10,255	15,255	20,255	8,700	18,955
			Program increase (MFEL)		[5,000]	[10,000]	[8,700]	
0400	0602228D8Z	9	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU)	14,423	14,423	14,423		14,423
0400	0602234D8Z	10	LINCOLN LABORATORY RESEARCH PROGRAM	28,975	28,975	28,975		28,975
0400	0602303E	11	INFORMATION & COMMUNICATIONS TECHNOLOGY	242,852	236,852	242,852		242,852
			Program decrease (HASC Amdt)		[-6,000]			
0400	0602304E	12	COGNITIVE COMPUTING SYSTEMS	220,085	220,085	220,085		220,085
0400	0602383E	13	BIOLOGICAL WARFARE DEFENSE	112,242	124,242	112,242	2,400	114,642
			Asymmetrical protocols for biological defense enhancement		[12,000]		[2,400]	

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0400	0602384BP	14	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	280,422	275,422	306,022	5,300	285,722
			Alternative delivery methods for recombinant protein vaccines			[5,100]	[3,500]	
			Chemical agent fate evaporation model verification and validation			[2,000]	[2,000]	
			Multi-purpose biodefense immunoarray			[1,500]	[1,500]	
			Mustard gas antidote research consortium (STIMAL)			[3,000]	[1,000]	
			CB smart materials			[4,000]		
			Rapid identification of biological warfare agents			[1,000]	[1,000]	
			Next-generation chem-bio protection suit			[4,000]	[1,800]	
			Escape mask			[4,000]	[4,000]	
			Personal protection against infectious agents			[1,000]	[1,000]	
			Low cost collective protection shelters		[5,000]		[4,000]	
			Transformational medical technology initiative		[-30,000]		[-30,000]	
			Applied research initiative		[20,000]		[15,500]	
0400	0602702E	15	TACTICAL TECHNOLOGY	383,680	383,680	373,680	-8,000	375,680
			Automated battle management			[-6,000]	[-6,000]	
			HEDLight			[-2,000]		
			TETURAN			[-2,000]	[-2,000]	
0400	0602715E	16	MATERIALS AND BIOLOGICAL TECHNOLOGY	297,277	297,277	292,277		297,277
			Biochemical materials			[-5,000]		
0400	0602716BR	17	WMD DEFEAT TECHNOLOGY	213,152	213,152	213,152		213,152
0400	0602716E	18	ELECTRONICS TECHNOLOGY	246,978	246,978	246,978		246,978
0400	0602717BR	19	WMD DEFENSE TECHNOLOGIES	105,021	105,021	110,021	4,000	109,021
			Modeling and simulation			[5,000]	[4,000]	
0400	0602787D8Z	20	MEDICAL TECHNOLOGY					

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0400	1160401BB	21	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	12,698	32,698	16,298	7,000	19,698
			Wearable Hyperspectral Imaging System			[3,600]	[2,000]	
			Global observer		[10,000]		[5,000]	
			Angel fire		[10,000]			
0400	1160407BB	22	SOF MEDICAL TECHNOLOGY DEVELOPMENT	2,293	2,293	2,293		2,293
0400	0603002D8Z	23	MEDICAL ADVANCED TECHNOLOGY					
0400	0603121D8Z	24	SO/LIC ADVANCED DEVELOPMENT	30,575	30,575	30,575		30,575
0400	0603122D8Z	25	COMBATING TERRORISM TECHNOLOGY SUPPORT	65,768	89,768	65,768	2,800	68,568
			Cooperative prototyping		[18,000]			
			UAS Avionics Upgrades		[4,000]		[1,000]	
			Portable Armor Wall System		[2,000]		[1,800]	
0400	0603160BR	26	COUNTERPROLIFERATION INITIATIVES - PROLIFERATION PRE	104,582	104,582	108,582	4,000	108,582
			Glass Scintillation fiber radiation detectors			[2,000]	[2,000]	
			Radiation portal monitor			[2,000]	[2,000]	
0400	0603175C	27	BALLISTIC MISSILE DEFENSE TECHNOLOGY	206,676	173,976	206,676	-17,600	189,076
			High altitude airship		[-40,700]		[-20,000]	
			Net centric airborne defense equipment		[8,000]		[8,000]	
			Program decrease				[-5,600]	
0400	0603225D8Z	28	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	16,862	16,862	16,862		16,862
0400	0603286E	29	ADVANCED AEROSPACE SYSTEMS	115,829	104,629	99,529	-5,300	110,529
			Heavy fuel engine			[-4,000]		
			Cormorant			[-4,000]		
			Global range transatmospheric vehicle			[-5,300]	[-5,300]	
			Reduction in new starts			[-3,000]		
			Program decrease		[-11,200]			
0400	0603287E	30	SPACE PROGRAMS AND TECHNOLOGY	254,913	259,913	254,913		254,913
			Improved suborbital space operations		[5,000]			

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0400	0603384BP	31	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADVANCE	207,114	197,114	209,114	-10,000	197,114
			Next-generation gas chromatographic mass spectrometer			[2,000]		
			Transformational medical technology initiative		[-20,000]		[-20,000]	
			Advanced technology development initiative		[10,000]		[10,000]	
0400	0603400D8Z	32	JOINT UNMANNED COMBAT AIR SYSTEMS (J-UCAS) ADVANCE					
0400	0603618D8Z	33	JOINT ELECTRONIC ADVANCED TECHNOLOGY	9,400	9,400	9,400		9,400
0400	0603648D8Z	34	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	35,553	35,553	37,753		35,553
			Large data joint capability technology demonstration			[2,200]		
0400	0603711D8Z	35	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS	7,700	7,700	10,700		7,700
			Versatile, Modular, Diesel Hybrid Unmanned System			[3,000]		
0400	0603712S	36	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	23,437	37,437	59,337	29,800	53,237
			Vehicle fuel cell program			[7,000]	[7,000]	
			Emerging critical interconnection technology		[10,000]	[4,000]	[4,300]	
			Emergency power source development			[1,700]		
			Comprehensive and integrated strategy for hydrogen			[3,000]	[3,000]	
			New England manufacturing supply chain			[3,000]	[3,000]	
			Aging systems and sustainment technologies			[4,200]		
			Advanced mobile gas-to-liquid fueler		[3,000]	[5,000]	[4,500]	
			Solid hydrogen storage systems			[8,000]	[8,000]	
			Connectory expansion for rapid ID of technology sources		[1,000]			
0400	0603713S	37	DISTRIBUTION PROCESS OWNER TECHNOLOGY DEVELOPMEN	15,215	15,215	15,215		15,215
0400	0603716D8Z	38	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	67,149	67,149	69,149	2,000	69,149
			Dendrimer enhanced water remediation research			[2,000]	[2,000]	
0400	0603720S	39	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUP		14,000		12,000	12,000
			Super lattice nanotechnology		[6,000]		[4,000]	
			Surface radar technology		[8,000]		[8,000]	

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(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0400	0603727D8Z	40	JOINT WARFIGHTING PROGRAM	10,641	10,641	10,641		10,641
0400	0603739E	41	ADVANCED ELECTRONICS TECHNOLOGIES	248,627	248,627	248,627		248,627
0400	0603750D8Z	42	ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS	158,334	158,334	160,334	2,000	160,334
			Masking shunt			[2,000]	[2,000]	
0400	0603755D8Z	43	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAI	175,313	175,313	177,313	2,000	177,313
			Simulation center upgrades			[2,000]	[2,000]	
0400	0603760E	44	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	232,489	232,489	224,689		232,489
			PANDA			[-5,000]		
			XG			[-2,800]		
0400	0603764E	45	LAND WARFARE TECHNOLOGY	48,975	48,975	48,975		48,975
0400	0603765E	46	CLASSIFIED DARPA PROGRAMS	151,598	151,598	151,598		151,598
0400	0603766E	47	NETWORK-CENTRIC WARFARE TECHNOLOGY	174,276	174,276	174,276		174,276
0400	0603767E	48	SENSOR TECHNOLOGY	205,519	205,519	205,519		205,519
0400	0603768E	49	GUIDANCE TECHNOLOGY	157,367	157,367	157,367		157,367
0400	0603769SE	50	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOF	14,918	14,918	14,918		14,918
0400	0603781D8Z	51	SOFTWARE ENGINEERING INSTITUTE	26,594	26,594	26,594		26,594
0400	0603805S	52	DUAL USE TECHNOLOGY					
0400	0603826D8Z	53	QUICK REACTION SPECIAL PROJECTS	107,782	107,782	111,282		107,782
			Portable explosive screening and countermeasures			[3,500]		
0400	0603828D8Z	54	JOINT EXPERIMENTATION	115,684	115,684	125,684	8,000	123,684
			Joint modeling, simulation and experimentation			[10,000]	[8,000]	
0400	0603832D8Z	55	JOINT WARGAMING SIMULATION MANAGEMENT OFFICE	36,179	36,179	36,179		36,179
0400	0603941D8Z	56	TEST & EVALUATION SCIENCE & TECHNOLOGY	39,939	39,939	39,939		39,939
0400	0603942D8Z	57	TECHNOLOGY LINK	6,822	9,322	6,822		6,822
			Homeland defense technology transfer		[2,500]			
0400	0605160D8Z	58	COUNTERPROLIFERATION SUPPORT					

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0400	1160402BB	59	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMI	80,402	92,902	73,602	-10,500	69,902
			Small and medium caliber recoil mitigation technologies			[3,000]	[3,000]	
			Advanced tactical laser			[-20,000]	[-20,000]	
			Special operations portable power source program			[5,000]	[5,000]	
			Flashlight Soldier to Soldier Combat Identification System (FSCIS)			[2,000]		
			Advanced tactical airborne C4ISR systems (ATACS)			[3,200]		
			Foxhound Arabic software		[4,000]		[1,500]	
			Modular computing		[5,000]			
			Surveillance augmentation vehicle - SAVIOR		[3,500]			
0400	0603161D8Z	60	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPM	33,890	33,890	33,890		33,890
0400	0603228D8Z	61	PHYSICAL SECURITY EQUIPMENT					
			Intelligent design exploration					
0400	0603527D8Z	62	RETRACT LARCH	22,383	22,383	22,383		22,383
0400	0603709D8Z	63	JOINT ROBOTICS PROGRAM	12,210	15,210	12,210	1,000	13,210
			Machine vision and mapping software for autonomous movement		[3,000]		[1,000]	
0400	0603714D8Z	64	ADVANCED SENSOR APPLICATIONS PROGRAM	18,820	18,820	18,820		18,820
0400	0603851D8Z	65	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PRC	28,841	28,841	28,841		28,841
0400	0603879C	66	ADVANCED CONCEPTS, EVALUATIONS AND SYSTEMS					
0400	0603881C	67	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	1,038,310	1,038,310	1,038,310	50,000	1,088,310
			Arrow Ballistic Missile Defense System (non-add) (S. Amdt)			[52,000]		
			Arrow system improvement program (non-add) (S. Amdt)			[8,000]		
			Arrow co-production				[50,000]	

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0400	0603882C	68	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	2,876,972	2,841,172	3,121,972	202,000	3,078,972
			Ground-Based Midcourse Defense System			[200,000]	[225,000]	
			Midcourse concurrent test and operations		[20,000]			
			Block 2010 third site		[-55,800]		[-23,000]	
			Ground-Based Midcourse Defense System (S. Amdt)			[45,000]		
0400	0603883C	69	BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT	631,616	631,616	631,616		631,616
0400	0603884BP	70	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	73,111	73,111	77,111	4,000	77,111
			Oral anthrax/plague vaccine			[4,000]	[4,000]	
0400	0603884C	71	BALLISTIC MISSILE DEFENSE SENSORS	514,510	514,510	519,510	4,000	518,510
			Airborne Infrared Surveillance System			[5,000]	[4,000]	
0400	0603886C	72	BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR	405,508	305,508	205,508	-160,000	245,508
			BMD System interceptor		[-100,000]	[-200,000]	[-160,000]	
0400	0603888C	73	BALLISTIC MISSILE DEFENSE TEST & TARGETS	591,911	591,911	591,911		591,911
0400	0603889C	74	BALLISTIC MISSILE DEFENSE PRODUCTS	506,840	506,840	466,840	-28,000	478,840
			BMD products			[-40,000]	[-28,000]	
0400	0603890C	75	BALLISTIC MISSILE DEFENSE SYSTEMS CORE	473,077	483,077	433,077	-25,000	448,077
			BMD core			[-40,000]	[-25,000]	
			Aegis information assurance and systems integration		[10,000]			
0400	0603891C	76	SPECIAL PROGRAMS - MDA	374,532	374,532	354,532	-26,400	348,132
			Special programs -- MDA			[-20,000]	[-26,400]	
0400	0603892C	77	AEGIS BMD	1,031,874	1,071,874	1,131,874	100,000	1,131,874
			Aegis BMD			[100,000]		
			SM-3 interceptors		[20,000]		[70,000]	
			S band radar development		[10,000]		[10,000]	
			Aegis BSP, two color seeker open architecture program acceleration		[10,000]		[20,000]	

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0400	0603893C	78	SPACE TRACKING & SURVEILLANCE SYSTEM	390,585	390,585	390,585	-67,000	323,585
			Space Tracking Surveillance System (Block 2012)				[-67,000]	
0400	0603894C	79	MULTIPLE KILL VEHICLE	164,975	99,975	164,975	-40,000	124,975
			Program decrease		[-65,000]		[-40,000]	
0400	0603920D8Z	80	HUMANITARIAN DEMINING	14,489	14,489	14,489		14,489
0400	0603923D8Z	81	COALITION WARFARE	5,878	5,878	5,878		5,878
0400	0604016D8Z	82	DEPARTMENT OF DEFENSE CORROSION PROGRAM	4,966	4,966	6,966		4,966
			Corrosion prevention research			[2,000]		
0400	0604400D8Z	83	JOINT UNMANNED COMBAT AIR SYSTEMS (J-UCAS) ADVANCE					
0400	0604648D8Z	84	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	3,047	3,047	3,047		3,047
0400	0604722D8Z	85	JOINT SYSTEMS INTEGRATION COMMAND (JSIC)	20,755	20,755	20,755		20,755
0400	0604828D8Z	86	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM	16,782	16,782	16,782		16,782
0400	0605017D8Z	87	REDUCTION OF TOTAL OWNERSHIP COST	25,289	25,289	25,289		25,289
0400	0303191D8Z	88	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	3,672	3,672	3,672		3,672
0400	0604051D8Z	89	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP)	29,500	33,500	29,500		29,500
			DD(X), CVN proposals		[4,000]			
0400	0604161D8Z	90	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPM	9,277	9,277	9,277		9,277
0400	0604384BP	91	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	212,072	212,072	212,072		212,072
0400	0604618D8Z	92	MANPADS DEFENSE PROGRAM					
0400	0604709D8Z	93	JOINT ROBOTICS PROGRAM	6,004	6,004	6,004		6,004
0400	0604764K	94	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	9,392	9,392	9,392		9,392
0400	0604771D8Z	95	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTID	8,177	8,177	8,177		8,177
0400	0605013BL	96	INFORMATION TECHNOLOGY DEVELOPMENT	11,005	11,005	11,005		11,005
0400	0605015BL	97	INFORMATION TECHNOLOGY DEVELOPMENT-STANDARD PRC					
0400	0605016D8Z	98	FINANCIAL MANAGEMENT SYSTEM IMPROVEMENTS					
0400	0605018SE	99	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTE					

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0400	0605019D8Z	100	ACQUISITION DOMAIN					
0400	0605020BT	101	BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES	140,245	90,245	140,245		140,245
			Program decrease		[-50,000]			
0400	0605140D8Z	102	TRUSTED FOUNDRY	42,522	42,522	42,522		42,522
0400	0605648D8Z	103	DEFENSE ACQUISITION EXECUTIVE (DAE) PILOT PROGRAM	6,015	6,015	6,015		6,015
0400	0303129K	104	DEFENSE MESSAGE SYSTEM	11,202	11,202	11,202		11,202
0400	0303140K	105	INFORMATION SYSTEMS SECURITY PROGRAM					
0400	0303141K	106	GLOBAL COMBAT SUPPORT SYSTEM	18,556	18,556	18,556		18,556
0400	0303158K	107	JOINT COMMAND AND CONTROL PROGRAM (JC2)	47,031	47,031	47,031		47,031
0400	0305840K	108	ELECTRONIC COMMERCE					
0400	0305840S	109	ELECTRONIC COMMERCE					
0400	0901200D8Z	110	BMMP DOMAIN MANAGEMENT AND SYSTEMS INTEGRATION					
0400	0603704D8Z	111	SPECIAL TECHNICAL SUPPORT					
0400	0603757D8Z	112	TRAINING TRANSFORMATION (T2)	72,897	76,897	77,897	8,000	80,897
			Command and control network			[5,000]	[5,000]	
			Joint simulation linking campaign analysis to warfighter mission rehearsal		[4,000]		[3,000]	
0400	0603858D8Z	113	UNEXPLODED ORDNANCE DETECTION AND CLEARANCE					
0400	0604140D8Z	114	CAPITAL ASSET MANAGEMENT SYSTEM-MILITARY EQUIPME					
0400	0604774D8Z	115	DEFENSE READINESS REPORTING SYSTEM (DRRS)	10,322	10,322	10,322		10,322
0400	0604875D8Z	116	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	9,390	9,390	9,390		9,390
0400	0604940D8Z	117	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPME	130,290	130,290	130,290		130,290
0400	0604943D8Z	118	THERMAL VICAR	7,492	7,492	7,492		7,492
0400	0605100D8Z	119	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	10,600	10,600	10,600		10,600
0400	0605104D8Z	120	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	30,339	31,339	30,339	1,000	31,339
			NDU pilot program		[1,000]		[1,000]	
0400	0605110BR	121	CRITICAL TECHNOLOGY SUPPORT					

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0400	0605110D8Z	122	USD(A&T)–CRITICAL TECHNOLOGY SUPPORT	2,029	2,829	4,029	2,000	4,029
			Militarily critical technologies program (Transfer from OMDW 260)			[2,000]	[2,000]	
			Wisconsin Project - International Export Control Center		[800]			
0400	0605114D8Z	123	BLACK LIGHT					
0400	0605117D8Z	124	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	38,253	38,253	38,253		38,253
0400	0605123D8Z	125	INTERAGENCY EXPORT LICENSE AUTOMATION					
0400	0605124D8Z	126	DEFENSE TRAVEL SYSTEM					
0400	0605126J	127	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	52,486	52,486	52,486		52,486
0400	0605128D8Z	128	CLASSIFIED PROGRAM USD(P)					
0400	0605130D8Z	129	FOREIGN COMPARATIVE TESTING	31,995	31,995	31,995		31,995
0400	0605161D8Z	130	NUCLEAR MATTERS-PHYSICAL SECURITY	4,285	4,285	4,285		4,285
0400	0605170D8Z	131	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	10,990	10,990	10,990		10,990
0400	0605200D8Z	132	GENERAL SUPPORT TO USD (INTELLIGENCE)	5,637	5,637	5,637		5,637
0400	0605384BP	133	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	80,134	80,134	80,134		80,134
0400	0605502BR	134	SMALL BUSINESS INNOVATION RESEARCH					
0400	0605502C	135	SMALL BUSINESS INNOVATIVE RESEARCH - MDA					
0400	0605502D8Z	136	SMALL BUSINESS INNOVATIVE RESEARCH					
0400	0605502E	137	SMALL BUSINESS INNOVATIVE RESEARCH					
0400	0605790D8Z	138	SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMI	2,073	2,073	2,073		2,073
0400	0605798S	139	DEFENSE TECHNOLOGY ANALYSIS	5,577	5,577	5,577		5,577
0400	0605799D8Z	140	FORCE TRANSFORMATION DIRECTORATE	20,404	30,404	45,404	28,500	48,904
			Operationally responsive space			[20,000]	[20,000]	
			Airborne reconnaissance sensor for ORS			[5,000]	[3,500]	
			Project Sheriff		[5,000]		[5,000]	
			Tactical redirected energy initiative		[5,000]			
0400	0605801KA	141	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	51,929	51,929	51,929		51,929
0400	0605803SE	142	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALU.	9,348	9,348	9,348		9,348

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Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0400	0605804D8Z	143	DEVELOPMENT TEST AND EVALUATION	9,203	9,203	9,203		9,203
0400	0605898E	144	MANAGEMENT HQ - R&D	50,951	50,951	45,951	-5,000	45,951
			Management headquarters			[-5,000]	[-5,000]	
0400	0301555G	145	CLASSIFIED PROGRAMS	[ ]	[ ]	[ ]		[ ]
0400	0301556G	146	SPECIAL PROGRAM	[ ]	[ ]	[ ]		[ ]
0400	0303169D8Z	147	INFORMATION TECHNOLOGY RAPID ACQUISITION	5,090	5,090	5,090		5,090
0400	0305193D8Z	148	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	14,128	14,128	14,128		14,128
0400	0305193G	149	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	[ ]	[ ]	[ ]		[ ]
0400	0901585C	150	PENTAGON RESERVATION	15,586	15,586	15,586		15,586
0400	0901598C	151	MANAGEMENT HQ - MDA	87,389	87,389	87,389		87,389
0400	0901598D8V	152	IT SOFTWARE DEV INITIATIVES	1,412	1,412	1,412		1,412
0400	0604130V	153	DEFENSE INFORMATION SYSTEM FOR SECURITY (DISS)	35,439	35,439	35,439		35,439
0400	0605127T	154	PARTNERSHIP FOR PEACE (PFP) INFORMATION MANAGEMENT	1,521	1,521	1,521		1,521
0400	0607384BP	155	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTE	7,035	7,035	7,035		7,035
0400	0607828D8Z	156	JOINT INTEGRATION AND INTEROPERABILITY	66,906	66,906	66,906		66,906
0400	0204571J	157	JOINT STAFF ANALYTICAL SUPPORT	7,686	7,686	7,686		7,686
0400	0208043J	158	CLASSIFIED PROGRAMS	1,662	1,662	1,662		1,662
0400	0208045K	159	C4I INTEROPERABILITY	84,313	84,313	84,313		84,313
0400	0208052J	160	JOINT ANALYTICAL MODEL IMPROVEMENT PROGRAM					
0400	0301011G	161	CRYPTOLOGIC ACTIVITIES	[ ]	[ ]	[ ]		[ ]
0400	0301301L	162	GENERAL DEFENSE INTELLIGENCE PROGRAM	[ ]	[ ]	6,500		[ ]
			High performance computational systems			[2,000]		
			Armed Forces medical and food research			[4,500]		
0400	0301318BB	163	HUMINT (CONTROLLED)	[ ]	[ ]	[ ]		[ ]
0400	0301398L	164	MANAGEMENT HQ - GDIP	[ ]	[ ]	[ ]		[ ]
0400	0301555BB	165	CLASSIFIED PROGRAMS	[ ]	[ ]	[ ]		[ ]

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Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0400	0301556BB	166	SPECIAL PROGRAM	[ ]	[ ]	[ ]		[ ]
0400	0302016K	167	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	721	721	721		721
0400	0302019K	168	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGR	34,007	34,007	34,007		34,007
0400	0303126K	169	LONG-HAUL COMMUNICATIONS - DCS	1,523	1,523	1,523		1,523
0400	0303131K	170	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETW	7,691	7,691	7,691		7,691
0400	0303135G	171	PUBLIC KEY INFRASTRUCTURE (PKI)	14,240	14,240	14,240		14,240
0400	0303136G	172	KEY MANAGEMENT INFRASTRUCTURE (KMI)	38,257	38,257	38,257		38,257
0400	0303140D8Z	173	INFORMATION SYSTEMS SECURITY PROGRAM	14,856	14,856	14,856		14,856
0400	0303140G	174	INFORMATION SYSTEMS SECURITY PROGRAM	404,337	411,337	404,337		404,337
			Polymorphic encryption and detection		[4,000]			
			Accelerated intelligence analyst education and training		[3,000]			
0400	0303148K	175	DISA MISSION SUPPORT OPERATIONS	1,224	1,224	1,224		1,224
0400	0303149J	176	C4I FOR THE WARRIOR	3,556	3,556	3,556		3,556
0400	0303149K	177	C4I FOR THE WARRIOR	6,551	6,551	6,551		6,551
0400	0303150K	178	GLOBAL COMMAND AND CONTROL SYSTEM	59,681	59,681	59,681		59,681
0400	0303153K	179	JOINT SPECTRUM CENTER	12,448	12,448	12,448		12,448
0400	0303165K	180	DEFENSE COLLABORATION TOOL SUITE (DCTS)					
0400	0303170K	181	NET-CENTRIC ENTERPRISE SERVICES (NCES)	28,630	28,630	28,630		28,630
0400	0303610K	182	TELEPORT PROGRAM	14,424	14,424	14,424		14,424
0400	0304210BB	183	SPECIAL APPLICATIONS FOR CONTINGENCIES	11,302	11,302	11,302		11,302
0400	0304345BQ	184	NATIONAL GEOSPACIAL - INTELLIGENCE PROGRAM (NGP)	[ ]	[ ]	[ ]		[ ]
0400	0305102BQ	185	DEFENSE GEOSPACIAL - INTELLIGENCE PROGRAM	[ ]	[ ]	10,000		[ ]
			Commercial airborne IFSAR mapping for NGIA			[10,000]		
0400	0305125D8Z	186	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	12,422	12,422	12,422		12,422
0400	0305127BZ	187	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]	[ ]	2,000		[ ]
			Credibility Assessment Research Initiative			[2,000]		

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Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0400	0305146BZ	188	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	20,791	20,791	20,791		20,791
0400	0305183L	189	DEFENSE HUMAN INTELLIGENCE (HUMINT) PROGRAM (DHIP)	[ ]	[ ]	[ ]		[ ]
0400	0305193L	190	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	[ ]	[ ]	[ ]		[ ]
0400	0305199D8Z	191	NET CENTRICITY	8,746	8,746	8,746		8,746
0400	0305202G	192	DRAGON U-2 (JMIP)	[ ]	[ ]	[ ]		[ ]
0400	0305206G	193	AIRBORNE RECONNAISSANCE SYSTEMS	[ ]	[ ]	6,000		[ ]
			Combat Sent wideband sensor upgrade program			[6,000]		
0400	0305207G	194	MANNED RECONNAISSANCE SYSTEMS	[ ]	[ ]	[ ]		[ ]
0400	0305208BQ	195	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]	[ ]	[ ]		[ ]
0400	0305208G	196	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]	[ ]	[ ]		[ ]
0400	0305208K	197	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	7,451	7,451	7,451		7,451
0400	0305208L	198	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]	[ ]	[ ]		[ ]
0400	0305880L	199	COMBATANT COMMAND INTELLIGENCE OPERATIONS	[ ]	[ ]	[ ]		[ ]
0400	0305883L	200	HARD AND DEEPLY BURIED TARGET (HDBT) INTEL SUPPORT	[ ]	[ ]	[ ]		[ ]
0400	0305884L	201	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES	[ ]	[ ]	[ ]		[ ]
0400	0305885G	202	TACTICAL CRYPOLOGICAL ACTIVITIES	[ ]	[ ]	[ ]		[ ]
0400	0305889G	203	COUNTERDRUG INTELLIGENCE SUPPORT	[ ]	[ ]	[ ]		[ ]
0400	0305889L	204	COUNTERDRUG INTELLIGENCE SUPPORT	[ ]	[ ]	[ ]		[ ]
0400	0307141G	205	NASS, IO TECHNOLOGY INTEGRATION AND TOOL DEV	[ ]	[ ]	[ ]		[ ]
0400	0307207G	206	AERIAL COMMON SENSOR (ACS)	[ ]	[ ]	[ ]		[ ]
0400	0708011S	207	INDUSTRIAL PREPAREDNESS	18,748	21,748	26,748	3,000	21,748
			Castings for improved readiness			[3,000]		
			High performance defense manufacturing tech R&D			[5,000]		
			Lithium battery systems for asset tracking		[3,000]		[3,000]	
0400	0708012S	208	LOGISTICS SUPPORT ACTIVITIES	2,912	2,912	2,912		2,912
0400	0902298J	209	MANAGEMENT HEADQUARTERS (JCS)	3,090	3,090	3,090		3,090
0400	1001018D8Z	210	NATO JOINT STARS	41,670	41,670	41,670		41,670

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Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0400	1160279BB	211	SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH					
0400	1160403BB	212	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVE	83,704	83,704	83,704		83,704
0400	1160404BB	213	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	45,241	58,241	56,141	8,400	53,641
			Wavelet packet modulation		[4,400]	[4,400]	[4,400]	
			Special operations combat assault rifle (scar)		[4,100]	[4,100]	[4,000]	
			Helmet Mount Track System			[2,400]		
			Dominant vision		[4,500]			
0400	1160405BB	214	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPME	29,011	34,011	39,011	5,500	34,511
			Wireless management and control project			[4,000]		
			Multi-spectral laboratory and analytical services center			[6,000]	[3,000]	
			METOC		[5,000]		[2,500]	
0400	1160408BB	215	SOF OPERATIONAL ENHANCEMENTS	99,010	106,010	99,010	3,000	102,010
			Miniaturized tracking devices		[7,000]		[3,000]	
0400	1160421BB	216	SPECIAL OPERATIONS CV-22 DEVELOPMENT					
0400	1160425BB	217	SPECIAL OPERATIONS AIRCRAFT DEFENSIVE SYSTEMS	7,850	7,850	7,850		7,850
0400	1160426BB	218	OPERATIONS ADVANCED SEAL DELIVERY SYSTEM (ASDS) DE	32,452	42,452	32,452		32,452
			Program increase		[10,000]			
0400	1160427BB	219	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	1,782	1,782	1,782		1,782
0400	1160428BB	220	UNMANNED VEHICLES (UV)	1,521	1,521	1,521		1,521
0400	XXXXXXX	999	CLASSIFIED PROGRAMS	3,312,490	3,341,490	3,762,490		3,312,490
			Program increase		[29,000]			
			Program increase (S. Amdt)			[450,000]		
			Total, RDT&E Defense-Wide	**20,809,939**	**20,760,039**	**21,488,939**	**120,100**	**20,930,039**

National Defense Education Program

The budget request included $19.5 million in PE 61120D8Z for the National Defense Education Program (NDEP). The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $5.0 million in PE 61120D8Z.

The conferees agree to authorize $19.5 million in PE 61120D8Z, specifically for Science, Mathematics, and Research for Transformation scholarships and for other authorized NDEP activities; but authorize no funding for institutional scholarships, fellowships, and traineeships. The conferees recommend that the Department provide information on the need for this activity along with a request for legislative authority to conduct it.

Printed circuit board supply chain

The budget request included $23.4 million in PE 63712S for generic logistics research and development technology demonstrations.

The House bill would authorize an increase of $10.0 million in PE 63712S for the emerging critical interconnection technology program to address reliable printed circuit board manufacturing in the United States.

The Senate amendment would authorize an increase of $4.0 million in PE 63712S for the emerging critical interconnection technology program.

The conferees agree to authorize an increase of $4.3 million in PE 63712S for the emerging critical interconnection technology program.

The conferees direct the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the recommendations of the National Research Council (NRC) Committee on Manufacturing Trends in Printed Circuit Board Technology. This report should be submitted not later than 9 months after the date of the enactment of this Act. The report should, at a minimum, provide an analysis of each finding and a detailed description of the response by the Department of Defense to each recommendation of the NRC Committee, including a schedule with specific milestones and required funding for completing the implementation of the recommendation or the reasons for a decision not to implement the recommendation.

Joint modeling, simulation, and experimentation

The budget request included $115.7 million in PE 63828D8Z for joint experimentation, modeling, and simulation technologies.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $10.0 million in PE 63828D8Z to further develop joint, interagency, and coalition modeling, simulation, and experimentation.

The conferees agree to authorize the budget request and an increase of $8.0 million in PE 63828D8Z in order to fund joint effects-based modeling and simulation that effectively incorporates political, economic, infrastructure, information, societal, and diplomatic factors, as well as coalition warfare, at the tactical level of operations.

As mentioned in the Senate report accompanying S. 2766 (S. Rept. 109–254) of the National Defense Authorization Act for Fiscal Year 2007, the 2006 Quadrennial Defense Review (QDR) Report noted that the Department of Defense must shift its emphasis from Department-centric approaches toward interagency solutions that incorporate all elements of national power. Cooperation across the Federal Government is essential and can be facilitated efficiently by enhanced modeling, simulation, and experimentation. Of the amount authorized, the conferees recommend that $4.0 million be utilized to carry out an East Coast Asymmetric Warfare Initiative (AWI). The East Coast AWI is designed to enhance our nation's coordination and response capabilities to a Weapon of Mass Destruction (WMD) event through a complex, scenario-based exercise utilizing the experience and unique capabilities of the Navy's Center for Asymmetric Warfare and involving the Commonwealth of Virginia and the State of Maine. This multi-agency exercise involving the Department of Defense, the Department of Homeland Security, other Federal agencies, State and local government entities, as well as the private sector will greatly enhance U.S. response capability to a WMD event and provide a template for future exercises designed to further strengthen our nation's ability to respond to a WMD event.

Ballistic Missile Defense

Ground-based Midcourse Ballistic Missile Defense

The budget request included $2.9 billion in PE 63882C for the Ballistic Missile Defense midcourse defense segment to cover continued development, ground and flight testing, fielding, and support for the Ground-based Midcourse Defense (GMD) system.

The House bill would authorize a decrease of $35.8 million in PE 63882C, which includes the elimination of all funding, $55.8 million, for the third GMD site in Europe.

The Senate amendment would authorize an increase of $245.0 million in PE 63882C.

The conferees agree to authorize $3.1 billion in PE 63882C, an increase of $225.0 million for the BMD midcourse defense segment. The increase is directed as follows: $60.0 million for efforts to accelerate the ability of the GMD system to conduct concurrent test and operations; $140.0 million for enhanced testing and to increase the pace of GMD flight testing; and $25.0 million for advanced procurement of an additional six flight test missiles. The Missile Defense Agency (MDA) is expected to budget for the completion of these tasks over fiscal years 2008 to 2011.

The conferees also agree to provide $32.8 million for the third GMD site in Europe, a decrease of $23.0 million, and note that a ground-based interceptor site in Europe could provide future protection for the United States and Europe against longer-range ballistic missiles launched from the Middle East. The conferees also direct the Secretary of Defense to report to the congressional defense committees within 30 days of the completion of planned intercept tests FTG–04 and FTG–05. The report should include an assessment of whether the test objectives for these intercept tests have been met. In the event that these test objectives are not met, the Secretary should provide in this report a determination as to whether the remaining block 2008 funds should be reallocated for additional testing of the block 2004/2006 configuration.

Aegis Ballistic Missile Defense

The budget request included $1.0 billion in PE 63892C for the sea-based Aegis Ballistic Missile Defense system.

The House bill would authorize an increase of $40.0 million in PE 63892C.

The Senate amendment would authorize an increase of $100.0 million in PE 63892C.

The conferees agree to authorize $1.1 billion in PE 63892C, an increase of $100.0 million. The increase is directed as follows: $10.0 million for continued S-band advanced radar algorithm work; $20.0 million for Aegis BMD signal processor, 2–color seeker development, and acceleration of the open architecture program; and $70.0 million to support the procurement of 24 additional SM–3 block 1B missiles over fiscal years 2008 to 2011. MDA is expected to budget for the completion of these tasks over fiscal years 2008 to 2011.

The conferees are aware that the MDA and the Department of the Navy are exploring the feasibility of modifying 100 SM–2 Block IV missiles to obtain a near-term sea-based terminal ballistic missile defense capability starting in fiscal year 2007 with conversion of all missiles completed by the end of fiscal year 2009. According to briefings by the MDA and Department of the Navy, such a capability could afford protection for ships and other critical assets against short-range ballistic missiles in the Scud A/B class. This proposed development would cost approximately $130.0 million over fiscal years 2007 to 2009, with the Navy share estimated at approximately $20.0 million in fiscal year 2007. The conferees, while supportive of efforts to provide near-term missile defense capability, require further information before authorizing this development effort to proceed. Therefore, the conferees encourage the Department of Defense to submit to Congress a reprogramming request in fiscal year 2007 to pursue a sea-based terminal missile defense capability, should such a step be consistent with Department requirements and resource constraints. If submitted, the reprogramming request should be accompanied by documentation that: (1) explains the need for such a capability; (2) indicates Department of the Navy endorsement of this program; and (3) includes a Navy-MDA cost-share agreement through completion of the effort.

Arrow Ballistic Missile Defense System

The budget request included $1.0 billion in PE 63881C for Ballistic Missile Defense Terminal Defense Segment, of which $13.0 million was for Arrow missile production and $56.2 million was for the Arrow System Improvement Program.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $8.0 million for the Arrow System Improvement Program and an increase of $52.0 million for Arrow co-production in PE 63881C.

The conferees agree to authorize a total of $63.0 million in PE 63881C for Arrow co-production, an increase of $50.0 million.

Kinetic Energy Interceptor

The budget request included $405.5 million in PE 63886C for Ballistic Missile Defense System Interceptors for continued development of the Kinetic Energy Interceptor.

The House bill would authorize a decrease of $100.0 million in PE 63886C.

The Senate amendment would authorize a decrease of $200.0 million in PE 63886C.

The conferees agree to authorize $245.5 in PE 63886C, a decrease of $160.0 million. The conferees further recommend that no additional funds be reprogrammed into this program element over the course of fiscal year 2007.

Space Tracking and Surveillance System

The budget request included $390.6 million in PE 63893C for the Space Tracking and Surveillance System.

The House bill and Senate amendment would authorize the budget request.

The conferees agree to authorize $223.6 million in PE 63893C, a decrease of $67.0 million.

Products

The budget request included $506.8 million in PE 63889C for Ballistic Missile Defense (BMD) Products.

The House bill and would authorize the budget request.

The Senate amendment would authorize a decrease of $40.0 million in PE 63889C.

The conferees agree to authorize $478.8 million in PE 63889C, a decrease of $28.0 million.

Systems Core

The budget request included $473.1 million in PE 63890C for Ballistic Missile Defense Systems Core.

The House bill would authorize a decrease of $10.0 million in PE 63890C.

The Senate amendment would authorize a decrease of $40.0 million in PE 63890C.

The conferees agree to authorize $348.1 million in PE 63890C, a decrease of $25.0 million.

Special Programs

The budget request included $374.5 million in PE 63891C for Special Programs—MDA.

The House bill would authorize the budget request.

The Senate amendment would authorize a decrease of $20.0 million in PE 63891C.

The conferees agree to authorize $348.1 million in PE 63891C, a decrease of $26.4 million.

Multiple Kill Vehicle

The budget request included $165.0 million in PE 63894C for Multiple Kill Vehicle.

The House bill would authorize a decrease of $65.0 million in PE 63894C.

The Senate amendment would authorize the budget request.

The conferees agree to authorize $125.0 million in PE 63894C, a decrease of $40.0 million, and note the importance of this program as a future spiral improvement for the ground-based interceptor.

Operationally responsive space capabilities

The budget request included $20.4 million in PE 65799D8Z for the Office of Force Transformation (OFT) in the Office of the Secretary of Defense, but included no funding for operationally responsive space capabilities.

The House bill would authorize the budget request in PE 65799D8Z, and would authorize an increase of $20.0 million in PE 64857F for operationally responsive space capabilities.

The Senate amendment would authorize an increase of $25.0 million in PE 65799D8Z for development of operationally responsive space capabilities.

The conferees agree to authorize $48.9 million in PE 65799D8Z, an increase of $23.5 million for operationally responsive space capabilities. Of this amount, $20.0 million is for payloads, satellite busses, integration, command and control, and joint warfighter experimentation; and $3.5 million is to support adapting existing airborne reconnaissance sensor capabilities for use in responsive space missions.

The conferees expect future operationally responsive space budget requests would be in support of the Operationally Responsive Space Program Office, to the extent applicable, pursuant to guidance in the Operationally Responsive Space provision (sec 913) of this Act.

Operational Test and Evaluation, Defense overview

The budget request included $181.5 million in Operational Test and Evaluation, Defense for the Department of Defense.

The House bill would authorize $181.5 million.

The Senate amendment would authorize $181.5 million.

The conferees agree to authorize $181.5 million.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title II-RDT and E

(Dollars in Thousands)

Acct	Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
			OPERATIONAL TEST & EVALUATION, DEFENSE					
0460	0603941D8Z	1	TEST & EVALUATION SCIENCE & TECHNOLOGY					
0460	0604940D8Z	2	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPME					
0460	0605118D8Z	3	OPERATIONAL TEST AND EVALUATION					
0460	0605118OTE	4	OPERATIONAL TEST AND EVALUATION	50,161	50,161	50,161		50,161
0460	0605131D8Z	5	LIVE FIRE TESTING					
0460	0605131OTE	6	LIVE FIRE TEST AND EVALUATION	11,245	11,245	11,245		11,245
0460	0605804D8Z	7	DEVELOPMENT TEST AND EVALUATION					
0460	0605814OTE	8	OPERATIONAL TEST ACTIVITIES AND ANALYSES	120,114	120,114	120,114		120,114
			Total, Operational Test & Evaluation, Defense	181,520	181,520	181,520		181,520
			TOTAL RDT&E	73,156,008	74,054,578	74,268,148	451,968	73,607,976

ITEM OF SPECIAL INTEREST

Proposed realignment of Air Force test and evaluation facilities

The conferees are concerned about a proposed realignment of Air Force test and evaluation facilities and personnel that could have significant impacts beginning in fiscal year 2007 and continuing into the out years. The conferees believe that additional information and analysis of the impacts of the proposed action is required before any implementation of the plan proceeds. The conferees direct the Secretary of the Air Force, jointly with the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD (AT&L)), and the Director of the Test Resource Management Center (TRMC) to submit separate reports to the congressional defense committees analyzing the proposed actions.

The impact report prepared by the Air Force and USD (AT&L) should include an analysis of the following for proposed personnel relocations and for the facilities proposed closure or realignment: (1) missions served; (2) Department of Defense acquisition programs affected, including an analysis of impacts on risk, cost, and schedule; (3) costs to the Air Force and to the Department, including costs to close or realign test and evaluation capabilities and reconstitute or acquire required capabilities, including personnel, contract termination, military construction, housing costs, installation operations and maintenance, and other costs; (4) a detailed analysis and disclosure of the estimated net cost or savings to the Department derived from the actions and payback period of such actions; (5) developmental and operational test programs impacted; (6) the extent to which the recommendations of the 2005 Defense Base Closure and Realignment Commission support or contradict the findings of this analysis; (7) impacts on the test and evaluation workforce and on the ability to recruit and retain skilled personnel at affected facilities; and (8) alternatives considered. The impact report should also include a joint statement by the Secretary of the Air Force and the USD (AT&L) on changes, if any, to the proposed course of action as a result of the conclusions of the analysis, subsequent actions required as a result of the analysis, and an explanation of the criteria used to determine the level of acceptable risk to the Department in proceeding with the proposed action.

The TRMC report should include an assessment of how the proposed closures or realignments of Air Force research, development, test, and evaluation activities may impact the strategic plan for Department of Defense test and evaluation resources, as required by section 196 of title 10, United States Code. The assessment should focus on whether the Air Force test and evaluation facilities, resources, and budgets will meet the test and evaluation requirements and satisfy performance measures included in the strategic plan.

The conferees direct the Secretary of the Air Force to undertake no action to realign or close any test and evaluation activities, other than those specifically included in the final decisions of the 2005 Defense Base Realignment and Closure round, until 60 days after the two required reports are received by the congressional defense committees.

LEGISLATIVE PROVISIONS ADOPTED

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Authorization of appropriations (sec. 201)

The House bill contained a provision (sec. 201) that would authorize the recommended fiscal year 2007 funding levels for the Research, Development, Test, and Evaluation accounts for the Army, Navy, Marine Corps, Air Force, Defense-wide activities, and the Director of Operational Test and Evaluation.

The Senate amendment contained a similar provision (sec. 201).

The conference agreement includes this provision.

Amount for defense science and technology (sec. 202)

The House bill contained a provision (sec. 202) that would authorize $11.7 billion for Department of Defense science and technology programs in fiscal year 2007.

The Senate amendment contained a similar provision (sec. 202) that would authorize $11.5 billion.

The conferees agree to authorize $11.7 billion for Department of Defense science and technology programs in fiscal year 2007.

SUBTITLE B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

Acquisition of, and independent cost analyses for, the Joint Strike Fighter propulsion system (sec. 211)

The Senate amendment contained a provision (sec. 254) that would direct the Secretary of Defense to provide for the development of the propulsion system for the Joint Strike Fighter (JSF) through either: (1) the continuing development and sustainment of two interchangeable propulsion systems by two separate contractors throughout the life cycle of the aircraft, or (2) a one-time firm-fixed-price contract for a selected propulsion system for the life cycle of the aircraft following the initial service release of the aircraft propulsion system in fiscal year 2008.

The House bill contained no similar provision.

The House recedes with an amendment that would:

(1) require the Secretary to provide for the continuing development and sustainment of two interchangeable propulsion systems by two separate contractors throughout the life cycle of the aircraft;

(2) prohibit the Secretary from carrying out any modification to the development and sustainment of two interchangeable engines until:

(a) the Secretary notifies the congressional defense committees of any modification to the acquisition program for the JSF propulsion systems,

(b) three independent, comprehensive, and detailed cost analyses have been submitted, and

(c) funds are appropriated for that purpose pursuant to an authorization of appropriations;

(3) require independent cost analyses be completed by the Secretary, acting through the Cost Analysis Improvement Group of the Office of the Secretary of Defense, the Comptroller General, and a federally-funded research and development center, which would be selected by the Secretary, and be submitted to the congressional defense committees not later than March 15, 2007; and

(4) include a one-time firm-fixed-price contract as part of the independent cost analyses.

Expansion and extension of authority to award prizes for advanced technology achievements (sec. 212)

The Senate amendment contained a provision (sec. 252) that would extend the authority to award prizes for advanced technology achievements to September 30, 2011. The provision would also elevate the authority to the Director, Defense Research and Engineering (DDRE) and expand the authority to include the military departments.

The House bill contained a similar provision (sec. 212) that would extend the authority to September 30, 2010, but would not elevate or expand the authority.

The House recedes with an amendment that would extend the authority to September 30, 2010, and would suspend the authority for failure to provide the report as required in subsection (e) of section 2374a of title 10, United States Code.

The conferees recognize the efforts of the Defense Advanced Research Projects Agency (DARPA) to utilize the prize authority to spur innovation and to engage nontraditional organizations in defense research. The amendment would continue to allow use of the prize authority by DARPA and other components under DDRE.

The conferees have been informed that DARPA has independently decided to withdraw its support of the X PRIZE Foundation's 2006 space technology competitions, but plans to continue work on the advancement of unmanned ground vehicle technology through the Urban Challenge competition. The conferees note that both activities may hold promise for the development of technologies to support defense missions, and therefore encourage the DDRE to evaluate potential benefits of such activities and the use, if appropriate, of the authority provided by this section. The conferees believe that such evaluations could be conducted in a manner that ensures seamless planning and execution for existing programs.

Defense Acquisition Challenge Program extension, enhancement, and modification to address critical cost growth threshold breaches in major defense acquisition programs (sec. 213)

The House bill contained a provision (sec. 213) that would permanently extend the Defense Acquisition Challenge Program (DACP), and protect the identity of those submitting challenge proposals during the proposal evaluation process. The House bill also contained a provision (sec. 805) that would: (1) modify section 2359b of title 10, United States Code, to establish requirements for a DACP proposal solicitation in the event of a critical cost growth threshold breach for a major defense acquisition program, and (2) modify section 2433 of title 10, United States Code, to require that, in the event of a critical cost growth threshold breach, the Secretary of Defense perform certain additional assessments, certifications, and reporting.

The Senate amendment contained a provision (sec. 802) that would extend the DACP through 2012 and would provide the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD (AT&L)) with the authority to establish procedures to ensure that the program is focused on small and medium-sized businesses, and nontraditional defense contractors.

The Senate recedes with an amendment that would consolidate the three provisions into a single provision. The amendment would: (1) modify section 2433 to require the Secretary to perform certain assessments; (2) require USD (AT&L), in coordination with service acquisition executives, to evaluate current challenge proposal transition initiatives and identify additional incentives or authorities; (3) establish procedures to give priority to proposals from nontraditional defense contractors; (4) extend the DACP until September 30, 2012; and (5) clarify amendments to section 2359b regarding requirements for challenge proposal solicitations for acquisition programs that experience critical cost growth threshold breaches, funding guidelines for such challenge proposals, the procedures for disposition of proposals that receive favorable preliminary reviews but unfavorable full evaluations, and measures to ensure confidentiality of challenge proposal submissions.

Future Combat Systems milestone review (sec. 214)

The House bill contained a provision (sec. 214) that would require the Secretary of Defense to conduct a Future Combat Systems (FCS) milestone review, following the preliminary design review, by September 30, 2008, and to submit a report on the results of the FCS milestone review not later than February 13, 2009.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the submission date of the required report to 120 days after completion of the preliminary design review of FCS. Although the amendment withholds the obligation of FCS procurement funds beginning in fiscal year 2009 until the Secretary submits the required report, the amendment allows the Department of the Army to obligate funds for the non-line-of-sight cannon and for the costs attributable to insertion of new technology into the current force, if the insertion is approved by the Under Secretary of Defense for Acquisition, Technology, and Logistics. The conferees strongly endorse a program strategy that will enable early spin out of FCS technologies into the current force, a top priority of the Chief of Staff of the Army.

Dedicated amounts for implementing or evaluating Navy shipbuilding technology proposals under Defense Acquisition Challenge Program (sec. 215)

The House bill contained a provision (sec. 216) that would require the Secretary of Defense to provide an additional $4.0 million for the Defense Acquisition Challenge Program to evaluate or implement challenge proposals specifically for the DD(X) next-generation destroyer and the CVN-21 next-generation aircraft carrier programs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize up to $4.0 million to evaluate or implement challenge proposals that relate to technology directly contributing to combat systems and open architecture design for Navy ship platforms.

Independent estimate of costs of the Future Combat Systems (sec. 216)

The Senate amendment contained a provision (sec. 211) that would withhold $500.0 million from the amount of funds authorized to be appropriated for the development of the Future Combat Systems (FCS) until the Secretary of Defense submits a report of an independent cost estimate for FCS conducted by a federally-funded research and development center.

The House bill contained no similar provision.

The House recedes with an amendment that would remove the withhold of $500.0 million and change the submission date of the required report to April 1, 2007.

The conferees are disappointed with the response by the Department of Defense to reports required in section 211 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) and section 213 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163). The conferees expect the Department to share the details of the independent cost estimate prepared by the Department's Cost Analysis Improvement Group (CAIG) with the organization selected to conduct the independent cost estimate.

The conferees understand that the Army disagrees with the analysis by CAIG of the Army's FCS cost estimate. It would be useful for the organization selected to perform the independent cost estimate to review and comment on the discrepancies between the cost estimates of the Army and the CAIG.

Funding of defense science and technology programs (sec. 217)

The Senate amendment contained a provision (sec. 212) that would extend the funding objective for science and technology programs, established in section 212 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 107-107), to fiscal year 2012, and would require submission of two reports if the Department of Defense fails to meet the outlined funding objective in any single fiscal year budget request.

The House bill contained no similar provision.

The House recedes with an amendment that would make technical changes and would consolidate submission of the required information along with budget requests.

Hypersonics development (sec. 218)

The Senate amendment contained a provision (sec. 213) that would direct the Secretary of Defense to establish a joint technology office (JTO) to coordinate and integrate hypersonics research, development, and demonstration programs and budgets.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify certain responsibilities of the JTO and ensure consideration of test and evaluation resources and facilities in hypersonics programs and plans.

The conferees expect the Department of Defense to fully utilize existing management and coordination functions in fulfilling the requirements of this section and to consider virtual structures and organizations, as appropriate, to minimize any administrative burdens associated with a new JTO while maximizing program outcomes.

Report on program for replacement of nuclear warheads on certain Trident sea-launched ballistic missiles with conventional warheads (sec. 219)

The Senate amendment contained a provision (sec. 214) that would prohibit $95.0 million of the funds authorized to be appropriated for the Conventional Trident Modification (CTM) program from being obligated or expended until the Secretary of Defense, in consultation with the Secretary of State, submits a report to the congressional defense committees.

The House bill contained no similar provision, but would authorize $30.0 million in Research, Development, Test, and Evaluation.

The House recedes with an amendment that would strike the limitation on funding while maintaining the reporting requirement. The conference outcome with respect to funding for the CTM program is reflected in the tables of this report under Research, Development, Test, and Evaluation, Navy; Weapons Procurement, Navy; and Other Procurement, Navy.

The conferees continue to believe it is important for the Department of Defense to explore a wide range of capabilities for responding rapidly to emerging threats to the United States and its strategic interests. The conferees encourage the Department to expedite consideration of mid-term options for prompt global strike, and to propose to the congressional defense committees as soon as possible those activities that may be required during fiscal year 2007 to make progress toward developing those concepts the Congress and the Department deem appropriate, including reprogramming actions.

Subtitle C—Missile Defense Programs

Fielding of ballistic missile defense capabilities (sec. 221)

The House bill contained a provision (sec. 221) that would allow funds authorized to be appropriated for fiscal years 2007 and 2008 for research, development, test, and evaluation for the Missile Defense Agency to be used for the development and fielding of ballistic missile defense capabilities.

The Senate amendment contained a similar provision.

The Senate recedes.

Limitation on use of funds for space-based interceptor (sec. 222)

The House bill contained a provision (sec. 222) that would prevent the Department of Defense from obligating funds for the testing or deployment of a space-based interceptor program until 90 days after submitting a report to Congress describing the program and its national security implications.

The Senate amendment contained no similar provision.

The Senate recedes.

Policy of the United States on priorities in the development, testing, and fielding of missile defense capabilities (sec. 223)

The Senate amendment contained a provision (sec. 232) that would make it the policy of the United States to accord a priority within the missile defense program to the development, testing, fielding, and improvement of effective near-term missile defense capabilities, including the Ground-based Midcourse Defense (GMD) system, the Aegis Ballistic Missile Defense (BMD) system, additional Patriot PAC-3 units, the Terminal High Altitude Area Defense (THAAD) system, and sensors based on land, sea, and in space that support these interceptor systems.

The House bill contained no similar provision.

The House recedes with an amendment that would update the findings to take into account the North Korean ballistic missile test launches of July 2006.

On July 4, 2006, the United States detected the launch of six ballistic missiles from North Korea, followed by an additional launch on July 5, 2006. These missiles varied in range from the short-range Scud to the medium-range No-Dong and included the firing of a Taepo-Dong 2 missile, which intelligence agencies believe could eventually reach United States territory. The conferees believe these North Korean launches, as well as activities related to the development and testing of Iranian ballistic missiles, reinforce congressional direction provided to the Department of Defense over the past 2 years to focus its efforts on those initial missile defense systems that are now providing, or starting to provide, a measure of protection for the United States and its deployed forces.

The Department's excessive focus on and investment in the development of long-term technologies has made it difficult for the Missile Defense Agency to successfully develop, test, and field—in sufficient numbers—the initial missile defense capabilities necessary to address the current threat. For example, the Department has reduced planned deliveries of the highly successful sea-based Standard-Missile 3 from 120 to 96 over the future years defense program and is programming to procure only 48 THAAD missiles. Also, the Department is not funding enough PAC-3 missiles to meet the needs of combatant commanders in areas where forward deployed U.S. forces are currently within range of short- and medium-range ballistic missiles. The budget request for the GMD system also leads conferees to believe that inadequate resources have been applied toward ensuring the GMD system is fully tested and is able to stand alert even while testing is underway.

The conferees believe that the emphasis of our missile defense efforts should be on the current generation of missile defense capabilities—even if this comes at the expense of longer-term development efforts. Based on congressional testimonies by combatant commanders, who inform Congress that they require more missile defense inventory to keep pace with the threat, and mindful of recent developments in North Korea and Iran, the conferees believe that priority should be given to developing, testing, fielding, and improving effective near-term missile defense capabilities, including GMD, Aegis BMD, Patriot PAC-3, and THAAD. The conferees expect the Department to reflect this policy in their fiscal year 2008 budget submission.

One-year extension of Comptroller General assessments of ballistic missile defense programs (sec. 224)

The Senate amendment contained a provision (sec. 233) that would extend until fiscal year 2008 the requirement for the Comptroller General to provide an assessment of the extent to which the Missile Defense Agency achieved the goals established for that fiscal year for each ballistic missile defense program of the Department of Defense.

The House bill contained no similar provision.

The House recedes.

Submittal of plans for test and evaluation of the operational capability of the Ballistic Missile Defense System (sec. 225)

The Senate amendment contained a provision (sec. 234) that would require each plan approved by the Director of Operational Test and Evaluation to test and evaluate the operational capability of the ballistic missile defense system, as required by section 234(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 10 U.S.C. 2431 note), to be submitted to the congressional defense committees within 30 days of such approval.

The House bill contained no similar provision.

The House recedes.

Annual reports on transition of ballistic missile defense programs to the military departments (sec. 226)

The Senate amendment contained a provision (sec. 235) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to submit a report to the congressional defense committees, not later than March 1, 2007, and annually thereafter through 2013, on the plans of the Department of Defense for the transition of missile defense programs from the Missile Defense Agency to the military departments.

The House bill contained no similar provision.

The House recedes with an amendment that would include the requirement to report on any agreement on the operational test criteria that must be achieved before the transition of a missile defense program to the military departments.

Subtitle D—Other Matters

Policies and practices on test and evaluation to address emerging acquisition approaches (sec. 231)

The House bill contained a provision (sec. 231) that would require a review of test and evaluation policies and practices, and modify reporting requirements of the Director of Operational Test and Evaluation (DOTE) under section 2399(b)(2) of title 10, United States Code.

The Senate amendment contained a similar provision (sec. 253) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD (AT&L)) and the DOTE to review and revise policies and practices on test and evaluation in light of emerging approaches to acquisition. The provision would also amend section 2399(b) of title 10, United States Code, to address deficient testing information on rapid acquisition programs purchased prior to a decision to proceed to low rate initial production

The House recedes with an amendment that would include elements of both provisions, and add a new section to clarify the responsibilities of the DOTE with respect to force protection equipment. The amendment would: (1) update reporting requirements of the DOTE to allow for submission of relevant information on operational capabilities of tested items; (2) require submission of testing information to Congress on major defense acquisition programs that do not move beyond low rate initial production, but that proceed to operational use or make use of procurement funds; (3) require a review, and revision if necessary, of policies and practices on test and evaluation; and (4) update the responsibilities of the DOTE under section 139 of title 10, United States Code, to include advice and consultation to the Secretary of Defense, USD (AT&L), and Secretaries of the military departments on operational test and evaluation and survivability testing of force protection equipment.

The conferees do not intend this section to modify existing authorities of the DOTE with respect to major defense acquisition programs, as defined in section 139(a)(2)(B) of title 10, United States Code, or operational test and evaluation in general. The conferees direct the Secretaries of the military departments to ensure that the DOTE is made aware of force protection equipment programs.

Extension of requirement for Global Research Watch Program (sec. 232)

The Senate amendment contained a provision (sec. 251) that would extend the requirement for the Global Research Watch program.

The House bill contained no similar provision.

The House recedes.

Sense of Congress on technology sharing of Joint Strike Fighter technology (sec. 233)

The Senate amendment contained a provision (sec. 256) that would express the sense of the Senate that the Secretary of Defense should allow Joint Strike Fighter technology to be shared between the governments of the United States and the United Kingdom.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Report on vehicle-based active protection systems for certain battlefield threats (sec. 234)

The Senate amendment contained a provision (sec. 358) that would require the Secretary of Defense to contract with an appropriate entity independent of the United States Government to conduct an assessment of various foreign and domestic technological approaches to vehicle-based active protective systems.

The House bill contained no similar provision.

The House recedes.

The conferees expect the Secretary of Defense to provide to the entity selected to perform the independent assessment the documentation and findings of all related studies of active protection systems conducted by the Department of Defense within the last 3 years or deemed relevant by the Secretary.

LEGISLATIVE PROVISIONS NOT ADOPTED

Amount for development and validation of warfighter rapid awareness processing technology

The Senate amendment contained a provision (sec. 203) that would authorize $4.0 million for Marine Corps development and validation of a rapid awareness processing technology.

The House bill contained no similar provision.

The Senate recedes.

The conference outcome is reflected in the tables of this report in Research, Development, Test, and Evaluation, Navy PE 62131M.

Alternate engine for Joint Strike Fighter

The House bill contained a provision (sec. 211) that would authorize $408.0 million for the continued development of an alternate engine for the Joint Strike Fighter.

The Senate amendment contained no similar provision.

The House recedes.

The conference outcome is reflected in the tables of this report in Research, Development, Test, and Evaluation, Navy, line 133; and in Research, Development, Test, and Evaluation, Air Force, line 92.

Arrow ballistic missile defense

The Senate amendment contained a provision (sec. 215) that would make available $65.0 million for coproduction of the Arrow ballistic missile defense system, and $63.7 million for the Arrow System Improvement Program.

The House bill contained no similar provision.

The Senate recedes.

The conference outcome is reflected in the tables of this report in Research, Development, Test, and Evaluation, Defense-wide, PE 63881C, Ballistic Missile Defense Terminal Defense Segment.

Independent cost analyses for Joint Strike Fighter engine program

The House bill contained a provision (sec. 215) that would direct the Comptroller General and the Secretary of Defense, acting through the Cost Analysis Improvement Group of the Office of the Secretary of Defense, to independently perform comprehensive and detailed cost analyses of the Joint Strike Fighter (JSF) engine program.

The Senate amendment contained a similar provision (sec. 255) that would direct the Comptroller General, the Secretary of Defense, acting through the Cost Analysis Improvement Group of the Office of the Secretary of Defense, and a federally-funded research and development center, which would be selected by the Secretary of Defense, to independently perform comprehensive and detailed cost analyses of the JSF engine program.

The conference agreement does not include either provision.

Elsewhere in this report, the conferees agree to include the requirement for three independent cost analyses on the acquisition of, and independent cost analyses for, the JSF propulsion systems.

High energy laser low aspect target tracking

The Senate amendment contained a provision (sec. 216) that would authorize $5.0 million to support instrumentation and test and evaluation activities of the high energy laser systems test facility.

The House bill contained no similar provision.

The Senate recedes.

The conference outcome is reflected in the tables of this report in Research, Development, Test, and Evaluation, Army PE 65605A.

Advanced Aluminum Aerostructures Initiative

The Senate amendment contained a provision (sec. 217) that would authorize $2.0 million for the Advanced Aluminum Aerostructures Initiative.

The House bill contained no similar provision.

The Senate recedes.

The conference outcome is reflected in the tables of this report in Research, Development, Test, and Evaluation, Air Force PE 63211F.

Legged mobility robotic research

The Senate amendment contained a provision (sec. 218) that would authorize $1.0 million for legged mobility robotic research.

The House bill contained no similar provision.

The Senate recedes.

The conference outcome is reflected in the tables of this report in Research, Development, Test, and Evaluation, Army PE 62601A.

Wideband digital airborne electronic sensing array

The Senate amendment contained a provision (sec. 219) that would authorize $3.0 million for Air Force research on the wideband digital airborne electronic sensing array.

The House bill contained no similar provision.

The Senate recedes.

The conference outcome is reflected in the tables of this report in Research, Development, Test, and Evaluation, Air Force PE 62204F.

Science and technology

The Senate amendment contained a provision (sec. 220) that would authorize $45.0 million for competitively awarded basic research programs.

The House bill contained no similar provision.

The Senate recedes.

The conference outcome is reflected in the tables of this report in Research, Development, Test, and Evaluation, Army PE 61103A, Navy PE 61103N, Air Force PE 61103F, Defense-wide PE 61101E, and Defense-wide PE 61120D8Z.

High Altitude Airship program

The House bill contained a provision (sec. 223) that would make $5.0 million available for the High Altitude Airship program from amounts provided in section 201 for Research, Development, Test, and Evaluation, Air Force.

The Senate amendment contained no similar provision.

The House recedes.

The conference outcome is reflected in the tables of this report in Research, Development, Test, and Evaluation.

Testing and operations for missile defense

The Senate amendment contained a provision (sec. 236) that would make available an additional $45.0 million for the Ballistic Missile Defense Midcourse Defense Segment (PE 63882C) to accelerate the ability to conduct concurrent test and missile defense operations and to increase the pace of realistic flight testing of the ground-based midcourse defense system.

The House bill contained no similar provision.

The Senate recedes.

The conference outcome is reflected in the tables of this report in Research, Development, Test, and Evaluation, Defense wide, PE 63882C.

Report on biometrics programs of the Department of Defense

The Senate amendment contained a provision (sec. 257) that would require the Secretary of Defense to submit a report on the management and adequacy of biometrics programs.

The House bill contained no similar provision.

The Senate recedes.

The conferees note the importance of an integrated biometrics program to meet Department of Defense needs in the areas of network security and access, facility security, intelligence and detainee operations, force protection, and homeland and border security.

The conferees direct the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a report in both classified and unclassified form on the biometrics programs of the Department. The report should be submitted no later than January 31, 2007, and should address the following:

(1) an assessment of the adequacy of the current executive agent management structure for meeting the needs of the biometrics programs throughout the Department and recommendations, if any, for improvements to the management structure;

(2) current and anticipated future requirements for the biometrics programs to meet needs throughout the Department;

(3) a description and assessment of adequacy of programs currently fielded to meet operational requirements, including those in Iraq and Afghanistan;

(4) an assessment of programmatic or capability gaps in meeting future requirements; and

(5) actions being taken within the Department to coordinate and integrate biometrics programs among the departments and agencies of the executive branch, including development, requirements generation, resource allocation, and operational use.

For the purposes of the required report, the conferees consider the term "biometrics" to mean an identity management program or system that utilizes distinct personal attributes, including DNA, facial features, irises, retinas, signatures, or voices, to identify individuals.

TITLE III—OPERATION AND MAINTENANCE

Operation and Maintenance overview

The budget request included $130,089.0 million in Operation and Maintenance, $23,445.6 million in Other Programs, and $2,436.4 million in Working Capital Fund Accounts for the Department of Defense.

The House bill would authorize $129,770.1 million in Operation and Maintenance, $23,647.0 million in Other Programs, and $2,503.2 million in Working Capital Fund Accounts.

The Senate amendment would authorize $129,531.8 million in Operation and Maintenance, $23,351.8 million in Other Programs, and $2,436.4 million in Working Capital Fund Accounts.

The conferees agree to authorize $129,018.1 million in Operation and Maintenance, $23,847.1 million in Other Programs, and $2,436.4 million in Working Capital Fund Accounts.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

NATIONAL DEFENSE AUTHORIZATION FOR FISCAL YEAR 2007

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Title III -- OPERATION AND MAINTENANCE & OTHER PROGRAMS					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army	24,902,380	24,920,735	24,785,580	-486,028	24,416,352
Operation and Maintenance, Navy	31,330,984	31,089,075	31,130,784	-173,345	31,157,639
Operation and Maintenance, MC	3,878,962	3,974,081	3,905,262	-15,500	3,863,462
Operation and Maintenance, AF	31,342,307	31,098,957	31,251,107	-261,050	31,081,257
Operation and Maintenance, Defense-wide	20,075,656	19,875,763	20,116,756	18,220	20,093,876
Operation and Maintenance, Army Reserve	2,299,202	2,300,102	2,139,702	-38,400	2,260,802
Operation and Maintenance, Navy Reserve	1,288,764	1,288,764	1,288,764	-13,000	1,275,764
Operation and Maintenance, Marine Corps Reserve	211,911	211,911	211,911	-600	211,311
Operation and Maintenance, Air Force Reserve	2,723,800	2,723,800	2,575,100	-25,400	2,698,400
Operation and Maintenance, Army National Guard	4,838,665	5,090,565	4,857,728	-62,244	4,776,421
Operation and Maintenance, Air National Guard	5,336,017	5,336,017	5,318,717	-43,500	5,292,517
Transfer Accounts	1,403,295	1,403,295	1,493,295	40,000	1,443,295
Miscellaneous Appropriations	457,053	457,053	457,053	-10,000	447,053
SUBTOTAL OPERATION AND MAINTENANCE	130,088,996	129,770,118	129,531,759	-1,070,847	129,018,149

NATIONAL DEFENSE AUTHORIZATION FOR FISCAL YEAR 2007

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
OTHER PROGRAMS					
DEFENSE HEALTH PROGRAM					
Defense Health Program, O&M	20,498,163	20,699,563	20,397,863	396,500	20,894,663
Pregnancy recovery education for military women			[1,000]		
Primary care early intervention			[2,000]		
Unobligated balances		[-290,750]	[-140,300]	[-140,300]	
Pediatric dental anesthesia			[5,000]		
Improved cancer screening for women			[3,000]	[3,000]	
Increased education and training for PTSD			[5,000]		
Incentive payments in rural areas			[8,000]		
Study on traumatic brain injury (S. Amdt)			[5,000]	[5,000]	
Training curricula for traumatic brain injury (S. Amdt)			[1,000]	[1,000]	
Ranch Hand data (non-add) (s. Amdt)			[850]		
Reimburse National Academy of Sciences for Rand Hand (non-add) (S. Amdt)			[200]		
Post traumatic stress disorder pilot projects			[10,000]	[10,000]	
Defer certain TRICARE cost share increases		[486,000]		[486,000]	
TRICARE pharmacy cost share changes		[-9,000]			
Authorize anesthesia / other costs for child dental care		[2,750]		[2,750]	
Index children's hospitals reimbursement differential		[1,700]			
Offset for transfer Ranch Hand data (TMA)		[-1,050]			
Air Force brain acoustic monitor		[1,200]			
Health care pilot project		[400]		[400]	
Madigan Army Medical Center trauma assistance program		[1,650]		[1,650]	
Theatre enterprise-wide logistics systems		[8,500]		[5,000]	
Disease management programs				[10,000]	
Traumatic brain injury treatment and rehabilitation				[12,000]	

NATIONAL DEFENSE AUTHORIZATION FOR FISCAL YEAR 2007

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Defense Health Program, RDTE	130,603	130,603	135,603	5,000	135,603
Chronic pain management			[5,000]	[5,000]	
Defense Health Program, Procurement	396,355	396,355	397,855		396,355
Robotic surgery for prostate cancer			[1,500]		
Advanced tech high dose internal radiation therapy					
Subtotal Defense Health Program	**21,025,121**	**21,226,521**	**20,931,321**	**401,500**	**21,426,621**
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES					
Drug Enforcement and Policy Support	926,890	926,890	926,890		926,890
SOUTHCOM		[-7,000]			
NORTHCOM		[-2,000]			
PACOM		[-1,000]			
CENTCOM		[-2,000]			
Intelligence technology		[-4,000]			
Southwest border fence		[10,000]			
Maritime domain awareness		[6,000]			
Subtotal Drug Interdiction and Counter-Drug Activities	**926,890**	**926,890**	**926,890**		**926,890**
OFFICE OF THE INSPECTOR GENERAL					
Office of the Inspector General, O&M	214,897	214,897	214,897		214,897
Office of the Inspector General, RDTE					
Office of the Inspector General, Procurement	1,400	1,400	1,400		1,400
Subtotal Office of the Inspection General	**216,297**	**216,297**	**216,297**		**216,297**

NATIONAL DEFENSE AUTHORIZATION FOR FISCAL YEAR 2007

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION					
Chemical Agents and Munitions Destruction, O&M	1,046,290	1,046,290	1,046,290		1,046,290
Chemical Agents and Munitions Destruction, RDTE	231,014	231,014	231,014		231,014
Chemical Agents and Munitions Destruction, Procurement					
Subtotal Chemical Agents and Munitions Destruction	**1,277,304**	**1,277,304**	**1,277,304**		**1,277,304**
SUBTOTAL OTHER PROGRAMS	**23,445,612**	**23,647,012**	**23,351,812**	**401,500**	**23,847,112**
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	161,998	161,998	161,998		161,998
Defense Working Capital Funds - DeCA	1,184,000	1,184,000	1,184,000		1,184,000
National Defense Sealift Fund	1,071,932	1,138,732	1,071,932		1,071,932
Buyout one additional lease		[66,800]			
Pentagon Reservation Maintenance Revolving Fund	18,500	18,500	18,500		18,500
SUBTOTAL REVOLVING AND MANAGEMENT FUNDS	**2,436,430**	**2,503,230**	**2,436,430**		**2,436,430**
TOTAL O&M AND OTHER PROGRAMS	**155,971,038**	**155,920,360**	**155,320,001**	**-669,347**	**155,301,691**

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Operation and Maintenance, Army					
		BUDGET ACTIVITY 01: OPERATING FORCES					
		LAND FORCES					
2020a	010	DIVISIONS	992,281	1,014,249	995,281		992,281
		UH-60 AoA armor			[3,000]		
		Restoration of training requirement		[20,968]			
		M-Gator		[1,000]			
2020a	020	CORPS COMBAT FORCES	430,556	439,176	430,556		430,556
		Restoration of training requirement		[8,620]			
2020a	030	CORPS SUPPORT FORCES	388,518	397,709	395,318	6,000	394,518
		Battlefield mobility enhancers (M-Gators)			[6,800]	[6,000]	
		Restoration of training requirement		[9,191]			
2020a	040	EAC SUPPORT FORCES	884,236	909,274	884,236		884,236
		Restoration of training requirement		[25,038]			
2020a	050	LAND FORCES OPERATIONS SUPPORT	1,189,294	1,207,558	1,192,094		1,189,294
		Rapid Data Management System			[2,800]		
		Restoration of training requirement		[18,264]			
		LAND FORCES READINESS					
2020a	060	FORCE READINESS OPERATIONS SUPPORT	1,971,662	1,971,662	1,974,662	1,500	1,973,162
		Cognitive air defense simulators (CADS)			[3,000]	[1,500]	
2020a	070	LAND FORCES SYSTEMS READINESS	571,894	524,163	594,094	-28,000	543,894
		Corrosion prevention and control			[5,200]	[4,000]	
		Blood bag transport modernization project			[17,000]	[8,000]	
		Combat development core		[-47,731]		[-40,000]	

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2020a	080	LAND FORCES DEPOT MAINTENANCE	974,354	1,075,380	974,354		974,354
		Unfunded requirements in depot maintenance		[101,026]			
		LAND FORCES READINESS SUPPORT					
2020a	090	BASE OPERATIONS SUPPORT	5,235,492	5,235,492	5,235,492		5,235,492
2020a	100	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	1,810,774	1,810,774	1,810,774		1,810,774
2020a	110	MANAGEMENT AND OPERATIONAL HQ	252,976	233,888	252,976	-19,088	233,888
		Army management headquarters activities		[-19,088]		[-19,088]	
2020a	120	UNIFIED COMMANDS	108,594	103,594	108,594		108,594
		Standing Joint Forces Headquarters		[-5,000]			
2020a	130	MISCELLANEOUS ACTIVITIES	219,469	219,469	219,469		219,469
		TOTAL, BA 01: OPERATING FORCES	15,030,100	15,142,388	15,067,900	-39,588	14,990,512
		BUDGET ACTIVITY 02: MOBILIZATION					
		MOBILITY OPERATIONS					
2020a	140	STRATEGIC MOBILITY	197,583	267,033	203,583	6,000	203,583
		Quadruple specialty containers			[6,000]	[6,000]	
		Restoration of prepositioned stocks		[71,750]			
		Logistics Modernization Program		[-2,300]			
2020a	150	ARMY PREPOSITIONING STOCKS	66,594	100,633	66,594		66,594
		Restoration of prepositioned stocks		[34,039]			
2020a	160	INDUSTRIAL PREPAREDNESS	4,700	4,700	4,700		4,700
		TOTAL, BA 02: MOBILIZATION	268,877	372,366	274,877	6,000	274,877

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
		ACCESSION TRAINING					
2020a	170	OFFICER ACQUISITION	112,359	112,359	112,359		112,359
2020a	180	RECRUIT TRAINING	38,480	38,480	38,480		38,480
2020a	190	ONE STATION UNIT TRAINING	45,827	45,827	45,827		45,827
2020a	200	SENIOR RESERVE OFFICERS TRAINING CORPS	273,430	273,430	273,430		273,430
		BASIC SKILL/ ADVANCE TRAINING					
2020a	210	SPECIALIZED SKILL TRAINING	524,645	524,645	524,645		524,645
2020a	220	FLIGHT TRAINING	637,726	637,726	637,726		637,726
2020a	230	PROFESSIONAL DEVELOPMENT EDUCATION	115,231	116,231	115,231	1,000	116,231
		Leadership for leaders Command and General Staff College		[1,000]		[1,000]	
2020a	240	TRAINING SUPPORT	661,743	665,743	661,743	3,000	664,743
		Live training instrumentation for air and missile defense units		[4,000]		[3,000]	
		RECRUITING/OTHER TRAINING					
2020a	250	RECRUITING AND ADVERTISING	516,857	516,857	516,857		516,857
2020a	260	EXAMINING	130,238	130,238	130,238		130,238
2020a	270	OFF-DUTY AND VOLUNTARY EDUCATION	273,188	273,188	273,188		273,188
2020a	280	CIVILIAN EDUCATION AND TRAINING	136,568	136,568	136,568		136,568
2020a	290	JUNIOR ROTC	148,215	148,575	148,215	360	148,575
		Spirit of America JROTC youth conference		[360]		[360]	
		TOTAL, BA 03: TRAINING AND RECRUITING	3,614,507	3,619,867	3,614,507	4,360	3,618,867

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
		SECURITY PROGRAMS					
2020a	300	SECURITY PROGRAMS	782,719	782,719	782,719		782,719
		LOGISTICS OPERATIONS					
2020a	310	SERVICEWIDE TRANSPORTATION	451,070	451,070	451,070		451,070
2020a	320	CENTRAL SUPPLY ACTIVITIES	453,386	453,386	453,386		453,386
2020a	330	LOGISTIC SUPPORT ACTIVITIES	415,582	413,182	415,582		415,582
		Logistics Modernization Program		[-2,400]			
2020a	340	AMMUNITION MANAGEMENT	308,552	306,352	308,552		308,552
		Logistics Modernization Program		[-2,200]			
		SERVICEWIDE SUPPORT					
2020a	350	ADMINISTRATION	701,834	620,713	704,834	-50,000	651,834
		Strategic Management System (non-add)			[30,000]		
		Integrated digital environment pilot program			[3,000]		
		Army operations center headquarters		[-50,000]		[-50,000]	
		Other contracts - excessive growth		[-31,121]			
2020a	360	SERVICEWIDE COMMUNICATIONS	957,811	956,411	957,811	-4,900	952,911
		Future business systems		[-4,900]		[-4,900]	
		Army Knowledge Online disaster recovery		[3,500]			
2020a	370	MANPOWER MANAGEMENT	276,963	276,963	276,963	-3,000	273,963
		National Security Personnel System delayed implementation				[-3,000]	
2020a	380	OTHER PERSONNEL SUPPORT	200,993	200,993	200,993		200,993

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2020a	390	OTHER SERVICE SUPPORT	833,850	818,189	833,850	-17,900	815,950
		Combat readiness center		[-16,161]		[-10,000]	
		Continue holocaust education exhibits		[500]		[500]	
		Public affairs unjustified growth				[-8,400]	
2020a	400	ARMY CLAIMS ACTIVITIES	203,144	203,144	203,144		203,144
2020a	410	REAL ESTATE MANAGEMENT	48,934	48,934	48,934		48,934
		SUPPORT OF OTHER NATIONS					
2020a	420	SUPPORT OF NATO OPERATIONS	310,277	310,277	310,277		310,277
2020a	430	MISC. SUPPORT OF OTHER NATIONS	43,781	43,781	43,781		43,781
		JUDGMENT FUND					
2020a	440	JUDGMENT FUND					
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	5,988,896	5,886,114	5,991,896	-75,800	5,913,096
		Information assurance vulnerability alert cell			3,000	3,000	3,000
		Military to civilian conversions			-50,000	-20,900	-20,900
		Unobligated balances		-100,000	-67,600	-125,000	-125,000
		WCF excess balances			-50,000		
		Connect and join			1,000	1,000	1,000
		VMI military training infrastructure (non-add) (S. Amdt)			[2,900]		
		VMI military training infrastructure				2,900	2,900

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Peace time training offset				-245,000	-245,000
		Expanded Army early commissioning program				3,000	3,000
		Total Operation and Maintenance, Army	24,902,380	24,920,735	24,785,580	-486,828	24,416,352
		Operation and Maintenance, Navy					
		BUDGET ACTIVITY 01: OPERATING FORCES					
		AIR OPERATIONS					
1804n	010	MISSION AND OTHER FLIGHT OPERATIONS	3,587,750	3,587,750	3,587,750		3,587,750
1804n	020	FLEET AIR TRAINING	863,788	863,788	863,788		863,788
1804n	030	INTERMEDIATE MAINTENANCE	56,502	56,502	56,502		56,502
1804n	040	AIR OPERATIONS AND SAFETY SUPPORT	121,303	121,303	126,303		121,303
		Long arm high-intensity arc metal halide handheld searchlights			[5,000]		
1804n	050	AIR SYSTEMS SUPPORT	485,830	485,830	485,830		485,830
1804n	060	AIRCRAFT DEPOT MAINTENANCE	902,864	977,864	902,864		902,864
		Unfunded aviation requirements		[75,000]			
1804n	070	AIRCRAFT DEPOT OPERATIONS SUPPORT	144,243	134,243	144,243		144,243
		Navy enterprise resources planning		[-10,000]			
		SHIP OPERATIONS					
1804n	080	MISSION AND OTHER SHIP OPERATIONS	3,166,923	3,290,923	3,170,823	123,500	3,290,423
		Man overboard safety systems install and maintenance		[3,000]	[3,900]	[2,500]	
		Restore ship steaming day reduction		[121,000]		[121,000]	
1804n	090	SHIP OPERATIONS SUPPORT & TRAINING	645,040	645,040	645,040		645,040

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
1804n	100	SHIP DEPOT MAINTENANCE	3,722,690	3,605,690	3,722,690		3,722,690
		Restore ship deferred maintenance		[145,000]			
		Shipyard rate savings - mission funding conversion		[-262,000]			
1804n	110	SHIP DEPOT OPERATIONS SUPPORT	979,341	982,341	979,341		979,341
		Damage Control Inventory Management and Stowage System		[3,000]			
		COMBAT OPERATIONS/SUPPORT					
1804n	120	COMBAT COMMUNICATIONS	318,105	318,105	318,105		318,105
1804n	130	ELECTRONIC WARFARE	52,039	52,039	52,039		52,039
1804n	140	SPACE SYSTEMS AND SURVEILLANCE	164,454	164,454	164,454		164,454
1804n	150	WARFARE TACTICS	356,815	356,815	356,815		356,815
1804n	160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	267,193	267,193	267,193		267,193
1804n	170	COMBAT SUPPORT FORCES	1,073,662	1,073,662	1,073,662		1,073,662
1804n	180	EQUIPMENT MAINTENANCE	170,116	173,816	170,116		170,116
		METBENCH Automated Calibration System		[3,700]			
1804n	190	DEPOT OPERATIONS SUPPORT	3,855	3,855	3,855		3,855
		WEAPONS SUPPORT					
1804n	200	CRUISE MISSILE	132,602	132,602	132,602		132,602
1804n	210	FLEET BALLISTIC MISSILE	946,811	946,811	946,811		946,811
1804n	220	IN-SERVICE WEAPONS SYSTEMS SUPPORT	115,230	115,230	115,230		115,230
1804n	230	WEAPONS MAINTENANCE	433,856	433,856	458,856	16,800	450,656
		Mk45 Mod 5" gun depot overhauls			[25,000]	[16,800]	
1804n	240	OTHER WEAPON SYSTEMS SUPPORT	300,901	300,901	300,901		300,901

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		WORKING CAPITAL FUND SUPPORT					
1804n	250	NWCF SUPPORT					
		BASE SUPPORT					
1804n	260	ENTERPRISE INFORMATION	713,421	713,421	713,421		713,421
1804n	270	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,201,313	1,201,313	1,201,313		1,201,313
1804n	280	BASE OPERATING SUPPORT	3,470,443	3,470,443	3,470,443	-25,000	3,445,443
		Base operating support unjustified program growth				[-25,000]	
		TOTAL, BA 01: OPERATING FORCES	24,397,090	24,475,790	24,430,990	115,300	24,512,390
		BUDGET ACTIVITY 02: MOBILIZATION					
		READY RESERVE AND PREPOSITIONING FORCES					
1804n	290	SHIP PREPOSITIONING AND SURGE	545,607	545,607	545,607		545,607
		ACTIVATIONS/INACTIVATIONS					
1804n	300	AIRCRAFT ACTIVATIONS/INACTIVATIONS	4,626	4,626	4,626		4,626
1804n	310	SHIP ACTIVATIONS/INACTIVATIONS	197,171	205,171	197,171		197,171
		U.S. Navy ship disposal program		[8,000]			
		MOBILIZATION PREPAREDNESS					
1804n	320	FLEET HOSPITAL PROGRAM	30,928	30,928	30,928		30,928
1804n	330	INDUSTRIAL READINESS	1,660	1,660	1,660		1,660

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
1804n	340	COAST GUARD SUPPORT	20,236	20,236	20,236		20,236
		TOTAL, BA 02: MOBILIZATION	800,228	808,228	800,228		800,228
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
		ACCESSION TRAINING					
1804n	350	OFFICER ACQUISITION	134,960	134,960	134,960		134,960
1804n	360	RECRUIT TRAINING	9,973	9,973	9,973		9,973
1804n	370	RESERVE OFFICERS TRAINING CORPS	105,067	105,067	105,067		105,067
		BASIC SKILLS AND ADVANCED TRAINING					
1804n	380	SPECIALIZED SKILL TRAINING	517,787	517,787	517,787		517,787
1804n	390	FLIGHT TRAINING	425,434	425,434	425,434		425,434
1804n	400	PROFESSIONAL DEVELOPMENT EDUCATION	121,568	122,893	121,568		121,568
		Continue education for childcare providers		[975]			
		Navy National Guard RINGGOLD linguists		[350]			
1804n	410	TRAINING SUPPORT	168,461	168,461	168,461		168,461
		RECRUITING, AND OTHER TRAINING AND EDUCATION					
1804n	420	RECRUITING AND ADVERTISING	245,469	245,769	245,469	300	245,769
		Naval Sea Cadet Corps		[300]		[300]	
1804n	430	OFF-DUTY AND VOLUNTARY EDUCATION	148,588	148,588	148,588		148,588
1804n	440	CIVILIAN EDUCATION AND TRAINING	75,337	75,337	75,337		75,337

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
1804n	450	JUNIOR ROTC	46,649	46,649	46,649		46,649
		TOTAL, BA 03: TRAINING AND RECRUITING	1,999,293	2,000,918	1,999,293	300	1,999,593
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
		SERVICEWIDE SUPPORT					
1804n	460	ADMINISTRATION	719,357	682,923	719,357	-9,500	709,857
		FYDP improvement project		[-9,576]		[-9,500]	
		PR -07 / POM -08 planning and analysis		[-3,000]			
		Unjustified growth for HQ staff		[-8,858]			
		Other contract - excessive growth		[-15,000]			
1804n	470	EXTERNAL RELATIONS	3,555	3,555	3,555		3,555
1804n	480	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	103,611	103,611	103,611		103,611
1804n	490	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	186,113	186,113	186,113		186,113
1804n	500	OTHER PERSONNEL SUPPORT	274,108	274,108	274,108		274,108
1804n	510	SERVICEWIDE COMMUNICATIONS	798,527	728,527	768,527	-40,000	758,527
		NMCI program management		[-70,000]	[-30,000]	[-40,000]	
1804n	520	MEDICAL ACTIVITIES					
		LOGISTICS OPERATIONS AND TECHNICAL SUPPORT					
1804n	530	SERVICEWIDE TRANSPORTATION	218,575	218,575	218,575		218,575
1804n	540	ENVIRONMENTAL PROGRAMS					
1804n	550	PLANNING, ENGINEERING AND DESIGN	242,607	240,607	242,607	-2,000	240,607
		NAV 2030 vision principles		[-2,000]		[-2,000]	
1804n	560	ACQUISITION AND PROGRAM MANAGEMENT	518,512	518,512	518,512		518,512

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
1804n	570	HULL, MECHANICAL AND ELECTRICAL SUPPORT	58,202	62,202	58,202		58,202
		Flash Detection System		[4,000]			
1804n	580	COMBAT/WEAPONS SYSTEMS	43,143	43,143	43,143		43,143
1804n	590	SPACE AND ELECTRONIC WARFARE SYSTEMS	81,528	81,528	81,528		81,528
		INVESTIGATIONS AND SECURITY PROGRAMS					
1804n	600	NAVAL INVESTIGATIVE SERVICE	391,438	391,438	391,438		391,438
		SUPPORT OF OTHER NATIONS					
1804n	650	INTERNATIONAL HEADQUARTERS AND AGENCIES	10,478	10,478	10,478		10,478
1804n	660	PRESIDENTIAL DRAWDOWN AUTHORITY					
		CANCELLED ACCOUNTS					
1804n	670	CANCELLED ACCOUNT ADJUSTMENTS					
		OTHER PROGRAMS					
1804n	999	OTHER PROGRAMS	484,619	490,619	484,619		484,619
		Trident		[3,000]			
		Special project aircraft		[3,000]			
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	4,134,373	4,035,939	4,104,373	-51,500	4,082,873
		Military to civilian conversions			-40,000		
		Civilian personnel pay in excess of requirements		-96,800	-96,800	-96,800	-96,800

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Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Unobligated balances		-135,000	-67,300	-67,300	-67,300
		Peace time training offset				-73,345	-73,345
		Total Operation and Maintenance, Navy	31,330,984	31,089,075	31,130,784	-173,345	31,157,639
		Operation and Maintenance, Marine Corps					
		BUDGET ACTIVITY 01: OPERATING FORCES					
		EXPEDITIONARY FORCES					
1106n	010	OPERATIONAL FORCES	503,462	506,612	536,362	19,500	522,962
		High performance base layers			[4,000]	[2,000]	
		Cold Weather High Performance Layering System		[2,000]	[6,000]	[4,000]	
		Portable Tent Lighting System			[8,400]	[3,000]	
		Individual Water Purification System			[4,500]	[3,500]	
		Ultra Light Camouflage Net System			[6,000]	[3,000]	
		Command Post - large tactical shelters			[4,000]	[1,000]	
		EMI Hardened Fluorescent Stringable Tent Lighting System		[7,000]		[3,000]	
		Redesignation / establishment of unnecessary command structures		[-5,850]			
1106n	020	FIELD LOGISTICS	424,331	424,331	429,331	4,000	428,331
		Corrosion prevention and control			[5,000]	[4,000]	
1106n	030	DEPOT MAINTENANCE	111,210	160,294	111,210		111,210
		Marine Air Traffic Control and Landing System		[9,000]			
		Unfunded requirements in depot maintenance		[40,084]			
1106n	040	BASE SUPPORT					

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Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		USMC PREPOSITIONING					
1106n	050	MARITIME PREPOSITIONING	70,801	80,701	70,801	1,800	72,601
		Maritime prepositioning reconstitution		[9,900]		[1,800]	
1106n	060	NORWAY PREPOSITIONING	5,284	5,284	5,284		5,284
		BASE SUPPORT					
1106n	070	SUSTAINMENT, RESTORATION, & MODERNIZATION	419,418	419,418	419,418		419,418
1106n	080	BASE OPERATING SUPPORT	1,428,003	1,428,003	1,428,003		1,428,003
		TOTAL, BA 01: OPERATING FORCES	2,962,509	3,024,643	3,000,409	25,300	2,987,809
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
		ACCESSION TRAINING					
1106n	090	RECRUIT TRAINING	11,581	13,956	11,581		11,581
		Recruit training support		[2,375]			
1106n	100	OFFICER ACQUISITION	390	390	390		390
		BASIC SKILLS AND ADVANCED TRAINING					
1106n	110	SPECIALIZED SKILL TRAINING	41,130	49,730	41,130		41,130
		Formal school support		[8,600]			
1106n	120	FLIGHT TRAINING	187	187	187		187
1106n	130	PROFESSIONAL DEVELOPMENT EDUCATION	16,476	16,476	16,476		16,476
1106n	140	TRAINING SUPPORT	144,692	169,702	144,692		144,692
		Training support requirements		[25,010]			

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Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		RECRUITING AND OTHER TRAINING EDUCATION					
1106n	150	RECRUITING AND ADVERTISING	108,883	108,883	108,883		108,883
1106n	160	OFF-DUTY AND VOLUNTARY EDUCATION	55,524	55,524	55,524		55,524
1106n	170	JUNIOR ROTC	17,257	17,257	17,257		17,257
		BASE SUPPORT					
1106n	180	SUSTAINMENT, RESTORATION AND MODERNIZATION	50,810	50,810	50,810		50,810
1106n	190	BASE OPERATING SUPPORT	141,242	141,242	141,242		141,242
		TOTAL, BA 03: TRAINING AND RECRUITING	**588,172**	**624,157**	**588,172**		**588,172**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
		SERVICEWIDE SUPPORT					
1106n	200	SPECIAL SUPPORT	255,058	255,058	255,058		255,058
1106n	210	SERVICE-WIDE TRANSPORTATION	24,140	24,140	24,140		24,140
1106n	220	ADMINISTRATION	34,266	34,266	34,266		34,266
		CANCELLED ACCOUNT					
1106n	230	CANCELLED ACCOUNT ADJUSTMENT					
		BASE SUPPORT					
1106n	240	SUSTAINMENT, RESTORATION, AND MODERNIZATION	2,913	2,913	2,913		2,913
1106n	250	BASE OPERATING SUPPORT	11,904	11,904	11,904		11,904
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**328,281**	**328,281**	**328,281**		**328,281**

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(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Military to civilian conversions			-10,000		
		Unobligated balances		-3,000	-1,600	-3,000	-3,000
		Civilian personnel pay in excess of requirements				-37,800	-37,800
		Total Operation and Maintenance, Marine Corps	3,878,962	3,974,081	3,905,262	-15,500	3,863,462
		Operation and Maintenance, Air Force					
		BUDGET ACTIVITY 01: OPERATING FORCES					
		AIR OPERATIONS					
3400f	010	PRIMARY COMBAT FORCES	4,307,850	4,359,650	4,307,850	2,000	4,309,850
		MBU-20/P oxygen mask with lights		[2,000]		[2,000]	
		B-52 attrition reserve		[49,800]			
3400f	020	PRIMARY COMBAT WEAPONS	281,366	281,366	281,366		281,366
3400f	030	COMBAT ENHANCEMENT FORCES	603,703	633,703	603,703		603,703
		Unjustified transformational efficiencies		[30,000]			
3400f	040	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,439,196	1,447,196	1,439,296	100	1,439,296
		Joint modular targets and urban CAS site			[100]	[100]	
		Nevada Test and Training Range / Utah Test and Training Range		[8,000]			
3400f	050	COMBAT COMMUNICATIONS	1,619,591	1,659,591	1,619,591		1,619,591
		Unjustified transformational efficiencies		[40,000]			
3400f	070	DEPOT MAINTENANCE	1,943,368	1,943,368	1,944,268		1,943,368
		F-16 supply chain management DMSMS program			[900]		
3400f	080	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	924,187	924,187	924,187		924,187

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Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
3400f	090	BASE SUPPORT	2,405,434	2,225,434	2,405,434	-180,000	2,225,434
		Civilian personnel pay in excess of requirements		[-180,000]		[-180,000]	
		COMBAT RELATED OPERATIONS					
3400f	100	GLOBAL C3I AND EARLY WARNING	1,147,409	1,147,409	1,147,409		1,147,409
3400f	110	NAVIGATION/WEATHER SUPPORT	243,878	243,878	243,878		243,878
3400f	120	OTHER COMBAT OPS SPT PROGRAMS	610,059	610,059	610,059		610,059
3400f	130	JCS EXERCISES	29,240	29,240	29,240		29,240
3400f	140	MANAGEMENT/OPERATIONAL HQ	241,730	241,730	241,730		241,730
3400f	150	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	350,629	350,629	350,629		350,629
		SPACE OPERATIONS					
3400f	160	LAUNCH FACILITIES	324,467	324,467	324,467		324,467
3400f	170	LAUNCH VEHICLES	59,713	59,713	59,713		59,713
3400f	180	SPACE CONTROL SYSTEMS	255,325	255,325	255,325		255,325
3400f	190	SATELLITE SYSTEMS	81,845	81,845	81,845		81,845
3400f	200	OTHER SPACE OPERATIONS	320,801	310,801	325,301		320,801
		Air Force Space Surveillance System			[4,500]		
		Counter space operations		[-10,000]			
3400f	210	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	133,825	133,825	133,825		133,825
3400f	220	BASE SUPPORT	553,394	553,394	553,394		553,394
		TOTAL, BA 01: OPERATING FORCES	17,877,810	17,816,810	17,882,510	-177,900	17,699,110

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(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		BUDGET ACTIVITY 02: MOBILIZATION					
		MOBILITY OPERATIONS					
3400f	230	AIRLIFT OPERATIONS	2,948,518	2,948,518	2,948,518		2,948,518
3400f	240	AIRLIFT OPERATIONS C3I	47,313	47,313	47,313		47,313
3400f	250	MOBILIZATION PREPAREDNESS	204,721	204,721	204,721		204,721
3400f	260	PAYMENTS TO TRANSPORTATION BUSINESS AREA	7,134	7,134	7,134		7,134
3400f	270	DEPOT MAINTENANCE	311,703	311,703	311,703		311,703
3400f	280	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	179,242	179,242	179,242		179,242
3400f	290	BASE SUPPORT	560,838	560,838	560,838		560,838
		TOTAL, BA 02: MOBILIZATION	4,259,469	4,259,469	4,259,469		4,259,469
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
		ACCESSION TRAINING					
3400f	300	OFFICER ACQUISITION	81,429	81,429	81,429		81,429
3400f	310	RECRUIT TRAINING	6,306	6,306	6,306		6,306
3400f	320	RESERVE OFFICERS TRAINING CORPS (ROTC)	95,282	95,282	95,282		95,282
3400f	330	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	43,461	43,461	43,461		43,461
3400f	340	BASE SUPPORT	75,354	75,354	75,354		75,354
		BASIC SKILLS AND ADVANCED TRAINING					
3400f	350	SPECIALIZED SKILL TRAINING	351,352	336,352	351,352		351,352
		Euro NATO jet pilot training		[-10,000]			
		Initial flight screening		[-5,000]			

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Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
3400f	360	FLIGHT TRAINING	836,910	836,910	836,910		836,910
3400f	370	PROFESSIONAL DEVELOPMENT EDUCATION	175,225	175,225	175,225		175,225
3400f	380	TRAINING SUPPORT	89,025	91,025	89,025	1,000	90,025
		National Space Studies Center study		[2,000]		[1,000]	
3400f	390	DEPOT MAINTENANCE	12,558	12,558	12,558		12,558
3400f	400	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	134,126	134,126	134,126		134,126
3400f	410	BASE SUPPORT	590,856	590,856	590,856		590,856
		RECRUITING, AND OTHER TRAINING AND EDUCATION					
3400f	420	RECRUITING AND ADVERTISING	133,600	133,600	133,600		133,600
3400f	430	EXAMINING	3,713	3,713	3,713		3,713
3400f	440	OFF-DUTY AND VOLUNTARY EDUCATION	192,847	192,847	200,847		192,847
		Tuition assistance			[8,000]		
3400f	450	CIVILIAN EDUCATION AND TRAINING	115,394	115,394	115,394		115,394
3400f	460	JUNIOR ROTC	60,380	60,380	60,380		60,380
		TOTAL, BA 03: TRAINING AND RECRUITING	2,997,818	2,984,818	3,005,818	1,000	2,998,818
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
		LOGISTICS OPERATIONS					
3400f	470	LOGISTICS OPERATIONS	892,899	892,899	892,899		892,899
3400f	480	TECHNICAL SUPPORT ACTIVITIES	629,064	629,064	629,064		629,064
3400f	490	SERVICEWIDE TRANSPORTATION	176,222	176,222	176,222		176,222
3400f	500	DEPOT MAINTENANCE	47,817	47,817	47,817		47,817
3400f	510	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	252,911	252,911	252,911		252,911

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Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
3400f	520	BASE SUPPORT	993,307	993,307	993,307		993,307
		SERVICEWIDE ACTIVITIES					
3400f	530	ADMINISTRATION	254,311	244,311	254,311		254,311
		Administration - general reduction		[-10,000]			
3400f	540	SERVICE-WIDE COMMUNICATIONS	510,987	510,987	510,987		510,987
3400f	550	PERSONNEL PROGRAMS	222,416	222,416	222,416		222,416
3400f	560	ARMS CONTROL	49,933	49,933	49,933		49,933
3400f	570	OTHER SERVICEWIDE ACTIVITIES	280,473	284,473	280,473	2,000	282,473
		Air Force manufacturing technical assistance production		[4,000]		[2,000]	
3400f	580	OTHER PERSONNEL SUPPORT	37,775	37,775	37,775		37,775
3400f	590	CIVIL AIR PATROL	21,087	21,087	21,087		21,087
3400f	600	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	16,267	16,267	16,267		16,267
3400f	610	BASE SUPPORT	325,670	325,670	325,670		325,670
		SECURITY PROGRAMS					
3400f	620	SECURITY PROGRAMS	1,478,190	1,363,190	1,478,190		1,478,190
		Unjustified growth		[-115,000]			
		SUPPORT TO OTHER NATIONS					
3400f	630	INTERNATIONAL SUPPORT	18,681	18,681	18,681		18,681
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	6,208,010	6,087,010	6,208,010	2,000	6,210,010
		Interoperable communications			10,000	10,000	10,000
		NCR operational enhancements			3,500		

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Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Consequence management			3,800		
		Military to civilian conversions			-50,000		
		Unobligated balances			-75,000	-100,000	-100,000
		National security space institute			3,000	3,000	3,000
		Other contracts - excessive growth		-50,000			
		Ranch Hand data		850		850	850
		Total Operation and Maintenance, Air Force	31,342,307	31,098,957	31,251,107	-261,050	31,081,257
		Operation and Maintenance, Defense-wide					
		BUDGET ACTIVITY 1: OPERATING FORCES					
		DEFENSEWIDE ACTIVITIES					
0100d	010	JOINT CHIEFS OF STAFF	582,003	572,003	591,503	4,500	586,503
		Gamma Radiation Detection System			[9,500]	[9,500]	
		JCS - excessive growth		[-10,000]		[-10,000]	
		Combatant Commander's Initiative Fund				[5,000]	
0100d	020	SPECIAL OPERATIONS COMMAND	2,852,620	2,852,620	2,852,620		2,852,620
		TOTAL, BUDGET ACTIVITY 1:	3,434,623	3,424,623	3,444,123	4,500	3,439,123
		BUDGET ACTIVITY 3: TRAINING AND RECRUITING					
		DEFENSEWIDE ACTIVITIES					
0100d	030	DEFENSE ACQUISITION UNIVERSITY	104,671	104,671	104,671		104,671

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Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		RECRUITING AND OTHER TRAINING EDUCATION					
0100d	040	NATIONAL DEFENSE UNIVERSITY	85,131	85,131	85,131		85,131
		TOTAL, BUDGET ACTIVITY 3:	189,802	189,802	189,802		189,802
		BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES					
		DEFENSEWIDE ACTIVITIES					
0100d	050	AMERICAN FORCES INFORMATION SERVICE	150,329	150,329	150,329		150,329
0100d	060	CIVIL MILITARY PROGRAMS	106,503	107,503	106,503	1,000	107,503
		Starbase		[1,000]		[1,000]	
0100d	090	DEFENSE BUSINESS TRANSFORMATION AGENCY	179,255	179,255	179,255		179,255
0100d	100	DEFENSE CONTRACT AUDIT AGENCY	391,949	391,949	391,949		391,949
0100d	110	DEFENSE FINANCE AND ACCOUNTING SERVICE	452	452	452		452
0100d	120	DEFENSE INFORMATION SYSTEMS AGENCY	998,618	998,618	998,618		998,618
0100d	140	DEFENSE LEGAL SERVICES	35,538	35,538	35,538		35,538
0100d	150	DEFENSE LOGISTICS AGENCY	297,502	324,322	327,502	19,820	317,322
		Meals ready to eat war reserve stockpile		[5,000]	[30,000]	[5,000]	
		Commercial technologies for maintenance activities (CTMA)		[15,000]		[8,000]	
		Procurement technical assistance program (PTAP)		[6,820]		[6,820]	
0100d	160	DEFENSE POW/MIA OFFICE	16,191	16,191	16,191		16,191
0100d	170	DEFENSE TECHNOLOGY SECURITY AGENCY	21,899	21,899	21,899		21,899
0100d	180	DEFENSE THREAT REDUCTION AGENCY	314,555	314,555	314,555		314,555

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Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0100d	190	DEPARTMENT OF DEFENSE EDUCATION AGENCY	1,728,851	1,729,051	1,730,351	6,500	1,735,351
		Early childhood education pilot projects			[1,500]	[1,500]	
		Kids voting pilot program		[200]			
		Family support assistance (non-add) (S. Amdt)			[5,000]		
		Family support assistance				[5,000]	
0100d	200	DOD HUMAN RESOURCES ACTIVITY	374,352	374,352	374,352		374,352
0100d	210	DEFENSE CONTRACT MANAGEMENT AGENCY	1,040,297	1,040,297	1,040,297		1,040,297
0100d	220	DEFENSE SECURITY COOPERATION AGENCY	140,472	140,472	140,472		140,472
0100d	230	DEFENSE SECURITY SERVICE	287,059	287,059	287,059		287,059
0100d	250	OFFICE OF ECONOMIC ADJUSTMENT	73,021	78,021	73,021	5,000	78,021
		Port of Corpus Christi military seaport infrastructure		[5,000]		[5,000]	
0100d	260	OFFICE OF THE SECRETARY OF DEFENSE	748,368	745,368	779,368	23,000	771,368
		Readiness and Environmental Protection Initiative (REPI)		[30,000]	[30,000]	[25,000]	
		Information assurance scholarships			[3,000]		
		Militarily critical technologies program (Transfer to RDDW 122)			[-2,000]	[-2,000]	
		Capital security cost share		[-33,000]			
0100d	270	WASHINGTON HEADQUARTERS SERVICE	466,961	452,961	466,961	-14,000	452,961
		WHS - excessive growth		[-14,000]		[-14,000]	
		OTHER PROGRAMS					
0100d	999	OTHER PROGRAMS	9,079,059	9,079,059	9,079,059		9,079,059
		TOTAL, BUDGET ACTIVITY 4:	16,451,231	16,467,251	16,513,731	41,320	16,492,551
		Armed Forces medical and food research			2,200	2,200	2,200
		OEF/OIF commemoration funding			20,000		

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Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Institute for National Security Analysis			1,000	1000	1,000
		Military to civilian conversions			-10,000		
		Unobligated balances		-273,113	-54,100	-108,000	-108,000
		Impact Aid		50,000	30,000	35,000	35,000
		Impact Aid for children with severe disabilities			5,000	5,000	5,000
		DLA WCF excess balances			-50,000		
		Citizen soldier support program			5,000	5,000	5,000
		Special assistance to local education agencies			10,000	10,000	10,000
		DOD Supplementary Impact Aid - force structure / relocation		15,000			
		Cold War Medal		2,000			
		Ranch Hand data		200		200	200
		Reading for the Blind for dependents (non-add) (S. Amdt)			[500]		
		Reading for the Blind for dependents				500	500
		Joint advertising, market research and studies (S. Amdt)			10,000	7,500	7,500
		Transportation of remains				14,000	14,000
		Total Operation and Maintenance, Defense-Wide	**20,075,656**	**19,875,763**	**20,116,756**	**18,220**	**20,093,876**
		Operation and Maintenance, Army Reserve					
		BUDGET ACTIVITY 01: OPERATING FORCES					
		LAND FORCES					
2080a	010	DIVISIONS	29,104	29,104	29,104		29,104
2080a	020	CORPS COMBAT FORCES	20,498	20,498	20,498		20,498
2080a	030	CORPS SUPPORT FORCES	288,426	288,426	288,426		288,426

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Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2080a	040	EAC SUPPORT FORCES	190,481	190,481	190,481		190,481
2080a	050	LAND FORCES OPERATIONS SUPPORT	443,161	443,161	443,161		443,161
		LAND FORCES READINESS					
2080a	060	FORCE READINESS OPERATIONS SUPPORT	187,781	187,781	187,781		187,781
2080a	070	LAND FORCES SYSTEMS READINESS	90,397	90,397	90,397		90,397
2080a	080	LAND FORCES DEPOT MAINTENANCE	131,485	131,485	131,485		131,485
		LAND FORCES READINESS SUPPORT					
2080a	090	BASE OPERATIONS SUPPORT	528,256	528,256	528,256		528,256
2080a	100	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	215,890	215,890	215,890		215,890
2080a	110	MISCELLANEOUS ACTIVITIES	8,504	8,504	8,504		8,504
		TOTAL, BA 01: OPERATING FORCES	2,133,983	2,133,983	2,133,983		2,133,983
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
		SERVICEWIDE SUPPORT					
2080a	120	ADMINISTRATION	60,096	60,096	60,096		60,096
2080a	130	SERVICEWIDE COMMUNICATIONS	8,852	8,852	8,852		8,852
2080a	140	MANPOWER MANAGEMENT	7,642	7,642	7,642		7,642
2080a	150	RECRUITING AND ADVERTISING	88,629	89,529	88,629		88,629
		Citizen soldier support program		[900]			
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	165,219	166,119	165,219		165,219

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Unexplained budget growth			-125,800		
		Cost avoidance for mobilized miltechs			-33,700	-19,700	-19,700
		Unobligated balances				-18,700	-18,700
		Total Operation and Maintenance, Army Reserve	2,299,202	2,300,102	2,139,702	-38,400	2,260,802
		Operation and Maintenance, Navy Reserve					
		BUDGET ACTIVITY 01: OPERATING FORCES					
		AIR OPERATIONS					
1806n	010	MISSION AND OTHER FLIGHT OPERATIONS	591,126	591,126	591,126		591,126
1806n	020	INTERMEDIATE MAINTENANCE	16,969	16,969	16,969		16,969
1806n	030	AIR OPERATIONS AND SAFETY SUPPORT	2,090	2,090	2,090		2,090
1806n	040	AIRCRAFT DEPOT MAINTENANCE	132,570	132,570	132,570		132,570
1806n	050	AIRCRAFT DEPOT OPERATIONS SUPPORT	387	387	387		387
		SHIP OPERATIONS					
1806n	060	MISSION AND OTHER SHIP OPERATIONS	63,574	63,574	63,574		63,574
1806n	070	SHIP OPERATIONS SUPPORT & TRAINING	554	554	554		554
1806n	080	SHIP DEPOT MAINTENANCE	69,215	69,215	69,215		69,215
1806n	090	SHIP DEPOT OPERATIONS SUPPORT	537	537	537		537
		COMBAT OPERATIONS SUPPORT					
1806n	100	COMBAT COMMUNICATIONS	10,705	10,705	10,705		10,705
1806n	110	COMBAT SUPPORT FORCES	112,300	112,300	112,300		112,300

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(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		WEAPONS SUPPORT					
1806n	120	WEAPONS MAINTENANCE	5,861	5,861	5,861		5,861
		BASE SUPPORT					
1806n	130	ENTERPRISE INFORMATION	105,813	105,813	105,813		105,813
1806n	140	SUSTAINMENT, RESTORATION AND MODERNIZATION	52,136	52,136	52,136		52,136
1806n	150	BASE OPERATING SUPPORT	101,524	101,524	101,524		101,524
		TOTAL, BA 01: OPERATING FORCES	1,265,361	1,265,361	1,265,361		1,265,361
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
		SERVICEWIDE SUPPORT					
1806n	160	ADMINISTRATION	4,712	4,712	4,712		4,712
1806n	170	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	7,828	7,828	7,828		7,828
1806n	180	SERVICEWIDE COMMUNICATIONS	5,392	5,392	5,392		5,392
1806n	190	COMBAT/WEAPONS SYSTEMS	5,074	5,074	5,074		5,074
		CANCELLED ACCOUNTS					
1806n	210	CANCELLED ACCOUNT ADJUSTMENTS					
		OTHER PROGRAMS					
1806n	999	OTHER PROGRAMS	397	397	397		397

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Unobligated balances				-13,000	-13,000
		Total Operation and Maintenance, Navy Reserve	1,288,764	1,288,764	1,288,764	-13,000	1,275,764
		Operation and Maintenance, Marine Corps Reserve					
		BUDGET ACTIVITY 01: OPERATING FORCES					
		EXPEDITIONARY FORCES					
1107n	010	OPERATING FORCES	58,038	58,038	58,038		58,038
1107n	020	DEPOT MAINTENANCE	13,714	13,714	13,714		13,714
1107n	030	TRAINING SUPPORT	23,930	23,930	23,930		23,930
		BASE SUPPORT					
1107n	040	SUSTAINMENT, RESTORATION AND MODERNIZATION	9,579	9,579	9,579		9,579
1107n	050	BASE OPERATING SUPPORT	72,971	72,971	72,971		72,971
		TOTAL, BA 01: OPERATING FORCES	178,232	178,232	178,232		178,232
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
		SERVICEWIDE ACTIVITIES					
1107n	060	SPECIAL SUPPORT	12,158	12,158	12,158		12,158
1107n	070	SERVICE-WIDE TRANSPORTATION	814	814	814		814
1107n	080	ADMINISTRATION	8,087	8,087	8,087		8,087
1107n	090	RECRUITING AND ADVERTISING	8,091	8,091	8,091		8,091

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		BASE SUPPORT					
1107n	100	BASE OPERATING SUPPORT	4,529	4,529	4,529		4,529
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	33,679	33,679	33,679		33,679
		Infantry combat equipment (non-add) (S. Amdt)			[2,500]		
		Individual first aid kit (non-add) (S. Amdt)			[1,500]		
		Individual first aid kit			[1,500]	1,500	1,500
		Unobligated balances				-2,100	-2,100
		Total O&M, Marine Corps Reserve	211,911	211,911	211,911	-600	211,311
		Operation and Maintenance, Air Force Reserve					
		BUDGET ACTIVITY 01: OPERATING FORCES					
		AIR OPERATIONS					
3740f	010	PRIMARY COMBAT FORCES	1,798,478	1,798,478	1,798,478		1,798,478
3740f	020	MISSION SUPPORT OPERATIONS	89,340	89,340	89,340		89,340
3740f	030	DEPOT MAINTENANCE	373,336	373,336	373,336		373,336
3740f	040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	59,849	59,849	59,849		59,849
3740f	050	BASE SUPPORT	288,560	288,560	288,560		288,560
		TOTAL, BA 01: OPERATING FORCES	2,609,563	2,609,563	2,609,563		2,609,563

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
		SERVICEWIDE ACTIVITIES					
3740f	060	ADMINISTRATION	67,419	67,419	67,419		67,419
3740f	070	RECRUITING AND ADVERTISING	18,204	18,204	18,204		18,204
3740f	080	MILITARY MANPOWER AND PERS MGMT (ARPC)	21,712	21,712	21,712		21,712
3740f	090	OTHER PERS SUPPORT (DISABILITY COMP)	6,236	6,236	6,236		6,236
3740f	100	AUDIOVISUAL	666	666	666		666
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	114,237	114,237	114,237		114,237
		Training, test and ferry flying hours			-48,000		
		Cost avoidance for mobilized miltechs			-100,700	-7,100	-7,100
		Unobligated balances				-18,300	-18,300
		Total Operation and Maintenance, Air Force Reserve	2,723,800	2,723,800	2,575,100	-25,400	2,698,400
		Operation and Maintenance, Army National Guard					
		BUDGET ACTIVITY 01: OPERATING FORCES					
		LAND FORCES					
2065a	010	DIVISIONS	598,935	600,935	598,935	2,000	600,935
		Advanced solar covers		[1,000]		[1,000]	
		Extended Cold Weather Clothing System		[1,000]		[1,000]	
2065a	020	CORPS COMBAT FORCES	560,370	560,370	560,370		560,370

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2065a	030	CORPS SUPPORT FORCES	373,045	373,045	384,545		373,045
		Battlefield mobility enhancers (M-Gators)			[11,500]		
2065a	040	EAC SUPPORT FORCES	642,935	648,935	642,935	5,000	647,935
		Army National Guard battery modernization program		[6,000]		[5,000]	
2065a	050	LAND FORCES OPERATIONS SUPPORT	26,884	26,884	26,884		26,884
		LAND FORCES READINESS					
2065a	060	FORCE READINESS OPERATIONS SUPPORT	225,770	225,770	225,770		225,770
2065a	070	LAND FORCES SYSTEMS READINESS	129,371	129,371	129,371		129,371
2065a	080	LAND FORCES DEPOT MAINTENANCE	351,832	351,832	351,832		351,832
		LAND FORCES READINESS SUPPORT					
2065a	090	BASE OPERATIONS SUPPORT	631,832	631,832	631,832		631,832
2065a	100	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	387,882	387,882	387,882		387,882
2065a	110	MANAGEMENT AND OPERATIONAL HQ	466,837	488,837	466,837	16,956	483,793
		Homeland Defense Operational Planning System		[10,000]		[8,000]	
		Nationwide dedicated fiber optic network		[2,500]			
		Weapons of mass destruction civil support teams		[9,500]		[8,956]	
2065a	120	MISCELLANEOUS ACTIVITIES	74,500	74,500	77,500	3,000	77,500
		Operator driving simulator			[3,000]	[3,000]	
		Baseline Adjustment for One-Time Increase					
		TOTAL, BA 01: OPERATING FORCES	4,470,193	4,500,193	4,484,693	26,956	4,497,149

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(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
		SERVICEWIDE SUPPORT					
2065a	130	ADMINISTRATION	133,881	133,881	133,881		133,881
2065a	140	SERVICEWIDE COMMUNICATIONS	54,663	54,663	54,663		54,663
2065a	150	MANPOWER MANAGEMENT	53,197	53,197	53,197		53,197
2065a	160	RECRUITING AND ADVERTISING	126,731	127,631	126,731		126,731
		Citizen soldier support program		[900]			
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	368,472	369,372	368,472		368,472
		WMD CST sustainment training and evaluation program			8,500	2,000	2,000
		WMD CST equipment upgrades			5,000		
		Pilot program on reintegration into civilian life after deployment			6,663		
		Cost avoidance for mobilized miltechs			-15,600	-37,100	-37,100
		Restore funding to support 350K end strength		220,000			
		Unobligated balances				-55,100	-55,100
		Peace through Health Care Initiative (HASC Amdt)		1,000		1,000	1,000
		Total Operation and Maintenance, Army National Guard	4,838,665	5,090,565	4,857,728	-62,244	4,776,421

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(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Operation and Maintenance, Air National Guard					
		BUDGET ACTIVITY 01: OPERATING FORCES					
		AIR OPERATIONS					
3840f	010	AIRCRAFT OPERATIONS	3,434,443	3,434,443	3,434,443		3,434,443
3840f	020	MISSION SUPPORT OPERATIONS	512,771	512,771	518,971	4,000	516,771
		Warrior skills and convoy trainer			[6,200]	[4,000]	
3840f	030	DEPOT MAINTENANCE	602,590	602,590	602,590		602,590
3840f	040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	255,322	255,322	255,322		255,322
3840f	050	BASE SUPPORT	491,218	491,218	491,218		491,218
		TOTAL, BA 01: OPERATING FORCES	5,296,344	5,296,344	5,302,544	4,000	5,300,344
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
		SERVICEWIDE ACTIVITIES					
3840f	060	ADMINISTRATION	29,661	29,661	29,661		29,661
3840f	070	RECRUITING AND ADVERTISING	10,012	10,012	10,012		10,012
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	39,673	39,673	39,673		39,673
		Cost avoidance for mobilized miltechs			-23,500	-6,000	-6,000
		Unobligated balances				-41,500	-41,500
		Total Operation and Maintenance, Air National Guard	5,336,017	5,336,017	5,318,717	-43,500	5,292,517

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(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		TRANSFER ACCOUNTS					
0810a	010	ENVIRONMENTAL RESTORATION FUND, ARMY	413,794	413,794	463,794		413,794
		Clean up of UXO at BRAC sites			[50,000]		
0810n	020	ENVIRONMENTAL RESTORATION FUND, NAVY	304,409	304,409	304,409		304,409
0810f	030	ENVIRONMENTAL RESTORATION FUND, AIR FORCE	423,871	423,871	423,871		423,871
0810d	040	ENVIRONMENTAL RESTORATION FUND, DEFENSE	18,431	18,431	18,431		18,431
0811d	050	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	242,790	242,790	282,790	40,000	282,790
		Increased funding			[40,000]	[40,000]	
		TOTAL, O&M, TRANSFER ACCOUNTS	1,403,295	1,403,295	1,493,295	40,000	1,443,295

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(Dollars in Thousands)

Account	Line	Program Title	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		MISCELLANEOUS APPROPRIATIONS					
0104d	060	US COURT OF APPEALS FOR THE ARMED FORCES	11,721	11,721	11,721		11,721
0838d	070	SUPPORT OF INTERNATIONAL SPORTING COMPETITIONS					
0118d	080	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND	10,000	10,000	10,000	-10,000	
4965d	090	AFGHAN DEFENSE FORCES					
4965d	100	IRAQ DEFENSE FORCES					
4965d	110	IRAQ INTERIOR FORCES					
4965d	120	IRAQ QUICK RESPONSE					
4965d	130	IRAQ TRAINING FACILITY					
0833d	140	EMERGENCY RESPONSE FUND, DEFENSE					
0833d	150	EMERGENCY RESPONSE FUND, DEFENSE					
0141d	160	IRAQ FREEDOM FUND, DEF					
0819d	170	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	63,204	63,204	63,204		63,204
1236d	180	KAHO'OLAWE					
0134d	190	FORMER SOVIET UNION (FSU) THREAT REDUCTION	372,128	372,128	372,128		372,128
		TOTAL, MISCELLANEOUS	457,053	457,053	457,053	-10,000	447,053
		TOTAL OPERATION AND MAINTENANCE TITLE:	130,888,996	129,770,118	129,531,759	-1,070,847	129,018,149

ITEMS OF SPECIAL INTEREST

C–17 maintenance, sustainment, and modernization

The conferees are concerned that the current Air Force plan to perform the long term, non-core maintenance, sustainment, and modernization of the C–17 largely through contractor logistics support may not be providing the warfighter with the most cost-effective solution. The recent Department of Defense Inspector General report entitled "Procurement Procedures Used for C–17 Globemaster III Sustainment Partnership Total System Support" concluded that the Air Force did not use appropriate methodology for making the acquisition decision to procure contractor total system support for the C–17 aircraft, and that the Air Force failed to justify this decision with a business case analysis. The conferees believe that a business case analysis that examines the costs and benefits of multiple maintenance, sustainment, and modernization options (e.g. public/private partnerships) for the C–17 aircraft could lead to a new maintenance, sustainment, and modernization strategy for the C–17, which would provide substantial savings in total life cycle cost.

The conferees direct the Comptroller General to perform a review of the Air Force's current plans for a C–17 sustainment business case analysis to include: (1) the scope of the business case analysis, and (2) the appropriateness of the options under consideration. The Comptroller General shall submit a report to the congressional defense committees on the results of the review no later than June 1, 2007.

Disposal of land at Norwalk Defense Fuel Supply Point, Norwalk, California

The conferees note that the Secretary of the Air Force, in consultation with the General Services Administration, has entered into an agreement with the city of Norwalk, California to withhold any activity to convey by public sale the property at the Norwalk Defense Fuel Supply Point in Norwalk, California until no earlier than November 21, 2006, in order to allow the city to prepare an offer for the fair market transfer of the property to the city.

The conferees expect that the Secretary of the Air Force will provide to the city the relevant and material information held by the Air Force related to the known environmental conditions and planned environmental remediation of the site to assist in the preparation of the city's proposal.

Public sale of damaged equipment

The conferees are concerned that the public may not be fully aware of the availability for purchase of damaged and unsalvageable equipment used in Operation Iraqi Freedom and Operation Enduring Freedom. The conferees encourage the military services and the Defense Logistics Agency (DLA) to establish a public awareness campaign that will allow the services and DLA to more aggressively pursue the sale of such equipment that is appropriate for disposal to the public through the disposal process managed by the Defense Reutilization and Marketing Service.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations

Authorization of appropriations (secs. 301–303)

The House bill contained provisions (secs. 301-303) that would authorize fiscal year 2007 funding levels for all operation and maintenance accounts, working capital funds, and other Department of Defense programs, including the Defense Inspector General, the Chemical Demilitarization Program, and the Defense Health Program.

The Senate amendment contained similar provisions (secs. 301–303).

The conference agreement includes these provisions.

Subtitle B—Environmental Provisions

Revision of requirement for unexploded ordnance program manager (sec. 311)

The House bill contained a provision (sec. 311) that would require the Secretary of Defense to designate the unexploded ordnance program manager position required under section 2701(k) of title 10, United States Code, and add research to the list of policy and budget issues that are within the responsibility of the program manger. The provision would also require that the position of program manager be filled by an employee in a position that is equivalent to pay grade 0-6 or above, or a member of the armed forces who is serving in the grade of 0-6 or above. The program manager would be required to report to the Deputy Under Secretary of Defense for Installations and Environment.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Funding of cooperative agreements under environmental restoration program (sec. 312)

The House bill contained a provision (sec. 314) that would amend section 2701(d)(2) of title 10, United States Code, to allow cooperative agreements entered into for environmental restoration at defense facilities to extend beyond the present 2-year limitation when the agreements are funded out of either the Department of Defense Base Closure Account 1990 or the Department of Defense Base Closure Account 2005.

The Senate amendment contained a similar provision (sec. 334).

The Senate recedes.

Response plan for remediation of unexploded ordnance, discarded military munitions, and munitions constituents (sec. 313)

The Senate amendment contained a provision (sec. 331) that would require the Secretary of Defense to set remediation goals for the cleanup of unexploded ordnance, discarded military munitions, and munitions constituents. Those goals would be to complete, by not later than September 30, 2007, preliminary assessments at all active installations and formerly used defense sites (other than operational ranges); to complete, by not later than September 30, 2010, site inspections at all active installations and formerly used defense sites (other than operational ranges); to achieve, by not later than September 30, 2009, a remedy in place or response complete at all military installations closed or realigned as part of a round of Defense Base Closure and Realignment prior to the 2005 round; and to achieve, by a date certain established by the Secretary of Defense, a remedy in place or response complete at all active installations and formerly used defense sites (other than operational ranges) and all military installations realigned or closed under the 2005 Defense Base Closure and Realignment round.

The provision would also require the Secretary to submit to the congressional defense committees a comprehensive plan for addressing the remediation of unexploded ordnance by March 1, 2007. The Secretary would be required to update this plan not later than March 15 of 2008, 2009, and 2010. The provision would allow the goals established for unexploded ordnance cleanup to be adjusted to respond to unforeseen circumstances as part of the annual update of the plan.

The provision would also require the Secretary to submit a report to the congressional defense committees, not later than March 1, 2007, on the status of efforts of the Department of Defense to achieve agreement with relevant regulatory agencies on appropriate reuse standards or principles related to the remediation of unexploded ordnance, discarded military munitions, and munitions constituents.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Research on effects of ocean disposal of munitions (sec. 314)

The House bill contained a provision (sec. 312) that would require the Secretary of Defense to identify, research, monitor, and provide navigational and safety information on conventional and chemical military munitions disposal sites in the coastal waters of the United States.

The Senate amendment contained a similar provision (sec. 333). The provision would require the Secretary of Defense to review historical records to determine the number, size, and probable locations of disposal sites, and the types of military munitions disposed of at the sites. The Secretary would be required to release periodically to the public and submit annually to Congress the information obtained in this review, including a final report in the annual report to Congress on environmental restoration activities of the Department of Defense for fiscal year 2009. The Secretary would also be required to conduct research on the effects on the ocean environment and those who use it of military munitions disposed of in coastal waters. The provision would further require that if the historical review or the research conducted indicates that contamination is being released at a particular site, or that the site poses a significant public health or safety risk, the Secretary would be required to institute appropriate monitoring mechanisms and report to Congress on any additional measures that may be necessary.

The House recedes with a clarifying amendment.

Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington (sec. 315)

The House bill contained a provision (sec. 313) that would authorize the Secretary of Defense to transfer not more than $111,114.03 to the Moses Lake Wellfield Superfund Site, 10–6J special account, to reimburse the Environmental Protection Agency for costs incurred in overseeing a remedial investigation and feasibility study performed by the Department of the Army.

The Senate amendment contained a similar provision (sec. 335).

The House recedes with a technical amendment.

Transfer of Government-furnished uranium stored at Sequoyah Fuels Corporation, Gore, Oklahoma (sec. 316)

The Senate amendment contained a provision (sec. 3301) that would require the Secretary of the Army to transport to an authorized disposal facility for appropriate disposal all of the Government-furnished uranium in the chemical and physical form in which it is stored at the Sequoyah Fuels Corporation site in Gore, Oklahoma, by not later than March 31, 2007.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Extension of authority to grant exemptions to certain requirements (sec. 317)

The Senate amendment contained a provision (sec. 332) that would authorize the Administrator of the Environmental Protection Agency to grant an exemption for up to 3 years to the Secretary of Defense and the Secretaries of the military departments to transport polychlorinated biphenyls generated by, or under the control of, the Department of Defense into the United States for purposes of their disposal, treatment, or storage.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Administrator of the Environmental Protection Agency to extend an exemption that has not yet expired for a period not to exceed 60 days for the purpose of authorizing the Secretary of Defense and the Secretaries of the military departments to provide for the transportation into the United States of polychlorinated biphenyls generated by, or under the control of, the Department for the purposes of their disposal, treatment, or storage, if those polychlorinated biphenyls are already in transit.

National Academy of Sciences study on human exposure to contaminated drinking water at Camp Lejeune, North Carolina (sec. 318)

The Senate amendment contained a provision (sec. 352) that would require the Secretary of the Navy to enter into an agreement with the National Academy of Sciences to conduct a comprehensive review and evaluation of the available scientific and medical evidence regarding associations between prenatal, child, and adult exposure to drinking water contaminated with trichloroethylene and tetrachloroethylene at Camp Lejeune, North Carolina, as well as exposures to levels of trichloroethylene and tetrachloroethylene similar to those experienced at Camp Lejeune, and birth defects or diseases and any other adverse health effects. The provision would also require that, upon completion of the current epidemiological study by the Agency for Toxic Substances Disease Registry, the Commandant of the Marine Corps take appropriate actions, including use of national media, to notify former Camp Lejeune residents and employees who may have been exposed to contaminated drinking water at Camp Lejeune of the results of the study.

The House bill contained no similar provision.

The House recedes.

Subtitle C—Program Requirements, Restrictions, and Limitations

Limitation on financial management improvement and audit initiatives within the Department of Defense (sec. 321)

The Senate amendment contained a provision (sec. 313) that would prohibit the Secretary of Defense from obligating any funds for activities related to the Department of Defense financial management improvement effort until the Secretary submits to the congressional defense committees a written determination that each activity proposed to be funded is consistent with the financial management improvement plan of the Department and likely to improve internal controls or otherwise result in sustained improvements in the ability of the Department to produce timely, reliable, and complete financial management information.

The House bill contained no similar provision.

The House recedes.

Funds for exhibits for the national museums of the Armed Forces (sec. 322)

The Senate amendment contained a provision (sec. 312) that would make $3.0 million of the amounts appropriated to each of the armed force operation and maintenance accounts available to each Secretary of a military department for education and training purposes to acquire, install, and maintain exhibits at each facility designated by the Secretary concerned as the national museum for each armed force.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Prioritization of funds for equipment readiness and strategic capability (sec. 323)

The House bill contained a provision (sec. 346) that would require the Secretary of the Army to fully fund the reset of equipment used in the global war on terrorism, the fulfillment of equipment requirements for units transforming to modularity, and the reconstitution of prepositioned stocks. The provision would also require the Secretary to submit to the congressional defense committees an annual report containing information on these funding priorities. The provision would limit to $2.85 billion the funds to be appropriated annually for the Future Combat Systems (FCS) until these funding priorities have been met.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to ensure that financial resources are provided to enable the Secretary of each military department to meet its requirements for repair, recapitalization, and replacement of equipment used in the global war on terrorism. The amendment would also require the Secretary of Defense to ensure financial resources are provided to the Secretary of the Army to meet the Army's requirements for transforming to a modular force and reconstituting the equipment and materiel in Army prepositioned stocks. The amendment would further require the Secretary of Defense to submit, as part of the normal budget justification materials, detailed information regarding the repair, recapitalization, or replacement of equipment used in the global war on terror, the Army's transformation to a modular force, and the reconstitution of equipment and materiel in Army prepositioned stocks. The amendment would require an annual report to the congressional defense committees from the Secretary of the Army on the Army's progress in meeting the above requirements, and a report from the Comptroller General to the congressional defense committees containing an assessment of the Army's progress in meeting the above requirements.

Limitation on deployment of Marine Corps Total Force System to Navy (sec. 324)

The conferees agree to include a provision that would prohibit the expenditure of any funds for the development or modernization of Navy and Marine Corps manpower, personnel, and pay information technology systems for the application of the Marine Corps Total Force Systems (MCTFS) or any derivative system to the Navy until several conditions have been met. The provision would require the Secretary of the Navy to prepare an analysis of alternatives, comparing MCTFS to the Defense Integrated Military Human Resources System; a business case analysis; and an analysis of compatibility of MCTFS with the enterprise architecture of the Department of Defense. The provision would require the Government Accountability Office to conduct a review of the Navy reports within 90 days of receipt of the reports and provide a written assessment to the congressional defense committees and to the Chairman of the Defense Business Systems Management Committee (DBSMC). The provision would require that, no sooner than 120 days after receiving the Navy's reports, the Chairman of the DBSMC determine in writing to the congressional defense committees whether it is in the best interests of the Department to apply MCTFS to the Navy.

Subtitle D—Workplace and Depot Issues

Permanent exclusion of certain contract expenditures from percentage limitation on the performance of depot-level maintenance (sec. 331)

The House bill contained a provision (sec. 321) that would extend for 5 years the authority to exclude amounts expended for the performance of depot-level maintenance workload by nonfederal government personnel at a Center of Industrial and Technical Excellence from the percentage limitation in section 2466(a) of title 10, United States Code, if the personnel performing the work are provided pursuant to a public-private partnership.

The Senate amendment contained a similar provision (sec. 362) that would extend the exclusion indefinitely.

The House recedes with an amendment that would move the reporting requirement contained in section 2474(f) of title 10, United States Code, to section 2466(e) of title 10, United States Code. The amendment would also add an element to that report and remove the requirement for a Comptroller General review of that report.

Minimum capital investment for certain depots (sec. 332)

The House bill contained a provision (sec. 322) that would require the Secretary of the Air Force to invest a minimum of 6 percent of the total revenue of the Air Force depots in the capital investment budget to improve or sustain depot maintenance facilities, equipment, or processes.

The Senate amendment contained a similar provision (sec. 361). The provision would require a public depot that utilizes a working capital fund to invest, at a minimum, 6 percent of the actual total revenues from the previous year for capital investment within that depot.

The Senate recedes with an amendment that would require all military departments to invest, at a minimum, 6 percent of average total revenues over the previous 3 years in their public depots for infrastructure, equipment, and process improvements. The Departments of the Army and Navy would only be required to invest at a minimum 4 percent in fiscal year 2007 and 5 percent in fiscal year 2008, before rising to 6 percent per fiscal year thereafter. The amendment would provide for a waiver authority for the Secretary of Defense if the Secretary determines that the waiver is necessary for reasons of national security and notifies the congressional defense committees.

For the purposes of this provision, investment shall include those funds spent on the construction, addition, recapitalization, improvement, restoration, or modernization of depot infrastructure, equipment, and process improvements in direct support of depot operations. Other facility investments (i.e. installation and military community support facilities, utility infrastructure, and investment in facilities supporting other missions and functions of the installation) made at the same location as the depot facilities, but not in direct support of depot maintenance operations, shall not count toward the minimum investment requirement.

The amendment would also require the military departments to report to the congressional defense committees on the level and type of investment, and a long-term depot maintenance facilities strategy.

Extension of temporary authority for contractor performance of security guard functions (sec. 333)

The House bill contained a provision (sec. 323) that would extend the temporary authority to contract for increased performance of security guard functions. The authority would expire at the end of fiscal year 2008. This section would require a report on implementation of the recommendations of a Government Accountability Office report on contractor security guards.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the expiration date of the authority to contract for security guard functions until the end of fiscal year 2009. The amendment would also require that the total number of personnel employed under such contracts in fiscal year 2007 be no more than the total employed on October 1, 2006. The total number of personnel employed would be further limited in fiscal year 2008 to 90 percent of the number employed on October 1, 2006, and 80 percent of that number in fiscal year 2009.

Subtitle E—Reports

Report on Navy Fleet Response Plan (sec. 341)

The House bill contained a provision (sec. 332) that would require the Secretary of the Navy to submit a report on the Navy Fleet Response Plan. The provision would also require the Comptroller General to submit a review of the Secretary's report. The provision would postpone the expansion of the Fleet Response Plan beyond the carrier strike groups until October 1, 2007.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change some of the required elements of the two reports, change the date the Comptroller General's report is due, and change the limitation date on expansion of the Fleet Response Plan beyond carrier strike groups.

Report on Navy surface ship rotational crew programs (sec. 342)

The House bill contained a provision (sec. 333) that would require the Secretary of the Navy to submit a report on ship rotational crew experiments. The provision would also require the Comptroller General to submit an assessment of the Secretary of Navy's report and require the Director of the Congressional Budget Office to submit a report on the long-term benefits and costs of surface ship crew rotational programs. The provision would postpone the implementation of any new surface ship rotational crew experiment or program until October 1, 2009.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would allow the ongoing crew rotation program for mine countermeasure ships and allow the Navy to employ two crews per ship for the first four Littoral Combat Ships.

Report on Army live-fire ranges in Hawaii (sec. 343)

The House bill contained a provision (sec. 334) that would require the Secretary of the Army to submit a report to Congress on the adequacy of live-fire training facilities in the state of Hawaii.

The Senate amendment contained no similar provision.

The Senate recedes.

Comptroller General report on joint standards and protocols for access control systems at Department of Defense installations (sec. 344)

The House bill contained a provision (sec. 335) that would require the Comptroller General to submit a report on joint standards and protocols for access control systems at Department of Defense installations.

The Senate amendment contained no similar provision.

The Senate recedes.

Comptroller General report on readiness of Army and Marine Corps ground forces (sec. 345)

The Senate amendment contained a provision (sec. 351) that would require the Comptroller General to submit a report, not later than March 1, 2007, to the congressional defense committees on the readiness of Army and Marine Corps ground forces.

The House bill contained no similar provision.

The House recedes with an amendment that would change the deadline of the report to June 1, 2007, and require the report to be submitted to the Committees on Armed Services of the Senate and the House of Representatives.

Report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado (sec. 346)

The Senate amendment contained a provision (sec. 360) that would require the Secretary of the Air Force to submit to the congressional defense committees a report, not later than February 15, 2007, on Air Force flight safety requirements at Pueblo Memorial Airport, Colorado.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to include in the report a description of the funding of fire-fighting and crash rescue support through the execution of a services contract for the Initial Flight Screening program.

Annual report on Personnel Security Investigations for Industry and National Industrial Security Program (sec. 347)

The House bill contained provisions (secs. 336 and 1041) that would address personnel security investigations. Section 336 would require the Secretary of Defense to provide a report to Congress on the status of industry personnel security clearances granted between October 1, 1999, and September 30, 2006. The provision would require that the initial report be followed by semi-annual updates, including a certification by the Secretary concerning improvements to the personnel security clearance investigation process. Section 1041 would prohibit the Department of Defense from allowing a security clearance that is pending renewal to expire unless the Secretary certifies to Congress that the Defense Security Service is fully funded, continuing to accept requests from industry, and has taken steps to eliminate its backlog of requests.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would require the Secretary to provide an annual report on the status of industry security clearances with the submission of the President's annual budget request. The amendment would also require a report by the Comptroller General on the status and cost of industry security clearance investigations conducted between October 1, 1999, and September 30, 2006, as well as the Department's progress in achieving improvements to the personnel security investigations program.

Five-year extension of annual report on training range sustainment plan and training range inventory (sec. 348)

The Senate amendment contained a provision (sec. 353) that would express the sense of Congress that the Department of Defense should establish a policy to identify military aerial training areas, determine aerial training airspace requirements to meet future training needs, and undertake necessary actions to preserve and, if necessary, expand those areas of airspace needed for training requirements. The provision would also require the Secretary of Defense to submit a report to the congressional defense committees setting forth a plan to meet the Department's airspace needs through 2025.

The House bill contained no similar provision.

The House recedes with an amendment that would extend for 5 years the annual report on the Department's training range sustainment plan and training range inventory required by section 366 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314). The amendment would also extend the period for the Comptroller General's review of the report from 60 days to 90 days.

The conferees note that the Comptroller General's most recent assessment of the Secretary's annual report stated that, once again, the report did not include an assessment of current and future training range requirements or an evaluation of the adequacy of resources to meet current and future training requirements, even though specifically required to do so by current law.

The conferees also note, with great concern, that this assessment also indicates that some of the requirements of section 366 have not been met because Department officials consider them overly burdensome or impractical. If the Department believes that it cannot comply with some requirements of the law, or that the requirement is overly burdensome, the conferees expect the Department to ask Congress to modify the appropriate portion of the law, not to ignore the requirements of the law.

The conferees are aware of the increasing pressure on our training ranges. Urban development around many installations in some cases has resulted in restrictions on nighttime training. The growth of commercial and general aviation has put increasing pressure on current aviation training ranges and limits the possibility of expansion of those training areas in the future. Increasing capability and range of both ground and aviation systems increases the likelihood that range requirements may increase in the future.

Therefore, the conferees extend the annual reporting requirement for an additional 5 years and expect that all future reports will fully comply with the requirements specified in section 366.

Reports on withdrawal or diversion of equipment from reserve units for support of reserve units being mobilized and other units (sec. 349)

The Senate amendment contained a provision (sec. 355) that would require the Secretaries of the military departments to submit a report to the Secretary of Defense not later than 90 days after the withdrawal or diversion of equipment from a unit of the reserve component to a unit of the active or reserve component to meet mission requirements. The report would contain a plan to replace or recapitalize withdrawn or diverted equipment and a signed Memorandum of Understanding between the reserve component unit from which equipment was withdrawn or diverted and the active or reserve component unit that received the withdrawn or diverted equipment that specifies how the equipment will be tracked and the expected replacement date of the withdrawn or diverted equipment.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to submit quarterly reports to the congressional defense committees on the withdrawal or diversion of equipment from a unit of the reserve component to a unit of the active or reserve component.

Subtitle F—Other Matters

Department of Defense strategic policy on prepositioning of materiel and equipment (sec. 351)

The House bill contained a provision (sec. 341) that would require the Secretary of Defense to establish a comprehensive approach to Department of Defense prepositioning programs. The provision would also limit the diversion of materiel and equipment from prepositioned stocks.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add the requirements of combatant commands as a factor to be considered when creating the policy on prepositioning programs, and would also add the provision of humanitarian assistance as an authorized purpose for diversion of materiel and equipment from prepositioned stocks.

It is the conferees' intent that any prepositioning policy created in accordance with this provision shall contain guidance regarding how quickly prepositioned equipment sets must be reconstituted when they have been used for contingency or humanitarian operations.

Authority to make Department of Defense horses available for adoption (sec. 352)

The House bill contained a provision (sec. 342) that would amend section 2583 of title 10, United States Code, to include horses owned by the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

Sale and use of proceeds of recyclable munitions materials (sec. 353)

The House bill contained a provision (sec. 343) that would authorize the Secretary of the Army to establish a program to sell recyclable materials resulting from the demilitarization of conventional military munitions. The proceeds from the sales would be available to the Army for reclamation, recycling, and reuse of conventional military munitions.

The Senate amendment contained a similar provision (sec. 371).

The Senate recedes with a technical amendment.

Recovery and transfer to Corporation for the Promotion of Rifle Practice and Firearms Safety of certain firearms, ammunition, and parts granted to foreign countries (sec. 354)

The Senate amendment contained a provision (sec. 379) that would allow the Secretary of the Army to recover rifles, ammunition, repair parts, and other supplies from a country who had received those items under the Foreign Assistance Act of 1961 (22 U.S.C. 2314), when those items are excess to the needs of that country. The recovered rifles, ammunition, repair parts, and other supplies would be available for transfer to the Corporation for the Promotion of Rifle Practice and Firearms Safety.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Extension of Department of Defense telecommunications benefit program (sec. 355)

The Senate amendment contained a provision (sec. 373) that would extend the authorization for the Department of Defense telecommunications benefit from September 30, 2006, to 60 days after the date on which the Secretary of Defense has declared that a contingency operation has ended. The provision would also authorize the Secretary to extend the telecommunications benefit to members who remain hospitalized as a result of wounds or injuries incurred while serving in support of a contingency operation.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Extension of availability of funds for commemoration of success of the Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom (sec. 356)

The Senate amendment contained a provision (sec. 374) that would amend section 378(b)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) to extend the authority for commemoration of success of the armed forces in Operation Enduring Freedom and Operation Iraqi Freedom through fiscal year 2007.

The House bill contained no similar provision.

The House recedes.

Capital security cost sharing (sec. 357)

The House bill contained a provision (sec. 344) that would require the Secretary of Defense to provide to the congressional defense committees an annual accounting of Department of Defense overseas staffing levels, and to reconcile that accounting with the cost-sharing fees levied by the Secretary of State, in accordance with section 629(e)(1) of the Consolidated Appropriations Act, 2005 (Public Law 108-447).

The Senate amendment contained no similar provision.

The Senate recedes.

Utilization of fuel cells as back-up power systems in Department of Defense operations (sec. 358)

The Senate amendment contained a provision (sec. 377) that would require the Secretary of Defense to consider the use of fuel cells as replacements for current back-up power systems.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to also consider the use of fuel cells in individual equipment items.

Improving Department of Defense support for civil authorities (sec. 359)

The Senate amendment contained a provision (sec. 378) that would authorize the Secretary of Defense to preposition prepackaged or preidentified basic response assets such as medical supplies, food, water, and communications equipment in order to improve the ability of the Department of Defense to rapidly respond to requests for support from civilian authorities, and would require that the Department be reimbursed for the cost of such activities.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense to consult with the Secretary of Homeland Security in the development of concept plans to support civilian authorities.

Energy efficiency in weapons platforms (sec. 360)

The Senate amendment contained a provision (sec. 375) that would establish a policy for the Department of Defense to improve the fuel efficiency of weapons platforms, consistent with mission requirements. The provision would also require a report from the Secretary of Defense regarding the progress in implementing that policy.

The House bill contained no similar provision.

The House recedes.

Prioritization of funds within Navy mission operations, ship maintenance, combat support forces, and weapons system support (sec. 361)

The House bill contained a provision (sec. 345) that would require the Secretary of the Navy to ensure that 100 percent of the requirements for steaming days per quarter for deployed and non-deployed ship operations and 100 percent of the projected ship and air depot maintenance workload are funded before Navy operation and maintenance funds may be expended for the Navy Expeditionary Combat Command. The provision would also require the Secretary of the Navy to submit a report with the annual budget request certifying that these requirements are fully funded.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress that the Secretary of Defense should ensure sufficient funds are provided to support the critical training and depot maintenance necessary for the Navy to support the National Military Strategy. The amendment would also require a certification from the Secretary of Defense that the Navy has budgeted to fully meet their requirements for ship steaming days per quarter and for projected aviation and ship depot maintenance requirements. The amendment would limit the obligation of funds to no more than 80 percent of the total funds in Operation and Maintenance, Defense-wide, for the Office of the Secretary of Defense, until that certification has been submitted. The amendment would further require the Secretary of the Navy to submit two reports to the congressional defense committees. The first is an annual report regarding the progress towards the above requirements and the second is a report on the Riverine Squadrons of the Navy.

Provision of adequate storage space to secure personal property outside of assigned military family housing unit (sec. 362)

The conferees agree to include a provision that would require the Secretary of a military department to provide, under certain conditions, a means for the storage of certain personal possessions belonging to military members residing in family housing who are assigned to a family-restricted area for a period greater than 180 days.

Expansion of payment of replacement value of personal property damaged during transport at Government expense (sec. 363)

The House bill contained a provision (sec. 1132) that would amend section 2636a of title 10, United States Code, to authorize contracting for full replacement value coverage for household goods of civilian employees of the Department of Defense damaged or lost during transportation at government expense.

The Senate amendment contained a provision (sec. 631) that would amend section 2636a of title 10, United States Code, to require the Secretary of Defense, not later than March 1, 2008, to include in contracts for the transportation of baggage and household effects for both military members and civilian employees a clause requiring carriers to pay the full replacement value for loss or damage. The provision would also require certain certifications by the Secretary about the Families First program and a review and assessment by the General Accountability Office on December 1, 2006, and June 1, 2007, respectively, of the progress of the Department in implementing the Families First program.

The House recedes.

Legislative Provisions Not Adopted

Limitation on availability of funds for the Army Logistics Modernization Program

The Senate amendment contained a provision (sec. 311) that would prohibit the expenditure of any funds for continuing the Army Logistics Modernization Program until the Secretary of Defense certifies that the program has adequately addressed its many shortcomings.

The House bill contained no similar provision.

The Senate recedes.

Limitation on availability of operation and maintenance funds for the management headquarters of the Defense Information Systems Agency

The Senate amendment contained a provision (sec. 314) that would restrict funds authorized to be appropriated for the operation and maintenance of the management headquarters of the Defense Information Systems Agency until the Secretary of Defense submits a report to the congressional defense committees on the acquisition strategy of the Department of Defense for commercial satellite services.

The House bill contained no similar provision.

The Senate recedes.

Analysis and report regarding contamination and remediation responsibility for Norwalk Defense Fuel Supply Point, Norwalk, California

The House bill contained a provision (sec. 315) that would require the Secretary of the Air Force to report to Congress not later than January 30, 2007, on matters related to contamination and remediation of property at the Norwalk Defense Fuel Supply Point in Norwalk, California. This provision would also prohibit the Secretary of the Air Force from conveying the property before pursuing a fair market value transfer of the property to the City of Norwalk, submitting the required report, and providing an explanation of why efforts to transfer the property to the city have not been successful.

The Senate amendment contained no similar provision.

The House recedes.

Report regarding scope of perchlorate contamination at Formerly Used Defense Sites

The House bill contained a provision (sec. 316) that would require the Secretary of Defense to submit to Congress a report containing the results of a study of the scope of perchlorate contamination at Formerly Used Defense Sites, including identification of military installations or contractors that may have stored perchlorate or products containing perchlorate.

The Senate amendment contained no similar provision.

The House recedes.

Infantry combat equipment

The Senate amendment contained a provision (sec. 316) that would authorize $2.5 million in Operation and Maintenance, Marine Corps Reserve for infantry combat equipment.

The House bill contained no similar provision.

The Senate recedes.

The conference outcome is reflected in the tables of this report in Operation and Maintenance, Marine Corps Reserve.

Individual First Aid Kit

The Senate amendment contained a provision (sec. 317) that would authorize $1.5 million in Operation and Maintenance, Marine Corps Reserve for the Individual First Aid Kit.

The House bill contained no similar provision.

The Senate recedes.

The conference outcome is reflected in the tables of this report in Operation and Maintenance, Marine Corps Reserve.

Reading for the Blind and Dyslexic program of the Department of Defense

The Senate amendment contained a provision (sec. 318) that would authorize $500,000 in Operation and Maintenance, Defense-wide, for the Reading for the Blind and Dyslexic program of the Department of Defense for severely wounded or injured members of the Armed Forces.

The House bill contained no similar provision.

The Senate recedes.

The conference outcome is reflected in the tables of this report.

Military training infrastructure improvements at Virginia Military Institute

The Senate amendment contained a provision (sec. 319) that would make $2.9 million from Operation and Maintenance, Army (OMA), available to the Virginia Military Institute for military training infrastructure improvements.

The House bill contained no similar provision.

The Senate recedes.

However, the conferees agree to authorize an increase of $2.9 million in OMA for the Virginia Military Institute for military training infrastructure improvements to provide adequate field training of all Armed Forces Reserve Officer Training Corps. The conference agreement is reflected in the tables of this report.

Environmental documentation for beddown of F-22A aircraft at Holloman Air Force Base, New Mexico

The Senate amendment contained a provision (sec. 320) that would require the Secretary of the Air Force to prepare environmental documentation for the beddown of F-22A aircraft at Holloman Air Force Base, New Mexico.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the Air Force is conducting the environmental compliance documentation under the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to support the beddown of the F-22A aircraft at Holloman Air Force Base, New Mexico, and urge the Air Force to expeditiously complete such requirements.

Report on CH-47 helicopter reset

The House bill contained a provision (sec. 324) that would require a report from the Secretary of the Army regarding reset of all CH-47 helicopters in the Army inventory.

The Senate amendment contained no similar provision.

The House recedes.

Report on nuclear attack submarine depot maintenance

The House bill contained a provision (sec. 331) that would require the Secretary of the Navy to submit a report on criteria used when a nuclear attack submarine is sent for maintenance to a facility other than a facility located at the homeport of the submarine.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of the Navy to provide to the Committees on Armed Services of the Senate and the House of Representatives the formal directive or guidance for nuclear attack submarine maintenance once it is completed.

Report on actions to reduce Department of Defense consumption of petroleum-based fuel

The Senate amendment contained a provision (sec. 354) that would require the Secretary of Defense to report on the actions taken, and to be taken, by the Department of Defense to reduce the consumption of petroleum-based fuels.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the implementation of current legislation and regulatory guidance should facilitate reduction of petroleum-based fuels by the Department. Therefore, the conferees direct the Secretary to submit a report, not later than September 1, 2007, to the Committees on Armed Services of the Senate and the House of Representatives on the status of implementation by the Department of the requirements contained in the following:

(1) Energy Policy Act of 2005 (Public Law 109-58);

(2) Energy Policy Act of 1992 (Public Law 102-486);

(3) Executive Order 13123;

(4) Executive Order 13149; and

(5) other regulations or directions relating to the Department's consumption of petroleum-based fuels.

Furthermore, the conferees are concerned that although Flexible Fuel Vehicles (FFVs) are being introduced into the Department's vehicle inventory, little reduction in petroleum-based fuel is being realized because operators continue to fuel the FFVs with gasoline rather than E85 (85 percent ethanol with 15 percent gasoline) or M85 (85 percent methanol and 15 percent gasoline). Therefore, the conferees direct the Secretary to include in the report an analysis of the reduction of petroleum-based fuels since introduction of FFVs into the inventory and an assessment of how the Department might increase the consumption of E85 or M85 in FFVs.

Plan to replace equipment withdrawn or diverted from the reserve components of the Armed Forces for Operation Iraqi Freedom or Operation Enduring Freedom

The Senate amendment contained identical provisions (secs. 356-357) that would require the Secretary of Defense to submit to the congressional defense committees a plan to replace equipment withdrawn or diverted from units of the reserve components of the Armed Forces for use in Operation Iraqi Freedom or Operation Enduring Freedom.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the reporting requirements of these provisions are incorporated elsewhere in this report.

Report on High Altitude Aviation Training Site, Eagle County, Colorado

The Senate amendment contained a provision (sec. 359) that would require a report from the Secretary of the Army on the High Altitude Aviation Training Site (HAATS) in Eagle County, Colorado.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that a similar reporting requirement already exists in the House Report accompanying H.R. 5122 (H. Rept. 109-452) of the G.V. 'Sonny' Montgomery National Defense Authorization Act for Fiscal Year 2007.

Report on use of alternative fuels by the Department of Defense

The Senate amendment contained a provision (sec. 360A) that would require the Secretary of Defense to conduct a study on the use of alternative fuels by the Armed Forces and the defense agencies.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that section 357 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) requires a study on the use of biodiesel and ethanol fuels containing at least 85 percent ethyl alcohol. The conferees direct the Secretary of Defense to conduct a supplementary study that would address each of the elements set forth in paragraphs (1) through (7) of section 357(b) for the following alternative fuels: biofuels other than biodiesel, renewable diesel, ethanol that contains less than 85 percent ethyl alcohol, cellulosic ethanol, and synthetic hydrocarbon-based fuels. The Secretary shall submit a report on the results of such a study not later than 180 days after the date of the enactment of this Act. The report may be incorporated into, or provided as an annex to, the study required by section 357(c).

Additional exception to prohibition on contractor performance of firefighting functions

The Senate amendment contained a provision (sec. 363) that would provide an exception to the prohibition on contracting for the performance of certain firefighting functions on military installations or facilities.

The House bill contained no similar provision.

The Senate recedes.

Temporary security guard services for certain work caused by realignment of military installations under the base closure laws

The Senate amendment contained a provision (sec. 364) that would allow a military department to contract for security-guard services at installations being realigned under the base closure laws.

The House bill contained no similar provision.

The Senate recedes.

Joint Advertising, Market Research, and Studies Program

The Senate amendment contained a provision (sec. 1416) that would authorize $10.0 million in Operation and Maintenance, Defense-wide for the Joint Advertising, Market Research, and Studies program.

The House bill contained no similar provision.

The Senate recedes.

The conference outcome is reflected in the tables of this report in Operation and Maintenance, Defense-wide.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Active Forces

End strengths for active forces (sec. 401)

The House bill contained a provision (sec. 401) that would authorize the following end strengths for active-duty personnel of the armed forces as of September 30, 2007: Army, 512,400; Navy, 340,700; Marine Corps, 180,000; and Air Force, 334,200.

The Senate amendment contained a similar provision (sec. 401).

The Senate recedes.

The conferees recommend end strength levels for active forces for fiscal year 2007 as set forth in the following table:

Service	FY 2006 authorized	FY 2007		Change from	
		Request	Conferee recommendation	FY 2007 request	FY 2006 authorized
Army	512,400	482,400	512,400	30,000	0
Navy	352,700	340,700	340,700	0	-12,000
Marine Corps	179,000	175,000	180,000	5,000	1,000
Air Force	357,400	334,200	334,200	0	-23,200
DoD Total	1,401,500	1,332,300	1,367,300	35,000	-34,200

Revision in permanent active duty end strength minimum levels (sec. 402)

The House bill contained a provision (sec. 402) that would establish new minimum active duty end strengths for the Army, Navy, Marine Corps, and Air Force as of September 30, 2007.

The Senate amendment contained a provision (sec. 402) that would repeal section 691 of title 10, United States Code, which establishes permanent end strength levels necessary to support a national defense strategy to be able to conduct two nearly simultaneous major regional contingencies.

The Senate recedes with an amendment that would maintain the minimum active duty end strength level for the Army at the fiscal year 2006 level of 502,400.

The conferees recommend minimum end strength levels for active forces as set forth in the following table:

Service	FY 2006 authorized	2007	Change from
		Conference recommendation	FY 2006
Army	502,400	502,400	0
Navy	352,700	340,700	-12,000
Marine Corps	179,000	180,000	1,000
Air Force	357,400	334,200	-23,200
DoD Total	1,391,500	1,357,300	-34,200

Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2008 and 2009 (sec. 403)

The House bill contained a provision (sec. 403) that would authorize additional increases of active duty end strength for the Army and for the Marine Corps in fiscal years 2008 and 2009 above the strengths authorized for those services in fiscal year 2007. The provision would authorize an additional 20,000 troops for a total end strength of 532,400 for the Army, and an additional 4,000 troops for a total end strength of 184,000 for the Marine Corps, during fiscal years 2008 and 2009.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle B—Reserve Forces

End strengths for Selected Reserve (sec. 411)

The House bill contained a provision (sec. 411) that would authorize the following end strengths for Selected Reserve personnel, including the end strengths for reserves on active duty in support of the reserves as of September 30, 2007: the Army National Guard of the United States, 350,000; the Army Reserve, 200,000; the Navy Reserve, 71,300; the Marine Corps Reserve, 39,600; the Air National Guard of the United States, 107,000; the Air Force Reserve, 74,900; and the Coast Guard Reserve, 10,000.

The Senate amendment contained an identical provision (sec. 411).

The conference agreement includes this provision.

The conferees recommend end strength levels for the Selected Reserve for fiscal year 2007 as set forth in the following table:

Service	FY 2006 authorized	FY 2007		Change from	
		Request	Conferee recommendation	FY 2007 request	FY 2006 authorized
Army National Guard	350,000	350,000	350,000	0	0
Army Reserve	205,000	200,000	200,000	0	−5,000
Navy Reserve	73,100	71,300	71,300	0	−1,800
Marine Corps Reserve	39,600	39,600	39,600	0	0
Air National Guard	106,800	107,000	107,000	0	+200
Air Force Reserve	74,000	74,900	74,900	0	+900
DoD Total	848,500	842,800	842,800	0	−5,700
Coast Guard Reserve	10,000	10,000	10,000	0	0

Should Army National Guard end strength fall below the authorized number, the conferees direct that the unused additional funds may only be used for Army National Guard priorities, and only after the Department of Defense complies with the normal budget process that includes submitting prior notification and a detailed justification to Congress.

Although agreeing to reduce Army Reserve end strength for fiscal year 2007 to 200,000, as requested in the President's budget, the conferees are concerned that this end strength authorization is not adequate to sustain the combat support and combat service support structure that the Army Reserve will be required to provide to the Army's future modular force.

Notwithstanding this end strength reduction, the conferees note that the Secretary of Defense is authorized under section 115 of title 10, United States Code, to vary, by not more than 2 percent, the end strength authorized for a fiscal year for the Selected Reserve of any of the reserve components and would expect such authority to be granted to increase the Army Reserve end strength during fiscal year 2007, if required.

Furthermore, the conferees urge the Secretary of the Army to maintain an Army Reserve end strength of 205,000 as a recruiting goal and that the President's budget for fiscal years 2008–2013 request an Army Reserve end strength of 205,000, and provide a corresponding increase in Army full-time support personnel, if the Army Reserve can recruit to that level.

End strengths for Reserves on active duty in support of the reserves (sec. 412)

The House bill contained a provision (sec. 412) that would authorize the following end strengths for Reserves on active duty in support of the reserve components as of September 30, 2007: the Army National Guard of the United States, 28,165; the Army Reserve, 15,416, the Navy Reserve, 12,564; the Marine Corps Reserve, 2,261; the Air National Guard of the United States, 13,291; and the Air Force Reserve, 2,707.

The Senate amendment contained a similar provision (sec. 412) that would authorize end strengths of 27,441 for the Army National Guard of the United States, 13,206 for the Air National Guard of the United States, and identical end strengths for the other services.

The Senate recedes with an amendment that would authorize end strengths of 27,441 for the Army National Guard of the United States.

The conferees recommend end strength levels for Reserves on active duty in support of the reserves as set forth in the following table:

Service	FY 2006 authorized	FY 2007		Change from	
		Request	Conferee recommendation	FY 2007 request	FY 2006 authorized
Army National Guard	27,396	27,441	27,441	0	45
Army Reserve	15,270	15,416	15,416	0	146
Naval Reserve	13,392	12,564	12,564	0	−828
Marine Corps Reserve	2,261	2,261	2,261	0	0
Air National Guard	3,123	13,206	13,291	85	168
Air Force Reserve	2,290	2,707	2,707	0	417
DoD Total	73,732	73,595	73,680	85	−52

In addition to the budget request, the end strengths recommended by the conferees would include an additional 85 Reserves on active duty in support of the Air National Guard for the purpose set out in the House report accompanying H.R. 5122 (H. Rept. 109–452) of the National Defense Authorization Act for Fiscal Year 2007.

End strengths for military technicians (dual status) (sec. 413)

The House bill contained a provision (sec. 413) that would authorize the following end strengths for military technicians (dual status) as of September 30, 2007: the Army National Guard of the United States, 27,615; the Army Reserve, 7,912; the Air National Guard of the United States, 23,255; and the Air Force Reserve, 10,124.

The Senate amendment contained a similar provision (sec. 413) that would authorize an end strength for military technicians (dual status) for the Army National Guard of the United States of 26,050, and identical end strengths for the other reserve components.

The House recedes.

The conferees recommend end strength levels for military technicians (dual status) as set forth in the following table:

Service	FY 2006 authorized	FY 2007		Change from	
		Request	Conferee recommendation	FY 2007 request	FY 2006 authorized
Army National Guard	25,563	26,050	26,050	0	487
Army Reserve	7,649	7,912	7,912	0	263
Air National Guard	22,971	23,255	23,255	0	284
Air Force Reserve	9,852	10,124	10,124	0	272
DoD Total	66,035	67,341	67,341	0	1,306

Fiscal year 2007 limitation on number of non-dual status technicians (sec. 414)

The House bill contained a provision (sec. 414) that would establish the maximum end strengths for the reserve components of the Army and Air Force for non-dual status technicians as of September 30, 2007.

The Senate amendment contained an identical provision (sec. 414).

The conference agreement includes this provision.

Maximum number of reserve personnel authorized to be on active duty for operational support (sec. 415)

The House bill contained a provision (sec. 415) that would authorize the maximum number of reserve component personnel who may be on active duty or full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2007 to provide operational support.

The Senate amendment contained an identical provision (sec. 415).

The conference agreement includes this provision.

Subtitle C—Authorization of Appropriations

Military personnel (sec. 421)

The House bill contained a provision (sec. 421) that would authorize a total of $109,820.5 million to be appropriated to the Department of Defense in fiscal year 2007 for military personnel.

The Senate amendment contained a similar provision (sec. 421) that would authorize a total of $111,928.5 million.

The Senate recedes with an amendment that would authorize $110,098.6 million to be appropriated to the Department of Defense in fiscal year 2007 for military personnel.

The conferees agree to the following changes from the budget request related to the military personnel accounts:

[In millions]

Additional special pay for dental officers	$4.0
Incentives for High-Demand, Low-Density Assignments	5.0
Commissioned Officers as Students at Medical Schools	1.0
Educational Loan Repayment for Health Professionals	4.0
Health Professions Scholarships	91.0
Recruitment Bonus for Critical Health Care Specialties	19.0
Unobligated balances, Army	−31.4
Unobligated balances, Navy	−85.0
Unobligated balances, Marine Corps	−88.1
Unobligated balances, Air Force	−248.3
Unobligated balances, Army Reserve	−66.5
Unobligated balances, Navy Reserve	−17.3
Unobligated balances, Marine Corps Reserve	−15.4
Unobligated balances, Air Force Reserve	−25.8
Unobligated balances, Army National Guard	−84.5
Unobligated balances, Air National Guard	−89.9
Reserves cost avoidance, Army Reserve	−20.9
Reserves cost avoidance, Air Force Reserve	−0.8
Reserves cost avoidance, Air National Guard	−28.3
Total	−678.1

The conferees note that in addition to the amounts shown above, $8,107.0 million was made available in title XV of this Act for the additional costs of military personnel involved in ongoing operations in Iraq and Afghanistan.

Armed Forces Retirement Home (sec. 422)

The House bill contained a provision (sec. 422) that would authorize $54.8 million to be appropriated for fiscal year 2007 from the Armed Forces Retirement Home Trust Fund for operation of the Armed Forces Retirement Home.

The Senate amendment contained an identical provision (sec. 422).

The conference agreement includes this provision.

TITLE V—MILITARY PERSONNEL POLICY

ITEM OF SPECIAL INTEREST

Department of Defense oversight of recruiter misconduct

The conferees are concerned that military recruiter misconduct, and particularly misconduct involving criminal or otherwise improper sexual contact with recruit candidates, irreparably harms the young people involved, erodes the moral and ethical standards that are the hallmark of the U.S. Armed Forces, and damages public support for military operations and recruiting by undermining the trust and high esteem that the American people place in their military forces. The conferees believe that recruiter misconduct must not be tolerated and that the Secretary of Defense, the Secretaries of the military departments, and the uniformed leaders of the Armed Forces must take decisive action to ensure that policies and procedures effectively prevent and, when required, respond to incidents of misconduct.

The conferees direct the Secretary of Defense to review the programs designed to prevent recruiter misconduct and, when misconduct does occur, the policies and procedures needed to standardize identification and reporting throughout the Department of Defense. The conferees direct that the review also include an assessment of the "No One Alone Policy" established by the State of Indiana National Guard to limit unsupervised contact between recruiters and recruit candidates of the opposite gender to determine if the policy is suitable for Department-wide implementation. The conferees direct the Secretary of Defense to submit the results of the review, including findings, conclusions, and recommendations, by March 1, 2007, to the Committees on Armed Services of the Senate and the House of Representatives.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Officer Personnel Policy

PART I—OFFICER PERSONNEL POLICY GENERALLY

Military status of officers serving in certain intelligence community positions (sec. 501)

The House bill contained a provision (sec. 505) that would clarify the status of flag and general officers assigned to certain positions in the Office of the Director of National Intelligence and the Central Intelligence Agency. The provision would protect the officers and organizations concerned from perceptions of organizational conflicts of interest or inappropriate influence.

The Senate amendment contained a similar provision (sec 501).

The Senate recedes with a technical amendment.

Extension of age for mandatory retirement for active-duty general and flag officers (sec. 502)

The Senate amendment contained a provision (sec. 503) that would amend section 1251 of title 10, United States Code, to increase the age for mandatory retirement for general and flag officers from 62 to 64. The provision would authorize the Secretary of Defense to defer retirement of officers serving in grades above major general and rear admiral to age 66 and the President to defer retirement for such officers until age 68. The provision would also eliminate the numerical limit on the number of deferments of retirement that may be in effect at any one time.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would amend section 1251 and add a new section 1253 to chapter 63 of title 10, United States Code.

Increased mandatory retirement ages for reserve officers (sec. 503)

The Senate amendment contained a provision (sec. 508) that would increase the mandatory retirement age for reserve component officers in the grade of O–8 from 62 to 64 years; for officers in the grade of O–7 from 60 to 62 years; and for officers in grades below O–7 from 60 to 62 years. The provision would also increase the mandatory retirement age of officers holding certain offices, such as the Chief of the National Guard Bureau, Chiefs of Reserve of the services, Directors of the Army and Air National Guard, and the adjutants general of the States, from 64 to 66 years.

The House bill contained no similar provision.

The House recedes.

Standardization of grade of senior dental officer of the Air Force with that of senior dental officer of the Army (sec. 504)

The House bill contained a provision (sec. 502) that would amend section 8081 of title 10, United States Code, to require that the officer serving as the Assistant Surgeon General for Dental Services in the Air Force be appointed in the grade of major general.

The Senate amendment contained no similar provision.

The Senate recedes.

Management of chief warrant officers (sec. 505)

The House bill contained a provision (sec. 503) that would amend section 580 of title 10, United States Code, to eliminate the requirement for a mandatory continuation board in the case of chief warrant officers, W–4, who have twice failed to be selected for promotion and allow service secretaries in their discretion to retain such chief warrant officers on active duty. The provision would also modify section 1305 of title 10, United States Code, to increase the years of service from 24 to 30 that a warrant officer may serve on active duty before mandatory retirement.

The Senate amendment contained a similar provision (sec. 507).

The Senate recedes with an amendment that would specify that chief warrant officers retained on active duty after twice failing to be selected for promotion to the grade of W–5 would continue to be eligible for promotion while remaining on active duty.

Extension of temporary reduction of time-in-grade requirement for eligibility for promotion for certain active-duty list officers in grades of first lieutenant and lieutenant (junior grade) (sec. 506)

The House bill contained a provision (sec. 504) that would amend section 619(a) of title 10, United States Code, to make permanent the authority to promote officers in the grade of first lieutenant or lieutenant (junior grade) who satisfy a time-in-grade requirement of at least 18 months.

The Senate amendment contained a provision (sec. 502) that would extend the existing authority for promotion for these officers from October 1, 2005, through October 1, 2008.

The House recedes.

Grade and exclusion from active-duty general and flag officer distribution and strength limitations of officer serving as Attending Physician to the Congress (sec. 507)

The Senate amendment contained a provision (sec. 506) that would add section 722 to chapter 41 and amend section 12210 of title 10, United States Code, to provide that an active-duty or reserve general or flag officer, while serving as the Attending Physician to the Congress, would hold the grade of major general or rear admiral and be excluded from the numerical and distribution requirements of sections 525 and 526 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

Modification of qualifications for leadership of the Naval Postgraduate School (sec. 508)

The Senate amendment contained a provision (sec. 509) that would authorize a retired officer of the Navy or Marine Corps in the grade of captain or colonel or above, respectively, to be selected by the Secretary of the Navy to serve as President of the Naval Postgraduate School so long as they meet the same qualifications required of active-duty officers, including holding a doctorate or master's degree in a field of study relevant to the mission and function of the Naval Postgraduate School.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize a civilian, including a retired officer of the Navy or Marine Corps not below the grade of captain or colonel, respectively, to be selected by the Secretary as the best qualified from among candidates for the position in accordance with specified criteria, through a process to be determined by the Secretary, and taking into consideration other factors the Secretary considers essential. Before making a selection the Secretary would be required to consult with the Board of Advisors for the Naval Postgraduate School, consider any recommendation of the leadership and faculty of the Naval Postgraduate School, and consider the recommendations of the Chief of Naval Operations and the Commandant of the Marine Corps. The amendment would further require that an individual selected as President hold a doctorate degree if the individual permanently selected as Provost and Academic Dean does not.

PART II—OFFICER PROMOTION POLICY

Revisions to authorities relating to authorized delays of officer promotions (sec. 511)

The Senate amendment contained a provision (sec. 515) that would amend sections 624 and 14311 of title 10, United States Code, relating to promotion procedures. The provision would specify that a promotion list that requires Senate confirmation shall be treated as being established for purposes of chapter 38 of title 10 on the date the list is received by the Senate for consideration; and would require the Secretary of Defense, not later than March 1, 2008, to prescribe regulations controlling delays in appointment following Senate confirmation under sections 624 and 14311. The provision would also clarify that delays in appointment to higher grade are warranted by the need to review substantiated and potentially adverse information that may be material to the decision on whether or not to appoint based on a determination that an officer has not fulfilled the requirements for exemplary conduct for commanding officers and those in positions of authority.

The House bill contained no similar provision.

The House recedes with an amendment that would specify that a promotion list that requires Senate confirmation shall be treated as being established upon approval of a report of a selection board by the President.

Consideration of adverse information by selection boards in recommendations on officers to be promoted (sec. 512)

The Senate amendment contained a provision (sec. 516) that would amend sections 616(c) and 14108(b) of title 10, United States Code, to require that a promotion selection board may not recommend an officer for promotion unless a majority of the members of the board, after consideration by all the board members of any adverse information about the officer that is provided to the board under section 615 of title 10, United States Code, finds that the officer is among those best qualified for promotion to meet the needs of the armed force concerned consistent with the requirement of exemplary conduct set forth in sections 3583, 5947, and 8583 of title 10, United States Code. The House bill contained no similar provision.

The House recedes with a technical amendment.

Expanded authority for removal from reports of selection boards of officers recommended for promotion to grades below general and flag grades (sec. 513)

The Senate amendment contained a provision (sec. 517) that would amend sections 618(d) and 14111(b) of title 10, United States Code, to authorize the Secretary of Defense and the Deputy Secretary of Defense, in addition to the President, to remove the name of an officer from the report of a selection board with respect to officers being recommended for promotion to grades below brigadier general and rear admiral (lower half).

The House bill contained no similar provision.

The House recedes with a technical amendment.

Special selection board authorities (sec. 514)

The Senate amendment contained a provision (sec. 519) that would amend sections 628 and 14502 of title 10, United States Code, to limit the availability of special selection boards only to officers under consideration for promotion who are in or above the primary promotion zones. The provision would also limit the requirement to convene special selection boards only to those cases in which material error may have occurred. The provision would further clarify that errors in the conduct of active and reserve selection boards must be determined by the service secretaries to be material to the outcome of the board's determination for relief to be afforded.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Removal from promotion list of officers not promoted within 18 months of approval of list by the President (sec. 515)

The Senate amendment contained a provision (sec. 520) that would amend sections 629 and 14310 of title 10, United States Code, to clarify the conditions under which officers whose nominations require the advice and consent of the Senate for promotion or appointment and who have not received the advice and consent of the Senate would be removed from promotion lists.

The House bill contained no similar provision.

The House recedes with an amendment that would establish a promotion eligibility period for officers beginning on the date of approval by the President of a promotion list for officers on that list and ending 18 months later. This period could be extended by the President for an additional 12 months. The amendment would require that an officer's name be removed from the promotion list as of the end of the period of promotion eligibility unless the Senate has given its advice and consent to the appointment of that officer. The provision would apply to any promotion list approved by the President after January 1, 2007.

PART III—JOINT OFFICER MANAGEMENT REQUIREMENTS

Modification and enhancement of general authorities on management of officers who are joint qualified (sec. 516)

The Senate amendment contained a provision (sec. 526) that would amend section 661 of title 10, United States Code, to restructure the system for designation and management of officers who are joint qualified. The provision would implement the recommendation made by the Department of Defense in its strategic plan to link joint officer development to overall missions and goals of the Department of Defense, as required by section 531 of the Ronald W. Reagan National Defense Authorization Act of Fiscal Year 2005 (Public Law 108–375).

The House bill contained no similar provision.

The House recedes with an amendment that would permit the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, to designate as joint qualified those officers who successfully complete a full tour of duty in a joint assignment as well as those officers who demonstrate mastery of knowledge, skills, and abilities in joint matters as a result of their assignments and experience as determined under such regulations and policy as the Secretary may prescribe. The amendment would make this provision effective on October 1, 2007, and require the Secretary, not later than March 31, 2007, to submit a plan for its implementation. The amendment would support modifications in joint officer management that would rely on a capabilities-based system in which experience, education, and performance are evaluated in an officer's progression to higher levels of qualification.

Modification of promotion policy objectives for joint officers (sec. 517)

The Senate amendment contained a provision (sec. 527) that would amend section 662(a) of title 10, United States Code, to repeal the requirement for a separate promotion policy objective for officers who have the joint specialty or who are designated as joint qualified. The provision would require the Secretary of Defense to ensure that officers who are serving in or have served in joint duty assignments, including those officers who previously have been designated as joint specialty officers and are determined to be joint qualified under the changes to section 661 of title 10, United States Code, included in this Act, are expected, as a group, to be promoted to the next higher grade at a rate not less than the rate for all officers of the same armed force in the same grade and competitive category.

The House bill contained no similar provision.

The House recedes.

Applicability of joint duty assignment requirements limited to graduates of National Defense University schools (sec. 518)

The Senate amendment contained a provision (sec. 528) that would amend section 663 of title 10, United States Code, to specify that joint professional military education (JPME) schools for purposes of this section are limited to schools within the National Defense University. The provision would limit the effect of the requirement that more than 50 percent of officers completing the second phase of JPME must be assigned to joint duty assignments as those officers' next duty assignments following graduation.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Modification of certain definitions relating to jointness (sec. 519)

The Senate amendment contained a provision (sec. 529) that would amend section 668 of title 10, United States Code, to revise the definition of the term "joint matters." The provision would also modify the definition of "joint duty assignments" to broaden the assignments that may be considered and recognize the value of certain assignments within the services and to add a definition to section 668 of the term "critical occupational specialty."

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the definition of the term joint matters to mean matters related to the achievement of unified action by multiple military forces in operations conducted across domains such as land, sea, or air, in space, or in the information environment. The amendment would specify that the definition of joint duty does not include duty as a student or trainee for joint training and education. Under the definition of critical occupational specialty, the amendment would require, at a minimum, that the Secretary of Defense designate as critical occupational specialties any military occupational specialties within combat arms (or the equivalent) that the Secretary determines are experiencing severe shortages of trained officers.

Subtitle B-Reserve Component Matters

PART I—RESERVE COMPONENT MANAGEMENT

Recognition of former Representative G.V. "Sonny" Montgomery for his 30 years of service in the House of Representatives (sec. 521)

The conferees agree to include a provision that would recognize former Representative G.V. "Sonny" Montgomery (D-MS) for his 30 years of service in the House of Representatives, particularly his service as Chairman of the Committee on Veterans' Affairs and his contributions to the National Guard and Reserves.

Revisions to reserve call-up authority (sec. 522)

The House bill contained a provision (sec. 511) that would extend from 270 days to 365 days the period for which members of the Selected Reserve and Individual Ready Reserve may be involuntarily called to active duty to support operational missions other than during war or national emergency and would authorize recall of such reserve component members to provide assistance during a serious natural or manmade disaster, accident, or catastrophe.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend from 270 days to 365 days the maximum period for which such members of the reserve components may be involuntarily called to active duty.

Military retirement credit for certain service by National Guard members performed while in a State duty status immediately after the terrorist attacks of September 11, 2001 (sec. 523)

The House bill contained a provision (sec. 512) that would authorize military retirement credit for certain members of the Army National Guard or the Air National Guard who served in a full-time state active duty status in specified counties in New Jersey in support of the federal declaration of emergency following the terrorist attacks on the United States of September 11, 2001.

The Senate amendment contained no similar provision.

The Senate recedes.

PART II—AUTHORITIES RELATING TO GUARD AND RESERVE DUTY

Title 10 definition of Active Guard and Reserve duty (sec. 524)

The House bill contained a provision (sec. 541) that would establish a new definition of "Active Guard and Reserve" in section 101 of title 10, United States Code, and would also clarify the definition of "Active Guard and Reserve duty" in the same section.

The Senate amendment contained a similar provision (sec. 531).

The Senate recedes.

Authority for Active Guard and Reserve duties to include support of operational missions assigned to the reserve components and instruction and training of active-duty personnel (sec. 525)

The House bill contained a provision (sec. 542) that would authorize reserve component personnel performing Active Guard and Reserve duty, as well as military technicians (dual status), to perform additional duties to support operations or missions assigned to, or performed by, the reserve components and to instruct or train active-duty members of the Armed Forces, foreign military forces, and Department of Defense civilian employees and contractors. The provision would authorize the performance of the specified additional duties to the extent that such duties do not interfere with the primary duties of personnel on Active Guard and Reserve duty, and military technicians (dual status), of organizing, administering, recruiting, instructing, or training the reserve components. The provision would also limit the instructional or training duty only to that conducted in the United States, its possessions, and the Commonwealth of Puerto Rico. The provision would further authorize personnel performing National Guard duty under section 502(f) of title 32, United States Code, to support operations or missions undertaken by the member's unit at the request of the President or the Secretary of Defense, and to support training operations and training missions assigned in whole or in part to the National Guard by the Secretary concerned.

The Senate amendment contained a similar provision (sec. 531).

The Senate recedes with a clarifying amendment.

Governor's authority to order members to Active Guard and Reserve duty (sec. 526)

The House bill contained a provision (sec. 543) that would authorize the governor of a State, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or the commanding general of the District of Columbia National Guard to order members of the National Guard to perform Active Guard and Reserve duty under title 32, United States Code, to support operations or missions at the request of the President or the Secretary of Defense, or to support training operations and training missions assigned in whole or in part by the Secretary concerned to the National Guard.

The Senate amendment contained a similar provision (sec. 531).

The Senate recedes with a clarifying amendment.

Expansion of operations of civil support teams (sec. 527)

The House bill contained a provision (sec. 545) that would expand the types of emergencies for which members of the reserve components who are assigned to weapons of mass destruction civil support teams (WMD–CSTs) could be deployed to include the intentional or unintentional release of nuclear, biological, radiological, toxic or poisonous chemical materials; or natural or manmade disasters that could result in the catastrophic loss of life or property.

The Senate amendment contained a similar provision (sec. 532).

The Senate recedes.

The conferees note that WMD–CSTs are a limited resource, and as such, their employment, other than for training and preparation, under the expanded authorities recommended by this section should consider the following: (1) whether the resources of local governments and other State resources may be or are overwhelmed by the scope and scale of the actual disaster; or (2) whether other State, local, and first-responder technical equipment and capabilities will be or are inadequate to address the potential threat.

Modification of authorities relating to the Commission on the National Guard and Reserves (sec. 528)

The House bill contained a provision (sec. 594(a)) that would amend section 513 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) to extend the deadline by 6 months for submission of a final report by the Commission on the National Guard and Reserves.

The Senate amendment contained a similar provision (sec. 533) that would extend the commission's deadline for submission of a final report from 12 to 18 months after its first meeting. The provision would also authorize the chairman of the commission to exercise the same waiver authority regarding eligibility by annuitants for pay as would be available to the Director of the Office of Personnel Management under sections 8344(i)(1) and 8468(f)(1) of title 5, United States Code.

The House recedes with an amendment that would require submission of the final report of the commission not later than January 31, 2008.

Additional matters to be reviewed by Commission on the National Guard and Reserves (sec. 529)

The House bill contained a provision (sec. 594(b)) that would direct the Commission on the National Guard and Reserves to study and report to Congress by March 1, 2007, on the advisability and feasibility of implementing the provisions contained in the National Defense Enhancement and National Guard Empowerment Act of 2006 (H.R. 5200); whether the Chief of the National Guard Bureau should serve in the grade of general in the performance of the current duties of that office; and whether the Department of Defense processes for defining the equipment and funding necessary for the National Guard to perform its responsibilities are adequate.

The Senate amendment contained provisions (secs. 931–933) that would make the National Guard Bureau a joint activity of the Department; make the Chief of the National Guard Bureau the principal advisor to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff on National Guard matters; elevate the grade of the Chief of the National Guard Bureau to general; require the Chief of the National Guard Bureau to identify gaps between Federal and State capabilities to prepare for and respond to emergencies and make recommendations to the Secretary of Defense on the provision of military assistance to civil authorities; and require that the position of Deputy Commander, U.S. Northern Command, be filled by a National Guard officer eligible for promotion to the grade of lieutenant general.

The Senate recedes with an amendment that would add additional matters to be referred to the commission, including a review on the advisability and feasibility of authorizing National Guard officers to serve in both Federal status under title 10, United States Code, and State status under title 32, United States Code, as a means of achieving unity of command of units that are composed of both active-duty members and National Guard personnel. The commission would be required to submit a report on the results of the review by March 1, 2007, to the Committees on Armed Services of the Senate and the House of Representatives.

The conferees note the importance of the National Guard to the national defense and the need for effective coordination of National Guard matters between the Chief of the National Guard Bureau and the Secretary of Defense, Chairman of the Joint Chiefs of Staff, the Secretary of the Army, and the Secretary of the Air Force.

The conferees, therefore, direct the commission to evaluate the proposals referred to it by this section taking into consideration the following:

The impact that making the National Guard Bureau a joint activity of the Department, and authorizing the Secretary of Defense to develop the charter of the National Guard Bureau, would have on integration of the Army National Guard and Air National Guard into the Army and Air Force, respectively.

Whether authorizing the Chief of the National Guard Bureau to be the principal advisor to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff on matters relating to the National Guard would have the effect of establishing the National Guard as a separate service; and if so, the implications of that effect.

Whether authorizing the Chief of the National Guard Bureau to be a member of the Joint Chiefs of Staff is consistent with the statutory responsibilities of the service chiefs and the role of the service chiefs to provide military advice to the President, the National Security Council, and the Secretary of Defense.

How elevating the grade of the Chief of the National Guard Bureau to general would impact relationships with and the authorized grades of the other Chiefs of the reserve components, the Director of the Army National Guard, and the Director of the Air National Guard.

Whether requiring the Chief of the National Guard Bureau to identify gaps between Federal and State capabilities to prepare for and respond to emergencies and to make recommendations to the Secretary of Defense on National Guard programs for military assistance to civil authorities is an appropriate role for the Chief of the National Guard Bureau, whether the Chief of the National Guard Bureau is qualified to make such an assessment, and whether this authority impinges on the authority of Federal and State civilian officials.

Whether the scope and complexities of the duties and responsibilities of the position of Deputy Commander, U.S. Northern Command, require that they be carried out by two officers, each in the grade of O-9, one of whom would be a National Guard officer eligible for promotion to that grade.

Subtitle C—Education and Training

PART I—SERVICE ACADEMIES

Expansion of service academy exchange programs with foreign military academies (sec. 531)

The House bill contained a provision (sec. 524) that would expand from 24 to 100 the number of cadets and midshipmen at the U.S. Military Academy, Air Force Academy, and Naval Academy, respectively, who may participate in exchange programs with foreign military academies. The provision would also increase from $120,000 to $1.0 million the amount of appropriated funds that each service academy could expend during any fiscal year in support of the exchange program. The provision would further authorize the service academies to expend additional funds as may be available to the academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees do not intend that the additional funding from other than appropriated sources be used to fund exchange students in excess of the number set by this provision.

Revision and clarification of requirements with respect to surveys and reports concerning sexual harassment and sexual violence at the service academies (sec. 532)

The Senate amendment contained a provision (sec. 567) that would change the frequency of the service academy sexual assault survey and report to Congress from an annual to a biennial requirement, extend the period for the surveys and reports from 2008 to 2010; clarify that the subject of the required policy and report is sexual harassment and sexual violence, and clarify that the policy and survey are directed at cadets and midshipmen.

The House bill contained no similar provision.

The House recedes with an amendment that would codify in title 10, United States Code, the requirement for each Secretary of the military department to prescribe a policy on sexual harassment and sexual violence applicable to cadets or midshipmen and other personnel of each service academy. The amendment would require an annual assessment to determine the effectiveness of the policies, training, and procedures of the academy, and an annual report to the Committees on Armed Services of the Senate and the House of Representatives. The amendment would also require that the annual assessment be conducted by a survey of academy personnel to include cadets and midshipmen, and other academy personnel from the faculty and administration selected for such participation, if any, with respect to academy program years that begin in an odd-numbered calendar year. In any year in which a survey is not required, the Secretary concerned would be required to provide focus groups for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at that academy.

Department of Defense policy on service academy and ROTC graduates seeking to participate in professional sports before completion of their active-duty service obligations (sec. 533)

The Senate amendment contained a provision (sec. 568) that would require the Secretary of Defense to prescribe a policy, not later than July 1, 2007, on whether to authorize service academy and Reserve Officers' Training Corps graduates to participate in professional sports before completion of their active-duty service obligation, and if so, on the active-duty service obligations of such personnel. The provision would require the Secretary of each military department to prescribe regulations, or modify current regulations, to implement the policy of the Secretary of Defense by no later than December 1, 2007.

The House bill contained no similar provision.

The House recedes.

PART II—SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAMS

Authority to permit members who participate in the guaranteed reserve forces duty scholarship program to participate in the health professions scholarship program and serve on active duty (sec. 535)

The House bill contained a provision (sec. 521) that would authorize the Secretary of the Army to modify agreements entered into by cadets in the Reserve Officers' Training Corps who participate in the Guaranteed Reserve Forces Duty Scholarship Program so that a cadet or former cadet could receive assistance under the Health Professions Scholarship Program and serve on active duty.

The Senate amendment contained no similar provision.

The Senate recedes.

Detail of commissioned officers as students at medical schools (sec. 536)

The Senate amendment contained a provision (sec. 561) that would authorize the Secretary of a military department to detail up to 25 commissioned officers each year as students at accredited medical schools or schools of osteopathy. To be eligible, an officer must agree to service on active duty for 2 years for each year of medical training.

The House bill contained no similar provision.

The House recedes with an amendment that would allow an officer to serve their full service active duty obligation, or to complete a portion of their obligation in the Selected Reserve. The amendment would require that officers assigned to the Selected Reserve serve 3 years in the Selected Reserve for each year of medical training received prior to separation from active duty.

Increase in maximum amount of repayment under education loan repayment for officers in specified health professions (sec. 537)

The Senate amendment contained a provision (sec. 563) that would authorize an increase from $22,000 to $60,000 for each year of obligated service the amount the Secretary of a military department may repay for educational loans for a fully qualified health professional to meet identified skill shortages.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees are concerned that shortfalls in recruitment and retention of medical, dental, and nurse corps personnel could undermine future medical readiness. The conferees believe it is critical that the Tenth Quadrennial Review of Military Compensation include a careful examination of compensation issues pertaining to the uniformed medical personnel of the Department of Defense.

Health Professions Scholarship and Financial Assistance Program for Active Service (sec. 538)

The Senate amendment contained a provision (sec. 564) that would authorize an increase in the maximum amounts for stipends and grants under the Health Professions Scholarship Program and the Financial Assistance Program for Active Service. The amendment also contained a provision (sec. 565) that would require the Secretary of Defense to report to the congressional defense committees on the success or failure of the military departments in achieving recruiting goals under these programs during fiscal years 2000 through 2006.

The House bill contained no similar provisions.

The House recedes with an amendment that would authorize the Secretary to determine a monthly amount to be paid as a stipend in the Health Professions Scholarship Program.

The conference agreement reflects the merger of the two Senate provisions, as amended.

PART III—JUNIOR ROTC PROGRAM

Junior Reserve Officers' Training Corps instructor qualifications (sec. 539)

The Senate amendment contained a provision (sec. 570) that would establish instructor qualifications for a retired officer or noncommissioned officer to be employed as an instructor in the Junior Reserve Officers' Training Corps. The provision would require that senior military instructors be retired officers who have a professional military qualification; a baccalaureate degree; completion of secondary education teaching certification requirements; and award of an advanced certification in core content areas. Non-senior military instructors would be retired noncommissioned officers who serve as instructional leaders and teach independently of, but share program responsibilities with, senior military instructors. The provision would also require that non-senior military instructors have a professional military qualification; an associates degree within 5 years of employment; completion of secondary education teaching certification requirements; and award of an advanced certification in core content areas.

The House bill contained no similar provision.

The House recedes.

Expansion of members eligible to be employed to provide Junior Reserve Officers' Training Corps instruction (sec. 540)

The House bill contained a provision (sec. 522) that would authorize employment of reserve and National Guard officers and noncommissioned officers who would be eligible for retired pay at age 60 as Junior Reserve Officers' Training Corps instructors and allow the Secretaries of the military departments to determine the amount to reimburse the educational institution for the salary of such instructors.

The Senate amendment contained a similar provision (sec. 562).

The House recedes with a clarifying amendment.

The conferees agree that the Department of Defense would be authorized to pay an institution hiring a reserve or National Guard member who would be eligible for retired pay at age 60 an amount equal to one-half of the amount paid to the member by the institution for any period, up to a maximum of one-half the difference between the retired or retainer pay for an active-duty officer or noncommissioned officer of the same grade and years of service for that period and the active-duty pay and allowances which the member would have received for that period if on active duty.

Expansion of Junior Reserve Officers' Training Corps program (sec. 541)

The Senate amendment contained a provision (sec. 315) that would direct the Secretaries of the military departments to increase the number of Junior Reserve Officers' Training Corps units.

The House bill contained no similar provision.

The House recedes.

Review of legal status of Junior ROTC program (sec. 542)

The House bill contained a provision (sec. 525) that would require the Secretary of Defense to review the 1976 legal opinion that determined that Junior Reserve Officers' Training Corps (JROTC) instructors may be transported to a non-host school only to teach students previously enrolled in the JROTC unit at the host school, and only when it is impractical to require them to take courses at the host school. The purpose of the review would be to determine whether changes in the law since 1976 and local school redistricting would now allow for instructors from a host school to travel to and instruct JROTC students at another nearby school. The provision would also allow a host school that is currently providing for the assignment of JROTC instructors to another school with 70 or more students the authority to continue such support until 180 days following the submission of the report on the results of the review by the Secretary of Defense.

The Senate amendment contained an identical provision (sec. 569).

The conference agreement includes this provision.

PART IV—OTHER EDUCATION AND TRAINING PROGRAMS

Expanded eligibility for enlisted members for instruction at Naval Postgraduate School (sec. 543)

The Senate amendment contained a provision (sec. 566) that would authorize all enlisted members of the Armed Forces to participate in certificate programs and courses required for the performance of their duties offered by the Naval Postgraduate School, and authorize eligible enlisted members of the Armed Forces to receive graduate-level instruction at the Naval Postgraduate School in programs leading to the award of a master's degree in technical, analytical, and engineering curricula.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of the Navy to submit a report to the Committees on Armed Services of the Senate and the House of Representatives, not later than March 30, 2007, on the plans and rationale of the Navy to provide enlisted members of the Navy with opportunities to pursue graduate degree programs either through Navy schools or through civilian postgraduate institutions paid for by the Navy in return for an additional service obligation. The amendment would also require the Secretary of the Navy and the Secretary of the Air Force to submit a joint report to the Committees on Armed Services of the Senate and the House of Representatives, not later than March 30, 2007, on the manner by which each Secretary intends to use the Naval Postgraduate School and the Air Force Institute of Technology during fiscal years 2008 through 2013 to meet the overall requirements of the Navy, Marine Corps, and Air Force for enlisted members with graduate degrees.

The conferees expect that the Under Secretary of Defense for Personnel and Readiness will exercise a significant role in overseeing the preparation of the joint report of the Secretary of the Navy and the Secretary of the Air Force on use of the Naval Postgraduate School and the Air Force Institute of Technology to meet the overall requirements of the services for enlisted members with graduate degrees.

Subtitle D—General Service Authorities

Test of utility of test preparation guides and education programs in enhancing recruit candidate performance on the Armed Services Vocational Aptitude Battery (ASVAB) and Armed Forces Qualification Test (AFQT) (sec. 546)

The House bill contained a provision (sec. 531) that would require the Secretary of Defense to administer a test program conducted by the Secretaries of the military departments to determine the utility of commercially-available test preparation guides and education programs to assist recruit candidates in achieving improved scores on military recruit qualification tests. The Secretary would be required to identify 2,000 recruit candidates to receive test preparation assistance and 2,000 recruit candidates to participate in a control group to allow comparisons of test performance and subsequent duty performance in training and unit settings following active-duty entry. The test would identify participants over a 1-year period from the start of the test and assess duty performance for each participant for 18 months following entry on active duty.

The Senate amendment contained no similar provision.

The Senate recedes.

Clarification of nondisclosure requirements applicable to certain selection board proceedings (sec. 547)

The House bill contained a provision (sec. 532) that would clarify the nondisclosure requirements applicable to deliberations of military selection boards. The provision would specify that discussions and deliberations of selection boards, including any written or documentary records thereof, are immune from legal process; may not be admitted as evidence; and may not be used for any purpose in any action or suit, or judicial or administrative proceedings without the consent of the Secretary of the military department.

The Senate amendment contained a similar provision (sec. 518).

The Senate recedes with a technical amendment.

Report on extent of provision of timely notice of long-term deployments (sec. 548)

The House bill contained a provision (sec. 533) that would require the Secretary of Defense to report, not later than March 1, 2007, on the number of members of the Armed Forces who, since September 11, 2001, have not received at least 30-days notice prior to a deployment that was scheduled to last 180 days or more.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the reporting period to begin on January 1, 2005, and end on the date of the enactment of this Act.

Subtitle E—Military Justice Matters

Applicability of Uniform Code of Military Justice to members of the Armed Forces ordered to duty overseas in inactive duty for training status (sec. 551)

The Senate amendment contained a provision (sec. 551) that would require the service secretaries, no later than March 1, 2007, to prescribe regulations, or amend current regulations, consistent with article 2 of the Uniform Code of Military Justice (UCMJ) to provide that military personnel who are ordered to perform inactive duty for training at overseas locations shall be subject to jurisdiction under the UCMJ throughout the period that the orders are in effect.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Clarification of application of Uniform Code of Military Justice during a time of war (sec. 552)

The Senate amendment contained a provision (sec. 552) that would clarify that Uniform Code of Military Justice jurisdiction over persons serving with or accompanying an armed force in the field applies both in time of declared war and in a contingency operation.

The House bill contained no similar provision.

The House recedes.

Subtitle F—Decorations and Awards

Authority for presentation of Medal of Honor Flag to living Medal of Honor recipients and to living primary next-of-kin of deceased Medal of Honor recipients (sec. 555)

The House bill contained a provision (sec. 551) that would amend sections 3755, 6257, and 8755 of title 10, United States Code, and section 505 of title 14, United States Code, to authorize the President to present a Medal of Honor Flag to all living recipients of the Medal of Honor. The provision would authorize presentation of a Medal of Honor Flag to the primary next of kin of a deceased Medal of Honor recipient.

The Senate amendment contained a similar provision (sec. 584) that would require the Secretary of Defense to prescribe regulations regarding the designation of the primary living next of kin.

The House recedes with a clarifying amendment.

Review of eligibility of prisoners of war for award of the Purple Heart (sec. 556)

The House bill contained a provision (sec. 553) that would require the Secretary of Defense to award the Purple Heart posthumously to a member of the Armed Forces who died while in captivity as a prisoner of war or died due to injury or illness incurred while in captivity as a prisoner of war.

The Senate amendment contained a provision (sec. 589) that would require the President, not later than March 1, 2007, to report on the advisability of modifying the criteria for the award of the Purple Heart in the case of prisoners of war who die in captivity under unknown circumstances or as a result of conditions and treatment which currently do not qualify the decedent for the award of the Purple Heart. The provision would also require the President in making his determination to take into consideration various specified factors as well as the views of the Secretary and the Joint Chiefs of Staff.

The House recedes with an amendment that would add additional circumstances to be considered by the President in making his determination regarding the posthumous award of the Purple Heart to former prisoners of war.

In view of the history and significance of the Purple Heart, and the fact that it is awarded in the name of the President as Commander in Chief to members of the Armed Forces, the conferees consider it essential that the President conduct a comprehensive review of the merits of the proposals for expansion of eligibility for the award and provide a recommendation to the Congress before legislative changes are made to the criteria for the Purple Heart.

Report on Department of Defense process for awarding decorations (sec. 557)

The House bill contained a provision (sec. 555) that would require the Secretary of Defense to review the policy, procedures, and processes of the military departments for awarding decorations to members of the Armed Forces and to submit a report on the findings and recommendations no later than 90 days after the date of the enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would establish August 1, 2007, as the due date for the required report.

Subtitle G—Matters Relating to Casualties

Authority for retention after separation from service of assistive technology and devices provided while on active duty (sec. 561)

The House bill contained a provision (sec. 562) that would authorize the Secretary of Defense to provide assistive technology, devices, and services to a member of the armed forces who has sustained a debilitating illness or injury while serving in support of a contingency operation, and also authorize the member to continue to utilize such services after separation from active duty.

The Senate amendment contained a similar provision (sec. 647).

The House recedes with a clarifying amendment.

Transportation of remains of casualties dying in a theater of combat operations (sec. 562)

The House bill contained a provision (sec. 563) that would prescribe conditions for the transportation by air of the remains of members of the Armed Forces who die in a combat theater of operations and whose remains are returned to the United States through the mortuary facility at Dover Air Force Base, Delaware. The provision would require the Secretary concerned to transport remains under these circumstances by military aircraft, or military-contracted aircraft, unless otherwise directed by the decedent's next of kin. The provision would also require that remains be escorted during transportation at all times by at least one service member in an appropriate grade. The provision would further require that an honor guard escort comprised of a sufficient number of military members to transfer the casket containing the remains from the aircraft or other means of transportation to a hearse for local transportation be provided.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to prescribe regulations for the administration of this provision. The amendment would also require that transportation of one or more sets of military remains by military aircraft or military-contracted aircraft be the aircraft's primary mission and clarify the composition and role of the honor guard escort. The effective date for this provision would be not later than January 1, 2007.

Annual budget display of funds for POW/MIA activities of Department of Defense (sec. 563)

The House bill contained a provision (sec. 564) that would require the Secretary of Defense to submit to Congress a consolidated budget justification display that includes prior year and future year funding for specified organizations supporting the POW/MIA activities of the Department of Defense as part of the Department's justification material that supports the President's annual budget request.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees are concerned that shortfalls in the funding of POW/MIA activities within the Department have resulted in the loss of opportunities to conduct planned field missions to locate and identify missing U.S. service members. The conferees expect that the Department will ensure that POW/MIA recovery efforts will receive the highest level of support within the Department and that the budget for POW/MIA activities will be adequately funded in order to preclude the loss of opportunities to conduct planned recovery and research missions.

Military Severely Injured Center (sec. 564)

The Senate amendment contained a provision (sec. 586) that would require the Secretary of Defense to establish a center to augment and support programs operated by the military departments for services to severely wounded or injured service members and their families. The provision would also require establishment of a central database for the purpose of tracking such members.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the role of the center in support of programs operated by the military departments which are responsible for individual case management, and ensure transparency of the central database.

Comprehensive review on procedures of the Department of Defense on mortuary affairs (sec. 565)

The Senate amendment contained a provision (sec. 590(a)-(b)) that would require the Secretary of Defense to include additional matters in the report of the Department of Defense's ongoing comprehensive review of procedures relating to mortuary affairs. The additional elements reported on would address capabilities and standards employed in combat theaters that could preserve the remains of deceased personnel and expedite the return of remains to the United States in a nondecomposed state.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Additional elements of policy on casualty assistance to survivors of military decedents (sec. 556)

The Senate amendment contained a provision (sec. 590(c)) that would amend section 562(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) to require the Secretary of Defense to include an additional element in the Department of Defense's policy relating to casualty assistance to survivors of military decedents. The provision would require that the new policy address the process by which the Department, upon request, briefs survivors of military decedents on the cause of, and any investigation into, the death of such military decedents and on the disposition and transportation of their remains.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Requirement for deploying military medical personnel to be trained in preservation of remains under combat or combat-related conditions (sec. 567)

The House bill contained a provision (sec. 722) that would require the Secretary of Defense to develop a program requiring each military department to include pre-deployment training of health care professionals in the preservation of remains.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would establish an effective date for the required training of 90 days after the date of the enactment of this Act.

Subtitle H—Impact Aid and Defense Dependents Education System

Enrollment in defense dependents' education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe (sec. 571)

The House bill contained a provision (sec. 572) that would authorize the Secretary of Defense to enroll on a space-required, tuition-free basis a limited number of dependents of foreign military members who are assigned to the Supreme Headquarters Allied Powers, Europe, in the Defense Dependents' Education System in Mons, Belgium.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary to offer such enrollment only through the 2010-2011 school year. The amendment would require a report to Congress evaluating alternatives for a long-term plan for the education of dependents of U. S. military personnel assigned to the Supreme Headquarters Allied Powers, Europe.

Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees (sec. 572)

The House bill contained a provision (sec. 571) that would authorize $50.0 million for assistance to local educational agencies that have military dependent students comprising at least 20 percent of the students in average daily attendance. The provision would also authorize $15.0 million for assistance to local educational agencies that experience a significant increase or decrease in attendance of military dependent students due to military force structure changes, the relocation of military forces, and base closures and realignments.

The Senate amendment contained a provision (sec. 571) that would authorize $30.0 million for assistance to local educational agencies with significant concentrations of military school-aged children, and $10.0 million for special assistance to local educational agencies that experience an increase or decrease in students due to military force structure changes, relocation of military units, or base closures and realignments. The Senate amendment would also provide temporary authority for the Secretary of Defense, working with the Secretary of Education, to utilize funds appropriated for Operation and Maintenance, Defense-wide for the purpose of sharing expertise and experience of the Department of Defense Education Activity with local education agencies to assist those agencies as military students make the transition to civilian school systems as a result of base closure and realignment, global rebasing, and force restructuring.

The Senate recedes with an amendment that would authorize $35.0 million and $10.0 million, respectively, for assistance to local educational agencies with significant military school-aged children.

Elsewhere in this report, the conferees agree to authorize the sharing of expertise and experience of the Department of Defense Education Activity with local educational agencies that are experiencing a change in the number of military students due to base closure and realignment, global rebasing, and force restructuring, until September 30, 2011.

Impact aid for children with severe disabilities (sec. 573)

The Senate amendment contained a provision (sec. 572) that would authorize $5.0 million in Operation and Maintenance, Defense-wide, for impact aid payments for children with disabilities under section 8003(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(d)), using the formula set forth in section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398).

The House bill contained no similar provision.

The House recedes.

Plan and authority to assist local educational agencies experiencing growth in enrollment due to force structure changes, relocation of military units, or base closures and realignments (sec. 574)

The Senate amendment contained a provision (sec. 573) that would require the Secretary of Defense to prepare a plan to provide assistance to local educational agencies that will experience a growth in enrollment of military and Department of Defense civilian school-aged children as a result of force structure changes, the relocation of military units, and the closure or realignment of a military installation. The provision would require submission of a report on the plan to Congress by January 1, 2007, and annual updates to the plan.

The House bill contained no similar amendment.

The House recedes with an amendment that would require annual updates to the plan after March 1, 2008 be submitted to Congress along with the President's budget request. The amendment would also authorize the Secretary of Defense to share expertise and experience of the Department of Defense Education Activity with affected local educational agencies for the purpose of assisting those agencies with the transition of military dependent school-aged children through September 30, 2011.

Pilot program on parent education to promote early childhood education for dependent children affected by military deployment or relocation of military units (sec. 575)

The Senate amendment contained a provision (sec. 574) that would require the Secretary of Defense to carry out a pilot program to enhance educational support for parents of pre-school aged children, who are affected by deployments or the relocation of military units.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify that the requirement to conduct the pilot program would be subject to the appropriation of funds.

Subtitle I—Armed Forces Retirement Home

Report on leadership and management of the Armed Forces Retirement Home (sec. 578)

The Senate amendment contained a provision (sec. 668) that would require the redesignation of the Chief Operating Officer of the Armed Forces Retirement Home as Chief Executive Officer. The provision would require the Director of each facility of the home to be a member of the Armed Forces, and the Deputy Director to be a civilian with experience as a continuing care retirement community professional. The amendment would also clarify that the senior representative of one of the chief personnel officers of the Armed Forces serving as a member of the Local Board of Trustees for each facility be a military officer serving on active duty in the grade of brigadier general, or in the case of the Navy, rear admiral (lower half).

The House bill contained no similar provision.

The House recedes with an amendment that would require a report by the Secretary of Defense evaluating the effect of a change in the title of the Chief Operating Officer and qualifications of the Director and Deputy Director of each facility, as well as an assessment of whether or not there is a need for a greater role by members of the Armed Forces on active duty in the overall direction, operation, and management of the home.

The conferees note that the requirement for service on the Local Board of Trustees by a military officer in the grade of brigadier general, or in the case of the Navy, rear admiral (lower half), is addressed elsewhere in this report.

The conferees are aware that the Comptroller General has not completed the assessment of the regulatory oversight and monitoring of health and nursing home services required by section 909 of the National Defense Authorization Act for 2006 (Public Law 109-163). The conferees intend that the study required by that section will help inform future legislative and policy changes regarding oversight and monitoring of health and nursing home services at the home.

Report on Local Boards of Trustees of the Armed Forces Retirement Home (sec. 579)

The Senate amendment contained a provision (sec. 1064) that would require a report on the composition and activities of the Local Boards of Trustees of the Armed Forces Retirement Home.

The House bill contained no similar provision.

The House recedes with an amendment that would require an additional report element on the feasibility and effect of including as a member of each local board a member of the Armed Forces who is serving on active duty in the grade of brigadier general, or in the case of the Navy, rear admiral (lower half).

The conferees are concerned that failure to use the Local Boards of Trustees, as required by law in section 416 of title 24, United States Code, is a significant management issue at the Armed Forces Retirement Home. The conferees are also concerned that additional oversight and training is needed on the handling of personnel matters involving assigned military personnel. The conferees direct that these matters be included in the report required by this section.

Subtitle J—Reports

Report on personnel requirements for airborne assets identified as Low-Density, High-Demand Airborne Assets (sec. 581)

The House bill contained a provision (sec. 591) that would require the Secretary of Defense to submit a report, not later than 90 days after the date of the enactment of this Act, on personnel requirements and shortfalls for airborne assets identified as low-density, high-demand airborne assets based on combatant commander requirements to conduct and sustain operations for the global war on terrorism.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the report to be submitted to the Committees on Armed Services of the Senate and the House of Representatives not later than 120 days after the date of the enactment of this Act, and to include estimated manpower costs of personnel needed to address shortfalls.

Report on feasibility of establishment of Military Entrance Processing Command station on Guam (sec. 582)

The House bill contained a provision (sec. 584) that would require the Secretary of Defense to submit a report by June 1, 2007, on the feasibility and cost effectiveness of establishing a Military Entrance Processing Command station on Guam for new recruits who are drawn from the western Pacific region.

The Senate amendment contained no similar provision.

The Senate recedes.

Inclusion in annual Department of Defense report on sexual assaults of information on results of disciplinary actions (sec. 583)

The House bill contained a provision (sec. 595) that would amend section 577 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) to require additional detail in the Department of Defense annual report on sexual assaults on the results of disciplinary action taken in substantiated cases.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Report on provision of electronic copy of military records on discharge or release of members from the Armed Forces (sec. 584)

The Senate amendment contained a provision (sec. 588) that would require the Secretary of Defense, not later than 120 days after the date of the enactment of this Act, to submit a report on the feasibility and advisability of providing an electronic copy of military records (including all military service, medical, and other military records) to members of the Armed Forces on their discharge or release from the Armed Forces.

The House bill contained no similar provision.

The House recedes.

Report on omission of social security account numbers from military identification cards (sec. 585)

The Senate amendment contained a provision (sec. 591) that would require the Secretary of Defense to submit a report, not later than 180 days after the date of the enactment of this Act, assessing the feasibility of using military identification cards, which do not contain, display, or exhibit social security account numbers.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Report on maintenance and protection of data held by the Secretary of Defense as part of the Department of Defense Joint Advertising, Market Research and Studies (JAMRS) program (sec. 586)

The Senate amendment contained a provision (sec. 1417) that would require the Secretary of Defense to submit a report on how the JAMRS program maintains and protects data, including social security numbers, and prevents unauthorized access or inadvertent disclosure of data that could lead to identity theft.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Comptroller General report on military conscientious objectors (sec. 587)

The House bill contained a provision (sec. 593) that would require the Comptroller General to submit to Congress, not later than 180 days after the date of the enactment of this Act, a report concerning members of the Armed Forces who have claimed the status as a military conscientious objector between January 1, 1989, and December 31, 2006.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish September 1, 2007, as the due date for the report, limit the period reported on from September 11, 2001, to December 31, 2006, and clarify the elements of the report required.

Subtitle K—Other Matters

Modification in Department of Defense contributions to Military Retirement Fund (sec. 591)

The House bill contained a provision (sec. 581) that would reduce the Department of Defense's accrual contributions to the Military Retirement Fund by requiring the Department to contribute at the lower, part-time rate for reserve component soldiers who are mobilized or on active duty for special work.

The Senate amendment contained a similar provision (sec. 641(a) and (c)). The provision would also make this section effective on October 1, 2007.

The Senate recedes with an amendment that would make this section effective on October 1, 2007.

Revision in government contributions to Medicare-Eligible Retiree Health Care Fund (sec. 592)

The House bill contained a provision (sec. 589) that would amend sections 1111, 1115, and 1116 of title 10, United States Code, to change the formula by which the government makes annual contributions to the Medicare-Eligible Retiree Health Care Fund. The provision would reduce the annual government contribution to the fund by changing the formula for calculating that contribution by: (1) excluding the cadets and midshipmen at the service academies; (2) excluding members of the reserve components who are not counted against active component end strength under section 115(1) of title 10, United States Code; and (3) basing the calculation on Selected Reserve member strength, not the end strength of the larger Ready Reserve. The provision would also prohibit any funds authorized or appropriated to the Department of Defense from being used to make any payment to the Medicare-Eligible Retiree Health Care Fund.

The Senate amendment contained a similar provision (sec. 641(b)–(c)).

The Senate recedes with an amendment that would omit changes to section 1116 regarding payments into the Medicare-Eligible Retiree Health Care Fund. The amendment would also modify section 1111(a) of title 10, United States Code, to clarify that the fund shall be used to finance the liabilities of the uniformed services under retiree health care programs for medicare-eligible beneficiaries.

Dental Corps of the Navy Bureau of Medicine and Surgery (sec. 593)

The House bill contained a provision (sec. 582) that would eliminate the requirement for a separate dental division within the Navy Bureau of Medicine and Surgery, and establish a Dental Corps, which would be integrated within the Navy Bureau of Medicine and Surgery.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require that Navy dental functions be under the direction of the Chief of the Dental Corps.

Permanent authority for presentation of recognition items for recruitment and retention purposes (sec. 594)

The House bill contained a provision (sec. 583) that would make permanent the authority in section 2261 of title 10, United States Code, to expend appropriated funds to procure recognition items of nominal or modest value for recruitment or retention purposes.

The Senate amendment contained a similar provision (sec. 585) that would authorize the presentation of recognition items during any period of war or national emergency declared by the President or Congress.

The Senate recedes.

Persons authorized to administer enlistment and appointment oaths (sec. 595)

The House bill contained a provision (sec. 585) that would amend sections 502 and 1031 of title 10, United States Code, to allow the Secretary of Defense to designate who is authorized to administer an enlistment or appointment oath and expand the number of people eligible to administer such oaths when the situation dictates.

The Senate amendment contained a similar provision (sec. 581).

The Senate recedes.

Military voting matters (sec. 596)

The House bill contained a provision (sec. 586) that would repeal section 1566(d) of title 10, United States Code, which requires the Department of Defense Inspector General to periodically conduct unannounced assessments of the compliance of Department installations with the requirements of the Uniformed and Overseas Citizens Absentee Voting Act, set forth in section 1973ff of title 42, United States Code.

The Senate amendment contained a similar provision (sec. 583) that would require the Secretary of Defense to continue the Interim Voting Assistance System (IVAS) ballot request program for the general election and all elections through December 31, 2006, and require reports from the Secretary on the implementation of IVAS in 2006 and on the Department's plans for expanding the use of electronic voting technology in the future. The provision would also require the Comptroller General to submit a report to Congress by March 1, 2007, on the programs and activities undertaken by the Department to facilitate voter registration, transmittal of ballots to absentee voters, and voting using electronic means.

The House recedes with a technical amendment.

Physical evaluation boards (sec. 597)

The House bill contained a provision (sec. 587) that would add a new section to title 10, United States Code, that would require: (1) the service secretaries to ensure that documents announcing decisions of physical evaluation boards (PEB) convey the findings and conclusions of the board in an orderly and itemized fashion with specific attention to each issue presented by the member being evaluated; (2) the Secretary of Defense to prescribe regulations establishing requirements and training standards for PEB liaison officers and to assess the compliance of the Secretaries of the military departments with those regulations at least once every 3 years; and (3) the Secretary of Defense to publish regulations establishing standards and guidelines concerning PEB assignment and training of staff, operating procedures, and consistency and timeliness of board decisions, and to assess the compliance of the Secretaries of the military departments with those regulations at least once every 3 years.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees are concerned about the increasing caseloads being handled within the disability evaluation systems and adverse effects on processing times and decision-making that may stem from this increased caseload. The conferees urge the services to determine whether the manning and resources devoted to this function are sufficient and recommend that the service Inspectors General make the performance of the disability evaluation system an item of special interest.

Military ID cards for retiree dependents who are permanently disabled (sec. 598)

The Senate amendment contained a provision (sec. 582) that would require the Secretaries of the military departments to issue a permanent military ID card to a permanently disabled dependent of a military retiree.

The House bill contained no similar provision.

The House recedes.

United States Marine Band and United States Marine Drum and Bugle Corps (sec. 599)

The Senate amendment contained a provision (sec. 903) that would amend section 6222 of title 10, United States Code, to authorize the Secretary of the Navy to prescribe regulations for the appointment and promotion of members of the Marine Band and the Marine Drum and Bugle Corps. The provision would authorize the President to appoint members of the Marine Band and Marine Drum and Bugle Corps to the grades of captain and below and to delegate that authority to the Secretary of Defense. Additionally, the provision would authorize the President to appoint officers in the Marine Band and the Marine Drum and Bugle Corps in the grades of major and above by and with the advice and consent of the Senate.

The House bill contained no similar provision.

The House recedes.

Legislative Provisions Not Adopted

Authorized strength of Navy Reserve flag officers

The House bill contained a provision (sec. 501) that would amend section 12004 of title 10, United States Code, to retain the authorized strength of Navy Reserve flag officers at 48 but eliminate existing limitations on their distribution and allocation.

The Senate amendment contained no similar provision.

The House recedes.

Modification of authorities on senior members of the Judge Advocate General's Corps

The Senate amendment contained a provision (sec. 504) that would raise the statutory grades of the Judge Advocates General of the Army, Navy, and Air Force to lieutenant general or vice admiral, as appropriate. These three officers would be in addition to the numbers that would otherwise be permitted for their armed forces for officers serving on active duty in grades above major general or rear admiral, as the case may be. The provision would also change the title of the Assistant Judge Advocate General of the Army to "Deputy Judge Advocate General," as is presently the case for the corresponding officers in the Navy and Air Force.

The House bill contained no similar provision.

The Senate recedes.

Requirement for significant joint experience for officers appointed as Surgeon General of the Army, Navy, and Air Force

The Senate amendment contained a provision (sec. 505) that would add a new section 3036a and amend sections 3036, 5137, and 8036 of title 10, United States Code, to require that officers recommended for appointment as the Surgeon General of the Army, Navy, and Air Force must have significant joint experience as determined by the Chairman of the Joint Chiefs of Staff.

The House bill contained no similar provision.

The Senate recedes.

Report on private-sector promotion and constructive termination of members of the reserve components called or ordered to active service

The House bill contained a provision (sec. 513) that would require the Secretary of Defense to report on post-mobilization private-sector employment impacts on members of the reserve components.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree that the issue of whether or not members of the reserve components, called or ordered to active duty, receive promotions in due course upon their return from deployment in Operation Iraqi Freedom or Operation Enduring Freedom, or experience constructive termination by their employers as a result of such deployment, would be reviewed by a Department of Defense working group established by this Act to review transition to civilian employment of members of the National Guard and reserve returning from deployment.

Report on joint officer promotion boards

The Senate amendment contained a provision (sec. 521) that would require the Secretary of Defense to submit a report on the desirability and feasibility of conducting joint officer promotion selection boards.

The House bill contained no similar provision.

The Senate recedes.

Authority for United States Military Academy and United States Air Force Academy permanent military professors to assume command positions while on periods of sabbatical

The House bill contained a provision (sec. 523) that would authorize the Secretary of the Army and the Secretary of the Air Force to assign military officers who are permanent professors at the United States Military Academy and the United States Air Force Academy, respectively, to command positions while such professors are serving on a sabbatical tour of duty in an Army or Air Force unit outside the academic department of the academy to which they are assigned.

The Senate amendment contained no similar provision.

The House recedes.

Special operations fellowships

The House bill contained a provision (sec. 526) that would authorize the Secretary of Defense to prescribe regulations under which the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict may award to an eligible person a fellowship leading to a doctoral or masters degree in a discipline determined by the Assistant Secretary.

The Senate amendment contained no similar provision.

The House recedes.

Condition on appointment of commissioned officers to position of Director of National Intelligence or Director of the Central Intelligence Agency

The Senate amendment contained a provision (sec. 530) that would amend chapters 32 and 63 of title 10, United States Code, to add new sections. In chapter 32, the provision would require that a commissioned officer, as a condition of appointment to the position of Director of National Intelligence or Director of the Central Intelligence Agency, acknowledge that upon termination of an assignment to either position the officer will retire. In chapter 63, the provision would require the Secretaries of military departments to retire an officer upon termination of an assignment in either position.

The House bill contained no similar provision.

The Senate recedes.

Pilot program on reintegration of members of the National Guard into civilian life after deployment

The Senate amendment contained a provision (sec. 534) that would require the Secretary of the Army to carry out a pilot program to assess the feasibility and advisability of a voluntary program to facilitate the reintegration of members of the National Guard into civilian life upon return from an overseas deployment.

The House bill contained no similar provision.

The Senate recedes.

The conferees believe that with the heavy reliance on the men and women of the National Guard and Reserve in support of Operation Enduring Freedom and Operation Iraqi Freedom it is essential that the Department of Defense take action to improve the flexibility and adequacy of military transition assistance programs (TAP) for their benefit. TAP for reservists should facilitate the reintegration of members of the National Guard and Reserve into civilian life as soon as possible after their return from an overseas deployment. TAP for reservists should also make such programs voluntary where appropriate and respect the desire of many Guardsmen and reservists to "stand down" from their military duties for appropriate periods. Therefore, the conferees urge the Department to implement and support a reintegration pilot program in a State that has a National Guard brigade returning from an overseas deployment. In the Senate Report accompanying H.R. 5631 (S. Rept. 09-292) of the Department of Defense Appropriations Bill, 2007, the conferees note that the Senate supported funding of $6.7 million for a reintegration initiative in connection with overseas deployment. If such a pilot program is implemented, the conferees direct the Secretary of Defense to submit a report of evaluation within 90 days of its conclusion, including a recommendation regarding the feasibility of reintegration programs for members of the National Guard and Reserve.

Report on using six-month deployments for Operation Enduring Freedom and Operation Iraqi Freedom

The House bill contained a provision (sec. 534) that would express the sense of Congress that the Secretary of the Army should continue to evaluate and consider the potential benefits and impacts of 6-month overseas deployments for soldiers in connection with Operation Enduring Freedom and Operation Iraqi Freedom. The provision would require the Secretary of the Army to submit a report on any plans, benefits, and drawbacks regarding shorter deployments and the results of any surveys of soldiers and their dependents regarding proposals to reduce the length of operational deployments

The Senate amendment contained no similar provision.

The House recedes.

National Guard officers authority to command

The House bill contained a provision (sec. 544) that would permit, with presidential authorization and consent of the Governor concerned, any National Guard officer to retain a State commission in the National Guard while serving on active duty. The provision would further allow such authorization and consent to be obtained in advance in order to establish succession to command.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recommend that the Commission on the National Guard and Reserve review the advisability and feasibility of further expanding the authority of National Guard officers to serve in both Federal status under title 10, United States Code, and State status under title 32, United States Code, as a means of achieving unity of command of units that are composed of both active-duty members and National Guard personnel. Elsewhere in this report, the conferees agree to add this issue to the matters referred to the commission for review on a priority basis.

Cold War Victory Medal

The House bill contained a provision (sec. 552) that would require the service secretaries to issue a service medal to be known as the Cold War Victory Medal to eligible members and former members of the Armed Forces who performed active duty or inactive duty training between September 2, 1945, and December 26, 1991.

The Senate amendment contained no similar provision.

The House recedes.

Advancement on the retired list of certain decorated retired Navy and Marine Corps officers

The House bill contained a provision (sec. 554) that would require the Secretary of the Navy, upon receipt of a qualifying application, to advance to the next higher grade on the retired list officers who had been specifically commended for performance of duty in combat during World War II. The provision, which would have restored in part a retirement benefit that ended in 1959, would have no effect on compensation or benefits.

The Senate amendment contained no similar provision.

The House recedes.

Criteria for removal of member from temporary disability retired list

The House bill contained a provision (sec. 561) that would amend section 1210(e) of title 10, United States Code, to direct that a member with less than a 30 percent disability rating may not be removed from the temporary disability retired list (TDRL) and separated prior to the expiration of the maximum TDRL period allowed by law unless the disability is of a permanent nature and stable.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are concerned that the absence of a standard relating to the permanent and stable nature of a disability rated at less than 30 percent under section 1210(e) of title 10 may lead to inequitable results for members with less than 20 years of active-duty service. The conferees direct the Secretary of Defense to submit a report no later than May 1, 2007, describing the manner in which section 1210(e) is implemented in the military departments and explaining how military members with disabilities rated at less than 30 percent who are placed on the TDRL are administered. The report should include discussion of what the impact would be of a change in law requiring that such a disability be of a permanent and stable nature. The report should include recommendations for legislative changes that would ensure that members with substantial active-duty service are treated equitably.

Modification of time limit for use of entitlement to educational assistance for reserve component members supporting contingency operations and other operations

The Senate amendment contained a provision (sec. 570A) that would extend the time a member of the Selected Reserve is authorized to use the educational benefit earned for service while recalled to active duty in support of a war or national emergency for a period of 10 years from the date of separation from the Selected Reserve.

The House bill contained no similar provision.

The Senate recedes.

Postal benefits program for members of the Armed Forces

The House bill contained a provision (sec. 575) that would require the Secretary of Defense, in consultation with the United States Postal Service, to provide a program of postal benefits to military members who are serving in Iraq or Afghanistan, or who are hospitalized at a military medical facility as a result of disease or injury incurred while serving in Iraq or Afghanistan. The postal benefit would be provided using coupons or other forms of evidence indicating a mailing privilege to be used to mail letters, sound and video recordings, printed materials, or ground parcels not exceeding 15 pounds in weight at no cost.

The Senate amendment contained no similar provision.

The House recedes.

Funding

The House bill contained a provision (sec. 576) that would require the Secretary of Defense to fund the operation of the postal benefit program from contingent emergency reserve funds or emergency supplemental appropriations.

The Senate amendment contained no similar provision.

The House recedes.

Duration

The House bill contained a provision (sec. 577) that would require new postal benefits to apply with respect to mail sent during the 1-year period beginning on the date on which the regulations administering the postal benefit are issued by the Secretary of Defense.

The Senate amendment contained no similar provision.

The House recedes.

Sense of Senate on notice to Congress of recognition of members of the Armed Forces for extraordinary acts of bravery, heroism, and achievement

The Senate amendment contained a provision (sec. 587) that would express the sense of the Senate that the Secretary of Defense or the service secretaries should notify the Committees on Armed Services of the Senate and the House of Representatives and applicable senators and representatives when a member of the Armed Forces receives a medal or is otherwise commended or recognized for an act of extraordinary heroism, bravery, achievement, or other distinction.

The House bill contained no similar provision.

The Senate recedes.

Department of Labor Transitional Assistance Program

The House bill contained a provision (sec. 588) that would amend section 1144 of title 10, United States Code, to require participation by certain members of reserve components in the transition assistance program (TAP) provided by the Secretary of Labor, and encourage participation by certain members who had previously participated in such programs. The provision would also require the service secretaries to update the content of transition materials used by the National Veterans Training Institute of the Department of Labor on a continuing basis.

The Senate amendment contained no similar provision.

The House recedes.

The conferees expect the Secretary of Defense, the Secretaries of the military Departments, and the Secretary of Labor to take steps to ensure maximum participation by all eligible service members, and particularly members of the National Guard and Reserve, in pre-separation counseling and TAP. Military leaders should encourage and assist separating service members to develop personal transition plans prior to separation. TAP presentations programs should be scheduled during duty time to ensure all separating service members, including Guard and Reserve members, have full access and opportunity to attend.

The conferees are encouraged by the new approach to the TAP for members of the Guard and Reserve and their families described in the Report to Congress on Transition Assistance and Disabled Transition Assistance Programs of May 4, 2006. The combination of a transition assistance orientation, a new web-based transition assistance portal, and an around-the-clock call center will address the full spectrum of needs and concerns of demobilizing Guard and Reserve personnel by providing the assistance whenever needed without unnecessarily delaying the members' return to their homes following deployments. The conferees encourage the expedited implementation of this new approach.

Military chaplains

The House bill contained a provision (sec. 590) that would amend sections 3547, 4337, 6031, 8547, and 9337 of title 10, United States Code, to prescribe that military chaplains shall have the prerogative to pray according to the dictates of their conscience, except as must be limited by military necessity, with any such limitation being imposed in the least restrictive manner feasible.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of the Air Force to rescind the policy and revised interim guidelines concerning the exercise of religion in the Air Force issued on February 9, 2006, and direct the Secretary of the Air Force to reinstate the policy that was set forth in the Air Force Directive 52-1 dated July 1, 1999. The conferees further direct the Secretary of the Navy to rescind the Secretary of the Navy Instruction 1730.7C dated February 21, 2006, titled "Religious Ministry within the Department of the Navy," and direct the Secretary of the Navy to reinstate the policy that was set forth in the Secretary of the Navy Instruction 1730.7B dated October 12, 2000.

Entrepreneurial service members empowerment task force

The House bill contained a provision (sec. 592) that would require the Secretary of Defense, in coordination with the Administrator of the Small Business Administration, to establish a task force that would improve programs designed to address the economic concerns and business challenges of military member entrepreneurs and coordination of programs by Federal agencies.

The Senate amendment contained no similar provision.

The House recedes.

Funeral ceremonies for veterans

The Senate amendment contained a provision (sec. 592) that would amend section 1491 of title 10, United States Code, to authorize the service secretaries, under regulations and procedures prescribed by the Secretary of Defense, to support the conduct of funeral honors that are provided solely by members of veterans organizations for deceased veterans. The provision would also amend section 4683 of title 10, United States Code, to authorize the use at funeral ceremonies of M–1 rifles by designees of veterans organizations who are at least 18 years of age, are the spouses, sons, daughters, nephews, nieces, or other family relations of members or former members of the Armed Forces, and have successfully completed a formal firearm training program or a hunting safety program.

The House bill contained no similar provision.

The Senate recedes.

The conferees acknowledge and are deeply grateful for the voluntary contribution of time, resources, and expertise by veterans organizations and their members who provide funeral honors for deceased veterans, particularly in rural and remote areas far from military installations. Without their assistance, the rendering of appropriate funeral honors when requested by survivors to those who have served in the Armed Forces would not be possible. The conferees believe that greater effort is needed by the Department of Defense to identify appropriate means to support veterans organization partners in fulfilling this commitment. The conferees also believe that reasonable steps should be taken to support members of veterans organizations who render funeral honors by loaning M–1 rifles under the authority of section 4683. The conferees direct the Secretary of the Army to submit a report to the Committees on Armed Services of the Senate and the House of Representatives within 90 days of the date of the enactment of this Act on current policies and practices of the Army relating to limits or prohibitions being enforced by the Army on the use of M–1 rifles by members of veterans organizations who are relatives or family members of veterans but not veterans themselves.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Legislative Provisions Adopted

Subtitle A—Pay and Allowances

Fiscal year 2007 increase in military basic pay and reform of basic pay rates (sec. 601)

The House bill contained provisions (secs. 601–602) that would increase the rate of basic pay for all military members by 2.7 percent effective on January 1, 2007, and, for certain mid-career personnel, increase the rate of pay by higher percentages effective April 1, 2007.

The Senate amendment contained a provision (sec. 601) that would authorize a pay raise for members of the uniformed services of 2.2 percent effective on January 1, 2007; target pay raises for warrant officers and enlisted members serving in the E–5 to E–7 grades that would be effective on April 1, 2007; and extend the basic pay table to 40 years, providing longevity step increases for the highest officer, warrant officer, and enlisted grades.

The House recedes with a technical amendment.

Increase in maximum rate of basic pay for general and flag officer grades to conform to increase in pay cap for Senior Executive Service personnel (sec. 602)

The House bill contained a provision (sec. 603) that would amend section 203(a)(2) of title 37, United States Code, to provide that the rates of basic pay for officers in pay grades O–7 through O–10 may not exceed the monthly equivalent of the rate of pay for level II, vice III, of the Executive Schedule.

The Senate amendment contained a similar provision (sec. 602).

The House recedes with a technical amendment.

One-year extension of prohibition against requiring certain injured members to pay for meals provided by military treatment facilities (sec. 603)

The Senate amendment contained a provision (sec. 604) that would amend section 402(h)(3) of title 37, United States Code, to extend for an additional year the prohibition on requiring members who are undergoing medical recuperation or therapy, or are otherwise in the status of continuous care, including outpatient care, at a military treatment facility for injuries, illnesses, or diseases incurred or aggravated while serving on active duty in support of Operation Iraqi Freedom or Operation Enduring Freedom, or in any other operation designated by the Secretary of Defense as a combat operation or in an area designated by the Secretary as a combat zone. The provision would also require the Secretary to submit a report to the congressional defense committees by February 1, 2007, on the administration of section 402(h)(3), including an assessment of the implementation of the prohibition by the services and recommendations regarding whether this authority should be made permanent.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Availability of second basic allowance for housing for certain reserve component or retired members serving in support of contingency operations (sec. 604)

The House bill contained a provision (sec. 604) that would amend section 403(g) of title 37, United States Code, to authorize service secretaries to pay a second monthly basic allowance for housing in lieu of per diem to reserve component members without dependents mobilized in support of a contingency operation.

The Senate amendment contained a similar provision (sec. 605).

The Senate recedes with an amendment that would make the provision effective on or after October 1, 2006.

Extension of temporary continuation of housing allowance for dependents of members dying on active duty to spouses who are also members (sec. 605)

The House bill contained a provision (sec. 605) that would amend section 403(l) of title 37, United States Code, to provide that a member of the uniformed services, who is a spouse of a deceased member who died while serving on active duty, may continue to be paid the basic allowance for housing.

The Senate amendment contained a similar provision (sec. 606).

The Senate recedes.

Payment of full premium for coverage under Servicemembers' Group Life Insurance program during service in Operation Enduring Freedom or Operation Iraqi Freedom (sec. 606)

The House bill contained a provision (sec. 607) that would amend section 437 of title 37, United States Code, to increase from $150,000 to $400,000 the amount of coverage under the Servicemembers' Group Life Insurance that the services would be required to fund for all members of the Armed Forces serving in Operation Enduring Freedom or Operation Iraqi Freedom.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Clarification of effective date of prohibition on compensation for correspondence courses (sec. 607)

The House bill contained a provision (sec. 606) that would amend section 206(d) of title 37, United States Code, to clarify that the prohibition on compensation for work or study in connection with correspondence courses, including the prohibition as it relates to a member of the National Guard while not in federal service, applies to any such work or study performed on or after September 7, 1962, and to any claim for compensation based on such work or study arising after that date

The Senate amendment contained a similar provision (sec. 603).

The Senate recedes.

The conferees direct the Secretary of Defense to review the policy regarding compensation of members of the reserve components (which include officers and enlisted personnel of the National Guard) for completing correspondence and distance learning courses. The review should include an audit of military professional education and other career development and military skills courses that are required for continued military service and advancement in the reserve component. For those courses that do not afford reserve component members practical options for attending in residence, an assessment should be completed of the feasibility and need for compensation as an incentive to complete correspondence and distance learning courses. The Secretary should report on the results of this review, including any recommendations for legislative changes, by July 31, 2007, to the Committees on Armed Services of the Senate and the House of Representatives.

Extension of pilot program on contributions to Thrift Savings Plan for initial enlistees in the Army (sec. 608)

The Senate amendment contained a provision (sec. 619) that would extend the pilot program on contributions to the Thrift Savings Plan for initial enlistees in the Army, as required by section 606 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), until December 31, 2008. The provision would also extend the due date for the report on the pilot program to February 1, 2008.

The House bill contained no similar provision.

The House recedes.

Subtitle B—Bonuses and Special and Incentive Pays

Extension of certain bonus and special pay authorities for reserve forces (sec. 611)

The House bill contained a provision (sec. 611) that would extend for 1 year the authority to pay the Selected Reserve reenlistment bonus; the Selected Reserve affiliation or enlistment bonus; the special pay for enlisted members assigned to certain high priority units; the Ready Reserve enlistment bonus for persons without prior service; the Ready Reserve enlistment and reenlistment bonus for persons with prior service; and the Selected Reserve enlistment bonus for persons with prior service.

The Senate amendment contained a similar provision (sec. 611).

The House recedes.

Extension of certain bonus and special pay authorities for health care professionals (sec. 612)

The House bill contained a provision (sec. 612) that would extend the authority for the nurse officer candidate accession program, the accession bonus for registered nurses, the incentive special pay for nurse anesthetists, the special pay for Selected Reserve health professionals in critically short wartime specialties, the accession bonus for dental officers, and the accession bonus for pharmacy officers until December 31, 2007. Additionally, the provision would extend the authority to repay the educational loans for certain health professionals who serve in the Selected Reserve to January 1, 2008.

The Senate amendment contained a similar provision (sec. 612).

The House recedes.

Extension of special pay and bonus authorities for nuclear officers (sec. 613)

The House bill contained a provision (sec. 613) that would extend for 1 year the authority to pay the special pay for nuclear-qualified officers extending their period of active service; the nuclear career accession bonus; and the nuclear career annual incentive bonus.

The Senate amendment contained an identical provision (sec. 613).

The conference agreement includes this provision.

Extension of authorities relating to payment of other bonuses and special pays (sec. 614)

The House bill contained a provision (sec. 614) that would extend for 1 year the authority to pay the aviation officer retention bonus; assignment incentive pay; the reenlistment bonus for active members; the enlistment bonus; the retention bonus for members qualified in critical military skills or assigned to high priority units; the accession bonus for new officers in critical skills; the incentive bonus for conversion to military occupational specialty to ease personnel shortage; and the incentive bonus for transfer between the armed forces.

The Senate amendment contained a similar provision (sec. 614). The provision would extend through December 31, 2009, the authority to pay the incentive bonus for transfer between the armed forces.

The House recedes.

Expansion of eligibility of dental officers for additional special pay (sec. 615)

The House bill contained a provision (sec. 615) that would authorize additional special pay for dental officers while they are undergoing dental internship or residency training.

The Senate amendment contained no similar provision.

The Senate recedes.

Increase in maximum annual rate of special pay for Selected Reserve health care professionals in critically short wartime specialties (sec. 616)

The House bill contained a provision (sec. 616) that would increase the maximum annual rate of special pay for Selected Reserve health care professionals in critically short wartime specialties from $10,000 to $25,000.

The Senate amendment contained a similar amendment (sec. 615).

The House recedes with a clarifying amendment.

Expansion and enhancement of accession bonus authorities for certain officers in health care specialties (sec. 617)

The House bill contained a provision (sec. 621) that would authorize the Secretary of Defense to establish a 2-year pilot program to offer additional financial incentives for up to five critical medical specialties.

The Senate amendment contained a provision (sec. 616) that would authorize an increase in the maximum amount authorized for an accession bonus for fully qualified dental officers from $30,000 to $200,000, and an accession bonus of up to $400,000 for fully qualified medical officers and dental specialist officers in critically short wartime specialties.

The House recedes with a technical amendment.

Authority to provide lump sum payment of nuclear officer incentive pay (sec. 618)

The House bill contained a provision (sec. 617) that would authorize nuclear officer incentive pay to be paid as a lump sum or in variable amounts in addition to payment in equal annual installments.

The Senate amendment contained no similar provision.

The Senate recedes.

Increase in maximum amount of nuclear career accession bonus (sec. 619)

The House bill contained a provision (sec. 618) that would increase the maximum amount of the nuclear career accession bonus from $20,000 to $30,000.

The Senate amendment contained a similar provision (sec. 617).

The House recedes with a clarifying amendment.

Increase in maximum amount of incentive bonus for transfer between Armed Forces (sec. 620)

The House bill contained a provision (sec. 619) that would amend section 327(d)(1) of title 37, United States Code, to increase the maximum authorized amount of the incentive bonus for transfer between armed forces from $2,500 to $10,000.

The Senate amendment contained a similar provision (sec. 618(d)).

The Senate recedes with a technical amendment.

Additional authorities and incentives to encourage retired members and reserve component members to volunteer to serve on active duty in high-demand, low-density assignments (sec. 621)

The House bill contained a provision (sec. 623) that would add a new section 329 to title 37, United States Code. The provision would authorize the Secretary of Defense to pay a bonus of up to $50,000 to encourage retired members, reservists, and former members discharged from the military to return to active duty to fill manpower requirements in units tasked to provide high-demand, low-density military capabilities or to fill other specialties, as designated by the Secretary as critical to meet wartime or peacetime requirements. This section would also authorize the Secretary to develop additional incentives to encourage personnel with critical, high-demand, low-density skills to return to active duty. The authority would expire on December 31, 2010. The provision would also amend section 688a of title 10, United States Code, to authorize the Secretary concerned to order to active duty a retired member who agrees to serve on active duty in an assignment intended to alleviate a high-demand, low-density military capability.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would specify that members appointed under the authority of section 329 of title 37, United States Code, are not eligible for promotion.

Accession bonus for members of the Armed Forces appointed as commissioned officers after completing officer candidate school (sec. 622)

The Senate amendment contained a provision (sec. 620) that would amend title 37, United States Code, to add a new section 330 that would authorize an accession bonus not to exceed $8,000 for persons who complete officer candidate school (OCS), accept a commission or appointment as an officer of the armed forces, and serve on active duty in accordance with the terms of their agreement. The provision would also authorize the Secretary of the Army to pay an accession bonus not to exceed $8,000 to a person who, during the period beginning on April 1, 2005, and ending on April 6, 2006, executed an agreement to enlist for the purpose of attending OCS and received a bonus under section 309 of title 37, United States Code, and who completed the terms of the agreement required for payment of the bonus.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Modification of certain authorities applicable to the targeted shaping of the Armed Forces (sec. 623)

The House bill contained a provision (sec. 622) that would expand the temporary program of voluntary separation incentives (VSI) and benefits authorized by section 643 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) to remove the bar prohibiting participation of enlisted personnel and officers with between 12 and 20 years of service. The provision would also amend section 1175 of title 10, United States Code, to extend the expiration date of the authority from December 31, 2008, to December 31, 2009.

The Senate amendment contained a similar provision (sec. 618) that would increase the maximum authorized amount of the VSI to an amount not greater than four times the full amount of separation pay for a member of the same pay grade and years of service who is involuntarily separated under section 1174 of title 10, United States Code, and extend the authority to use the provision through December 31, 2012. The provision would amend sections 638 and 638a of title 10, United States Code, to relax limitations on use of selective early retirements and discharges through December 31, 2012.

The House recedes with an amendment that would delete provisions relating to the expanded use of selective early retirement boards under sections 638 and 638a.

Enhancement of bonus to encourage certain persons to refer other persons for enlistment in the Army (sec. 624)

The House bill contained a provision (sec. 620) that would amend section 645(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) to clarify that military retirees, to include members of a reserve component under 60 years of age who, but for age, would be eligible for retired pay, are eligible to be paid the referral bonus.

The Senate amendment contained a similar provision (sec. 621). The provision would increase the maximum amount of the bonus not to exceed $2,000; provide that civilian employees of the Department of the Army are also eligible to receive the referral bonus; and specify that a referral bonus paid to a retiree is in addition to any compensation to which such a member is entitled under titles 10, 37, or 38 United States Code, or under any other provision of law.

The House recedes with an amendment that would make administrators or instructors in the Junior Reserve Officers' Training Corps program or retired members of the Army employed as administrators or instructors in the program ineligible for the bonus.

Subtitle C—Travel and Transportation Allowances

Travel and transportation allowances for transportation of family members incident to illness or injury of members (sec. 631)

The House bill contained a provision (sec. 633) that would amend section 411h of title 37, United States Code, to authorize the payment of travel and transportation allowances to a person related to a seriously injured or ill member covered under section 411h, who is also a member of the Armed Forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle D—Retired Pay and Survivor Benefits

Retired pay of general and flag officers to be based on rates of basic pay provided by law (sec. 641)

The Senate amendment contained a provision (sec. 650) that would add a new section 1407a to title 10, United States Code, that would control the calculation of the retired pay of a flag or general officer whose rate of pay while on active duty was subject to a reduction under section 203(a)(2) of title 37. The provision would provide that such a determination would be made using the rates of basic pay in effect as provided by law rather than rates reduced under section 203(a)(2). The effective date for this provision would be October 1, 2006.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Inapplicability of retired pay multiplier maximum percentage to service of members of the Armed Forces in excess of 30 years (sec. 642)

The Senate amendment contained a provision (sec. 651) that would amend sections 1409 and 12739 of title 10, United States Code, to provide that in the case of a member who retires after December 31, 2006, with more than 30 years of creditable service, the percentage to be used to calculate retired pay would increase based on the years of active-duty or reserve service in excess of 30 years pursuant to a prescribed formula. The Secretary of Defense would be authorized to establish conditions under which this higher rate of retired pay would be afforded for purposes of this provision.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Military Survivor Benefit Plan beneficiaries under insurable interest coverage (sec. 643)

The House bill contained a provision (sec. 641) that would amend section 1448(b)(1) of title 10, United States Code, to allow military retirees who participate in the Survivor Benefit Plan and elect the insurable interest coverage to select a new insurable interest if their designated beneficiary dies.

The Senate amendment contained no similar provision.

The Senate recedes.

Modification of eligibility for commencement of authority for optional annuities for dependents under the Survivor Benefit Plan (sec. 644)

The House bill contained a provision (sec. 645) that would express the sense of Congress that eligibility for a surviving child annuity in lieu of a surviving spouse annuity under the Survivor Benefit Plan (SBP) for a child of a member of the Armed Forces who dies while on active duty should be extended so as to cover children of members who die after October 7, 2001, rather than only children of members dying after November 23, 2003.

The Senate amendment contained a provision (sec. 652) that would amend section 1448(d)(2)(B) of title 10, United States Code, to effect the foregoing change to SBP elections based on service member deaths after October 7, 2001.

The House recedes.

Study of training costs, manning, operations tempo, and other factors that affect retention of members of the Armed Forces with special operations designations (sec. 645)

The House bill contained a provision (sec. 644) that would require the Secretary of Defense to submit a report, not later than 90 days after the date of the enactment of this Act, on retention of members of the Armed Forces who have a special operations forces designation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete certain matters to be reported on, and require that the report be submitted no later than August 1, 2007.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

Treatment of price surcharges of certain merchandise sold at commissary stores (sec. 661)

The House bill contained a provision (sec. 651) that would clarify that revenues for products that are sold in commissary stores as special exceptions to the standard surcharge shall be applied to the surcharge fund as if it were a uniform surcharge product.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Limitations on lease of non-excess Department of Defense property for protection of morale, welfare, and recreation activities and revenue (sec. 662)

The House bill contained a provision (sec. 652) that would prohibit the Secretary of Defense from entering into a lease for enhanced use of non-excess Department of Defense property, which includes the establishment or operation of an ancillary support facility if that facility would be in direct competition with military exchanges, commissaries, and morale, welfare, and recreation activities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a lessee to provide military exchanges, commissaries, and morale, welfare, and recreation activities the right to establish and operate a community support facility or provide community support services that are determined to be in direct competition with facilities or activities of those entities, or to seek equitable compensation for Department morale, welfare, and recreation programs in lieu of operation of such a facility or service. The amendment would allow these entities 90 days within which to exercise the right to establish or operate such community support facilities or services, and require notification to Congress regarding all leases for enhanced use that include such facilities or services. The amendment would also require the Secretary to prescribe uniform procedures and criteria for the evaluation of proposals for enhanced use leases involving the operation of community support facilities or services by either a lessee or a military exchange, commissary, or morale, welfare, and recreation entity. The conferees note that the term "lodging support services" as used in the provision was intended to include coin operated machines, lobby store for personal items and snacks, restaurants/snack bars, and other similar support services.

The conferees direct the Secretary to ensure that the notifications required in subsection (d)(6) of the amendment are carried out in the same manner as approval or disapproval is obtained from the Committees on Armed Services of the Senate and the House of Representatives for non-appropriated fund military construction projects.

Report on cost effectiveness of purchasing commercial insurance for commissary and exchange facilities and facilities of other morale, welfare, and recreation programs and nonappropriated fund instrumentalities (sec. 663)

The House bill contained a provision (sec. 654) that would require the Secretary of Defense to submit a report to Congress evaluating the cost effectiveness of the Defense Commissary Agency and certain nonappropriated fund activities purchasing commercial insurance to protect financial interests in facilities operated by morale, welfare, and recreation activities, military exchange stores, and commissary stores against loss or damage.

The Senate amendment contained no similar provision.

The Senate recedes.

Study and report regarding access of disabled persons to morale, welfare, and recreation facilities and activities (sec. 664)

The House bill contained a provision (sec. 662) that would require the Secretary of Defense to conduct a pilot project at a significant number of military golf courses for the purpose of developing a strategy to make golfs carts that are accessible for disabled persons available at all military golf courses.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to conduct a study of the current capability of Department of Defense morale, welfare, and recreation facilities and nonappropriated fund activities to provide access and accommodation to disabled persons, with specific attention to the applicability of section 504 of the Rehabilitation Act of 1973 (Public Law 93–112). The amendment would require the study to include plans to make available additional golf carts at military golf courses that are accessible for disabled persons authorized to use such courses. The amendment would require the Secretary to report to Congress on the results of the study not later than 180 days after the date of the enactment of this Act.

Subtitle F—Other Matters

Limitations on terms of consumer credit extended to servicemembers and dependents (sec. 670)

The Senate amendment contained a provision (sec. 666) that would amend title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) (SCRA) to add a new section 208 that would regulate the terms of consumer credit extended by creditors to servicemembers and servicemembers' dependents. The provision would: (1) prohibit creditors from imposing an annual percentage rate greater than 36 percent for consumer credit loans; (2) require prescribed mandatory loan disclosures, including a clear description of payment obligations; (3) prohibit creditors from automatically renewing, repaying, refinancing, or consolidating a loan without executing new loan documentation and loan disclosures; and (4) preempt any State or Federal law or regulation to the extent that such law or regulation is inconsistent with this provision. The provision would provide penalties, including fines as provided in title 18, United States Code, or imprisonment for not more than 1 year.

The House bill contained no similar provision.

The House recedes with an amendment that would amend title 10, rather than the SCRA, to add a new section 987 that would establish additional protections for servicemembers and their dependents who are extended credit. The amendment would prohibit creditors from charging servicemembers and their dependents annual percentage rates of interest for loans higher than the legal limits for residents of the State. The amendment would prohibit violation or waiver of any State consumer lending protections that protect residents of the State on the basis of nonresident or military status. The amendment would set forth specific limitations on lending practices by creditors who extend credit to covered members and their dependents, including mandatory waiver of a borrower's right to legal recourse using a check or other means of access to a deposit, savings, or other financial account maintained by the borrower; or using the title of a vehicle as security for an obligation. The amendment would direct the Secretary of Defense, in consultation with other Federal regulatory agencies, including the Federal Trade Commission, the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, the National Credit Union Administration, and the Treasury Department, to prescribe regulations to carry out this provision.

Enhancement of authority to waive claims for overpayment of pay and allowances and travel and transportation allowances (sec. 671)

The Senate amendment contained a provision (sec. 665) that would amend section 2774 of title 10, United States Code, to specify that a claim of the United States against a person arising out of an erroneous payment of a bonus, special pay, or incentive pay, in addition to erroneous payment of pay or allowances, may be waived. The provision would also increase the dollar limit for waivers from $1,500 to $10,000 and extend the period in which a waiver may be granted from 3 years to 5 years. The provision would require that any modifications to standards under section 2774 controlling waivers of claims necessitated by this provision be completed not later than March 1, 2007.

The House bill contained no similar provision.

The House recedes with an amendment that would delete the requirement for modifications to applicable standards and the provision relating to bonuses, special pays, and incentive pays as unnecessary.

Exception for notice to consumer reporting agencies regarding debts or erroneous payments pending a decision to waive, remit, or cancel (sec. 672)

The Senate amendment contained a provision (sec. 664) that would amend section 2780 of title 10, United States Code, to prohibit disclosure of information to consumer reporting agencies concerning indebtedness of a member that is delinquent by more than 3 months while a decision regarding waiver, remission, or cancellation is pending.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Expansion and enhancement of authority to remit or cancel indebtedness of members and former members of the Armed Forces incurred on active duty (sec. 673)

The House bill contained a provision (sec. 663) that would amend sections 4837, 6161, and 9837 of title 10, United States Code, to extend the termination date of the temporary expanded authority to remit or cancel indebtedness of military members included in section 683 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) from December 31, 2007, to December 31, 2009. The provision would also increase the period of time from 1 year to 5 years following honorable discharge or separation during which the service secretaries may exercise the expanded authority to remit and cancel indebtedness.

The Senate amendment contained a similar provision (sec. 663) that would extend the applicability of the remission or cancellation authority to retired members. The provision would also authorize the Secretary of Defense to determine the limits on the time for exercise of the authority to remit or cancel indebtedness by regulation.

The House recedes with an amendment that would authorize service secretaries to remit or cancel indebtedness of persons incurred while they served on active duty in the armed forces. The amendment would eliminate limits on the allowable period of exercise of their authority retroactive to October 7, 2001, and make the authority to remit or cancel indebtedness permanent.

The conferees believe that the Secretary of Defense must take more forceful steps to ensure that policies and procedures used by the Defense Finance and Accounting Service and the services relating to the collection of indebtedness incurred by members are cost-effective and equitable. Collection practices must take into account fully the problems created by existing manual pay systems, sources of errors causing overpayments, and the harmful effects on morale of belated, computer-generated efforts to recoup pay from members, particularly those who have served under combat conditions, whose overpayments occurred through no fault of the member.

Phased recovery of overpayments of pay made to members of the uniformed services (sec. 674)

The House bill contained a provision (sec. 664) that would amend section 1007 of title 37, United States Code, to provide that the amount deducted from the pay of a member to recover an overpayment may not exceed 20 percent per month of the member's pay when the overpayment occurred through no fault of the member. Additionally, no deduction would be authorized from the pay of a member who has been wounded or injured in the line of duty or who incurred an illness in a combat operation or combat zone until the 90-day period beginning on the date on which the member is notified of the overpayment has expired.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize waiver of the conditions limiting collection of overpayments if the member requests or consents to collection of the overpayment at an accelerated rate or at an earlier date.

Joint family support assistance program (sec. 675)

The Senate amendment contained a provision (sec. 667) that would require the Secretary of Defense to establish a joint family support program in at least six regions in the United States. The program would provide financial and other assistance to families of members of the Armed Forces, including sponsorship of volunteers and coordination of family assistance activities of the Department of Defense as well as other public and private entities. The provision would also authorize $5.0 million in Operation and Maintenance, Defense-wide to provide financial, material, or other support to nonprofit entities to facilitate assistance by those entities to geographically isolated family members of the Armed Forces. The authority for both programs would expire 3 years after the initial obligation of funds.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the number of joint family support assistance regional sites to six, and clarify that the program is not intended to operate in lieu of existing family support centers, but rather to augment the activities of the Department of Defense and the military departments family support centers. The amendment would also delete the authorization for grants to nonprofit entities.

The conference outcome is reflected in the tables in this report.

Special working group on transition to civilian employment of National Guard and Reserve members returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom (sec. 676)

The Senate amendment contained a provision (sec. 682) that would require the Secretary of Defense to establish a working group to identify and assess the needs of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom in the transition to civilian employment. The working group would be required to report its recommendations to Congress within 1 year on the provision of assistance to employers and employment assistance organizations, and ways to improve collaboration between the public and private sector in order to ensure the successful transition of members into civilian employment.

The House bill contained no similar provision.

The House recedes with an amendment that would require the working group to assess the extent to which members of the National Guard and Reserve receive promotions, or experience termination of employment, upon their return from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

Audit of pay accounts of members of the Army evacuated from a combat zone for inpatient care (sec. 677)

The Senate amendment contained a provision (sec. 661) that would require the Secretary of the Army to conduct an audit of the pay accounts of each member of the Army wounded or injured in a combat zone who was evacuated from a theater of operations for inpatient care during the period beginning on May 1, 2005, and ending on April 30, 2006. The provision would also require the Secretary of the Army to submit a report to the congressional defense committees, no later than 120 days after the date of enactment of this Act, on the results of the audit. The provision would also require the Secretary of Defense to establish within the Department of Defense a call assistance center for resolution of military pay problems.

The House bill contained no similar provision.

The House recedes with an amendment that would delete the requirement for establishment of a call assistance center in view of the availability of other means for members and their dependents to obtain assistance in resolving pay problems.

Report on eligibility and provision of assignment incentive pay (sec. 678)

The House bill contained a provision (sec. 624) that would express the sense of Congress that the Secretary of the Army should correct a pay inequity in the provision of assignment incentive pay under section 307a of title 37, United States Code, to certain members of the Army National Guard and the Army Reserve serving on active duty in Afghanistan and Iraq. The provision would require a report by the Secretary of the Army, not later than 30 days after the date of enactment of this Act, specifying the number of members adversely affected by the disparate treatment of members who previously served under a call or order to active duty under section 12304 of title 10, United States Code, in determining eligibility for assignment incentive pay, and setting forth proposed remedies or courses of action.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete the sense of Congress provision and extend the due date of the required Secretary of the Army report by 30 days.

Sense of Congress calling for payment to World War II veterans who survived Bataan Death March (sec. 679)

The House bill contained a provision (sec. 665) that would express the sense of Congress that there should be paid to Bataan Death March survivors or, if deceased, to their surviving spouses, an amount equaling $4 for each day of captivity during World War II, compounded annually at a 3 percent annual rate of interest.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress that an appropriate amount of compensation should be paid to Bataan Death March survivors or, if deceased, to their surviving spouses in recognition of their captivity.

Legislative Provisions Not Adopted

Authority to pay costs associated with delivery of motor vehicle to storage location selected by member and subsequent removal of vehicle

The House bill contained a provision (sec. 631) that would amend section 2634 of title 10, United States Code, to authorize payment to military members for the costs of delivery and removal of privately-owned vehicles from storage locations chosen by the member.

The Senate amendment contained no similar provision.

The House recedes.

Transportation of additional motor vehicle of members on change of permanent station to or from nonforeign areas outside the continental United States

The House bill contained a provision (sec. 632) that would amend section 2634 of title 10, United States Code, to authorize certain military members to ship two privately-owned vehicles during permanent change of station moves to nonforeign duty locations located outside the continental United States. Nonforeign duty locations would include Alaska, Hawaii, Puerto Rico, Guam, and other territories and possessions.

The Senate amendment contained no similar provision.

The House recedes.

Retroactive payment of additional death gratuity for certain members not previously covered

The House bill contained a provision (sec. 642) that would amend section 1478(d)(2) of title 10, United States Code, to retroactively extend the applicability of the enhanced death gratuity to survivors of military decedents who died on active duty between May 12, 2005, and August 31, 2005.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that this legislative change was previously enacted as section 1210 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

Repeal of requirement of reduction of Survivor Benefit Plan survivor annuities by dependency and indemnity compensation

The Senate amendment contained a provision (sec. 642) that would amend sections 1450 and 1451 of title 10, United States Code, to repeal the requirement for reduction of annuities received under the Survivor Benefit Plan by the amount of dependency and indemnity compensation paid to certain beneficiaries under section 1311(a) of title 38, United States Code.

The House bill contained no similar provision.

The Senate recedes.

Effective date of paid-up coverage under Survivor Benefit Plan

The Senate amendment contained a provision (sec. 643) that would amend section 1452(j) of title 10, United States Code, to change the effective date for paid-up coverage under the Survivor Benefit Plan from October 1, 2008, to October 1, 2006.

The House bill contained no similar provision.

The Senate recedes.

Equity in computation of disability retired pay for reserve component members wounded in action

The House bill contained a provision (sec. 643) that would modify section 1208(b) of title 10, United States Code, to authorize calculation of the retired pay of a member of a reserve component using the member's total years of service in lieu of active-duty years of service when the member's retirement is based upon a disability that was incurred under circumstances that resulted in the award of the Purple Heart.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that a review should be conducted of the disability retirement benefits provided to members of the Reserve and National Guard, particularly with respect to combat-related disabilities adversely affecting the future earning potential of military members. The conferees are concerned that, particularly in the case of disabilities resulting in retirement for physical disability, which were incurred as a result of combat or combat-related training, the military compensation system must equitably treat all active and reserve component members. The conferees direct the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives, not later than February 1, 2007, comparing the compensation of reserve and active-duty members and the feasibility of modifying existing laws controlling the calculation of disability retirement benefits to ensure equal treatment of active and reserve personnel under various circumstances, including combat operations.

Expansion of conditions for direct payment of divisible retired pay

The Senate amendment included a provision (sec. 644) that would amend section 1408(d) of title 10, United States Code, to provide that direct payments of divisible retired pay by the Defense Finance and Accounting Service (DFAS) may be made in all cases in accordance with the terms of a court decree. The provision would not affect the eligibility of former spouses of military members for a portion of retired pay and would only enable DFAS to provide direct payment.

The House bill contained no similar provision.

The Senate recedes.

Authority for cost of living adjustments of retired pay treated as divisible property

The Senate amendment contained a provision (sec. 645) that would amend section 1408 of title 10, United States Code, to authorize payment of cost of living adjustments in connection with awards of retired pay stated in dollar amounts.

The House bill contained no similar provision.

The Senate recedes.

Notice and copy to members of court orders on payment of retired pay

The Senate amendment contained a provision (sec. 646) that would amend section 1408 of title 10, United States Code, to allow a member to waive notice of an application for payment of retired pay and eliminate the requirement that a copy of the court order be sent to the member in every case.

The House bill contained no similar provision.

The Senate recedes.

Renaming of death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation

The Senate amendment contained a provision (sec. 648) that would amend sections 1474 through 1480 and 1489 of title 10, United States Code, to change the term death gratuity to fallen hero compensation.

The House bill contained no similar provision.

The Senate recedes.

Effective date of termination of phase-in of concurrent receipt for veterans with service-connected disabilities rated as total by virtue of unemployability

The Senate amendment contained a provision (sec. 649) that would amend section 1414(a)(1) of title 10, United States Code, to provide that qualified retirees receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability would only be subject to phased-in implementation of authorization to receive both military retired pay and veterans' disability compensation for the period beginning on January 1, 2004, and ending on December 31, 2004, vice September 30, 2009.

The House bill contained no similar provision.

The Senate recedes.

Commencement of receipt of non-regular service retired pay by members of the Ready Reserve on active Federal status or active duty for significant periods

The Senate amendment contained a provision (sec. 653) that would amend section 12731 of title 10, United States Code, to provide that members of the Ready Reserve who have served on active duty or performed active service after September 11, 2001, would be eligible to have their age for receipt of retired pay reduced by 3 months for each aggregate of 90 days of active duty or active service performed in any fiscal year. Qualifying service for purposes of this provision would be service on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, or under section 12301(d) of that title. Qualifying active service would be under a call to active service authorized by the President or Secretary of Defense under section 502(f) of title 32 for purposes of responding to a national emergency declared by the President or supported by Federal funds.

The House bill contained no similar provision.

The Senate recedes.

Use of nonappropriated funds to supplement or replace appropriated funds for construction of facilities of exchange stores system or other nonappropriated fund instrumentalities, military lodging facilities, and community facilities

The House bill contained a provision (sec. 653) that would authorize the Secretary of Defense to allocate nonappropriated funds to augment or replace appropriated funding of construction of military exchanges and lodging, as well as morale, welfare, and recreation and community facilities, after providing notice to Congress.

The Senate amendment contained no similar provision.

The House recedes.

The conferees acknowledge the use of nonappropriated funds by the Department of Defense for construction of certain child care, lodging and other facilities, yet believe that such use should be limited to extraordinary circumstances when appropriated funds are not available, and only following notification to Congress.

The conferees direct the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives by February 1, 2007, a report which covers the following:

(1) the history of the Department's use of nonappropriated funds, during the period of October 1, 1995, through September 30, 2006, for construction of:

(a) facilities of the exchange stores system and other revenue-generating facilities operated by nonappropriated fund instrumentalities of the Department for the morale, welfare, and recreation of members of the Armed Forces;

(b) facilities of other nonappropriated fund instrumentalities of the Department for the morale, welfare, and recreation of members of the Armed Forces;

(c) military lodging facilities used to provide temporary lodging to authorized members of the Armed Forces, including temporary duty lodging, permanent change of station lodging, recreational lodging, and military treatment facility lodging; and

(d) community facilities intended to supplement mission activities, such as military museums and service academy extra-curricular activities, or to facilitate private organizations or enterprises, such as financial services, memorials, and thrift shop facilities, on military installations;

(2) the justification and rationale for utilization of nonappropriated funds for any construction project identified above; and

(3) recommendations for changes in legislation, if any, and specific criteria that would clarify any instance in which nonappropriated funds would be appropriately allocated to a project that directly supports military requirements and would otherwise be funded using authorized appropriations.

Pilot program on Troops to Nurse Teachers

The Senate amendment contained a provision (sec. 662) that would require the Secretary of Defense, in coordination with the Secretary of Health and Human Services and the Secretary of Education, to conduct a pilot program to assess the feasibility and potential benefits of a program to provide scholarships and assist certain nurse corps officers in achieving necessary qualifications to become nurse educators and help alleviate the national shortage of nurse educators and registered nurses.

The House bill contained no similar provision.

The Senate recedes.

Short title

The Senate amendment contained a provision (sec. 681) that would establish a short title, the "Heroes at Home Act of 2006."

The House bill contained no similar provision.

The Senate recedes.

Office for employers and employment assistance organizations

The Senate amendment contained a provision (sec. 683) that would require the Secretary of Defense to designate an office within the Department to assist employers and employment-related organizations in facilitating the transition of National Guard and Reserve members returning from Operation Iraqi Freedom and Operation Enduring Freedom to civilian employment.

The House bill contained no similar provision.

The Senate recedes.

Grants on assistance in community-based settings for members of the National Guard and reserve and their families after deployment in Operation Iraqi Freedom and Operation Enduring Freedom

The Senate amendment contained a provision (sec. 685) that would authorize the Secretary of Defense to award grants to community-based organizations for the provision of assistance to members of the National Guard and Reserve who serve in Operation Iraqi Freedom and Operation Enduring Freedom, and their families, following return from deployment. The grants would support services to improve the reuniting of families, and education and awareness of health and mental health needs, including post traumatic stress disorder and traumatic brain injury.

The House bill contained no similar provision.

The Senate recedes.

TITLE VII—HEALTH CARE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—TRICARE Program Improvements

TRICARE coverage for forensic examination following sexual assault or domestic violence (sec. 701)

The House bill contained a provision (sec. 701) that would authorize coverage under TRICARE for forensic examinations following a sexual assault or domestic violence.

The Senate amendment contained an identical provision (sec. 704).

The conference agreement includes this provision.

Authorization of anesthesia and other costs for dental care for children and certain other patients (sec. 702)

The House bill contained a provision (sec. 702) that would authorize coverage under TRICARE for anesthesia and institutional costs for dental treatment for beneficiaries with developmental, mental or physical disabilities, and children under the age of five.

The Senate amendment contained a similar provision (sec. 703).

The Senate recedes.

Improvements to descriptions of cancer screening for women (sec. 703)

The House bill contained a provision (sec. 703) that would modify the terminology in section 1074d of title 10, United States Code, which authorizes certain screening tests for breast and cervical cancers.

The Senate amendment contained a similar provision (sec. 701).

The House recedes with a technical amendment.

Prohibition on increases in certain health care costs for members of the uniformed services (sec. 704)

The House bill contained a provision (sec. 704) that would prohibit the Secretary of Defense from increasing any premiums, deductibles, copayment, or other charges under Department of Defense contracts for medical care for retirees, dependents, and survivors between April 1, 2006, and December 31, 2007. The provision would prohibit any increase during the same period of time in civilian inpatient hospital charges, as well as in enrollment premiums for each of the 3 tiers of health care coverage under the TRICARE program for members of the Selected Reserve.

The Senate amendment contained similar provisions (secs. 705–706). Section 705 would prohibit any increase in TRICARE Prime enrollment fees during fiscal year 2007. Section 706 would limit any increase in the amount of premiums for the TRICARE program for members of the Selected Reserve to 2.2 percent in fiscal year 2007.

The Senate recedes with an amendment that would prohibit an increase in such fees, copayments, and premiums between April 2, 2006, and September 30, 2007.

Demonstration project on coverage of selected over-the-counter drugs under the pharmacy benefits program (sec. 705)

The House bill contained a provision (sec. 706) that would require the Secretary of Defense to conduct a demonstration project to allow certain over-the-counter drugs to be included on the uniform formulary of the Department of Defense pharmacy program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require that the evaluation of the demonstration project address the cost and benefits of providing over-the-counter drugs under the Department of Defense pharmacy program, the clinical effectiveness of providing such drugs, and customer satisfaction with the demonstration project.

The conferees expect that in any instance in which an over-the-counter medication is dispensed, as part of the demonstration project required by this section, notification will be provided to the patient in a manner similar to that required by current policy when a generic agent is substituted for a brand name product.

Expanded eligibility of Selected Reserve members under TRICARE program (sec. 706)

The House bill contained a provision (sec. 709) that would expand eligibility for coverage under the TRICARE program to all members of the Selected Reserve and their families while in a non-active duty status based on payment of an amount equal to 28 percent of a monthly premium established by the Secretary of Defense. The provision would take effect not later than October 1, 2007. It would not apply to members who are eligible for health insurance under chapter 89 of title V, United States Code. The provision would repeal the three-tiered cost sharing program for members of the Selected Reserve established in section 702 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163).

The Senate amendment contained a provision (sec. 708) that would enhance the existing tiered benefit structure for all members of the Selected Reserve by adding members employed by businesses with 20 or fewer employees to those eligible for coverage based on payment of 50 percent of a monthly premium established by the Secretary. The Senate amendment would also reduce from 85 percent to 75 percent the portion of a monthly premium paid by members who, though eligible for employer-provided insurance, chose primary coverage under TRICARE.

The Senate recedes.

Relationship between the TRICARE program and employer-sponsored group health care plans (sec. 707)

The House bill contained a provision (sec. 710) that would extend to TRICARE the same rule that applies to the Medicare program making it unlawful for an employer or other entity to offer any financial or other incentive for a retired TRICARE beneficiary not to enroll under an employer-provided group health plan. The provision would also authorize the Secretary of Defense to discontinue a relationship with a Department of Defense contractor for repeated violations of this provision. The provision would take effect on January 1, 2008.

The Senate amendment contained a similar provision (sec. 722).

The Senate recedes with an amendment that would clarify that TRICARE eligible employees have the opportunity to elect to participate in an employer group health plan in the same manner as other similarly situated employees, and that the provision would not be construed to effect, modify, or terminate the eligibility of a TRICARE eligible employee or spouse for their earned military health care entitlement authorized under chapter 55, title 10, United States Code. The amendment would also delete the authority for the Secretary to terminate Department contractor relationships based on repeated violations of this provision because the Federal Acquisition Regulation already specifies the circumstances under which repeated violations of law may be a basis for suspension or debarment of a Department contractor.

The conferees are aware of concerns that have been expressed regarding the treatment of cafeteria plans authorized under section 125 of the Internal Revenue Code and non-TRICARE exclusive employer-provided health care incentives under this provision. The conferees direct the Secretary to report, not later than April 1, 2007, to the Committees on Armed Services of the Senate and the House of Representatives on the treatment of cafeteria plans and non-TRICARE exclusive employer-provided health care incentives under the Department's implementation of this provision. This report shall assess the treatment of such plans under the Medicare Secondary Payer statute and regulations and such incentives, and include any recommendations the Secretary finds appropriate to ensure fair treatment of all TRICARE beneficiaries under this provision.

Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program (sec. 708)

The Senate amendment contained a provision (sec. 707) that would prohibit any increase in the cost sharing requirements for pharmaceuticals available through the Department of Defense retail pharmacy program during fiscal year 2007.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the Secretary of Defense to transfer $186.0 million from the unobligated balances of the National Defense Stockpile Transaction Fund to the Department of Defense Medicare-Eligible Retiree Health Care Fund.

Subtitle B—Studies and Reports

Department of Defense task force on the future of military health care (sec. 711)

The House bill contained a provision (sec. 711) that would require the Secretary of Defense to establish a task force to conduct a comprehensive assessment of the future of military health care. The task force would be required to develop recommendations on actions that the Department of Defense would have to take to improve and sustain the military health care system, and to develop a plan based on those recommendations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the required expertise for membership on the task force to include health care information technology and women's health. The amendment would also add the senior medical advisor to the Chairman of the Joint Chiefs of Staff and the Director of Defense Procurement and Acquisition Policy as members. The amendment would require the task force to examine the costs and benefits of a universal enrollment system for all TRICARE users. The amendment would eliminate the requirement for the task force to develop a plan based on its recommendations, and require submission of an interim report to Congress by May 31, 2007.

Study relating to chiropractic health care services (sec. 712)

The House bill contained a provision (sec. 712) that would require the Secretary of Defense to study the cost, feasibility, and potential benefit of providing chiropractic care services for active-duty members and their families, members of the Selected Reserve and their families, and retirees and their families. The provision would also require the Secretary to develop a plan for providing chiropractic services to all members of the uniformed services, as required by the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to conduct a study on providing chiropractic care to all members and former members of the Armed Forces and their families, and to submit the study to Congress by March 31, 2008.

The conferees expect the study required in this section to consider any relevant findings of the Navy medical research chiropractic treatment outcomes study required by the Senate Report accompanying S. 2766 (S. Rept. 109–254) of the National Defense Authorization Act for Fiscal Year 2007.

Comptroller General audits of Department of Defense health care costs and cost-saving measures (sec. 713)

The House bill contained a provision (sec. 713) that would require the Comptroller General to conduct a study, in conjunction with the Congressional Budget Office, of the projected savings to the Defense Health Program included in the President's Budget Request for fiscal year 2007. The study would include an evaluation of the rationale for calculations made by the Department of Defense for health care costs borne by beneficiaries in 1995 and 2005, as well as the rationale for savings projections, a review of the annual rates of medical inflation in the Department and other health care programs, and an assessment of the rationale for proposed beneficiary cost share increases.

The Senate amendment contained a similar provision (sec. 744) that would require an audit of the costs of administration of the TRICARE program and the program for members of the Selected Reserve known as TRICARE Reserve Select.

The House recedes with an amendment that would require that the audit be conducted in cooperation with the Director of the Congressional Budget Office, and that the Comptroller General's findings be provided to the congressional defense committees not later than June 1, 2007.

Transfer of custody of the Air Force Health Study assets to Medical Follow-up Agency (sec. 714)

The House bill contained a provision (sec. 714) that would require the Secretary of the Air Force to notify and contact participants of the Air Force Health Study (commonly known as the Ranch Hand Study) to obtain written consent to transfer the individual's data and biological specimens to the Institute of Medicine of the National Academy of Sciences for maintenance and further study.

The Senate amendment contained a similar provision (sec 762).

The Senate recedes.

Study on allowing dependents of activated members of reserve components to retain civilian health care coverage (sec. 715)

The House bill contained a provision (sec. 715) that would require the Secretary of Defense to conduct a study on the feasibility of allowing family members of reservists who are mobilized to continue health care coverage under a civilian health care program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the study to members of the reserve components mobilized in support of a contingency operation.

Study of health effects of exposure to depleted uranium (sec. 716)

The House bill contained a provision (sec. 716) that would require the Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of the Department of Health and Human Services, to conduct a study on the health effects of exposure to depleted uranium on exposed soldiers and on the children of exposed soldiers.

The Senate amendment contained a similar provision (sec. 746).

The House recedes.

Report and plan on services to military dependent children with autism (sec. 717)

The Senate amendment contained a provision (sec. 734) that would require the Secretary of Defense to promulgate regulations on requirements for the education, training, and supervision of individuals providing special education services to certain military dependent children that are in addition to any other requirements applicable to Board Certified Behavior Analysts or Board Certified Associate Behavior Analysts. The provision would also require the Secretary to establish metrics to identify and measure the availability and distribution of individuals of various expertise in Applied Behavioral Analysis.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to develop a plan to provide services to military dependent children with autism, pursuant to the authority for extended health care services in section 1079(d) and (e) of title 10, United States Code, and to provide that plan within 30 days of its completion to the Committees on Armed Services of the Senate and the House of Representatives. The amendment would require that procedures be established to ensure that such services are in addition to other publicly provided services for military dependent children with autism.

Comptroller General study on Department of Defense pharmacy benefits program (sec. 718)

The Senate amendment contained a provision (sec. 743) that would require a study by the Comptroller General on the Department of Defense pharmacy benefits program.

The House bill contained no similar provision.

The House recedes with an amendment that would delete the requirement that the Pharmacy and Therapeutics Committee and Beneficiary Advisory Panel, required by section 1074g of title 10, United States Code, review the results of the report and make certain recommendations to the Secretary of Defense.

Review of Department of Defense medical quality improvement program (sec. 719)

The Senate amendment contained a provision (sec. 745) that would require the Secretary of Defense to contract for an independent review of the Department's medical quality improvement program, and to compare the Department's program to other public and private health care systems and organizations.

The House bill contained no similar provision.

The House recedes with an amendment that would include an additional requirement for the Secretary to report to Congress within 180 days of enactment of this Act on actions taken in response to the recommendations of the July 2001 report of the Department of Defense Healthcare Quality Initiatives Review Panel.

Report on distribution of hemostatic agents for use in the field (sec. 720)

The Senate amendment contained a provision (sec. 1414) that would authorize $15.0 million in Operation and Maintenance, Army and $5.0 million in Operation and Maintenance, Marine Corps for hemostatic agents, including blood-clotting bandages. The provision would also express a sense of Congress that every member of the Armed Forces deployed in a combat zone should carry life saving resources. The provision would also require the Secretary of Defense to submit a report regarding the distribution of hemostatic agents to members of the Armed Forces serving in Iraq and Afghanistan.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the required report, delete the authorization for funding, and delete the sense of Congress.

The conference outcome is reflected in the tables of this report in Operation and Maintenance, Army and Operation and Maintenance, Marine Corps.

Longitudinal study on traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom and Operation Enduring Freedom (sec. 721)

The Senate amendment contained a provision (sec. 686) that would require the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to conduct a longitudinal study on the effects of traumatic brain injury incurred by members of the Armed Forces serving in Operation Iraqi Freedom and Operation Enduring Freedom. The study would address the long-term physical and mental affects of such injuries, the resulting health care needs, and availability of long-term care services.

The House bill contained no similar provision.

The House recedes with an amendment that would include in the study an analysis of the effects on families of those who have suffered traumatic brain injury.

Subtitle C—Planning, Programming, and Management

Standardization of claims processing under TRICARE program and Medicare program (sec. 731)

The Senate amendment contained a provision (sec. 725) that would require that by October 1, 2007, certain TRICARE claims processing requirements be identical to Medicare claims processing requirements. The provision would also authorize modification to the processes for collection of health care payments from third parties, and require an annual report to Congress justifying any instance in which the Department of Defense continues to have a unique claims processing requirement.

The House bill contained no similar provision.

The House recedes with an amendment that would require that identical claims processing requirements go into effect with the beginning of the next option period for managed care support contracts. The amendment would also require a report to Congress on the policies and directives concerning collection of health care payments owed from third parties, an estimate of the outstanding amounts, and a plan of action to streamline and accelerate the collections or recoupments of those funds.

Requirements for support of military treatment facilities by civilian contractors under TRICARE (sec. 732)

The Senate amendment contained a provision (sec. 726) that would require each TRICARE Regional Director to develop an annual comprehensive plan for support of military treatment facilities in the region provided by contracted civilian health care and administrative personnel. The provision would require approval by the TRICARE Regional Director of each contract within the region, and require consistent standards of quality within the region. The provision would also require removal of financial disincentives for military treatment facilities and civilian contractors to initiate and sustain cost-effective health care staffing support agreements.

The House bill contained no similar provision.

The House recedes with an amendment that would remove the requirement that the Regional Director approve each support contract within the region, and require the Secretary of Defense to establish additional quality and performance standards for health staffing support contractors.

Standards and tracking of access to health care services for wounded, injured, or ill servicemembers returning to the United States from a combat zone (sec. 733)

The Senate amendment contained a provision (sec. 727) that would require the Secretary of Defense to prescribe uniform standards for access to health care services for wounded or injured servicemembers. The provision would require that needed health care services be met through whatever means possible, including through referral to civilian health care providers if necessary, and that the Secretary establish mechanisms for tracking the performance of the military health care system in meeting those health care access standards.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to report to Congress on uniform standards for the access of wounded, injured, or ill members of the armed forces to health care services in the United States following return from a combat zone. The House amendment would also clarify that the tracking system required by this section be a uniform tracking mechanism.

The conferees continue to learn of instances in which returning members of the armed forces have been delayed in receiving needed health, mental health, and rehabilitative services, both in military hospitals and in medical holdover status. The conferees believe that a wounded, injured, or ill soldier, airman, sailor, or marine deserve the highest priority for care. Should sufficient resources in the military hospital system not be available, civilian resources must be made available without delay.

Disease and chronic care management (sec. 734)

The Senate amendment contained a provision (sec. 728) that would require the Secretary of Defense to establish and implement throughout the military health care system a comprehensive program on disease and chronic care management. The program would include the most common chronic diseases experienced by military beneficiaries and their families, and would meet nationally recognized accreditation standards. The Secretary would be required to ensure continuous and adequate funding of the disease and chronic care management program, and eliminate, to the extent practicable, any financial disincentives to sustained investment by military hospitals and health care services contractors in disease management.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to design and develop a fully integrated program on disease and chronic care management, and to require the Secretary, in coordination with the military departments, to develop an implementation plan by February 1, 2008.

Additional elements of assessment of Department of Defense task force on mental health relating to mental health of members who were deployed in Operation Iraqi Freedom and Operation Enduring Freedom (sec. 735)

The Senate amendment contained a provision (sec. 684) that would add to the mandate of the Department of Defense Task Force on Mental Health a requirement to assess the mental health needs of members of the National Guard and Reserve who are deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom. The assessment would include identification of mental health conditions and disorders, including Post Traumatic Stress Disorder, and recommendations on improving mental health services to members of the National Guard and Reserve who undergo multiple deployments. The Senate amendment also contained a provision (sec. 730) that would require the Secretary of Defense to expand the Mental Health Self-Assessment Program to ensure the continuous availability of the program to members and former members of the Armed Forces, as well as to the dependent children of members who have been deployed or mobilized.

The House bill contained no similar provisions.

The House recedes with an amendment that would merge these provisions under this section. The amendment would require the Task Force on Mental Health to undertake an assessment of the mental health needs of all members, active and reserve, who were deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom. The amendment would also require an assessment by the Task Force of the current Mental Health Self-Assessment Program within the Department of Defense.

The conferees urge the Task Force members to take cognizance of the existing requirements in section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) for examination of the long-term follow-up and access to care for mental health needs of members of the Reserve components as they discharge their responsibilities under that section to examine matters relating to the mental health of members of the Armed Forces.

Additional authorized option periods for extension of current contracts under TRICARE (sec. 736)

The Senate amendment contained a provision (sec. 731) that would authorize the Secretary of Defense to extend TRICARE managed care support contracts for up to 2 years. The provision would authorize the Secretary to act only after review by Congress of the minimum performance standards required in order to be eligible for an extension, including cost and beneficiary satisfaction, as well as the justification for any extension. The provision would also require the Secretary to report to Congress on future contracting mechanisms under consideration for TRICARE support, including an assessment of a contract for a single term of 5 years, with a single optional period of extension of an additional 5 years, if performance by the contractor is rated "excellent."

The House bill contained no similar provision.

The House recedes with an amendment that would require a cost-benefit analysis to be conducted as part of the justification for such extension.

Military vaccination matters (sec. 737)

The Senate amendment contained a provision (sec. 732) that would add a requirement to the Comptroller General study on Department of Defense Vaccine Healthcare Centers required by the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) to examine the feasibility of placing the centers under the direct control of the Under Secretary of Defense for Personnel and Readiness. The provision would also require the Secretary of Defense to maintain a center of excellence on medical needs resulting from mandatory military vaccinations, and would limit the ability of the Secretary of Defense to downsize or otherwise restructure the Vaccine Healthcare Centers.

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit the Secretary of Defense from downsizing or restructuring the Vaccine Healthcare Centers during fiscal year 2007, and require that funding for the centers be provided by each military department.

Enhanced mental health screening services for members of the Armed Forces (sec. 738)

The Senate amendment contained a provision (sec. 733) that would establish new requirements for each predeployment mental health assessment of a member of the Armed Forces relating to the presence and treatment of a mental health condition or disorder, including any use of psychotropic medications. The provision would also prescribe procedures for referral for follow-up evaluation if needed, and would require the Secretary of Defense to establish minimum mental health standards for deployment to a combat operation or contingency operation.

The House bill contained no similar provision.

The House recedes with an amendment that would require additional elements for predeployment and postdeployment medical examinations, including an assessment of traumatic brain injury. The amendment would establish criteria for referral for follow-up care, and would require the Secretary to develop guidelines concerning the deployability and treatment of members of the Armed Forces diagnosed with a severe mental illness or post traumatic stress disorder. The amendment would expand requirements for the quality assurance program for medical tracking for members deployed overseas to include the following new elements:

(1) the types and training of healthcare providers conducting postdeployment health assessments;

(2) the effectiveness of tracking mechanisms in ensuring that the members who receive referrals for further evaluation for mental health care receive those services; and

(3) programs to monitor the mental health of members who have a mental health condition following deployment.

Subtitle D—Other Matters

Pilot projects on early diagnosis and treatment of post traumatic stress disorder and other mental health conditions (sec. 741)

The Senate amendment contained a provision (sec. 741) that would require the Secretary of Defense to conduct a minimum of three pilot projects during fiscal year 2007 to evaluate the efficacy of approaches to improving the capability of the military and civilian health care systems to provide early diagnosis and treatment of post traumatic stress disorder and other mental health conditions.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the requirements for the three pilots, as follows:

(1) one of the pilot projects would be designed to evaluate effective diagnostic and treatment approaches by primary care providers in the military health care system;

(2) one of the projects would be focused on members of the National Guard or reserves located more than 40 miles from a military medical facility; and

(3) one of the projects would be designed to provide outreach to family members on post traumatic stress disorder and other mental health conditions.

Requirement to certify and report on conversion of military medical and dental positions to civilian medical and dental positions (sec. 742)

The Senate amendment contained a provision (sec. 761) that would extend for fiscal year 2007 and future years a requirement in section 744 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) for the Secretary of Defense to certify that conversion of military medical positions to civilian or contractor positions does not increase the cost, or erode access to or the quality of military health care.

The House bill contained no similar provision.

The House recedes with an amendment that would expand the requirements for the report to Congress to accompany the certification. The additional requirements include:

(1) the number and grade of positions planned for conversion;

(2) an analysis by affected area of the impact of the conversion on the direct care and purchased care systems;

(3) the extent to which planned conversions would affect recruiting and retention of military medical and dental personnel;

(4) a comparison of the full costs for the military medical and dental positions planned for conversion with the full costs for civilian positions;

(5) documentation that the converted positions are in excess of military medical and dental readiness requirements; and

(6) identification of each position scheduled to be converted in the subsequent fiscal year.

The amendment would also include several additional requirements with respect to the conversion of medical and dental provisions in fiscal years 2006 through 2008.

Three-year extension of joint incentives program on sharing of health care resources by the Department of Defense and Department of Veterans Affairs (sec. 743)

The Senate amendment contained a provision (sec. 923) that would extend the authorization for the Department of Defense and Department of Veterans Affairs joint incentives program for the sharing of health care resources until September 30, 2010.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Training curricula for family caregivers on care and assistance for members and former members of the Armed Forces with traumatic brain injury (sec. 744)

The Senate amendment contained a provision (sec. 687) that would require the Secretary of Defense to establish, in consultation with the Secretary of Veterans Affairs, a Traumatic Brain Injury Family Caregiver Panel. The purpose of the panel would be to develop training curricula to be used in training family members who provide care to members and former members of the Armed Forces with traumatic brain injury incurred in Operation Iraqi Freedom and Operation Enduring Freedom.

The House bill contained no similar provision.

The House recedes with an amendment that would require that the panel also include family members of members of the Armed Forces with traumatic brain injury.

The conferees intend the Department of Defense to utilize for this purpose up to $1.0 million of the funds allocated for its participation in the Department of Defense and Department of Veterans Joint Incentives Program, authorized elsewhere in this report.

Recognition of Representative Lane Evans upon his retirement from the House of Representatives (sec. 745)

The conferees agree to include a provision that would recognize Representative Lane Evans (D–IL) on the occasion of his retirement from the House of Representatives.

LEGISLATIVE PROVISIONS NOT ADOPTED

Services of mental health counselors

The House bill contained a provision (sec. 705) that would allow mental health counselors to be reimbursed for services provided to TRICARE beneficiaries without prior physician referral or supervision. The provision would also allow mental health counselors to enter into personal services contracts with the Department of Defense, and would require that such counselors meet licensure or certification requirements for a health care professional as required by law.

The Senate amendment contained no similar provision.

The House recedes.

Requirement to reimburse certain travel expenses of certain beneficiaries covered by TRICARE for Life

The House bill contained a provision (sec. 707) that would require the Secretary of Defense to reimburse expenses incurred by a TRICARE for Life beneficiary for travel to a military treatment facility for up to three follow-up medical appointments if adequate treatment cannot be obtained within 100 miles of the residence of the beneficiary.

The Senate amendment contained no similar provision.

The House recedes.

Inflation adjustment of differential payments to children's hospitals participating in TRICARE program

The House bill contained a provision (sec. 708) that would require the Secretary of Defense to establish an annual inflationary adjustment for the TRICARE children's hospital differential payment rate beginning in fiscal year 2007.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are disappointed that the Comptroller General study required by section 734 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) has not been completed. The conferees intend that the study required by that section will inform future legislative and policy changes regarding appropriate adjustment of differential payments to children's hospitals participating in the TRICARE program.

Costs of incentive payments to employees for TRICARE enrollment made unallowable for contractors

The House bill contained a provision (sec. 721) that would establish as unallowable the contract costs that result when Department of Defense contractors provide a financial incentive for a TRICARE-eligible employee to use TRICARE in lieu of their employer-provided health care coverage.

The Senate amendment contained no similar provision.

The House recedes.

Treatment of TRICARE retail pharmacy network under Federal procurement of pharmaceuticals

The Senate amendment contained a provision (sec. 721) that would clarify that the TRICARE retail pharmacy network is covered by the Federal pricing limits applicable to covered drugs under section 8126 of title 38, United States Code.

The House bill contained no similar amendment.

The Senate recedes.

The conferees concluded that there is no need for additional legislation at this time because prescriptions dispensed by the Department of Defense Retail Pharmacy Program qualify for discounted drug prices under section 8126.

Enrollment in the TRICARE program

The Senate amendment contained a provision (sec. 723) that would require the Secretary of Defense to establish a system of enrollment for all beneficiaries who obtain health care services from the military health care system. The provision would authorize the collection of a one-time administrative fee as a condition for certain beneficiaries to receive services under the Standard option of TRICARE. The provision would also require the Secretary to conduct outreach to all beneficiaries and provide health risk assessments.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the authority for a health care enrollment system for military health care users is codified in section 1099, title 10, United States Code. The conferees recognize that beneficiary enrollment is a common feature of public and private health insurance and entitlement programs and may be necessary to ensure the most efficient delivery of health care services. Therefore, the conferees direct the Secretary to submit a report to the Committees on Armed Services of the Senate and the House of Representatives by February 1, 2007 on the advantages and disadvantages of an enrollment requirement for the TRICARE Standard option. The conferees further direct the Secretary to submit the required report for consideration by the Department of Defense Task Force on the Future of Military Health Care, which is authorized elsewhere in this report. The conferees note that an examination by the Task Force of the requirement for universal enrollment is also required elsewhere in this report.

Incentive payments for the provision of services under the TRICARE program in medically underserved areas

The Senate amendment contained a provision (sec. 724) that would require the Secretary of Defense to provide incentive payments for physicians who provide services to TRICARE eligible beneficiaries in medically underserved areas designated by the Secretary of Health and Human Services as primary care or specialist care scarcity locations.

The House bill contained no similar provision.

The Senate recedes.

Post deployment health assessments for members of the Armed Forces returning from deployment in support of a contingency operation

The Senate amendment contained a provision (sec. 729) that would require that a health assessment, including traumatic brain injury, be conducted on each member of the Armed Forces returning from deployment by a qualified health care provider. The provision would also require the Secretary of Defense to establish criteria for assessments of mental health and traumatic brain injury, including criteria for referrals for further evaluation.

The House bill contained no similar provision.

The Senate recedes.

The conference agreement reflects the inclusion of certain aspects of this provision in the requirement for enhanced mental health screening and services for members of the Armed Forces, authorized elsewhere in this report.

TRICARE pharmacy program cost-share requirements

The House bill contained a provision (sec. 731) that would limit the amount of beneficiary cost sharing for generic and formulary agents in the TRICARE national mail-order pharmacy program to no more than the cost sharing for those agents in military hospitals and clinics. The provision would also establish cost-sharing requirements for the TRICARE retail pharmacy program as follows: $6.00 for generic agents; $16.00 for formulary agents; and $22.00 for nonformulary agents.

The Senate amendment contained a provision (sec. 702) that would require beneficiaries to use the TRICARE national mail-order program for refill of most long-term maintenance medications, unless waived by the Secretary of Defense based on clinical need, and eliminate cost sharing for most drugs obtained from the TRICARE national mail-order program.

The conference agreement does not include these provisions.

The conferees expect the Assistant Secretary of Defense (Health Affairs) to manage the TRICARE pharmacy benefit in accordance with existing authorities in section 1074g of title 10, United States Code, in a manner using a full menu of clinical quality and utilization management tools to lower drug costs and improve quality, including the TRICARE national mail-order program, consistent with state-of-the-art pharmacy benefit management practices.

The conferees expect that the Department of Defense will proceed, under current authority, to eliminate co-payments for generic drugs dispensed through the TRICARE national mail-order program, as a minimum; and, in addition, expect the Assistant Secretary to move toward providing a broad range of incentives to increase the use of the TRICARE national mail-order program. In developing measures to implement pharmacy incentives, the Assistant Secretary shall consult broadly and fully with constituent and beneficiary groups and other interested parties.

Annual reports on certain medical malpractice cases

The Senate amendment contained a provision (sec. 742) that would require each Secretary of a military department to report annually to the Secretary of Defense on certain cases involving allegations of medical malpractice for military beneficiaries. The provision would also require the Secretary of Defense to provide annual reports to the congressional defense committees.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that a report and an independent review of medical quality improvement in the military health care system is required elsewhere in this report.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

Requirements management certification training program (sec. 801)

The House bill contained a provision (sec. 801) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Defense Acquisition University, to develop a training program to certify civilian and military personnel with responsibility for developing requirements for major defense acquisition programs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Under Secretary to establish the competency requirements for personnel undergoing requirements management training, and require that all personnel with responsibility for developing such requirements receive certification training by September 30, 2008.

The conferees believe that the training program established in accordance with this provision should address:

(1) the interrelationship between the requirements, budget, and acquisition processes;

(2) the importance of developing requirements that facilitate joint operations;

(3) the need to ensure that requirements are developed early in a program and the adverse effect of introducing new requirements after the commencement of system development and demonstration;

(4) the linkage between requirements and capability shortfalls identified by combatant commanders;

(5) the need for sound analysis of alternatives, realistic technical assessments based on technology readiness levels, and consultation with production engineers on the cost, schedule, and technical feasibility of requirements;

(6) the need for engineering feasibility assessments that weigh the technology readiness, integration, cost, and schedule impacts of proposed changes to requirements;

(7) the importance of developing requirements that are technologically mature, feasible, and achievable; and

(8) the importance of stable requirements to provide the baseline for successful program execution.

Additional requirements relating to technical data rights (sec. 802)

The House bill contained a provision (sec. 802) that would require the acquisition of full data rights necessary to support competition for contracts for sustainment of each major weapon system that is developed with federal or private funds. The provision would also require that any contract for a major system include options for acquiring, at any point during the life cycle of the system, major elements of technical data not acquired at the time of the initial contract award.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Under Secretary of Defense for Acquisition, Technology, and Logistics to require program managers to assess long-term technical data needs and establish corresponding acquisition strategies to ensure availability of technical data rights for major weapon system life cycle sustainment. The amendment would also modify title 10 of the United States Code to distinguish between commercial items and major weapon systems, subsystems, and components of major weapon systems (regardless of whether they may be characterized as commercial or non-commercial). In the case of a challenge made to a claim that the latter group of systems or components was developed exclusively at private expense, the burden of proof would be on the contractor or subcontractor.

Study and report on revisions to Selected Acquisition Report requirements (sec. 803)

The House bill contained a provision (sec. 803) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics, in coordination with the service acquisition executives of each military department, to conduct a study on revisions to requirements related to Selected Acquisition Reports, as set forth in section 2432 of title 10, United States Code.

The Senate provision contained no similar provision.

The Senate recedes with a clarifying amendment.

Biannual updates on implementation of acquisition reform in the Department of Defense (sec. 804)

The House bill contained a provision (sec. 804) that would require the Secretary of Defense to submit quarterly reports to the Committees on Armed Services of the Senate and the House of Representatives on the implementation of plans to reform the defense acquisition system.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the reporting requirement to a biannual submission and make other clarifying changes.

Additional certification requirements for major defense acquisition programs before proceeding to Milestone B (sec. 805)

The House bill contained a provision (sec. 806) that would require certification that market research has been conducted prior to technology development to reduce duplication of existing technology and products.

The Senate amendment contained a similar provision (sec. 801). The provision would require a certification that a program meets validated requirements consistent with the National Military Strategy and contains estimates and funding to execute the product development and production plan under the program.

The Senate recedes with a clarifying amendment that would amend section 2366a of title 10, United States Code, to require the Secretary of Defense to include additional certifications before a major defense acquisition program receives Milestone B approval or Key Decision Point B approval in the case of a space program.

Original baseline estimate for major defense acquisition programs (sec. 806)

The Senate amendment contained a provision (sec. 803) that would clarify the definition of the term "Original Baseline Estimate," and provide for periodic reporting of program acquisition unit costs and procurement unit costs above the significant cost growth thresholds identified in section 2433 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the definition of Original Baseline Estimate to mean the baseline established before the program enters into system development and demonstration.

Lead system integrators (sec. 807)

The Senate amendment contained a provision (sec. 842) that would: (1) limit the participation of lead systems integrators (LSI) in the development or construction of any individual system or element of a system of systems; (2) direct the Secretary of Defense to update regulations on LSIs; and (3) direct the Secretary to include a specification of various types of contracts and fee structures, including award and incentive fees, that are appropriate for use by LSIs.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the participation of LSIs in the development or construction of any individual system or element of a system of systems.

Subtitle B—Acquisition Policy and Management

Time-certain development for Department of Defense information technology business systems (sec. 811)

The House bill contained a provision (sec. 813) that would require that a Department of Defense information technology business system be fielded within 5 years of the system entering the technology development phase of Milestone A approval. If such a program did not achieve initial operating capability within 5 years, the Department would be prohibited from obligating or expending any further funds on that program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would maintain the requirement of the Department to field information technology programs within 5 years of Milestone A approval. Failure to achieve initial operating capability within 5 years of Milestone A approval would result in the Department being subject to reporting requirements contained in section 816 of this Act.

Pilot program on time-certain development in acquisition of major weapon systems (sec. 812)

The Senate amendment contained a provision (sec. 811) that would authorize the Secretary of Defense to carry out a pilot program on the use of time-certain development in the acquisition of major weapon systems.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would place limitations on the number of major weapon systems included in the pilot program.

Establishment of Panel on Contracting Integrity (sec. 813)

The House bill contained a provision (sec. 814) that would establish a Panel on Contracting Integrity to review progress made by the Department of Defense to eliminate areas of vulnerability of the defense contracting system to waste, fraud, and abuse. The panel would be chaired by the Deputy Secretary of Defense. The panel would review the Government Accountability Office report relating to contracting vulnerabilities to waste, fraud, and abuse; and make recommendations on any changes to law, regulations, and policy determined necessary to eliminate such areas of vulnerability.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) assign a representative of the Under Secretary of Defense for Acquisition, Technology, and Logistics as the chair of the panel; (2) provide the Department with increased flexibility in determining the membership of the panel; (3) require submission of the first annual report to the congressional defense committees by December 31, 2007; and (4) terminate the panel on December 31, 2009.

The conferees agree that the panel's initial review should include an examination of the Department's administrative and disciplinary procedures for cases involving lapses in contracting integrity and include recommendations on any changes to such procedures the panel determines appropriate in the first annual report.

Linking of award and incentive fees to acquisition outcomes (sec. 814)

The Senate amendment contained a provision (sec. 843) that would require the Secretary of Defense to issue detailed implementation guidance, including definitions for performance outcomes, for appropriate use of award and incentive fee contracts. The provision would require performance measures to evaluate the effectiveness of award and incentive fees; mechanisms for sharing successful acquisition strategies; and an independent evaluation of the impact of award fee payment decisions on contractor performance.

The House bill contained a similar provision (sec. 815).

The House recedes with an amendment that would require development of standards to identify the appropriate level of decision-making official for approval of new award and incentive fee contracts and to ensure consistent application of guidance and definitions across the military departments and defense agencies.

Report on defense instruction relating to contractor personnel authorized to accompany Armed Forces (sec. 815)

The House bill contained a provision (sec. 816) that would require: (1) a Department of Defense Inspector General report on overcharges discovered under Department contracts for work performed in Iraq and Afghanistan; (2) assignment of sufficient contracting officers to oversee and monitor Department contracts for work to be performed in Iraq and Afghanistan; and (3) implementation of a policy for conducting comprehensive background checks on foreign nationals hired by Department contractors and subcontractors operating outside the United States. The provision would also prohibit Department contractors and subcontractors operating outside of the United States from hiring personnel with violent felony convictions or who have committed acts determined to be inconsistent with the policy of the Department on human rights. The provision would further require the Secretary of Defense to report on implementation of Department of Defense Instruction Number 2030.14 entitled "Contractor Personnel Authorized to Accompany the United States Armed Forces," and application of the instruction to all new contracts, task orders, or contract extensions.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to submit to Congress a report on the status of implementation of Department of Defense Instruction Number 2030.14 entitled "Contractor Personnel Authorized to Accompany the United States Armed Forces."

Major automated information system program (sec. 816)

The Senate amendment contained a provision (sec. 804) that would require that, as part of the annual budget justification materials, the Department of Defense provide to the congressional defense committees a report on major automated information systems (MAIS) programs. The report would include the estimate of developmental costs and total life-cycle costs (original and current), a schedule of major events (original and current), and a brief summary of key performance criteria. The provision would further require the Department to promptly notify the congressional defense committees when a program exceeds established cost, schedule, or performance criteria.

The House bill contained no similar provision.

The House recedes with an amendment that would provide an additional criterion for requiring a report when a MAIS fails to achieve initial operating capability within 5 years of Milestone A approval.

Internal controls for procurements on behalf of the Department of Defense by certain non-defense agencies (sec. 817)

The Senate amendment contained a provision (sec. 806) that would expand section 811 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) to require the Department of Defense Inspector General (IG), in consultation with the IG of the National Institutes of Health and the IG of the Department of Veterans Affairs, to determine whether the policies, procedures, and internal controls of the two respective agencies for purchases on behalf of the Department of Defense are adequate to ensure compliance with defense procurement requirements.

The House bill contained no similar provision.

The House recedes.

Determination of contract type for development programs (sec. 818)

The Senate amendment contained a provision (sec. 807) that would require the Secretary of Defense to modify Department of Defense regulations regarding a preference for the use of fixed-price contracts in development programs.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to modify Department regulations regarding the determination of contract type in development programs.

The conferees believe that the Department requires additional tools to address the continuing problem of cost and schedule growth in the Department's major acquisition programs. Congress enacted section 807 of the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100-456) to prohibit the use of fixed-price development contracts because of the Department's aggressive use of fixed-price contracts, regardless of the level of program risk associated with the program, resulted in cost and schedule overruns.

The conferees believe that program risk should be reduced to the degree that the use of a fixed-price development contract for a major acquisition program may be appropriate. The conferees agree to repeal section 807 and would require the Secretary to modify Department regulations to require the Milestone Decision Authority for a major defense acquisition program to document the basis for the contract type selected at Milestone B approval (or Key Decision Point B approval in the case of a space program) that is consistent with the level of program risk for the program.

Three-year extension of requirement for reports on commercial price trend analyses of the Department of Defense (sec. 819)

The Senate amendment contained a provision (sec. 810) that would extend the requirement that the Secretary of Defense submit an annual report on price trend analyses through 2009.

The House bill contained no similar provision.

The House recedes.

Government performance of critical acquisition functions (sec. 820)

The Senate amendment contained a provision (sec. 812) that would require the head of an agency to ensure that certain positions for each major defense acquisition program and each major automated information system program be performed by a properly qualified full-time Federal military or civilian employee.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to develop a plan of action for the implementation of a Department of Defense goal, within 5 years of the date of enactment of this Act, that ensures certain positions for each major defense acquisition program and each major automated information system program be performed by a properly qualified full-time Federal military or civilian employee.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

One-year extension of special temporary contract closeout authority (sec. 831)

The House bill contained a provision (sec. 821) that would extend by 1 year authority under section 804 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) to allow the Department of Defense to settle contracts entered into prior to October 1, 1996, under specified conditions.

The Senate amendment contained an identical provision (sec. 872).

The conference agreement includes this provision.

Limitation on contracts for the acquisition of certain services (sec. 832)

The House bill contained a provision (sec. 822) that would prohibit the Secretary of Defense from entering into a contract for covered services if the amount of the contract exceeds 75 percent of the estimated value of the asset required for the provision of services under the contract or exceeds $150.0 million in payments over the life of the contract.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prohibit the Secretary from entering into a service contract to acquire a military flight simulator unless doing so is necessary for national security purposes and a written economic analysis is provided to the congressional defense committees at least 30 days in advance. The required economic analysis would include a clear explanation for the need for the contract and an examination of at least two alternatives for fulfilling the contract requirement.

The conferees are aware that in some cases the military departments are using operations and maintenance funds for service contracts and activities traditionally associated with procurement and military construction. The conferees are concerned that such a contracting methodology reduces oversight, potentially increases life-cycle costs, requires aggressive contract management, and reduces the flexibility of the Department of Defense in allocating funds to meet future defense needs. Furthermore, the use of service contracts for military training may have readiness consequences.

The conferees are also aware that the Secretary of the Air Force entered into a service contract for the Initial Flight Screening program at Pueblo Memorial Airport, Pueblo, Colorado, without conducting a full economic analysis to determine the best alternative for meeting the Air Force flight screening requirement. Therefore, the conferees direct the Secretary of the Air Force to perform an economic analysis as described in this section and provide the congressional defense committees written certification, not later than 180 days after the date of the enactment of this Act, whether such analysis supports continuation of the service contract.

Use of Federal supply schedules by State and local governments for goods and services for recovery from natural disasters, terrorism, or nuclear, biological, chemical, or radiological attack (sec. 833)

The House bill contained a provision (sec. 823) that would provide the Administrator of General Services with the authority to allow State and local governments to use the General Services Administration Federal supply schedules for goods and services to facilitate recovery from natural disasters, terrorist attacks, or attacks involving nuclear, chemical, biological, or radiological weapons.

The Senate amendment contained no similar provision.

The Senate recedes.

Waivers to extend task order contracts for advisory and assistance services (sec. 834)

The House bill contained a provision (sec. 824) that would allow the head of an agency to issue a waiver to extend an Advisory and Assistance Services (AAS) contract up to 10 years through 5 one-year options provided that the contract meets a specific set of criteria.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit delegation of the waiver authority to the senior procurement executive of the agency, and modify the reporting requirements. The modified reporting requirement would include separate examinations conducted for the Department of Defense and civilian agencies to review methods used to identify a contract as an AAS contract, the number of such contracts awarded during the preceding 5 years, average expenditures and length of such contracts, and the number of such contracts recompeted and then awarded to the previous performer. The amendment would also require a General Accountability Office report on Federal Government rationale for the use and oversight of AAS contracts.

Subtitle D—United States Defense Industrial Base Provisions

Assessment and annual report of United States defense industrial base capabilities and acquisitions of articles, materials, and supplies manufactured outside the United States (sec. 841)

The Senate amendment contained a provision (sec. 1070A) that would require the Department of Defense to submit a report to Congress on the amount of the acquisitions of articles, materials, and supplies made by the Department in the preceding fiscal year from entities that manufacture articles, materials, or supplies outside of the United States.

The House bill contained no similar provision.

The House recedes with an amendment that would amend section 812 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) to include the reporting requirements of section 1070A in the Senate amendment.

Protection of strategic materials critical to national security (sec. 842)

The House bill contained a provision (sec. 831) that would move statutory requirements for the procurement of specialty metals from domestic sources from the so-called "Berry amendment," currently codified in section 2533a of title 10, United States Code, to a separate section of title 10 and make certain changes to those requirements.

The Senate amendment contained a provision (sec. 822) that would revise the provisions of the Berry amendment regarding the procurement of specialty metals from domestic sources.

The Senate recedes with an amendment that would codify the specialty metals requirements in a new section 2533b of title 10, United States Code, and modify those requirements. The amendment would also authorize a one-time waiver of the domestic source requirement for specialty metals that were incorporated into items produced, manufactured, or assembled in the United States before the date of the enactment of this Act, under certain conditions.

Strategic Materials Protection Board (sec. 843)

The House bill contained a provision (sec. 832) that would establish a Strategic Materials Protection Board to determine the domestic supply of items designated as critical to national security, including adding items to the list of specialty metals protected under the so-called "Berry amendment," recodified elsewhere in this Act as section 2533b of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the new board to make recommendations regarding the list of specialty metals covered by the Berry amendment, but not to add or delete items from the list.

Subtitle E—Other Matters

Report on former Department of Defense officials employed by contractors of the Department of Defense (sec. 851)

The Senate amendment contained a provision (sec. 841) that would require contractors that receive defense contracts in excess of $10.0 million, other than contracts for the procurement of commercial items, to report to the Department of Defense on an annual basis on certain former senior Department officials who receive compensation from the contractor.

The House bill contained no similar provision.

The House recedes with an amendment that would require the General Accountability Office to report to Congress by December 1, 2007, on the employment of former Department officials by major defense contractors during the most recent calendar year for which data is available. The objective of the report would be to determine the effectiveness of existing statutes and regulations governing the employment of former Department officials by defense contractors, including section 207 of title 18, United States Code and section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423). The report would provide information on Department contracts or programs for which former officials personally had program oversight responsibility or decision-making authority when they served in the Department; or Department contracts or programs which are the responsibility of the agency, office, or command with which the official served.

Report and regulations on excessive pass-through charges (sec. 852)

The Senate amendment contained a provision (sec. 844) that would require the Secretary of Defense to modify Department of Defense regulations to prohibit excessive pass-through charges on contracts or subcontracts that are entered into, for or on the behalf of the Department.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Comptroller General to submit a report to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, on pass-through charges on contracts or subcontracts (or task or delivery orders) that are entered into, for or on the behalf of the Department. The amendment would also require that the Secretary modify Department regulations, not later than May 1, 2007, to prohibit excessive pass-through charges on contracts or subcontracts that are entered into, for or on the behalf of the Department.

The conferees agree that an assessment of the impact of pass-through charges is required in order to understand the magnitude of the problem the Department may have with pass-through charges. However, the conferees also agree that the Department should not be paying excessive pass-through charges to those contractors or subcontractors that have little or no value added to a particular contract.

The conferees expect the Secretary to provide an interim report to the congressional defense committees on the progress made towards completing the regulations required by this section.

Program manager empowerment and accountability (sec. 853)

The Senate amendment contained provisions (secs. 861–863 and 865) that would address the role of program managers in defense acquisition programs.

The House bill contained no similar provision.

The House recedes with an amendment that would consolidate these provisions into a single provision and provide greater flexibility to the Secretary of Defense in implementing the new requirements.

Subsections (a) and (b) would require the Secretary to develop a comprehensive strategy for enhancing the role of Department of Defense program managers in carrying out defense acquisition programs. These subsections track the language of the Senate amendment without change.

Subsection (c) would require the Secretary to issue guidance on qualifications, resources, responsibilities, tenure, and accountability of program managers for the program development period before Milestone B approval (or Key Decision Point B approval in the case of a space program).

Subsection (d) would require the Secretary to revise the Department's guidance on qualifications, resources, responsibilities, tenure, and accountability of program managers for the program execution period from Milestone B approval (or Key Decision Point B approval in the case of a space program) until the delivery of the first production units for a program. The guidance would address, at a minimum, the need for a performance agreement between a program manager and the milestone decision authority for the program; the authorities available to a program manager; and the tenure of a program manager.

The conferees agree with the assessment of the Government Accountability Office that the Department has consistently failed to give program managers the authority that they need to successfully execute acquisition programs and, as a result, is unable to hold them accountable.

The conferees believe that program managers for the development period before Milestone B should be responsible for: (1) bringing to maturity the technologies and manufacturing processes that will be needed to carry out the program; (2) ensuring continued focus during program development on meeting stated mission requirements and other requirements of the Department; (3) making trade-offs between program cost, schedule, and performance for the life-cycle of the program; (4) developing a business case for the program; and (5) ensuring that appropriate information is available to the milestone decision authority to make a decision on Milestone B approval, including the information necessary to make the certification required by section 2366a of title 10, United States Code.

The conferees believe that a program manager for the execution period from Milestone B to the delivery of production units should enter into performance agreements with the milestone decision authority for the program that: (1) establishes expected parameters for the cost, schedule, and performance of the program consistent with the business case for the program and the Milestone B decision; (2) provides the commitment of the milestone decision authority to provide the level of funding and resources required to meet such parameters; and (3) provides the assurance of the program manager that such parameters are achievable and that such program manager will be accountable for meeting such parameters.

The conferees also believe that program managers should be granted the autonomy to manage their programs without interference from outside officials. The conferees believe that the guidance should include: (1) the assurance that program requirements will not be modified in a way that would be inconsistent with the business case, the Milestone B decision, and any performance agreement entered without a written determination by a senior Department official that the modifications are necessary in the interest of the national defense; (2) program manager authority to make trade-offs between cost, schedule, and performance or to redirect funding within the program, provided that such tradeoffs or redirections of funds are consistent with the parameters established for the program and with applicable requirements of law; and (3) program manager authority to use program funds to recruit and hire such technical experts as may be required to carry out the program in a manner consistent with the requirements of law and regulation, if necessary expertise is not otherwise provided by the Department.

The conferees also believe that (1) a program manager should be assigned to remain with a program, to the extent practicable, during the entire respective development or execution period; and (2) a program manager should be provided the resources and support (including systems engineering expertise, cost estimating expertise, and software development expertise) needed to meet their responsibilities. The conferees expect the guidance issued by the Secretary to reflect these principles, subject to such modifications and exceptions as the Secretary may deem necessary.

Subsection (e) would require reports by the Secretary and the Comptroller General on steps taken to carry out the requirements of this section.

Joint policies on requirements definition, contingency program management, and contingency contracting (sec. 854)

The Senate amendment contained a provision (sec. 864) that would require the Department of Defense to develop a plan for contingency program management during combat operations and post-conflict operations.

The House bill contained no similar provision.

The House recedes with an amendment that would incorporate the requirements for contingency program management under this section into a single provision with requirements for contingency contracting under section 817 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163). This section would also require the development of a joint policy to facilitate effective generation and definition of requirements and determination of appropriate corresponding organizational structures.

Clarification of authority to carry out certain prototype projects (sec. 855)

The Senate amendment contained a provision (sec. 871) that would amend section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160), as amended by section 823 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), to allow the director of a defense agency to make the written determination necessary to exercise other transaction authority on a prototype project that is expected to cost the Department of Defense in excess of $20.0 million, but not more than $100.0 million.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify that the authority to make the necessary determination to utilize other transactions for projects expected to cost between $20.0 million and $100.0 million would be granted to the Director of the Defense Advanced Research Projects Agency and the Director of the Missile Defense Agency.

Contracting with employers of persons with disabilities (sec. 856)

The Senate amendment contained a provision (sec. 873) that would extend for 1 year the status quo for continuation and completion of existing contracts, including any options, awarded under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.) and the Randolph-Sheppard Act (20 U.S.C. 107 et seq.) programs for the operation of military troop dining facilities, military mess halls, and other similar military dining facilities.

The House bill contained no similar provision.

The House recedes with an amendment that would establish a permanent policy regarding the award of contracts and subcontracts for food services, mess attendant services, and other services supporting the operation of a military dining facility under the Javits-Wagner-O'Day and Randolph-Sheppard Acts. The amendment would require a review and report by the Government Accountability Office on operational procedures, competition, and determinations regarding fair and reasonable pricing for contracts awarded under both Acts. The amendment would also require a joint report from the Inspectors General of the Departments of Defense and Education on management procedures implemented under the two Acts.

Enhanced access for small business (sec. 857)

The House bill contained a provision (sec. 825) that would amend section 9(a) of the Contract Disputes Act of 1978 (41 U.S.C. 608) to provide expedited disposition of appeals by the Armed Services Board of Contract Appeals and the Civilian Board of Contract Appeals for small business disputes of $150,000 or less.

The Senate amendment contained no similar provision.

The Senate recedes.

Procurement goal for Hispanic-serving institutions (sec. 858)

The House bill contained a provision (sec. 826) that would extend contract goals for small disadvantaged businesses and certain institutions of higher education to include Hispanic-serving institutions.

The Senate amendment contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Adjustment of original baseline estimates for major defense acquisition program experiencing cost growth resulting from damage caused by hurricanes Katrina, Rita, and Wilma

The Senate amendment contained a provision (sec. 805) that would allow the Department of Defense to adjust the original baseline estimate under section 2435(d) of title 10, United States Code, for a major defense program that is carried out primarily in the areas affected by hurricanes Katrina, Rita, and Wilma for the sole purpose of addressing cost growth that is directly attributable to damage caused by those hurricanes.

The House bill contained no similar provision.

The Senate recedes.

The conferees acknowledge that funds appropriated in division B of the Department of Defense Appropriations Act for Fiscal Year 2006 (Public Law 109–148) for shipbuilding programs affected by hurricanes Katrina, Rita, and Wilma will likely cause the programs to breach Nunn-McCurdy thresholds. The conferees expect the Department to submit an abbreviated Selected Acquisition Report under section 2435(d) if Nunn-McCurdy thresholds are breached solely because of costs due to increases caused by hurricanes Katrina, Rita, and Wilma.

Availability of funds for performance-based logistics contracts for weapons systems logistics support

The Senate amendment contained a provision (sec. 808) that would authorize the Secretary of Defense to use operation and maintenance (O&M) funds for performance-based logistics contracts to finance costs associated with the implementation of engineering changes that result in a reduction of government O&M costs.

The House bill contained no similar provision.

The Senate recedes.

Applicability of statutory executive compensation cap made prospective

The House bill contained a provision (sec. 811) that would amend section 808(e)(2) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) to clarify that the underlying provision is prospective from the date of enactment.

The Senate amendment contained no similar provision.

The House recedes.

Prohibition on procurement from beneficiaries of foreign subsidies

The House bill contained a provision (sec. 812) that would prohibit the Secretary of Defense from entering into a contract with a foreign person (including a joint venture, cooperative organization, partnership, or contracting team), who has received a subsidy from the government of a foreign country that is a member of the World Trade Organization, if the United States has requested a consultation with that foreign country on the basis that the subsidy is prohibited under the Agreement on Subsidies and Countervailing Measures.

The Senate amendment contained no similar provision.

The House recedes.

Removal of hand and measuring tools from certain requirements

The Senate amendment contained a provision (sec. 821) that would remove hand and measuring tools from the requirement to buy certain articles from American sources.

The House bill contained no similar provision.

The Senate recedes.

Waiver authority for domestic source or content requirements

The Senate amendment contained a provision (sec. 823) that would provide the Secretary of Defense the authority to waive the application of statutory domestic source requirements and domestic content requirements under certain conditions.

The House bill contained no similar provision.

The Senate recedes.

Repeal of requirement for identification of essential military items and military system essential item breakout list

The Senate amendment contained a provision (sec. 824) that would repeal the requirement for identifying essential military items on a military system essential item breakout list.

The House bill contained no similar provision.

The Senate recedes.

Consistency with United States obligations under trade agreements

The Senate amendment contained a provision (sec. 825) that would require that no provision of this Act, or any amendment made by this Act, shall apply if the Secretary of Defense, in consultation with the Secretary of Commerce, the U.S. Trade Representative, and the Secretary of State, determines that the application of the provision would be inconsistent with international trade agreements of the United States.

The House bill contained no similar provision.

The Senate recedes.

Prohibition on defense contractors requiring licenses or fees for use of military likenesses and designations

The House bill contained a provision (sec. 827) that would require that any contract entered into by the Department of Defense include a provision prohibiting the contractor from requiring toy and hobby manufacturers, distributors, or merchants to obtain licenses or pay fees for the use of military likenesses or designations on items provided under the contract.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are aware that the use of military likenesses and designations in commerce involve issues of intellectual property and trademark law, constitutional takings, and the commercialization of defense technologies that are of great importance to the Department. The conferees are also aware that section 1004 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) authorized the Department to license trademarks, service marks, certification marks, and collective marks, and to operate a licensing program to raise funds for morale, welfare, and recreation activities.

The conferees believe that clarification of the system for determining ownership of military likenesses and designations could reduce confusion, particularly among manufacturers of toy models and hobby items, regarding appropriate policy and process for collection of license fees. The conferees encourage the Department to work with appropriate Federal departments and agencies to study the legal, financial, and administrative issues surrounding the registration of intellectual property rights in the likenesses and designations of military items, and to report back to Congress as soon as practicable on any recommendations for modifications to existing polices or statutes. The report should include a discussion of how the registration and licensing program authorized by section 1004 could be used to streamline the procedures under which toy and hobby manufacturers obtain licenses for military likenesses and designations.

Report on Department of Defense contracting with contractors or subcontractors employing members of the Selected Reserve

The Senate amendment contained a provision (sec. 845) that would require the Secretary of Defense to conduct a study on actual or potential contractors or subcontractors who employ members of the Selected Reserve. The study would address the extent to which Department of Defense contractors employ members of the Selected Reserve; potential disadvantages to such contractors in competing for Department contracts if their employees are mobilized; and recommendations for any appropriate action to provide such contractors with time or assistance in meeting contract deadlines. The provision would also repeal section 819 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), which provided authorization for the Secretary to use employment of Selected Reserve members by a contractor as an evaluation factor for award of contracts.

The House bill contained no similar provision.

The Senate recedes.

Pilot program on expanded use of Mentor-Protege authority

The Senate amendment contained a provision (sec. 874) that would enable the Secretary of Defense to use the authorities of the Department of Defense Mentor-Protege program to provide technical assistance to firms that develop new technologies related to force protection or countering the threat of improvised explosive devices under the Small Business Innovative Research program.

The House bill contained no similar provision.

The Senate recedes.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Department of Defense Management

Increase in authorized number of assistant secretaries of defense (sec. 901)

The conferees agree to include a provision requested by the Department of Defense that would amend section 138(a) of title 10, United States Code, to permit an increase in the number of assistant secretaries of defense (ASDs) from 9 to 10 in order to facilitate a reorganization of the Office of the Under Secretary of Defense for Policy (OUSD(P)).

The conferees support the stated purpose of the reorganization, which is to develop a balanced set of portfolios that would allow more effective interaction with both commanders of the unified combatant commands and other Federal departments and agencies. The conferees understand that the Secretary of Defense intends to begin implementation of the OUSD(P) reorganization on or about October 1, 2006. While the conferees agree that the Secretary of Defense should adjust the roles and responsibilities within the OUSD(P) to address more effectively the full range of current and emerging national security challenges, the conferees share some concerns about the proposed reorganization. Chief among these concerns are:

(1) the role of a global war on terrorism task force that reports directly to the Under Secretary of Defense for Policy, and the relationship between that task force and the ASD for "Special Operations and Low-Intensity Conflict and Interdependent Capabilities" (SOLIC/IC) and other ASDs;

(2) the placement of "Strategic Capabilities" under the ASD for SOLIC/IC. Nuclear and missile issues arguably require a different skill set and knowledge base and could result in an overall dilution of the statutory mission of this ASD, which is to supervise special operations and low-intensity conflict activities. Moreover, moving "Strategic Capabilities" to a different ASD than the one responsible for chemical and biological weapons issues may complicate the effective coordination that occurs currently. It would mean that the Commander, U.S. Strategic Command, would need to seek guidance on combating weapons of mass destruction (WMD) policy from two different ASDs, creating the kind of seam that the reorganization is suppose to minimize;

(3) the placement of "Forces Transformation and Resources" under the ASD for SOLIC/IC. The conferees have similar concerns about the different skill set and knowledge base required for overseeing transformation, as well as the U.S. Transportation Command. Placing such responsibilities under the ASD for SOLIC/IC would further divert focus from the statutory mission of this ASD;

(4) the very large span of responsibilities for a Deputy ASD for "Counternarcotics, Counterproliferation, and Global Threats." The large number of significant issues that would reside in this organization could mean

that insufficient personnel and resources are devoted to the critical and diverse issues assigned to this ASD, including the critical missions of cooperative threat reduction, counterproliferation, and combating WMD;

(5) the potential impact on counternarcotics (CN) program execution. While the conferees recognize that efficiencies can be gained by developing common approaches and funding to combat illicit drug production and trafficking, terrorism, and proliferation of WMD, the conferees note that the management of CN policy must remain consistent with congressional intent regarding the Department of Defense's counterdrug role and the effective use of its drug interdiction central transfer account. Separating CN policy oversight from the administration of the central transfer account would likely reduce the effectiveness and responsiveness of the CN policy office and its ability to facilitate accurate congressional oversight of the program;

(6) the unique placement of both functional and regional issue responsibilities under one ASD for Homeland Defense and Americas' Security Affairs. It also is unclear what the functional issues under this ASD would entail; and

(7) the role of the Deputy Assistant Secretary of Defense for "Building Partner Capacity Strategy." It is unclear how this portfolio would differ from that of a Deputy Assistant Secretary of Defense for "Security Cooperation Operations." This structure appears to presume that the Department will receive permanent authority to undertake foreign military assistance missions, despite the fact that Congress has not provided such authority to the Department.

In light of these concerns, the conferees direct the Secretary of Defense to submit to the congressional defense committees, not later than February 1, 2007, a report on the OUSD(P) reorganization. This report shall provide a detailed description and explanation of the reorganization, including each of the concerns noted above. The conferees also expect that Department officials will consult frequently with the congressional defense committees about the assigned responsibilities of the ASDs, the assignment of personnel, and the plan for implementation.

Modifications to the Combatant Commander Initiative Fund (sec. 902)

The conferees agree to include a provision that would provide expanded authority under the Combatant Commanders Initiative Fund (CCIF) for geographic combatant commanders to provide urgent and unanticipated humanitarian relief and reconstruction assistance to countries in their respective areas of responsibility (AORs), particularly to countries where U.S. Armed Forces are engaged in a contingency operation. The conferees also agree to increase by $5.0 million the amount authorized for the CCIF for fiscal year 2007 for this purpose.

The conferees believe it is important that the geographic combatant commanders have additional authority, resources, and flexibility in order to be able to respond to urgent and unanticipated humanitarian relief and reconstruction needs in their AORs, particularly in countries where U.S. forces are engaged in a contingency operation. The conferees urge the Department of Defense to request sufficient funds in the CCIF for this purpose in future years budget requests. The conferees urge the Department of Defense to develop guidance for the use of this authority to ensure that the authority can be used quickly and without bureaucratic delay in urgent situations. The conferees also urge that the guidance include procedures for coordinating with the relevant Department of State country team as a precondition for providing assistance to a foreign country under this authority.

The conferees note that this expanded CCIF authority is not intended for use in Afghanistan or Iraq so long as Commander's Emergency Response Program (CERP) authority is available for use in those countries.

Addition to membership of specified council (sec. 903)

The House bill contained a provision (sec. 903) that would amend section 179(a) of title 10, United States Code, to add the Commander, Strategic Command to the Nuclear Weapons Council.

The Senate amendment contained no similar provision.

The Senate recedes.

Consolidation and standardization of authorities relating to Department of Defense Regional Centers for Security Studies (sec. 904)

The House bill contained a provision (sec. 904) that would streamline the management of the Department of Defense Regional Centers for Security Studies by providing a uniform set of authorities for all of these Regional Centers. The provision would allow the Regional Centers to conduct research, as well as facilitate the communication and exchange of ideas between U.S. and foreign military officers, civilian governmental personnel, and non-governmental personnel. The provision would permit foreign governments and U.S. federal agencies to fund foreign participation in Center activities, and would provide the Secretary of Defense authority to waive reimbursement of costs of activities for military officers and civilian defense and security officials from developing countries. The provision would continue the requirement for the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives an annual report on the Regional Centers' status, objectives, budgets, international participation, and foreign gifts and donations.

The Senate amendment contained no similar provision.

The Senate recedes.

Oversight by Office of Under Secretary of Defense for Acquisition, Technology, and Logistics of exercise of acquisition authority by combatant commanders and heads of Defense Agencies (sec. 905)

The Senate amendment contained a provision (sec. 902) that would establish a senior acquisition executive for special operations within the staff of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to, not later than 180 days after the date of the enactment of this Act, designate a senior acquisition official within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics to coordinate and oversee the exercise of acquisition authorities by any combatant commander and any head of a defense agency designated by the Secretary of Defense to exercise acquisition authority.

The conferees note that the designation of a senior acquisition official within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics under the expanded authorities recommended by this section is intended to enhance acquisition oversight and the effective stewardship of resources and is not intended to impede the need to fulfill the urgent requirements of the commanders of combatant commands and the heads of defense agencies.

Standardization of statutory references to "national security system" within laws applicable to Department of Defense (sec. 906)

The House bill contained a provision (sec. 901) that would modify three sections of title 10 to ensure the definition of national security system is consistent with the current definition in the Federal Information Security Management Act of 2002 (Public Law 107–347) and with the definition of information technology in section 3542(b)(2) of title 44, United States Code.

The Senate amendment contained a similar provision (sec. 1071).

The Senate recedes.

Correction of reference to predecessor of Defense Information Systems Agency (sec. 907)

The House bill contained a provision (sec. 902) that would amend section 193 of title 10, United States Code, to reflect the current name of the Defense Information Systems Agency.

The Senate amendment contained an identical provision (sec. 1072).

The conference agreement includes this provision.

Subtitle B—Space Activities

Designation of successor organizations for the disestablished Interagency Global Positioning Executive Board (sec. 911)

The House bill contained a provision (sec. 911) that would amend the Commercial Space Transportation Competitiveness Act of 2000 (Public Law 106–405) to reflect the subsequent disestablishment of the Interagency Global Positioning Executive Board and its replacement by a new organizational structure created by national policy.

The Senate amendment contained a similar provision (sec. 1082).

The Senate recedes with a technical amendment that would replace the phrase "national security presidential directive" with "U.S. Space-based Position, Navigation, and Timing Policy."

Extension of authority for pilot program for provision of space surveillance network services to non-United States Government entities (sec. 912)

The House bill contained a provision (sec. 912) that would extend through September 30, 2009, a pilot program that is determining the feasibility and desirability of providing space surveillance data support to non-United States Government entities.

The Senate amendment contained an identical provision (sec. 912).

The conference agreement includes this provision.

Operationally responsive space (sec. 913)

The House bill contained a provision (sec. 913) that would establish an Operationally Responsive Space (ORS) program office and would require the Secretary of Defense to submit a report to the congressional defense committees setting forth a plan for acquisition of capabilities for operationally responsive space support to the military.

The Senate amendment contained a similar provision (sec. 911).

The House recedes with an amendment that would clarify the organization and acquisition activities of the program office.

The conferees make the following findings: (1) access to and use of space is critical for preserving and protecting the national security, commercial, and civil interests of the

United States; (2) to the maximum extent possible, space capabilities should be integrated into the strategy, doctrine, operations, and contingency plans of the armed forces; (3) the combatant commanders should have access to responsive space capabilities that provide prompt, focused support in their theater of operations, including which capabilities should compliment other national and Department of Defense space assets while providing direct and flexible support to the warfighter on the battlefield and military operations other than war; and (4) the United States Space Transportation Policy of January 6, 2005, calls for the demonstration, before 2010, of an initial capability for operationally responsive access to and use of space to support the national security requirements of the United States.

Accordingly, the conferees believe it should be the policy of the United States to demonstrate, acquire, and deploy an effective ORS capability to support military users and operations from space. The conferees understand the term ORS to include the ability to launch—and activate quickly—militarily useful satellites when needed to provide surge capability, reconstitute damaged or incapacitated satellites, or provide timely availability of tailored or new capabilities to the military user. By lowering the cost of satellite development and associated launch costs, ORS capabilities can lead to long-term benefits by advancing technology, improving space acquisitions, enhancing the skills of the technical workforce, and broadening the space industrial base.

To this end, the conferees direct the Secretary of Defense to establish a program office within the Department of Defense to coordinate and execute the Department's ORS activities and to facilitate the development of low-cost, rapid reaction payloads, busses, space-lift, and launch control capabilities to fulfill joint military operational requirements for on-demand space support and reconstitution. This program office should be the focal point for activities and entities with the capacity to contribute to the development of ORS capabilities and, as such, shall include science and technology, acquisition, operations, and combatant command support elements. In addition to coordinating the Department's efforts, this program office should seek to coordinate with the intelligence community and other relevant non-Department of Defense entities that may have activities associated with the ORS mission, and utilize existing processes and infrastructure, where applicable. The Department of Defense Executive Agent for Space, or a designee appointed by the Secretary, shall serve as head of the program office. Such designee shall report directly to the Department of Defense Executive Agent for Space.

The conferees recognize the value of developing systems for operational experimentation, which include leveraging these systems for technology demonstrations, applying lessons learned to the acquisition of production systems, and providing militarily useful support in-theater

Central to the success of the ORS effort is controlling the cost of satellites and launch vehicles developed as operational experimentation systems as well as operationally fielded production systems. The conferees believe it should be a goal of the program office, to the maximum extent possible, to limit the cost of launch vehicles (to low earth orbit) to approximately $20.0 million in constant dollars, and to limit the cost of an integrated satellite to approximately $40.0 million in constant dollars.

The conferees direct the Secretary to create a separate program element for the activities of the ORS program office and to ensure that, to the extent applicable, relevant programs and activities for ORS are consolidated within this program element. This is not intended to preclude other agencies or organizations within the Department from budgeting for science and technology efforts related to the ORS mission. The conferees do recommend, however, that the acquisition of operational capabilities and operations support costs should be planned, programmed, and budgeted in the program element for the ORS program office.

Independent review and assessment of Department of Defense organization and management for national security in space (sec. 914)

The Senate amendment contained a provision (sec. 913) that would require the Secretary of Defense to select an entity outside the Department of Defense to conduct an independent review and assessment of the organization and management of the Department of Defense for national security in space.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to consult with the chairmen and ranking members of the Committees on Armed Services of the Senate and the House of Representatives in selecting the entity to conduct the review and assessment.

Subtitle C—Chemical Demilitarization Program

Sense of Congress on completion of destruction of United States chemical weapons stockpile (sec. 921)

The Senate amendment contained a provision (sec. 1087) that would express the sense of the Senate that: (1) the United States is committed to making every effort to safely dispose of its chemical weapons stockpile by the Chemical Weapons Convention extended deadline of April 29, 2012, or as soon thereafter as possible; (2) the Secretary of Defense should prepare a comprehensive schedule for safely destroying the U.S. chemical weapons stockpile to prevent further delays in its destruction, and should submit that schedule annually to the congressional defense committees in an annual report; and (3) the Secretary should make every effort to ensure adequate funding to complete the elimination of the U.S. chemical weapons stockpile in the shortest time possible, consistent with the requirement to protect public health, safety, and the environment.

The House bill contained no similar provision.

The House recedes with an amendment that would make the provision a sense of Congress and add an additional element stating that the Secretary of Defense should propose a credible process to gain the support of affected communities when selecting a site for the treatment or disposal of neutralized chemical agent at a location remote from where the agent is stored.

Comptroller General review of cost-benefit analysis of off-site versus on-site treatment and disposal of hydrolysate derived from neutralization of VX nerve gas at Newport Chemical Depot, Indiana (sec. 922)

The House bill contained a provision (sec. 922) that would require the Comptroller General to review and report to Congress by December 1, 2006, on the adequacy of the cost benefit analysis prepared by the Secretary of the Army comparing options to treat and dispose of the hazardous material that is a by-product of the process of neutralizing VX nerve gas stored at the Newport Chemical Depot, Indiana. The provision would also prohibit the Secretary from proceeding with any action to transport this hazardous material, or hydrolysate, from the Newport Chemical Depot until 60 days after the Comptroller General's report is received by Congress.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prohibit the Secretary from proceeding with any action to transport this hazardous material, or hydrolysate, from the Newport Chemical Depot to the State of New Jersey until the earlier of: 60 days after the Comptroller General's report is received by Congress, or February 1, 2007.

Incentives clauses in chemical demilitarization contracts (sec. 923)

The Senate amendment contained a provision (sec. 372) that would provide the Secretary of Defense authority to include an incentives clause in any contract for the destruction of the U.S. stockpile of lethal chemical agents and munitions in order to accelerate the safe elimination of the U.S. chemical weapons stockpile and to reduce the total cost of the chemical demilitarization program by affording the contractor an opportunity to share in the life cycle cost savings that the U.S. Government would realize by early completion of destruction operations and facility closure. The provision would require that this authority be exercised consistent with the Secretary's obligation under law to provide for maximum protection for the environment, the general public, and the personnel who are involved in the destruction of the lethal chemical agents and munitions. The authority to include an incentives clause in a contract would be subject to the availability of appropriations for that purpose.

The House bill contained no similar provision.

The House recedes.

The conferees note that this authority is intended to be available for all elements of the chemical demilitarization program, including the Chemical Stockpile Disposal Project, the Alternative Technologies and Approaches Project, and the Assembled Chemical Weapons Alternative Program.

The conferees express their disappointment in the notification from the Secretary of Defense dated April 10, 2006, that the United States will not be able to meet the Chemical Weapons Convention extended destruction deadline of April 29, 2012, for the complete destruction of the U.S. chemical weapons stockpile. The conferees note the Secretary's commitment in the notification that "The Department will continue working diligently to minimize the time to complete destruction without sacrificing safety and security. We will also continue requesting resources needed to complete destruction as close to April 2012 as practicable." The conferees strongly concur in those sentiments and urge the Department to uphold the commitment expressed in the Secretary's notification letter.

Chemical demilitarization program contracting authority (sec. 924)

The Senate amendment contained a provision (sec. 376) that would clarify retroactively that the Secretary of Defense may carry out the chemical weapons demilitarization program through multiyear contracts.

The House bill contained no similar provision.

The House recedes.

Subtitle D—Intelligence-Related Matters

Four-year extension of authority of Secretary of Defense to engage in commercial activities as security for intelligence collection activities (sec. 931)

The Senate amendment contained a provision (sec. 1031) that would extend the authority to engage in commercial activities as security for intelligence collection activities until December 31, 2008.

The House bill contained a similar provision (sec. 931).

The House recedes with an amendment that would extend the authority until December 31, 2010.

Annual reports on intelligence oversight activities of the Department of Defense (sec. 932)

The Senate amendment contained a provision (sec. 1032) that would require the Secretary of Defense to submit an annual report to the congressional defense and intelligence committees on intelligence oversight activities of the Department of Defense. The term "intelligence oversight activities of the Department of Defense" refers to any activity undertaken by an agency element or component of the Department to ensure compliance with regard to intelligence and intelligence-related activities of the Department under law or any Executive order, or Presidential directive, including Executive Order 12333.

The House bill contained no similar provision.

The House recedes with an amendment that would change the distribution of the report, remove references to "questionable activities," and add the required annual report to chapter 21, title 10, United States Code.

Collection by National Security Agency of service charges for certification or validation of information assurance products (sec. 933)

The Senate amendment contained a provision (sec. 1035) that would authorize the National Security Agency to collect service charges for the certification or validation of information assurance products.

The House bill contained no similar provision.

The House recedes.

Subtitle E—Other Matters

Department of Defense policy on unmanned systems (sec. 941)

The Senate amendment contained a provision (sec. 921) that would require the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to develop a Department-wide policy for research, development, test, and evaluation; procurement; and operation of unmanned systems.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) clarify the policy elements to be addressed; (2) require the report to the congressional defense committees to include strategy and schedule information for implementing the necessary policy; and (3) define unmanned systems for the purposes of this section.

The conferees recognize that unmanned systems are not, and will not, be capable of replacing manned systems in every case. However, the conferees encourage the Department of Defense to use an expanded vision in determining those routine and dangerous missions that could, and should, be performed by unmanned systems. Interoperability, survivability, commonality, sustainment, manufacturing, and training should be examined for seamless integration between manned and unmanned systems development, acquisition and operation in the air, on the ground, and at sea.

Executive Schedule level IV for Deputy Under Secretary of Defense for Logistics and Materiel Readiness (sec. 942)

The Senate amendment contained a provision (sec. 922) that would move the position of Deputy Under Secretary of Defense for Logistics and Materiel Readiness from Executive Schedule Level III to Level IV. The change would be applicable to future appointees to the position.

The House bill contained no similar provision.

The House recedes.

Study and report on reform of Defense Travel System (sec. 943)

The Senate amendment contained a provision (sec. 926) that would prohibit the Secretary of Defense from obligating or expending any funds related to the Defense Travel System, except those funds obtained through a one-time, fixed-price service fee per Department of Defense customer utilizing the system with an additional fixed fee for each transaction.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to provide an independent report to the congressional defense committees within 6 months of the date of the enactment of this Act. The report shall analyze the feasibility of separating the financial infrastructure of the Defense Travel System from the travel reservation system, converting the travel reservation process to a fee-for-service system, and making the use of the financial infrastructure of the Defense Travel System mandatory for all travel transactions.

The amendment would also require the Secretary to report to the congressional defense committees on the actions he plans to take to implement the recommendations of the report. The amendment prohibits the Secretary from initiating a new contract for the Defense Travel System (other than to continue current operations) until the report has been provided to the Congress.

Administration of pilot project on Civilian Linguist Reserve Corps (sec. 944)

The Senate amendment contained a provision (sec. 1033) that would transfer the administration of the pilot project on the Civilian Linguist Reserve Corps from the Director of National Intelligence (DNI) to the Secretary of Defense.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to coordinate with the DNI in carrying out the pilot project, and extend the duration of the pilot project for an additional 2 years.

Improvement of authorities on the National Security Education Program (sec. 945)

The Senate amendment contained a provision (sec. 1034) that would amend section 1902(b)(2) of title 50, United States Code, to expand the entities in which mandated service could be performed to include the Department of Homeland Security, Department of State, or a position in the field of education. The provision would also provide authority to the Secretary of Defense to hire a program participant in a position in the Department of Defense on a temporary, interim basis, for a period not to exceed 2 years, to expedite security clearances and other personnel processes, if there is no other permanent position available for the participant.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the authority to expand the entities in which mandated service could be performed, and make clarifying changes.

Report on the posture of the United States Special Operations Command to conduct the global war on terrorism (sec. 946)

The Senate amendment contained a provision (sec. 927) that would require the Secretary of Defense to report on the types of units and capabilities that should be incorporated into the reserve components of the Armed Forces as part of the expansion of Special Forces, as outlined in the 2006 Quadrennial Defense Review Report. In addition, the Secretary would be required to report on the effort taken by the U.S. Special Operations Command (USSOCOM) to provide special forces training in high-altitude and mountainous areas within the United States.

The House bill contained no similar provision.

The House recedes with an amendment that would require that the report should assess the posture of USSOCOM to conduct the global war on terrorism, including: (1) whether the command is appropriately manned, resourced, and equipped; (2) whether there is an appropriate balance of capabilities between the active and reserve components; (3) whether there are sufficient numbers of Army Special Forces for foreign security assistance and training missions; and (4) how the special operations forces are being trained for different operational environments.

LEGISLATIVE PROVISIONS NOT ADOPTED

United States Military Cancer Institute

The Senate amendment contained a provision (sec. 901) that would require the Secretary of Defense to establish the United States Military Cancer Institute in the Uniformed Services University of the Health Sciences.

The House bill contained no similar amendment.

The Senate recedes.

Military deputies to the assistant secretaries of the military departments for acquisition, logistics, and technology matters

The Senate amendment contained a provision (sec. 904) that would establish positions within the military departments for military deputies to the assistant secretaries for acquisition in the Departments of the Army, Navy, and Air Force. The officers serving in these positions would hold the rank of lieutenant general or vice admiral while serving and would be excluded from limits on the numbers and percentages of officers in the respective services.

The House bill contained no similar provision.

The Senate recedes.

Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps

The House bill contained a provision (sec. 905) that would amend title 10, United States Code, to redesignate the Department of the Navy as the Department of the Navy and Marine Corps. The provision would also change the titles of the Secretary of the Navy, the Assistant Secretaries of the Navy, and the General Counsel of the Navy to include both the Navy and the Marine Corps.

The Senate amendment contained no similar provision.

The House recedes.

Transfer to Secretary of the Army of responsibility for Assembled Chemical Weapons Alternatives program

The House bill contained a provision (sec. 921) that would transfer program management responsibility for the Assembled Chemical Weapons Alternatives program from the Under Secretary of Defense for Acquisition, Technology, and Logistics to the Secretary of the Army by January 1, 2007.

The Senate amendment contained no similar provision.

The House recedes.

Sense of Congress regarding the safe and expeditious disposal of chemical weapons

The House bill contained a provision (sec. 923) that would express the sense of Congress that the process used for selecting a site for remote disposal of hazardous material remaining after the initial processing of chemical munitions should be free from political influence and that a process similar to that used for base closure and realignment be considered for adoption.

The Senate amendment contained no similar provision.

The House recedes.

Sense of Senate on nomination of individual to serve as Director of Operational Test and Evaluation on a permanent basis

The Senate amendment contained a provision (sec. 924) that would express the sense of the Senate that the President should nominate a permanent Director of Operational Test and Evaluation as soon as practicable.

The House bill contained no similar provision.

The Senate recedes.

Inclusion of homeland defense and civil support missions of the National Guard and Reserves in the Quadrennial Defense Review

The Senate amendment contained a provision (sec. 925) that would amend section 118(d) of title 10, United States Code, to require the Secretary of Defense to include homeland defense and civil support missions in the Quadrennial Defense Review (QDR) report.

The House bill contained no similar provision.

The Senate recedes. The provision was incorporated into another provision elsewhere in this report.

TITLE X—GENERAL PROVISIONS

ITEM OF SPECIAL INTEREST

Vietnam conflict

The conferees believe it is appropriate to commemorate the 50th anniversary of the Vietnam conflict in order to thank and honor the veterans, missing in action, and prisoners of war of that conflict and their families; to pay tribute to the sacrifices and contributions made on the home front by the people of the United States during the Vietnam conflict; to highlight advances in technology, science, and medicine related to military research conducted during the Vietnam conflict; and to recognize the contributions and sacrifices made by the allies of the United States in the Vietnam conflict.

The conferees, therefore, direct the Secretary of Defense to provide the Committees on Armed Services of the Senate and the House of Representatives, not later than April 1, 2007, with a proposed plan on commemoration of the Vietnam conflict. At a minimum, the proposed plan should include: the recommended duration and outline of major events of the commemoration; a discussion of how the Department of Defense would coordinate, support, and facilitate this commemoration with other Federal Government agencies, State and local governments, and other entities; the estimated total expenditures necessary to carry out the commemoration program; and legislative proposals needed to implement the commemoration. The plan should also include the recommended process and guidelines for managing the financing and expenditures of the commemoration. To that end, the plan should include the establishment in the Treasury of an account to be administered by the Secretary of Defense, from which funds might be invested and from which funds could be obligated solely for purposes related to the commemoration program. The conferees also believe that the establishment of such an account should be accompanied by a recommended limitation on the expenditure of appropriated funds in support of the commemoration and that the cost of the commemoration should not be borne by a single military department.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Financial Matters

General transfer authority (sec. 1001)

The House bill contained a provision (sec. 1001) that would provide $3.75 billion in transfer authority among accounts in division A of this Act for fiscal year 2007.

The Senate amendment contained a similar provision (sec. 1001) that would provide $4.0 billion in transfer authority among accounts in division A of this Act for fiscal year 2007.

The House recedes with an amendment that would provide $4.5 billion in transfer authority.

Authorization of additional emergency supplemental appropriations for fiscal year 2006 (sec. 1002)

The House bill contained a provision (sec. 1002) that would authorize emergency supplemental appropriations pursuant to an emergency supplemental appropriations act for 2006.

The Senate amendment contained a similar provision (sec. 1002) that would authorize additional emergency supplemental appropriations for fiscal year 2006 for Iraq, Afghanistan, and the Global War on Terror, pursuant to titles I, II, and V of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

The House recedes.

Reduction in certain authorizations due to savings relating to lower inflation (sec. 1003)

The House bill contained a provision (sec. 1006) that would reduce the amount authorized to be appropriated to the Department of Defense by $1.6 billion to reflect savings from lower-than-expected inflation estimates.

The Senate amendment contained a similar provision (sec. 1003).

The Senate recedes with an amendment that would reduce the amount authorized to be appropriated to the Department of Defense by $757.1 million.

Increase in fiscal year 2006 general transfer authority (sec. 1004)

The House bill contained a provision (sec. 1003) that would provide $3.75 billion in transfer authority among accounts in division A of this Act for fiscal year 2006.

The Senate amendment contained a similar provision (sec. 1006) that would provide $5.0 billion in transfer authority for fiscal year 2006.

The House recedes.

United States contribution to NATO common-funded budgets in fiscal year 2007 (sec. 1005)

The House bill contained a provision (sec. 1004) that would authorize the U.S. contribution to North Atlantic Treaty Organization (NATO) common-funded budgets for fiscal year 2007, including the use of unexpended balances.

The Senate amendment contained an identical provision (sec. 1005).

The conference agreement includes this provision.

The conferees note that this provision is necessary because the resolution of ratification for the Protocol to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic contained a provision (section 3(2)(c)(ii)) requiring a specific authorization for U.S. payments to the common-funded budgets of NATO for each fiscal year, beginning in fiscal year 1999, that payments exceed the fiscal year 1998 total.

Report on budgeting for fluctuations in fuel cost rates (sec. 1006)

The House bill contained a provision (sec. 1005) that would require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives by January 15, 2007, on the fuel cost rate projection used in the annual Department of Defense budget.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment that would change the date of the required report to February 15, 2007, and require that the report be sent to the congressional defense committees.

Modification of date of submittal of OMB/CBO report on scoring of outlays (sec. 1007)

The Senate amendment contained a provision (sec. 1006) that would change the date of the currently required report on the Office of Management and Budget and the Congressional Budget Office outlay estimates (section 226 of title 10, United States Code) from January 15 to April 1 of each year.

The House bill contained no similar provision.

The House recedes.

Budgeting for ongoing military operations in Afghanistan and Iraq (sec. 1008)

The Senate amendment contained a provision (sec. 1085) that would require the President to submit, pursuant to section 1105(a) of title 31, United States Code, for each fiscal year after fiscal year 2007, a request for funds for ongoing military operations in Afghanistan and Iraq. The provision would also require the President to submit an estimate of all funds expected to be required in that fiscal year for such operations and a detailed justification of the funds requested.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Subtitle B—Policy Relating to Vessels and Shipyards

Aircraft carrier force structure (sec. 1011)

The Senate amendment contained a provision (sec. 1011) that would eliminate the requirement for the naval combat forces of the Navy to include no fewer than 12 operational aircraft carriers.

The House bill contained no similar provision.

The House recedes with an amendment that would reduce the minimum number of operational aircraft carriers required by law to 11.

The conferees understand that the 2006 Quadrennial Defense Review Report concluded that a naval force including 11 aircraft carriers meets the combat capability requirements of the National Military Strategy. The conferees agree with the Navy's determination that the cost of maintaining 12 operational aircraft carriers by restoring the USS *John F. Kennedy* (CV–67) to a deployable, fully mission-capable status would significantly impact the Chief of Naval Operations' (CNO) plan to build a future naval force of 313 ships. The conferees also agree with the Navy's proposal to inactivate the USS *John F. Kennedy* (CV–67) in fiscal year 2007. However, the conferees believe that it is important to retain the ability to reactivate the USS *John F. Kennedy* (CV–67) in the event that 12 aircraft carriers are required in response to a national emergency.

The conferees expect, therefore, in conjunction with decommissioning the USS *John F. Kennedy* (CV–67), that the Secretary of Defense, in coordination with the Supreme Allied Commander, Europe and the Secretary of Homeland Security, will evaluate the feasibility of maintaining the aircraft carrier in an operational status by transferring custody and control to the North Atlantic Treaty Organization or the Department of Homeland Security. The Secretary shall provide notification of the findings to the Committees on Armed Services of the Senate and the House of Representatives prior to decommissioning the USS *John F. Kennedy* (CV–67).

The conferees further expect that, upon decommissioning from the U.S. Navy and completion of the ship's inactivation availability, the Navy will maintain CV–67 in a state of preservation (dehumidification, cathodic protection, and configuration control) pending determination of final disposition. In the event it is determined that CV–67 is to be retired from operational status, the Secretary of the Navy shall evaluate other alternatives for final disposition, to include maintenance in a reduced mobilization status, donation as a museum article, or striking from the naval vessel registry; and report the findings with the Secretary of the Navy's recommendation to the congressional defense committees not later than October 1, 2007. Under all circumstances, the Navy shall retain custody of CV–67 at least until commissioning of CVN–77. If the aircraft carrier is transferred from the custody and control of the Navy, the Secretary of the Navy shall require as a condition of such transfer that the transferee, upon request of the Secretary of Defense, return the vessel to the United States. In such a case, unless the transferee is otherwise notified by the Secretary of the Navy, the title to the vessel shall revert immediately to the United States.

The conferees agree with the CNO statement in his letter dated August 14, 2006, to the Ranking Member of the Committee on Armed Services of the Senate, that "Naval Station Mayport and the many resources of the Jacksonville area remain vitally important to Navy readiness," and support the CNO commitment "to maintaining the infrastructure necessary to support the strategic dispersal of the Atlantic Fleet at this key east coast port." The conferees note that the USS *John F. Kennedy* (CV–67) has served proudly in defense of freedom around the world, in times of peace and in war in the course of her 38 years of service. She has brought great honor to our Nation, to her namesake, and to the tens of thousands of sailors who "stood the watch" on her decks these many years. It is most fitting, therefore, that the Navy plan the decommissioning of the USS *John F. Kennedy* (CV–67) with ceremony befitting her distinguished history of service to our Nation.

Sense of Congress on naming the CVN–78 aircraft carrier as the USS Gerald R. Ford (sec. 1012)

The Senate amendment contained a provision (sec. 1013) that would require that the CVN–78 aircraft carrier shall be named the USS *Gerald R. Ford.*

The House bill contained no similar provision.

The House recedes with an amendment that would express the sense of Congress that the Navy should name the CVN–78 aircraft carrier the USS *Gerald R. Ford.*

Transfer of naval vessels to foreign nations based upon vessel class (sec. 1013)

The House bill contained a provision (sec. 1011) that would allow the transfer of a specified number of ships to a particular nation without identification of the specific vessel by hull number or ship name.

The Senate amendment contained a similar provision (sec. 1012).

The Senate recedes.

Overhaul, repair, and maintenance of vessels in foreign shipyards (sec. 1014)

The House bill contained a provision (sec. 1012) that would clarify those commonwealths and possessions that are to be considered as part of the United States for the purposes of naval vessels to include Military Sealift Command vessels. The provision would also extend the limitations on overhaul, repair, and maintenance of vessels in foreign shipyards.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 7310(a) of title 10, United States Code, to require naval vessels homeported in Guam to be overhauled, repaired, or maintained in a shipyard in the United States or Guam.

Report on options for future lease arrangement for Guam Shipyard (sec. 1015)

The House bill contained a provision (sec. 1013) that would require the Secretary of the Navy to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the Guam Shipyard. The provision would also require the Comptroller General to submit an evaluation of the Secretary of Navy's report. The provision would further require the awarding of contracts to the Guam Shipyard in an amount equal to the average amount awarded between fiscal years 1998 and 2006.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete the requirement for awarding contracts to the Guam Shipyard.

Assessments of naval vessel construction efficiencies and of effectiveness of special contractor incentives (sec. 1016)

The House bill contained a provision (sec. 1014) that would establish a program to provide grants and loan guarantees to U.S. shipbuilders to make capital investments in their shipbuilding processes and facilities. The provision would also require the Secretary of the Navy to perform annual assessments of the shipbuilding industrial base to determine where and to what extent inefficiencies exist and to what extent innovative design and production technologies, processes, and infrastructure can be developed to alleviate such inefficiencies.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to conduct an assessment of naval vessel construction to determine inefficiencies that exist; innovative design and production technologies, processes, and performance incentives that are warranted to alleviate those inefficiencies; and actions the Secretary intends to take to facilitate adoption by the shipbuilding industry of the technologies, processes, and performance incentives so identified. The amendment would also require the Secretary to conduct an assessment of the effectiveness of the use in naval construction contracts of special incentives for investment by the contractor in facilities and process improvement projects, including a description of the use of such incentives, a description of the process and criteria used for evaluation of and selection among proposed projects, progress in implementing selected projects, plans for applying similar contract incentives in future shipbuilding programs, and recommendations by the Secretary for enactment of legislation that might increase the effectiveness of, or expand the use of, such contract incentives. The amendment would further require that the Secretary submit a report on these assessments to the congressional defense committees not later than April 1, 2007. The conferees direct the Secretary to provide the congressional defense committees with an interim briefing on the findings of the assessments not later than March 1, 2007.

Obtaining carriage by vessel: criterion regarding overhaul, repair, and maintenance of vessels in the United States (sec. 1017)

The House bill contained a provision (sec. 1017) that would provide that the Secretary of Defense may not award any contract for the carriage by vessel of cargo for the Department of Defense, unless the contract includes a requirement under which the contractor shall ensure that the overhaul and repair work is done in a shipyard located in the United States or the contractor must report any repair work conducted in a shipyard located outside the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to issue an acquisition policy that establishes as a criterion, required to be considered in obtaining carriage by vessel of cargo for the Department, the extent to which an offeror of such carriage had overhaul, repair, and maintenance work for the offerors' vessels performed in shipyards located in the United States. The amendment would be limited to vessels that are owned, operated, or controlled by the offeror and qualified to engage in the carriage of cargo in the coastwise or non-contiguous trades. Thus, the conferees expect that the Secretary will establish, as an evaluation criterion in the award, the past accomplishment of overhaul, repair, and maintenance work conducted in shipyards located in the United States, similar to other considerations such as cost, schedule, capability to perform the carriage, and other independently weighted factors. The amendment would apply to the carriage of Department cargo, whether the carriage was obtained pursuant to charter or tariff. Further, the amendment would define the term "United States" to include any State of the United States and, in addition, Guam.

The conferees agree that a strong ship repair industrial base is vital to the national security interests of the United States. Accordingly, it is important that the Secretary maintain a current assessment of the Nation's ship repair capabilities and capacity and, consistent with the Secretary's assessment, that the Department assign value to the accomplishment of overhaul, repair, and maintenance work in the United States for the evaluation of offerors' proposals in the awards of contracts to carry Department cargo.

To guide formulation and implementation of the Secretary's acquisition policy, the Secretary shall conduct an assessment of the ship repair industrial base, to include: (1) a determination of ship repair requirements to support the National Military Strategy; (2) an evaluation of the repair industrial base's critical capabilities, capacity, competitive sourcing, geographical disposition; and (3) other critical factors as measured against the determined requirements. The Secretary shall submit a report on the results of the assessment to the congressional defense committees not later than June 1, 2007.

Riding gang member requirements (sec. 1018)

The House bill contained a provision (sec. 1018) that would prohibit the Secretary of Defense from awarding a charter or a contract for carriage of defense cargo unless the charter or contract requires that each riding gang member that performs any work on the vessel during the effective period of the charter or contract holds a merchant mariner's document issued by the United States Coast Guard. The provision would also allow the Secretary to issue regulations to exempt a riding gang member from the above requirement under limited circumstances, and then only if a background check is performed.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would incorporate by reference certain limited provisions contained in section 8106 of title 46, United States Code, relating to general restrictions on the use of riding gangs on U.S. documented vessels. The amendment would also clarify, for those vessels carrying defense cargoes, the categories of individuals who may be exempted under regulation from the requirement to hold a merchant mariner's document issued by the United States Coast Guard. These individuals, who will be required to have either a background check or possess a merchant mariner's document, include supercargo personnel, force protection personnel, specialized repair technicians, and other individuals required to be aboard the vessel. The amendment would further make clear that individuals engaged in the general operation or maintenance, whether designated members of the vessel's crew or not, must possess a merchant mariner's document issued by the United States Coast Guard if the vessel is carrying defense cargoes.

Authority to transfer SS Arthur M. Huddell to the Government of Greece (sec. 1019)

The Senate amendment contained a provision (sec. 1014) that would authorize the Secretary of Transportation to transfer the ex-Liberty ship SS Arthur M. Huddell, by gift to the government of Greece. The provision would also authorize the Secretary to convey additional equipment from other obsolete vessels of the National Defense Reserve Fleet for purposes of a museum exhibit.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the President to transfer the SS Arthur M. Huddell to the government of Greece, and to convey additional equipment from other obsolete vessels of the National Defense Reserve Fleet, in accordance with such terms and conditions as the President may determine. As a condition of the transfer of the vessel, the President shall require, to the maximum extent practicable, that the government of Greece have such repair or refurbishment of the vessel, as is necessary for the safe transit of the vessel to its ultimate destination, be performed at a shipyard located in the United States.

Subtitle C—Counter Drug Activities

Extension of authority of Department of Defense to provide additional support for counterdrug activities of other governmental agencies (sec. 1021)

The Senate amendment contained a provision (sec. 1022) that would authorize a 5-year extension in the current authorities of the Department of Defense to assist the counterdrug activities of any other department or agency of the Federal Government or any other State, local, or foreign law enforcement agency through 2011.

The House bill contained no similar provision.

The House recedes.

Extension and expansion of Department of Defense authority to provide support for counter-drug activities of certain foreign governments (sec. 1022)

The Senate amendment contained a provision (sec. 1023) that would extend and expand certain authorities of the Department of Defense to support the counterdrug activities of other countries. The provision would: (1) extend current authorities for 2 years; (2) add 15 countries that are situated either along key drug smuggling routes or are facing an increasing threat of narco-terrorism to the list of countries eligible for support; (3) expand the types of equipment and supplies that can be provided for counterdrug support to include vehicles, aircraft, and detection and monitoring equipment; and (4) double the funding limit for counterdrug support through fiscal year 2011 from $40.0 million to $80.0 million. The provision would also require the Secretary of Defense to seek concurrence of the Secretary of State on matters of counterdrug support to foreign nations and provide a report to designated congressional committees on support provided to each foreign government.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) reduce the number of additional countries authorized to receive this support from 15 to 7; (2) reduce the funding limit to $60.0 million; (3) authorize, for calendar years 2007 and 2008 only, the transfer, to Afghanistan only, of individual and crew-served weapons of 50 caliber or less, and the ammunition for such weapons for counternarcotics security forces only; and (4) require the Secretary of Defense to consult with, instead of seek the concurrence of, the Secretary of State.

Extension of authority to support unified counterdrug and counterterrorism campaign in Colombia (sec. 1023)

The House bill contained a provision (sec. 1023) that would extend the authority to support the unified counterdrug and counterterrorism campaign in Colombia through fiscal year 2008, as provided in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375).

The Senate amendment contained a similar provision (sec. 1021).

The Senate recedes.

Continuation of reporting requirement regarding Department of Defense expenditures to support foreign counter drug activities (sec. 1024)

The House bill contained a provision (sec. 1024) that would extend by 1 year the requirement for the Secretary of Defense to submit a report detailing the expenditure of funds by the Secretary during fiscal year 2006.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the reporting requirement through fiscal year 2007, and require the report to be submitted to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

Report on interagency counter-narcotics plan for Afghanistan and South and Central Asian regions (sec. 1025)

The House bill contained a provision (sec. 1025) that would require the Secretary of Defense to submit a report to the congressional defense committees on interagency counterdrug implementation plans for Afghanistan and 10 other countries in south and central Asia.

The Senate amendment contained no similar provision.

The Senate recedes with amendment that would add Armenia to the list of countries in the report, and clarify other matters included in the report.

Report on United States support for Operation Bahamas, Turks & Caicos (sec. 1026)

The Senate amendment contained a provision (sec. 1024) that would require the Secretary of Defense to submit a report to Congress outlining the plan for continued United States Government support to Operation Bahamas, Turks & Caicos not later than 30 days prior to implementing a decision to withdraw Department of Defense helicopters from this counterdrug program.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Subtitle D—Force Structure and Defense Policy Matters

Improvements to Quadrennial Defense Review (sec. 1031)

The Senate amendment contained a provision (sec. 1083) that would amend section 118 of title 10, United States Code, to require: (1) analysis and recommendations in the Quadrennial Defense Review (QDR) that are not constrained to comply with the President's budget submission; (2) an identification of specific capabilities, including the general number and type of specific military platforms required to achieve strategic and warfighting objectives; (3) an independent assessment of the QDR and the submission of the results of the assessment to Congress; and (4) a more comprehensive risk assessment from the Chairman of the Joint Chiefs of Staff (CJCS) that describes the additional capabilities needed to reduce the risks identified in the CJCS risk assessment.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the appointment process for the independent panel, and expand the scope of the review to include an assessment of the homeland defense and support to civil authorities missions of the active and reserve components of the armed forces, including the organizations and capabilities required for the active and reserve components to discharge their missions. The latter was included as a separate provision in the Senate amendment (sec. 925).

Quarterly reports on implementation of 2006 Quadrennial Defense Review Report (sec. 1032)

The House bill contained a provision (sec. 1035) that would require the Secretary of Defense to submit a quarterly report on the implementation of recommendations described in the 2006 Quadrennial Defense Review Report. The first report shall be submitted not later than January 31, 2007.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on feasibility of establishing a regional combatant command for Africa (sec. 1033)

The Senate amendment contained a provision (sec. 1070C) that would require the Secretary of Defense to submit a report to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, on the feasibility and advisability of establishing a regional combatant command for Africa.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Determination of Department of Defense intratheater and intertheater airlift requirements and sealift mobility requirements (sec. 1034)

The House bill contained a provision (sec. 1043) that would require the Secretary of Defense to submit a report to the congressional defense committees not later than February 1, 2007, on the intratheater and intertheater airlift and sealift mobility requirements.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Presidential report on improving interagency support for United States 21st century national security missions and interagency operations in support of stability, security, transition, and reconstruction operations (sec. 1035)

The House bill contained a provision (sec. 1034) that would require the President to submit a report to Congress on building interagency capacity and enhancing the integration of civilian and military capabilities to achieve U.S. national security goals and objectives. The report should include recommendations for specific legislative proposals to improve interagency coordination.

The Senate amendment contained a similar provision (sec. 1222) that would require the President to develop a plan to establish interagency operating procedures for Federal agencies to plan and conduct stabilization and reconstruction operations.

The Senate recedes with an amendment that would delete the sense of Congress, and merge the two provisions into a single report. The amendment would also make other clarifying changes.

The conferees recognize that the United States faces a more diverse set of national security challenges than those faced during the Cold War, and that the major national security institutions designed for the Cold War lack adequate capacity to address the security challenges of the 21st century. Since 2002, the administration has developed several strategy documents that set forth broad U.S. national security goals and objectives to address new and emerging security challenges. The administration has also taken initial steps to institutionalize lessons learned since the September 11, 2001, terrorist attacks on the United States, including the establishment of the Department of Homeland Security, the U.S. Northern Command, and the Office of Reconstruction and Stabilization, as well as the creation of the positions of the Assistant Secretary of Defense for Homeland Defense, the Under Secretary of Defense for Intelligence, and the Director of National Intelligence.

The conferees believe that the executive branch and Congress must take additional steps to lay the foundation and strengthen Federal institutions to ensure that interagency structures, policies, and processes support integrated planning and unified action in response to 21st century national security challenges. The conferees also believe that the United States Government should bring to bear all elements of national power to achieve its national security objectives. This will require strengthening the capacity of Federal departments and agencies to conduct interagency operations. In developing the required report, the conferees urge the executive branch to consult with State and local agencies, and other national security experts, as appropriate, on the types of interagency capabilities that the Federal Government should develop to address current and future security challenges. The report required by this section will provide the Congress with a baseline assessment of the capacities and capabilities of the Federal departments and agencies to carry out the full range of national security missions. The conferees intend to use this information in helping to develop and implement strategies that will improve the ability of the Federal departments and agencies to participate, as appropriate, in the full range of national security missions.

Further, the conferees note that United States Government lacks a standard, integrated approach to the planning and conduct of interagency operations. The conferees express the view that: (1) the President should provide clear guidance to United States Government agencies to manage complex operations and establish a standard, integrated approach to the planning and conduct of interagency operations to ensure a coherent and unified United States Government response to contingency operations; (2) civilian agencies of the United States Government should expand their capacity to participate, as appropriate, in national security missions and, more specifically, to plan, coordinate, and conduct stability, security, transition, and reconstruction operations, including their capacity to deploy rapidly, and for sustained periods of time, trained personnel to support such operations in the field; and (3) all the relevant United States Government agencies should include in their budget requests for future fiscal years adequate funding for planning and preparing to support contingency operations and, as necessary, request emergency supplemental funds for unanticipated contingency operations.

Subtitle E—Reports

Additional element in annual report on chemical and biological warfare defense (sec. 1041)

The Senate amendment contained a provision (sec. 1063) that would direct the Department of Defense to include a new element in the annual report on the Department's chemical and biological defense program, as required by section 1703 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160). The new element would be a description of the coordination and integration of the Defense Advanced Research Projects Agency (DARPA) research and development efforts on chemical and biological warfare defense with the Department's chemical and biological defense program, including the degree to which the DARPA program supports the objectives and requirements of the overall program, and the means by which the Department determines the level of coordination and support provided by DARPA to the Department's overall program.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Report on biodefense human capital requirements in support of biosafety laboratories (sec. 1042)

The Senate amendment contained a provision (sec. 1070) that would require the Secretary of Defense to study and report to Congress on the requirements for personnel and training at current and planned national biodefense laboratories at Biosafety Levels 3 and 4, including the number of personnel, by discipline, and the training required to provide qualified personnel for such laboratories.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the report to Department of Defense personnel and training requirements, and expand the elements of the report to include recruitment and retention plans.

Report on technologies for neutralizing or defeating threats to military rotary-wing aircraft from portable air defense systems and rocket-propelled grenades (sec. 1043)

The Senate amendment contained a provision (sec. 1068) that would require the Secretary of Defense to submit a report to Congress, not later than 180 days after the date of the enactment of this Act, on technologies for neutralizing or defeating threats to military rotary-wing aircraft from portable air defense systems and rocket-propelled grenades that are being researched, developed, employed, or considered by the United States Government or the North Atlantic Treaty Organization.

The House bill contained no similar provision.

The House recedes with a technical amendment. The conferees expect the Secretary to submit a thorough classified report that includes technologies developed under classified programs.

Reports on expanded use of unmanned aerial vehicles in the National Airspace System (sec. 1044)

The Senate amendment contained a provision (sec. 1070D) that would make certain findings regarding the operational reliability of unmanned systems in support of national security missions and the potential for unmanned systems in support of border security and homeland defense missions. The provision would require the Secretary of Defense to report to Congress on efforts to support the Federal Aviation Administration (FAA) in the development of a policy on the testing and operation of unmanned vehicles in the National Airspace System.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the reporting requirement for the Department of Defense, and would require the FAA to submit a report on progress in developing a policy for testing and a plan for achieving wider access by unmanned aerial vehicles that are appropriately equipped to operate in the National Airspace System.

Report on incentives to encourage certain members and former members of the armed forces to serve in the Bureau of Customs and Border Protection (sec. 1045)

The Senate amendment contained a provision (sec. 1066) that would require, not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense to jointly submit to Congress a report assessing the desirability and feasibility of offering incentives to members of the reserve components of the armed forces and former members of the armed forces within 2 years of separation from service to encourage such persons to serve in the Bureau of Customs and Border Protection of the Department of Homeland Security. For the purposes of the report, the Secretary of Homeland Security and the Secretary of Defense would consider such incentives as the Secretaries jointly consider appropriate, including whether or not such incentives are monetary, and whether or not such incentives are currently authorized by law or regulations. The provision would require that the Secretaries give particular attention to the utility of such incentives in encouraging service by members and former members of the armed forces who provided border patrol or border security assistance as part of their duties as members of the armed forces, and leveraging military training and experience by accelerating training, or allowing credit to be applied to related areas of training, which is required for service with the Bureau of Customs and Border Protection. The provision would require that in assessing the incentives the Secretaries assume that any costs of such incentives would be borne by the Department of Homeland Security.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Repeal of certain report requirements (sec. 1046)

The House bill contained a provision (sec. 661) that would repeal the requirement for an annual report under section 1015 of title 37, United States Code, regarding the effects of certain recruitment and retention initiatives taken in fiscal year 2000.

The Senate amendment contained a provision (sec. 1065) that would repeal the requirement not only for the foregoing report under section 1015, but also for: (1) the annual report on aviation career incentive pay under section 301a of title 37, United States Code; (2) the report of the Secretary of Defense's recommendation on the need for Department of Defense review of proposed federal agency actions to consider possible impact on national defense; (3) the report on a pilot program to enhance military recruiting by improving military awareness of school counselors and educators; (4) the annual report on the activities of the Medical Informatics Advisory Committee and on coordination of informatics systems within the Federal Government; and (5) the reporting requirement associated with changes made by service academies in the amount of authorized charges or fees.

The House recedes with an amendment that would delete the provision regarding repeal of the report on imposition of additional charges or fees for attendance at certain academies.

Requirement for identification of recently enacted recurring reporting requirements applicable to the Department of Defense (sec. 1047)

The Senate amendment contained a provision (sec. 1067) that would require the Secretary of Defense to submit to the congressional defense committees, not later than March 1, 2007, a report on recurring reports that are required to be submitted, by the Department of Defense or any element thereof, to those committees by any provision of law enacted on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136). The provision would require that the Secretary describe each such report, assess its utility from the perspective of the Department, and give a recommendation as to the advisability of repealing the requirement for its submission.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) limit the reports covered by the provision to those enacted on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004 and before February 1, 2007; (2) require the Secretary to include an assessment of the burden imposed on the Department (or an element thereof) by the preparation of the report; and (3) require the Secretary to submit his recommendations as to the modification, as well as the repeal, of individual reports.

Subtitle F—Miscellaneous Authorities and Limitations on Availability and Use of Funds

Acceptance and retention of reimbursement from non-Federal sources to defray Department of Defense costs of conferences (sec. 1051)

The Senate amendment contained a provision (sec. 1051) that would authorize the Department of Defense to accept and retain reimbursement from non-Federal sources for its conference costs. The provision would further require the Secretary of Defense to report to the congressional defense committees on the use of the authority granted by this provision.

The House bill contained no similar provision.

The House recedes with a technical amendment that would clarify that fees collected in excess of conference costs shall be deposited into the Treasury as miscellaneous receipts.

Increased flexibility in use of funds for Joint Staff exercises (sec. 1052)

The Senate amendment contained a provision (sec. 1053) that would increase the flexibility of the Chairman of the Joint Chiefs of Staff to use funds earmarked for the Chairman's joint exercise program to be available for expenses relating to self-deploying watercraft under the jurisdiction of a military department; port support activities; prepositioned watercraft; and lighterage for joint logistics and over the shore exercises.

The House bill contained no similar provision.

The House recedes.

Prohibition on parking of funds (sec. 1053)

The Senate amendment contained a provision (sec. 1007) that would prohibit any officer or employee of the Department of Defense from directing the allocation of funds in the President's budget or supporting documents with the knowledge or intent that the funds would not be used for the purpose for which they are allocated. A violation of this prohibition would be subject to the same penalties as a violation of the Anti-Deficiency Act, as codified in section 1341 of title 31, United States Code.

The House bill contained no similar provision.

The House recedes.

Modification of authorities relating to the Special Inspector General for Iraq Reconstruction (sec. 1054)

The Senate amendment contained a provision (sec. 1054) that would expand the authority of the Special Inspector General for Iraq Reconstruction (SIGIR) by considering any funds appropriated or made available in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234) for relief and reconstruction in Iraq as part of the Iraqi Relief and Reconstruction Fund (IRRF), and under the jurisdiction of the SIGIR, regardless of the source of the funds.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify that the additional SIGIR jurisdiction is limited to U.S. funds and would provide a sunset date of October 1, 2007, for the Office of the SIGIR, with transition operations authorized to continue through December 31, 2007.

The conferees support the comprehensive audit efforts of the SIGIR and believe the office continues to perform a critical function as long as significant resources flow to Iraq reconstruction and until a transition plan is in place to return to regular order. The conferees direct the SIGIR, jointly with the Inspectors General of the Departments of State and Defense and the Inspector General of the U.S. Agency for International Development (USAID), to develop and submit such a transition plan to Congress by April 1, 2007. The plan should ensure maintenance and accountability of all accumulated records and minimal, if any, disruption in the ability to oversee reconstruction funding or other U.S. assistance to Iraq. The plan should include a process and time line for transfer of open audits and investigations to the appropriate Departments of Defense, State or USAID office and should consider various contingency scenarios which may impact the transition time line. The conferees recognize that a significant change in the assumptions underlying this provision, such as a major new commitment of U.S. funds for Iraq reconstruction, would require changes to the transition plan and time line.

Subtitle G—Matters Involving Detainees

Provision of information to Congress on certain criminal investigations and prosecutions involving detainees (sec. 1061)

The House bill contained a provision (sec. 1039) that would amend subsection (c) of section 1093 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) to expand the reporting requirements to include: (1) a detailed and comprehensive description of investigations or prosecutions and any resulting punishments; and (2) information about any officer nominated for command or for promotion to a position requiring the advice and consent of the Senate who has been the subject of any investigation or prosecution regarding the treatment of detainees.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete the requirement to provide information on any officer nominated to a position subject to confirmation by the Senate. The amendment would also require that the information on a member of the United States Armed Forces being investigated or prosecuted for allegations of mistreatment of detainees include the grade of the service member at: (1) the time of the incident resulting in the investigation or the prosecution; (2) the beginning of the investigation or the prosecution; and (3) the time of the submission of the report.

Subtitle H—Other Matters

Technical and clerical amendments (sec. 1071)

The House bill contained a provision (sec. 1037) that would make technical and clerical amendments to various provisions of law.

The Senate amendment contained a similar provision (sec. 1073).

The Senate recedes with an amendment that would incorporate the provisions of section 1073, and would make certain additional technical and clerical amendments.

Revision to authorities relating to Commission on the Implementation of the New Strategic Posture of the United States (sec. 1072)

The House bill contained a provision (sec. 1031) that would expand the scope of the commission on the implementation of the New Strategic Posture of the United States, as required in section 1051 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), to examine the strategic posture of the United States through 2025, and extend the mandate of the commission until 18 months after the date of the commission's first meeting.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the due date for the commission's report until September 30, 2007, but not expand the scope of the study beyond 2008.

Revised deadline for submission of final report of EMP Commission (sec. 1073)

The House bill contained a provision (sec. 1040) that would direct the Electromagnetic Pulse (EMP) Attack Commission, reestablished by section 1042 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) to change its final report date from June 30, 2007, to 18 months after commencement of commission activities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the final report date from June 30, 2007, to September 30, 2007.

Extension of returning worker exemption to H-2B numerical limitation (sec. 1074)

The Senate amendment contained a provision (sec. 1091) that would amend section 402(b)(1) of the Save Our Small and Seasonal Businesses Act of 2005 (8 U.S.C. 1184 note) to extend a returning worker program by 2 years, from October 1, 2006, to October 1, 2008.

The House bill contained no similar provision.

The House recedes with an amendment that would amend section 214(g)(9) of the Immigration and Nationality Act to extend the program by 1 year, to October 1, 2007, and to repeal a prior sunset provision. The amendment is effective on October 1, 2006.

Patent term extensions for the badges of the American Legion, the American Legion Women's Auxiliary, and the Sons of the American Legion (sec. 1075)

The Senate amendment contained a provision (sec. 1094) that would renew and extend for a term of 14 years the design patents for the badges of the American Legion, the American Legion Women's Auxiliary, and the Sons of the American Legion.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Use of the Armed Forces in major public emergencies (sec. 1076)

The Senate amendment contained a provision (sec. 1042) that would amend chapter 15 of title 10, United States Code, the so-called "Insurrection Act," to clarify and update the statute, and to make corresponding changes to other provisions of law. Chapter 15 contains a collection of statutes dating to the 18th and 19th centuries that authorize the use of the armed forces to put down insurrections, enforce Federal authority, and suppress conspiracies that interfere with the enforcement of Federal or State law.

The provision would amend section 333 of title 10, United States Code, to authorize the President, in any situation in which he determined that, as a result of a natural disaster, terrorist attack or incident, epidemic or other serious public health emergency, or other condition, domestic violence occurred to such an extent that the constituted authorities of the State are incapable of maintaining public order, and the violence obstructed the execution of the laws of the United States or impeded the course of justice thereunder, to use the armed forces, including the National Guard in Federal service, to restore public order and enforce the laws of the United States until the State authorities are again capable of maintaining order. The President is to notify Congress of his determination to exercise this authority as soon as possible and every 15 days thereafter as long as the authority is exercised.

The provision would also amend chapter 152 of title 10, United States Code, to authorize the President, in any situation in which he determines to exercise the authority set out above, to direct the Secretary of Defense to provide supplies, services, and equipment necessary for the immediate preservation of life and property. Such supplies, services, and equipment may be provided: (1) only to the extent that the constituted authorities of the State are unable to provide them; (2) only until other departments and agencies of the United States charged with such responsibilities are able to provide them; and (3) only to the extent that their provision will not interfere with preparedness or ongoing operations. This authority is not subject to the provisions of section 403(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(c)).

The provision would further include a conforming amendment to section 12304(c) of title 10, United States Code, to remove a restriction on the use of the Presidential Selected Reserve callup authority in chapter 15 or natural disaster situations.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the conforming amendment to section 12304(c) to provide that the Presidential Selected Reserve callup authority could be used in situations arising under chapter 15 and section 12406 of title 10, United States Code, as well as in situations set out in subsection (b) of section 12304.

Increased hunting and fishing opportunities for members of the Armed Forces, retired members, and disabled veterans (sec. 1077)

The House bill contained a provision (sec. 1036) that would require the Secretary of Defense to ensure that service members, military retirees, disabled veterans, and persons assisting disabled veterans are able to utilize lands under the jurisdiction of the Department of Defense that are available for hunting and fishing. The provision would also require the Secretary of Defense to submit a report to Congress, not later than 180 days after the date of the enactment of this Act, on actions necessary to increase the availability of lands under the jurisdiction of the Department to such persons for hunting and fishing activities. The provision would further require the Secretary of the Interior to cease the plan to exterminate deer and elk on Santa Rosa Island, California by helicopter, and prohibit the Secretary of the Interior from exterminating or nearly exterminating the deer and elk on the island.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees note that the Wounded Warrior Project, an organization whose mission is to raise public awareness and enlist the public's aid for the needs of severely injured service members, supports this provision.

LEGISLATIVE PROVISION NOT ADOPTED

Sense of the Senate on the Transformational Medical Technology Initiative

The Senate amendment contained a provision (sec. 763) that would express the sense of the Senate that the Transformational Medical Technology Initiative (TMTI) is an important effort to provide needed capability within the Department of Defense to field effective broad-spectrum countermeasures against a significant array of current and future biological warfare threats.

The House bill contained no similar provision.

The Senate recedes.

The conferees note the following: (1) the 2006 Quadrennial Defense Review Report identified the need to develop broad-spectrum medical countermeasures against the threat of genetically engineered bioterror agents; (2) the TMTI initiative is intended to invest in cutting edge transformational medical technologies and apply them to address the challenges of known, emerging, and future bioengineered threats; and (3) the TMTI is designed to provide such technologies in a much shorter timeframe, and at lower cost, than is required with traditional biomedical approaches. The conferees further emphasize the need for innovative technological approaches to achieve broad-spectrum medical countermeasures as a necessary component of the Department's program to provide chemical and biological defense and force protection capabilities to the armed forces.

Incorporation of classified annex

The Senate amendment contained a provision (sec. 1008) that would incorporate a classified annex.

The House bill contained no similar provision.

The Senate recedes.

Reports to Congress and notice to public on earmarks in funds available to the Department of Defense

The Senate amendment contained a provision (sec. 1009) that would require notice to Congress and the public on earmarks of funds available to the Department of Defense.

The House bill contained no similar provision.

The Senate recedes.

Transfer of operational control of certain Patrol Coastal ships to Coast Guard

The House bill contained a provision (sec. 1015) that would require the Secretary of the Navy to enter into an agreement with the Commandant of the Coast Guard for the transfer of operational control of not less than five 179 foot Cyclone class Patrol Coastal ships for a period extending at least through September 30, 2012.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are aware that Cyclone class Patrol Coastal ships have proven to be extremely valuable to both the Navy and the

Coast Guard in the performance of their respective missions of Homeland defense and the global war on terror. The conferees agree that the assignment of the Patrol Coastal ships to the Navy and the Coast Guard must reflect a joint prioritization of the respective mission requirements, including an assessment of alternatives to fulfill those requirements. Accordingly, the conferees direct the Secretary of the Navy, in consultation with the Secretary of the department in which the Coast Guard is operating, to submit a report to Congress, not later than March 30, 2007. The report shall:

(1) identify validated mission requirements for both Coast Guard patrol boats and Navy Patrol Coastal ships through 2012;

(2) identify a specific program plan, including alternatives to meet Coast Guard Deepwater patrol boat requirements through 2012;

(3) identify a specific program plan, including alternatives to meet Navy Patrol Coastal ship requirements through 2012;

(4) describe the impact to Navy operational requirements if the Patrol Coastal ships currently being operated by the Coast Guard remain with the Coast Guard to support the Coast Guard mission; and (5) identify areas of overlap between the Coast Guard's patrol boat requirements and the Navy's Patrol Coastal ship requirements in terms of logistics, operations, and maintenance.

Limitation on leasing of foreign-built vessels

The House bill contained a provision (sec. 1016) that would amend section 2401 of title 10, United States Code, to prohibit the Secretary of a military department from entering into a contract for lease or charter of a vessel for a term of more than 24 months, including all options to renew or extend the contract, if the hull or superstructure of that vessel was constructed in a foreign shipyard.

The Senate amendment contained no similar provision.

The House recedes.

Restatement in title 10, United States Code, and revision of Department of Defense authority to provide for support for counterdrug activities of Federal, State, local, and foreign law enforcement

The House bill contained a provision (sec. 1021) that would codify Department of Defense authority to provide for support for counterdrug activities of Federal, state, local, and foreign law enforcement.

The Senate amendment contained no similar provision.

The House recedes.

Restatement in title 10, United States Code, and revision of Department of Defense authority to provide for support for counterdrug activities of certain foreign governments

The House bill contained a provision (sec. 1022) that would codify and expand the Department of Defense authority to provide support for counterdrug activities of certain foreign governments. The provision would: (1) add six additional countries to the list of countries authorized to receive this support; (2) allow for the transfer of individual and crew-sized weapons of 50 caliber or less to Afghanistan in fiscal years 2007 and 2008; (3) provide ammunition for the weapons provided to Afghanistan; and (4) limit the total amount of funding available to be obligated and expended to $60.0 million in fiscal years 2007 and 2008.

The Senate amendment contained no similar provision.

The House recedes.

Assignment of members of the Armed Forces to assist Bureau of Customs and Border Protection and United States Immigration and Customs Enforcement

The House bill contained a provision (sec. 1026) that would authorize the Secretary of Defense to assign members of the Armed Forces to assist the Bureau of Customs and Border Protection and the United States Immigration and Customs Enforcement with their homeland security missions.

The Senate amendment contained no similar provision.

The House recedes.

Funding for a certain intelligence program

The Senate amendment contained a provision (sec. 1036) that would: (1) increase by $450.0 million in Research, Development, Test, and Evaluation, Defense-wide and (2) decrease by $450.0 million in PE 0305159 for a classified program described on page 34 of Volume VII (Compartmented Annex) of the Fiscal Year 2007 Military Intelligence Program justification book.

The House bill contained no similar provision.

The Senate recedes.

Department of Defense operational plans for Armed Forces support for civil authorities

The House bill contained a provision (sec. 1044) that would require the Secretary of Defense, in coordination with the Secretary of Homeland Security and State governments, to develop detailed operational plans regarding the use of the Armed Forces to support to civil authorities.

The Senate amendment contained no similar provision.

The House recedes.

Temporary National Guard support for securing the southern land border of the United States

The Senate amendment contained a provision (sec. 1044) that would authorize the Governor of a State, with the approval of the Secretary of Defense, to order any units or personnel of the National Guard of such State to annual training duty or other duty under section 502 of title 32, United States Code, to carry out in any State along the southern land border of the United States specified activities for the purpose of securing the border.

The House bill contained no similar provision.

The Senate recedes.

Minimum annual purchase amounts for airlift from carriers participating in the Civil Reserve Air Fleet

The Senate amendment contained a provision (sec. 1052) that would allow the Department of Defense to guarantee higher minimum levels of business to U.S. Civil Reserve Air Fleet carriers than are currently authorized by law.

The House bill contained no similar provision.

The Senate recedes.

Report on clarification of prohibition on cruel, inhuman, and degrading treatment or punishment

The Senate amendment contained a provision (sec. 1061) that would require the President of the United States to submit a report to the congressional defense committees that sets forth unclassified legal opinions on whether certain interrogation techniques constitute cruel, inhuman, or degrading treatment, or punishment, as defined in the Detainee Treatment Act of 2005 (Public Law 109-63), not later than 90 days after the date of the enactment of this Act. The provision would require that the legal opinions be disseminated to all departments and agencies of the Federal Government.

The House bill contained no similar amendment.

The Senate recedes.

Reports on Department of Justice efforts to investigate and prosecute cases of contracting abuse in Iraq, Afghanistan, and throughout the war on terror

The Senate amendment contained a provision (sec. 1069) that would require the Attorney General to submit semiannual reports to the congressional defense committees and other relevant committees on Department of Justice efforts to investigate and prosecute cases of contracting abuse in Iraq, Afghanistan, and throughout the war on terror. Each report would be required to include: (1) a description of organized efforts of the Department to address such cases; (2) information on the specific number of personnel, financial resources, and workdays devoted; (3) a detailed description of any internal task force; (4) a detailed description of any interagency task force; (5) the names of senior officials directly responsible for oversight; (6) specific information on the numbers of investigators and other personnel working on these cases; (7) specific information on the number of investigations, including grand jury investigations, underway; (8) specific information on the number and status of criminal cases; (9) specific information on the number and status of civil cases; (10) Specific information on resolved civil and criminal cases on the issue; and (11) the Department's best estimate of the scale of the problem.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Attorney General to provide the relevant congressional committees, by no later than 6 months after the date of the enactment of this Act, a written assessment of the level of resources dedicated by the Department to the investigation and prosecution of alleged fraud cases arising out of contracting abuses in Iraq, Afghanistan, and the global war on terrorism.

National Foreign Language Coordination Council

The Senate amendment contained a provision (sec. 1081) that would establish a National Foreign Language Coordination Council to develop and monitor the implementation of a comprehensive national foreign language strategy.

The House bill contained no similar provision.

The Senate recedes.

Court security improvements

The Senate amendment contained a provision (sec. 1086) that would amend title 28, United States Code, to ensure consultation between the United States Marshals Service and the Judicial Conference of the United States on security requirements for the judicial branch of the United States Government; amend the Ethics in Government Act to expand protections for certain reports; establish a new federal criminal offense prohibiting retaliating against a federal judge or law enforcement officer by filing false liens or encumbrances against his property; establish a new federal criminal offense of misuse of certain personal information about judges, law enforcement officials, jurors, witnesses, or court officers; authorize grants to State and local government for witness protection programs; and expand the eligibility of State courts for certain federal grants.

The House bill contained no similar provision.

The Senate recedes.

Improved accountability for competitive contracting in hurricane recovery

The Senate amendment contained a provision (sec. 1088) that would prohibit the use of certain exceptions (including the urgent and compelling exception) to competition requirements under the Competition in Contracting Act in connection with relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season.

The House bill contained no similar provision.

The Senate recedes.

The conferees recognize that the urgent and compelling exception to competition requirements under the Competition in Contracting Act (codified in 10 U.S.C. 2304(c)(2) and section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) is vulnerable to abuse in response to natural disasters, including hurricanes. The conferees are aware of cases in which sole-source contracts have been awarded on the basis of the urgent and compelling exception months after a natural disaster takes place. In other cases, urgent and compelling circumstances arising out of a natural disaster have been used as the basis for long-term, sole-source contracts that extend beyond what can be justified on the basis of the disaster.

The potential for such problems is not unique to relief and recovery efforts related to Hurricane Katrina or to natural disasters. The conferees believe that this issue should be addressed in a systematic matter through the Federal Acquisition Regulation and other procurement guidance documents, rather than through legislation limited to a specific set of contracts.

As a general rule, the urgent and compelling exception should be used to award a contract only on the basis of an event, or series of events, that is reasonably proximate in time to the event, or series of events, justifying the award. In addition, the term of a contract awarded on the basis of the urgent and compelling exception should not ordinarily exceed the period of time the agency reasonably believes to be necessary to award a follow-on competitive contract.

The conferees direct the Secretary of Defense to: (1) issue guidance clarifying the appropriate use of the urgent and compelling exception to the Competition in Contracting Act for the Department of Defense; and (2) work with the Administrator for Federal Procurement Policy to issue appropriate regulations addressing the issue on a government-wide basis.

Protection of certain disclosures of information by Federal employees

The Senate amendment contained a provision (sec. 1089) that would amend title 5, United States Code, to expand the protections afforded to Federal employees who disclose information evidencing violations of law; waste, mismanagement, or abuse of authority; threats to public health or safety; or certain false statements to Congress; and to make conforming amendments to other provisions of law.

The House bill contained no similar provision.

The Senate recedes.

Sense of Congress regarding the men and women of the Armed Forces of the United States in Iraq

The Senate amendment contained a provision (sec. 1090) that would express the sense of Congress that commends the men and women of the Armed Forces of the United States in Iraq for their commitment and determination to win the global war on terrorism and expresses gratitude to the families of the men and women of the Armed Forces of the United States.

The House bill contained no similar provision.

The Senate recedes.

Limitation on United States share of assessments for United Nations peacekeeping operations

The Senate amendment contained a provision (sec. 1092) that would permit the United States to pay United Nations (UN) assessments for peacekeeping at the rate assessed by the UN up to a limit of 27.1 percent.

The House bill contained no similar provision.

The Senate recedes.

Termination of program

The Senate amendment contained a provision (sec. 1093) that would establish an immediate sunset date for the Small Business Competitive Demonstration Program.

The House bill contained no similar provision.

The Senate recedes.

TITLE XI—CIVILIAN PERSONNEL MATTERS

LEGISLATIVE PROVISIONS ADOPTED

Accrual of annual leave for members of the uniformed services performing dual employment (sec. 1101)

The House bill contained a provision (sec. 1103) that would authorize service members who are on terminal leave and who are eligible to earn leave due to their status as a federal employee to accrue such leave with pay in accordance with section 6303(a) of title V for a retired member of a uniformed service.

The Senate amendment contained a similar provision (sec. 1101).

The Senate recedes.

Strategy for improving the senior management, functional, and technical workforce of the Department of Defense (sec. 1102)

The Senate amendment contained a provision (sec. 1102) that would require the Secretary of Defense to develop a strategic plan to shape and improve the senior management, functional, and technical workforce of the Department, as part of the Strategic Human Capital Plan required by section 1122 of the National Defense Authorization Act for Fiscal year 2006 (Public Law 109–163).

The House bill contained no similar provision.

The House recedes with a technical amendment.

Three-year extension of authority for experimental personnel management program for scientific and technical personnel (sec. 1103)

The Senate amendment contained a provision (sec. 1105) that would extend until September 30, 2011, the authority for the Defense Advanced Research Projects Agency experimental personnel management program for technical personnel, authorized in section 1101(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261).

The House bill contained no similar amendment.

The House recedes.

Reports on members of the Armed Forces and civilian employees of the Department of Defense serving in the legislative branch (sec. 1104)

The Senate amendment contained a provision (sec. 1062) that would require the Secretary of Defense to submit a monthly report to the congressional defense committees if a member of the Armed Forces or a civilian employee of the Department of Defense, who has been assigned to the legislative branch as a detailee or as a legislative fellow, exceeds 1 year in such an assignment. The provision would also require reporting if a military member receives such an assignment as the last tour of duty before retirement or separation from active duty.

The House bill contained no similar provision.

The House recedes with an amendment that would require quarterly, vice monthly, reports only when the conditions requiring reporting exist.

Extension of authority to waive annual limitation on total compensation paid to Federal civilian employees (sec. 1105)

The conferees agree to a provision that would extend through 2007 the authority to waive the annual limitation on total compensation paid to Federal civilian employees who are working in an overseas location that is in the area of responsibility of the Central Command. The provision would establish $212,100 as the maximum total compensation on such pay in 2007.

The conferees are disappointed that the Department of Defense failed to provide a legislative proposal to extend the authority provided in section 1105 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) to allow timely consideration by the congressional committees of jurisdiction. The conferees are further concerned that the Department appears to no longer consider utilization of authorities granted under the National Security Personnel System (NSPS) a practical means of paying the affected individuals for performance in an overseas theater of operations. Despite the Department's challenges in implementation of NSPS, pay for performance is not enjoined from implementation, and the conferees expect the Department to develop an implementation plan to facilitate inclusion of these individuals in pay for performance before 2008.

LEGISLATIVE PROVISIONS NOT ADOPTED

Increase in authorized number of defense intelligence senior executive employees

The House bill contained a provision (sec. 1101) that would increase the number of defense intelligence senior executives from 594 to 644.

The Senate amendment contained no similar provision.

The House recedes.

A separate provision contained elsewhere in this report would require the Secretary of Defense to develop a strategic plan to shape and improve the senior management, functional, and technical workforce of the Department of Defense, including senior-level intelligence employees.

Authority to equalize allowances, benefits, and gratuities of personnel on official duty in Iraq and Afghanistan

The Senate amendment contained a provision (sec. 1103) that would extend to the heads of all agencies, for their civilian personnel serving on official duty in Iraq and Afghanistan, the same authority as the Secretary of State already has under section 413 of title I of the Foreign Service Act (22 U.S.C. 4081 et seq.) with respect to allowances, benefits, and death gratuities for Foreign Service personnel.

The House bill contained no similar provision.

The Senate recedes.

An identical provision (sec. 1603) was included in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234).

Death gratuity authorized for federal employees

The House bill contained a provision (sec. 1104) that would provide a death gratuity of $0.1 million to civilian employees of the United States Government in the case of a death resulting from wounds, injuries, or illnesses that are incurred in the performance of civilian duty in a contingency operation, or who die in connection with a terrorist incident during the employee's service with the Armed Forces of the United States.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are concerned that the increasing reliance on civilian employees in a theater of operation by the Department of Defense requires a comprehensive analysis of civilian benefits including, but not limited to, a death gratuity. The conferees expect the Secretary of Defense to propose policy and legislative changes for consideration in fiscal year 2008 or sooner, if appropriate, based on an assessment by the Under Secretary of Defense for Personnel and Readiness of current civilian personnel policies and the findings of the Comptroller General report, as required by Senate Report accompanying S. 1042 (S. Report 109-69) of the National Defense Authorization Act for Fiscal year 2006, entitled "Comptroller General report on policy concerning Department of Defense civilians deployed in support of contingency operations."

Programs for use of leave by caregivers for family members of individuals performing certain military service

The Senate amendment contained a provision (sec. 1104) that would require the Office of Personnel Management to establish a temporary program to allow Federal employees who have been designated by a member of the Armed Forces as a "caregiver" to use annual leave for the purpose of providing care for the dependents of the member when deployed in support of a contingency operation. The amendment would authorize the Secretary of Labor to establish a similar, voluntary leave program for the private sector.

The House bill contained no similar provision.

The Senate recedes.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Assistance and Training

Logistic support for allied forces participating in combined operations (sec. 1201)

The House bill contained a provision (sec. 1201) that would allow the Secretary of Defense, with the concurrence of the Secretary of State, to use up to $100.0 million of funds available to the Department of Defense for operation and maintenance in any given fiscal year to provide logistic support, supplies, and services to allied forces. To receive such support, the allied forces must be participating in an operation, such as active hostilities, a contingency, or a noncombat operation, with the Armed Forces of the United States. Also, the Secretary of Defense must determine that the support is essential to the success of the combined operation and that without such support, the foreign military forces would be unable to participate in the combined operation. Finally, the support provided must be allowable under existing export control laws and regulations.

The Senate amendment contained a similar provision (sec. 1203) that would provide the Secretary of Defense, with the concurrence of the Secretary of State, permanent authority to use up to $100.0 million from operation and maintenance funds in any fiscal year to provide logistic support, supplies, and services to allied forces participating in combined operations with the Armed Forces of the United States. The provision would also authorize the Secretary of Defense to provide up to an additional $5.0 million from operation and maintenance funds in any fiscal year to provide logistic support, supplies, and services to allied forces solely for the purposes of enhancing the interoperability of the logistical support systems of the allied forces with the logistical support systems of the Armed Forces of the United States in order to facilitate combined operations. The provision would require the Secretary of Defense to provide to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives an annual report on the use of this authority.

The Senate recedes with an amendment that would authorize the Secretary of Defense to provide up to an additional $5.0 million from operation and maintenance funds in any fiscal year to provide logistic support, supplies, and services to allied forces participating in combined operations with the Armed Forces of the United States solely for the purposes of enhancing the interoperability of the logistical support systems of the allied forces with the logistical support systems of the Armed Forces of the United States in order to facilitate such combined operations.

The Senate amendment would also require the Secretary of Defense to provide to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives an annual report on the use of this authority.

The conferees note their understanding that the term "logistic support, supplies, and services" in section 2350(1) of title 10, United States Code, includes sealift.

Temporary authority to use acquisition and cross-servicing agreements to lend certain military equipment to foreign forces in Iraq and Afghanistan for personnel protection and survivability (sec. 1202)

The House bill contained a provision (sec. 1202) that would provide the Secretary of Defense authority to lend certain military equipment, using Acquisition and Cross-Servicing Agreements (ACSA), to the military forces of foreign nations participating in combined operations with U.S. forces in Iraq and Afghanistan. The provision would limit such equipment to those items marked as significant military equipment in specified categories on the U.S. munitions list, allow the provision of such equipment under this authority for up to 1 year, and require that the equipment be used by foreign military forces solely for personnel protection or to aid in the personnel survivability of such forces. The provision would require the Secretary to determine: (1) that the U.S. forces participating in that combined operation have no unfulfilled requirements for that equipment; and (2) with the concurrence of the Secretary of State, that it is in the national security interest of the United States to lend such equipment for that purpose. The provision would stipulate that the provision of equipment under this authority shall be subject to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and any other export control regime under law relating to the transfer of military technology to foreign nations. The provision would require the Secretary of Defense, in coordination with the Secretary of State, to submit semiannual reports on the exercise of this authority to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives. This authority would expire on September 30, 2008.

The Senate amendment contained a similar provision (sec. 1205).

The Senate recedes with a clarifying amendment.

The conferees note that this authority is intended to permit the temporary loan of equipment such as armored HMMWVs or HMMWVs with add-on armor kits, counter-improvised explosive device equipment, and defusing equipment to our coalition partners in Iraq and Afghanistan so that they can be better protected against improvised explosive devices and other weapons they are encountering in those theaters.

The conferees further note their agreement on the desirability of updating their understanding of the term "ammunition" under section 2350(1) of title 10, United States Code. The definition of "ammunition" provided in this conference report is meant to supercede the definition of "ammunition" that was provided in Senate Report 96-842 and Senate Report 96-795, both of which accompanied the legislation (H.R. 5580) that first codified ACSA authority in title 10, United States Code.

Specifically, the conferees agree that the term "ammunition" in section 2350(1) of title 10, United States Code, includes: transfers of small arms ammunition between forces on exercises when one side runs low and another has sufficient supplies with repayment in cash or kind; replacement-in-kind of ammunition expended at allied ranges; exchange unit firing to determine compatibility of ammunition between nations and its suitability for use in different weapon systems; emergency acquisition of provisions of conventional ammunition (small arms, mortar, automatic cannon, artillery, and ship gun ammunition); bombs (cluster, fuel air explosive, general purpose, and incendiary); unguided projectiles and rockets; riot control chemical ammunition; land mines (ground-to-ground and air-to-ground delivered); demolition material; grenades; flares and pyrotechnics; and all items included in the foregoing, such as explosives, propellants, cartridges, propelling charges, projectiles, warheads (with various fillers such as high explosives, illuminating, incendiary, antimaterial, and anti-personnel), fuzes, boosters, and safe and arm devices, in-bulk, combination, or separately packaged items of issue for complete round assembly; demolition munitions; training ammunition; cartridge and propellant-actuated devices; chaff and chaff dispensers; and expendable sonobuoys. Specifically excluded are the following: guided missiles; naval mines and torpedoes; nuclear ammunition and included items such as warheads, warhead sections, and projectiles; guidance kits for bombs or other ammunition; and chemical ammunition (other than riot control).

Recodification and revision to law relating to Department of Defense humanitarian demining assistance (sec. 1203)

The House bill contained a provision (sec. 1203) that would amend chapter 20 of title 10, United States Code, to recodify authorities for humanitarian demining assistance. The provision would also clarify that the Secretary concerned may carry out humanitarian demining assistance in a country if such assistance would promote either the security interests of the United States or the operational readiness skills of the Armed Forces of the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand the scope of the reporting requirement, and make other clarifying changes.

Enhancements to Regional Defense Combating Terrorism Fellowship Program (sec. 1204)

The Senate amendment contained a provision (sec. 1202) that would amend section 2249c of title 10, United States Code, to change the title of the "Regional Defense Counterterrorism Fellowship Program" to the "Regional Defense Combating Terrorism Fellowship Program." The provision would also increase the amount of authorized annual funding for the program from $20.0 million to $25.0 million.

The House bill contained a similar provision (sec. 1204).

The Senate recedes with a clarifying amendment that would limit the attendance of foreign officials to foreign military officers, ministry of defense officials, or security officials at military or civilian educational institutions.

The conferees recognize the critical need to provide education and training opportunities to our allies in the global war on terror and support the Regional Defense Combating Terrorism Fellowship Program as part of that effort.

The conferees expect the Department of Defense to continue to ensure that the program conforms to the spirit of statutory guidelines governing the administration of related programs, including the requirement that each candidate undergo a rigorous and thorough human rights verification and vetting process.

Participation of the Department of Defense in multinational military centers of excellence (sec. 1205)

The Senate amendment contained a provision (sec. 1207) that would authorize during fiscal year 2007 the Secretary of Defense, with the concurrence of the Secretary of State, to permit the participation of Department of Defense civilian and military personnel in multinational military centers of excellence for the purpose of enhancing the ability of participating nations to engage in joint exercises or coalition or international military operations, or to improve their interoperability. The provision would require the Secretary of Defense to enter into memoranda of understanding, with the concurrence of the Secretary of State, that would govern the terms of the Department's participation in such centers. The provision would permit the Secretary of Defense to use up to $3.0 million from funds available for operation and maintenance in fiscal year 2007 to pay the U.S. share of the expenses of such centers in which the Department participates. The provision would further authorize the use of Department facilities and equipment to support such centers that are hosted by the Department. The provision would require the Secretary of Defense to submit a report to the congressional defense committees, not later than October 31, 2007, on the use of this authority, including a detailed report on the centers and activities in which the Department participated, and the cost of that participation.

The provision would define a center of excellence as an entity sponsored by one or more nations that is accredited and approved by the North Atlantic Treaty Organization (NATO) Military Committee as offering recognized expertise and experience to personnel participating in the activities of such entity for the benefit of NATO.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Modification and extension of authorities relating to program to build the capacity of foreign military forces (sec. 1206)

The Senate amendment contained a provision (sec. 1206) that would modify section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) by permitting the Secretary of Defense to use funds available for operation and maintenance to conduct or support the activities authorized under that section, and by extending the duration of the authority provided in that section through September 30, 2008.

The provision would also provide new authority to the Secretary of Defense, with the concurrence of the Secretary of State, to authorize any commander of a geographic combatant command to respond to unanticipated changes in a security environment within that commander's area of responsibility (AOR) to build the capacity of the national military forces of a country within that AOR in order for that country to conduct counterterrorist operations or participate in or support military and stability operations. The provision would allow the Secretary of Defense to use funds available for operation and maintenance for fiscal years 2007 and 2008, up to $200.0 million in a fiscal year, for this purpose. This authority would expire on September 30, 2008.

The provision would further provide the Secretary of Defense new authority to authorize a geographic combatant commander to respond to urgent and unanticipated humanitarian relief or reconstruction requirements in a foreign country within the commander's AOR if the commander determines that the provision of such assistance will promote the security interest of the United States and of the country to which such assistance would be provided. The provision would limit the amounts available for this authority to $200,000 in any country in a fiscal year. The provision would further require the Secretary of Defense to submit to the congressional defense committees an annual report on the provision of assistance under this authority. This authority would expire on September 30, 2008.

The House contained no similar provision.

The House recedes with an amendment that would modify section 1206 by: (1) providing the authority in that section to the Secretary of Defense, with the concurrence of the Secretary of State, rather than to the President; (2) permitting the Secretary of Defense to use up to $300.0 million from funds available for operation and maintenance in a fiscal year to conduct or support the activities authorized under that section; and (3) extending the duration of the authority provided in that section through September 30, 2008.

The conferees also agree to include elsewhere in this report a provision that would provide expanded authority under the Combatant Commanders Initiative Fund for geographic combatant commanders to provide urgent and unanticipated humanitarian relief and reconstruction assistance to countries in their respective AORs.

The conferees underscore that the authorities provided in this section are provided in the spirit of a pilot program. The conferees intend to review carefully how these authorities are implemented so as to have a basis for determining whether and, if so, in what precise manner, to reauthorize these or provide other authorities after the conclusion of the pilot program. Important factors in the conferees' future consideration of these matters will be the report that is to be provided under section 1206, and the record of implementing these authorities that is built by the Department of Defense over the next 2 years. The conferees strongly discourage further modifications to these authorities until a track record implementing the pilot program authorized in this section has been established. The conferees believe it will be important to demonstrate through experience that these expanded authorities can and will be exercised consistent with the effective coordination of U.S. foreign policy writ large. Furthermore, the conferees strongly believe that foreign assistance programs are more appropriately funded through the foreign assistance accounts, as administered by the Department of State, and urge the administration to request sufficient funding for foreign military assistance in those accounts in future years budget requests.

Authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability (sec. 1207)

The Senate amendment contained a provision (sec. 1208) that would authorize the Secretary of Defense to provide electronically-distributed learning content and associated information technology for the education and training of military and civilian personnel of friendly foreign governments and personnel of internationally-recognized nongovernmental organizations to enhance allied and friendly military capabilities for multinational operations, including joint exercises and coalition operations. The provision would require the concurrence of the Secretary of State if the activity proposed to be undertaken is not authorized by another provision of law. The provision would further require that the provision of learning content and information technology under this authority shall be subject to the Arms Export Control Act and any other export control regime under law relating to the transfer of military technology for foreign nations.

The provision would also require the Secretary of Defense to: (1) develop and issue guidance on the procedures for the use of this authority; (2) submit a report to the congressional defense committees on that guidance no later than 30 days after it is issued; and (3) submit any modifications of the guidance to the congressional defense committees. The provision would require the Secretary of Defense to submit an annual report to the congressional defense committees on the use of the authority during the preceding fiscal year. The authority would expire on September 30, 2008.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense to provide electronically-distributed learning content and associated information technology to military and civilian personnel of a friendly foreign government for their education and training for the purpose of enhancing military interoperability between the Armed Forces of the United States and military forces of friendly foreign countries.

Subtitle B—Nonproliferation Matters and Countries of Concern

North Korea (sec. 1211)

The Senate amendment contained a provision (sec. 1214) that would require the President to appoint a senior presidential envoy to act as coordinator of U.S. policy on North Korea, and to submit to Congress a semiannual report on the nuclear and missile programs of North Korea.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Report on participation of multinational partners in the United Nations Command in the Republic of Korea (sec. 1212)

The Senate amendment contained a provision (sec. 1221) that would require the Secretary of Defense, in coordination with the Secretary of State, to submit a report within 180 days of enactment of this Act to the Committees on Armed Services of the Senate and the House of Representatives and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on an increased role and participation of multinational partners in the United Nations Command in the Republic of Korea.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Intelligence on Iran (sec. 1213)

The Senate amendment contained a provision (sec. 1216) that would direct the Director of National Intelligence (DNI) to submit to Congress an updated National Intelligence Estimate (NIE) on Iran, and that would direct the President to submit to Congress a report on U.S. policy objectives and strategy regarding Iran. The provision would further direct the DNI to submit a report on the process for vetting and clearing statements of senior administration officials that are drawn from or rely on intelligence and the process for identifying significant misstatements of other public officials.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the DNI to submit to Congress a comprehensive NIE on Iran, but would eliminate the requirement for the second report from the DNI.

In preparing the comprehensive NIE, the conferees urge the DNI to address the full range of issues with respect to Iran including: Iranian foreign policy and regime objectives; the current status of the Iranian nuclear program with an assessment of Iran's intentions and motivations with respect to development of nuclear weapons to include factors that might influence such intentions; an assessment of Iran's military capabilities; an assessment of Iran's relationships with terrorist groups; and an assessment of the full impacts, success, and consequences of diplomacy, sanctions, military, and other actions and interactions on and with Iran by the international community. The conferees also urge the DNI to include assessments of Iranian public opinion toward the Iranian regime and programs, the United States, and the international community. The NIE should also include an assessment of the confidence level of key judgments, the quality of the sources of intelligence on Iran, the nature and scope of any intelligence gaps, and any significant alternative views.

An unclassified summary of the key judgments of the NIE should be submitted with the NIE.

Sense of Congress on United States policy on the nuclear programs of Iran (sec. 1214)

The Senate amendment contained a provision (sec. 1209) that would express the sense of Congress: 1) endorsing the policy of the United States announced May 31, 2006, to achieve a successful diplomatic outcome with respect to Iran's efforts to acquire a nuclear weapons capability; 2) calling on Iran to suspend fully and verifiably its enrichment and reprocessing activities, cooperate fully with the International Atomic Energy Agency, and enter into negotiations pursuant to the package presented to Iran by the High Representative of the European Union; and 3) urging the President and the Secretary of State to keep the Congress fully informed about the progress in this vital initiative.

The House bill contained no similar provision.

The House recedes with an amendment that would add a clause urging the United Nations Security Council to work for the adoption of appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations in the event Iran fails to comply with United Nations Security Council Resolution 1696.

Subtitle C—Other Matters

Exclusion of petroleum, oil, and lubricants from limitations on annual amount of liabilities the United States may accrue under acquisition and cross-servicing agreements (sec. 1221)

The Senate amendment contained a provision (sec. 1204) that would exclude the acquisition of petroleum, oil, and lubricants from the monetary limitations placed on acquisitions made under Acquisition and Cross-servicing Agreements with foreign allies.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to provide to the Committees on Armed Services of the Senate and the House of Representatives a report at the end of fiscal years 2007 and 2008, respectively, on the use of this authority in that fiscal year.

Modification of limitations on assistance under the American Servicemembers' Protection Act of 2002 (sec. 1222)

The Senate amendment contained a provision (sec. 1210) that would modify the limitations on the provision of military assistance under the American Servicemembers' Protection Act of 2002 (22 U.S.C. 7432(13)(A)) so that International Military Education and Training assistance could be provided to nations that are party to the International Criminal Court.

The House bill contained no similar provision.

The House recedes.

Humanitarian support for Iraqi children in urgent need of medical care (sec. 1223)

The House bill contained a provision (sec. 1222) that would express the sense of Congress that the Secretary of Defense should continue to provide space-available transportation on military aircraft for humanitarian purposes to Iraqi children in urgent need of medical care. The provision would also authorize $1.0 million in Operation and Maintenance, Defense-wide for Department of Defense support of the Peace Through Health Care Initiative.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete the authorization of appropriation.

The conference outcome is reflected in the tables of this report.

Sense of Congress opposing the granting of amnesty by the government of Iraq to persons known to have attacked, killed, or wounded members of the United States Armed Forces in Iraq (sec. 1224)

The Senate amendment contained a provision (sec. 1212) that would express the sense of Congress that: (1) the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States; and (2) the President should immediately notify the Government of Iraq that the Government of the United States strongly opposes granting amnesty to persons who have attacked members of the Armed Forces of the United States.

The House bill contained no similar provision.

The House recedes with an amendment that would add an additional element to the sense of Congress that the goal of the United States and coalition partners has been to empower the Iraqi people with full sovereignty as a nation. The amendment would delete the element regarding presidential notification to the Government of Iraq.

Annual reports on United States contributions to the United Nations (sec. 1225)

The Senate amendment contained a provision (sec. 1213) that would require the President to submit an annual report to Congress regarding all assessed and voluntary contributions of the United States Government to the United Nations and United Nations affiliated agencies and related bodies for the preceding fiscal year.

The House bill contained no similar provision.

The House recedes with an amendment that would terminate this annual reporting requirement on December 31, 2010.

Comprehensive regional strategy and annual reports on Somalia (sec. 1226)

The Senate amendment contained a provision (sec. 1215) that would require the President to submit a report to Congress, not later than 90 days after the date of the enactment of this Act, on a comprehensive regional strategy toward Somalia. The strategy shall include: (1) a clearly stated U.S. policy towards Somalia; (2) a description of bilateral, regional, and multilateral efforts to coordinate and strengthen diplomatic engagement with Somalia; (3) a description of an integrated approach to counter transnational security interests in Somalia and throughout the Horn of Africa; (4) a description of an interagency framework involving relevant Federal agencies and departments to plan, coordinate, and execute U.S. policy and activities in Somalia and throughout the Horn of Africa and to oversee policy and program implementation; and (5) guidance on the implementation of the comprehensive regional strategy. The provision would also require annual reports on the status of the implementation of the comprehensive regional strategy.

The House bill contained no similar provision.

The House recedes with an amendment that would repeal the annual reporting requirement on the status of the implementation of the comprehensive regional strategy on April 1, 2010, and make other clarifying changes.

Report on the implementation of the Darfur Peace Agreement (sec. 1227)

The Senate amendment contained a provision (sec. 1224) that would require the Secretary of Defense to submit a report to the appropriate congressional committees, not later than 60 days after the date of the enactment of this Act and annually thereafter, on the role of the Department of Defense in assisting the parties to the Darfur Peace Agreement with implementation of that Agreement.

The House bill contained no similar provision.

The House recedes with an amendment that would incorporate elements of a report from another provision contained elsewhere in this report into a single report required under this section. The amendment would also make other clarifying and technical changes. The amendment would further repeal a similar reporting requirement on Darfur required by the House report accompanying H.R. 5122 (H.Rept. 109-452) of the National Defense Authorization Act for Fiscal Year 2007.

Sense of Congress concerning cooperation with Russia on issues pertaining to missile defense (sec. 1228)

The House bill contained a provision (sec. 1223) that would express the sense of Congress that cooperation between Russia and the United States with regard to missile defense is in the interest of the United States.

The Senate amendment contained no similar provision.

The Senate recedes.

Sense of Congress calling for convening of a summit for a comprehensive political agreement for Iraq (sec. 1229)

The Senate amendment contained a provision (sec. 1096) that would express the sense of Congress that the President should convene a summit, as soon as possible, with leaders of the Government of Iraq, governments that border Iraq, and the governments of each permanent member of the United Nations Security Council. The summit should also involve representatives of the Arab League, the European Union, and the North Atlantic Treaty Organization. The purpose of the summit would be to achieve a comprehensive political agreement that addresses fundamental issues, including reconstruction, economic assistance, and border security.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Sense of Congress on the commendable actions of the Armed Forces in Iraq (sec. 1230)

The Senate amendment contained a provision (sec. 1084) that would express a sense of Congress that: (1) commends the United States Armed Forces, the intelligence community, other Federal agencies, and coalition partners for their actions that resulted in the death of Abu Musab al-Zarqawi; (2) commends the United States Armed Forces, the intelligence community, and other Federal agencies for their efforts to bring freedom, democracy, and security to the people of Iraq; (3) commends Iraqi Prime Minister Jawad al-Maliki on the finalization of the new Iraqi cabinet and urges the democratically-elected government of Iraq to defeat terrorism and put an end to ethnic and sectarian violence; and (4) affirms that Congress will continue to support the United States Armed Forces and the democratically-elected unity government of Iraq.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Annual report on foreign sales of significant military equipment manufactured in the United States (sec. 1231)

The Senate amendment contained a provision (sec. 1070B) that would require the Department of Defense to submit an annual report to Congress on foreign military sales and direct sales to foreign customers of significant military equipment manufactured in the United States.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Expansion of humanitarian and civic assistance to include communications and information capacity

The Senate amendment contained a provision (sec. 1201) that would amend section 401 of title 10, United States Code, to expand the authority of the Secretary of Defense to provide humanitarian and civic assistance in conjunction with military operations to include information and communications technology as necessary to provide basic information and communications services.

The House bill contained no similar provision.

The Senate recedes.

The conferees acknowledge that restoring basic information and communications capacity is a fundamental element of humanitarian and civic assistance, and that a functioning information and communications infrastructure is vital to the successful conduct of humanitarian missions. Accordingly, the conferees note that rudimentary construction and repair of public facilities, under section 401(e)(4) of title 10, United States Code, includes information and communications technology as necessary to provide basic information and communications services.

Capstone overseas field studies trips to People's Republic of China and Republic of China on Taiwan

The House bill contained a provision (sec. 1205) that would require the Secretary of Defense to direct that field studies trips to the People's Republic of China and the Republic of China on Taiwan be a mandatory element of the Capstone course for newly selected flag and general officers.

The Senate amendment contained no similar provision.

The House recedes.

Military educational exchanges between senior officers and officials of the United States and Taiwan

The House bill contained a provision (sec. 1206) that would would require the Secretary of Defense to undertake a program of senior military officer and senior official exchanges with Taiwan designed to improve Taiwan's defenses against the People's Liberation Army of the People's Republic of China.

The Senate amendment contained no similar provision.

The House recedes.

Procurement restrictions against foreign persons that transfer certain defense articles and services to the People's Republic of China

The House bill contained a provision (sec. 1211) that would prohibit the Secretary of Defense from procuring any goods or services from a foreign person or entity that the Secretary of Defense has determined transferred to the People's Republic of China items on the U.S. munitions list.

The Senate amendment contained no similar provision.

The House recedes.

Sense of Congress commending the Government of Iraq for affirming its position of no amnesty for terrorists who attack United States Armed Forces

The Senate amendment contained a provision (sec. 1211) that would express the sense of Congress that: (1) the goal of the United States and our coalition partners has been to empower the Iraqi nation with full sovereignty thereby recognizing their freedom to exercise that sovereignty; (2) history records that governments derived of free elections should not grant amnesty to those who have committed war crimes or terrorists acts; and (3) the United States should continue with the historic tradition of diplomatically, economically, and in a humanitarian manner assisting nations and the people who have fought once a conflict is concluded.

The House bill contained no similar provision.

The Senate recedes. Elsewhere in this report, the conferees agree to include a separate provision on a similar topic.

Reports on implementation of the Darfur Peace Agreement

The Senate amendment contained a provision (sec. 1217) that would require the President to submit a report on the implementation of the Darfur Peace Agreement.

The House bill contained no similar provision.

The Senate recedes.

Execution of the President's policy to make available to Taiwan diesel electric submarines

The House bill contained a provision (sec. 1221) that would establish that it is the policy of the United States to make available to Taiwan plans and options for design work and construction work on future diesel electric submarines under the U.S. foreign military sales process, consistent with U.S. national disclosure policy and applicable U.S. export control laws.

The Senate amendment contained no similar provision.

The House recedes.

Repeal of certain report requirements

The Senate amendment contained a provision (sec. 1223) that would repeal two annual reports on North Atlantic Treaty Organization burdensharing that were codified in section 1003 of the Department of Defense Authorization Act, 1985 (Public Law 98-525), and in section 1313 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337), respectively.

The House bill contained no similar provision.

The Senate recedes.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

LEGISLATIVE PROVISIONS ADOPTED

Specification of Cooperative Threat Reduction programs and funds (sec. 1301)

The House bill contained a provision (sec. 1301) that would define the programs that are

Cooperative Threat Reduction (CTR) programs, define the funds for CTR programs as those authorized to be appropriated in section 301 of this Act, and specify that CTR funds shall remain available for obligation for three fiscal years.

The Senate amendment contained an identical provision (sec. 1301).

The conference agreement includes this provision.

Funding allocations (sec. 1302)

The House bill contained a provision (sec. 1302) that would authorize $372.1 million for the Cooperative Threat Reduction (CTR) program. The provision would also authorize specific amounts for each CTR program element, require notification to Congress 30 days before the Secretary of Defense obligates and expends fiscal year 2007 funds for purposes other than those specifically authorized, and provide limited authority to obligate amounts for a CTR program element in excess of the amount specifically authorized for that purpose.

The Senate amendment contained a similar provision (sec. 1302).

The Senate recedes.

Extension of temporary authority to waive limitation on funding for chemical weapons destruction facility in Russia (sec. 1303)

The House bill contained a provision (sec. 1303) that would extend, until the completion of the facility, the President's authority to waive restrictions established in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) for continuing the construction of a chemical weapons destruction facility at Shchuch'ye, Russia.

The Senate amendment contained a similar provision (sec. 1303) that would extend, through December 31, 2011, the President's authority to waive restrictions established in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) for continuing the construction of a chemical weapons destruction facility at Shchuch'ye, Russia.

The Senate recedes with a clarifying amendment.

National Academy of Sciences study of prevention of proliferation of biological weapons (sec. 1304)

The House bill contained a provision (sec. 1304) that would require the Secretary of Defense to sponsor a study by the National Academy of Sciences (NAS) to analyze lessons learned, past and present challenges, and possible options in effectively managing and facilitating threat reduction and nonproliferation projects under the Cooperative Threat Reduction (CTR) program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to sponsor a study by the NAS to identify areas for further cooperation with Russia and other states of the former Soviet Union under the CTR program, specifically in the area of biological weapons proliferation prevention.

The conferees agree that it is beneficial to have an independent nongovernmental organization study certain aspects of the CTR program. The conferees agree that the study required by this section should concentrate on biological weapons proliferation prevention, given the emerging threats associated with biological weapons proliferation; the considerable challenges to preventing such proliferation; the Department's focus on biological weapons proliferation prevention in recent years and interest in possibly expanding such work; and the necessity of benefiting from the knowledge of scientific and technical experts when designing programs to promote further cooperation in the area of biological weapons proliferation prevention. The conferees note their intent to consider in future years requiring independent analyses of other remaining proliferation challenges, particularly in the area of nuclear weapons proliferation prevention, and how CTR programs might address them.

To ensure timely delivery of the study described in this section, the conferees strongly urge all U.S. Government departments or agencies that provide the NAS with access to classified material for use in the study to complete promptly, no later than 30 calendar days after receipt, any necessary classification reviews of the study or related documents.

LEGISLATIVE PROVISION NOT ADOPTED

Removal of certain restrictions on provision of Cooperative Threat Reduction assistance

The Senate amendment contained a provision (sec. 1304) that would repeal certain restrictions on the provision of Cooperative Threat Reduction (CTR) assistance, including: the requirement that the President make certain certifications to the Congress regarding the proposed recipients of CTR funds; and the conditions on provision of CTR assistance for chemical weapons destruction at Shchuch'ye, Russia.

The House bill contained no similar provision.

The Senate recedes.

TITLE XIV—MATTERS RELATED TO DEFENSE AGAINST TERRORISM AND RELATED SECURITY MATTERS

LEGISLATIVE PROVISIONS ADOPTED

Enhancement to authority to pay rewards for assistance in combating terrorism (sec. 1401)

The House bill contained a provision (sec. 1032) that would increase the flexibility and responsiveness of the rewards protection program available to the Department of Defense. The provision would (1) delegate approval authority to commanders directly subordinate to combatant commanders; (2) direct that delegated authority must be approved by the Secretary of Defense, Deputy Secretary of Defense, or an Under Secretary of Defense; and (3) increase the current maximum reward amount from $2,500 to $10,000.

The Senate amendment contained a similar provision (sec. 1041).

The Senate recedes with an amendment that would direct that the delegated authority by a combatant commander may be made only with the approval of an Under Secretary of Defense to whom authority has been delegated under section 127b(c)(1)(A) of title 10, United States Code.

Quarterly reports on Department of Defense response to threat posed by improvised explosive devices (sec. 1402)

The House bill contained a provision (sec. 1042) that would require the Secretary of Defense to submit to Congress a report on the status of the threat posed by improvised explosive devices (IED) and the efforts being undertaken to defeat the IED threat not later than 30 days after the date of the enactment of this Act. The provision would also require supplemental quarterly reports to account for every incident involving the detonation or discovery of an IED since the previous report was submitted.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would require the Secretary to submit the initial report 90 days after the date of the enactment of this Act. The amendment would also clarify the reporting requirements for the supplemental quarterly report on IED incidents.

Requirement that all military wheeled vehicles used in Iraq and Afghanistan outside of secure military operating bases be protected by Improvised Explosive Device (IED) jammers (sec. 1403)

The House bill contained a provision (sec. 1045) that would require the Secretary of Defense to take such steps as necessary to ensure that by the end of fiscal year 2007 all U.S. military wheeled vehicles used in Iraq and Afghanistan outside of military compounds are equipped with improvised explosive device (IED) jammers. The provision would also require the Secretary to submit to the congressional defense committees, not later than December 15, 2006, a report on the cost and schedule to comply with the requirement.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to take such steps as necessary to ensure that by the end of fiscal year 2007 all U.S. military wheeled vehicles used in Iraq and Afghanistan outside of secure military operating bases are protected by IED jammers.

The conferees understand that there is no single "silver bullet" solution to defeat IEDs, but current jamming technology allows commanders to provide a level of protection for deployed forces. However, the conferees also understand that it is critical for subordinate commanders of U.S. Central Command (USCENTCOM) to retain the flexibility to modify the jammer-to-vehicle ratio in order to match mission requirements with unit capabilities. The conferees do not intend to require that every vehicle be equipped with a jammer, but expect that battlefield commanders will develop tactics, techniques, and procedures to ensure that all vehicles remain within the protective envelope of jammers and that an individual vehicle will not be left unprotected when used outside of secure military operating bases. The conferees intend that such jammers suppress the radio-controlled IED initiation devices assessed to be used in a commander's area of responsibility.

The conferees strongly urge the Secretary to take whatever measures necessary, using the funds authorized for the Joint IED Defeat Fund in title XV of this Act, to accelerate the production of jammers so that the Commander, USCENTCOM, can deploy a jammer on every tactical wheeled vehicle used in Iraq and Afghanistan.

Report on assessment process of Chairman of the Joint Chiefs of Staff relating to Global War on Terrorism (sec. 1404)

The House bill contained a provision (sec. 1033) that would require the Secretary of Defense to submit a report, not later than March 1, 2007, on the findings of the semiannual assessment on the global war on terrorism, as described in the annex to the National Military Strategic Plan for the War on Terrorism.

The Senate amendment contained no similar provision.

The Senate recedes.

Treatment under Freedom of Information Act of certain confidential information shared with State and local personnel (sec. 1405)

The Senate amendment contained a provision (sec. 1043) that would clarify that sensitive but unclassified homeland security information in the possession of the Department of Defense that is shared with state and local personnel who are involved in the prevention of or response to terrorist activity does not become subject to disclosure under the Freedom of Information Act (5 U.S.C. 552) by virtue of such sharing.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Database of emergency response capabilities (sec. 1406)

The House bill contained a provision (sec. 1038) that would require the Secretary of Defense to maintain a database of emergency response capabilities resident in each State's National Guard that could be deployed in response to a domestic natural or manmade disaster.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

LEGISLATIVE PROVISION NOT ADOPTED

Homeland defense technology transfer

The House bill contained provisions (secs. 1401–1403) that would require the establishment of a homeland defense technology transfer consortium.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that section 1401 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) directed the Secretary of Defense to designate a senior Federal official within the Department of Defense to coordinate the Department's efforts to identify, evaluate, deploy, and transfer technological items and equipment to Federal, State, and local first responders in support of homeland defense. The conferees commend the designation of the Assistant Secretary of Defense for Homeland Defense (ASD-HD) as the senior Federal official, and the execution of the Memorandum of Agreement (MOA) in October 2005 between ASD-HD and senior officials in the Departments of Homeland Security and Justice, which outlined their respective responsibilities for the program. While a formal process is important, the MOA places the Offices of ASD-HD and the Under Secretary of Science and Technology for Homeland Security between the Department of Defense technical community and the first responder community. As a result, these two organizations do not bridge both the Department's technical community and the first responder community for the purposes of transferring technological items and equipment in support of homeland defense. The conferees believe the Department's efforts to rapidly transfer technologies that could assist other Federal agencies, State governments, and first responders with their homeland security responsibilities would benefit by a more direct dialogue between the Department's technical community and first responders. Therefore, the conferees urge the Secretary to consider the establishment of a consortium that brings together appropriate defense entities, other Federal agencies, State and local governments, and the first responder community.

TITLE XV—AUTHORIZATION FOR INCREASED COSTS DUE TO OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Overview

The House bill contained a title (title XV) that would authorize $50.0 billion for ongoing operations in Iraq and Afghanistan. The title also contained general provisions.

The Senate amendment contained a similar title (title XIV). The title also contained reporting requirements and general provisions.

The conferees agree to include a title that would authorize $70.0 billion for ongoing operations in Iraq and Afghanistan. The title would also contain reporting requirements and general provisions.

Summary table of authorization

The following table summarizes authorizations included in this report for ongoing operations in Iraq and Afghanistan for fiscal year 2007.

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
PROCUREMENT				
Aircraft Procurement, Army	436,500	232,400	404,100	1,524,300
Missile Procurement, Army			450,000	3,200
Weapons and Tracked Combat Vehicles Procurement, Army	2,726,180	1,029,672	214,400	3,022,836
Procurement of Ammunition, Army		328,341		48,591
Other Procurement, Army	1,589,414	2,183,430	686,600	4,636,810
Subtotal, Army Procurement	**4,752,094**	**3,773,843**	**1,755,100**	**9,235,737**
Aircraft Procurement, Navy	116,000			389,465
Weapons Procurement, Navy		131,400		109,400
Procurement of Ammunition, Navy and Marine Corps	99,930	143,150		151,439
Other Procurement, Navy	348,605	44,700		14,600
Procurement, Marine Corps	1,173,968	636,125	319,800	4,397,926
Subtotal, Navy and Marine Corps Procurement	**1,738,503**	**955,375**	**319,800**	**5,862,830**
Aircraft Procurement, Air Force	909,070	201,550		2,174,000
Missile Procurement, Air Force		32,650		
Other Procurement, Air Force	1,205,293	62,650	51,800	5,650
Subtotal, Air Force Procurement	**2,114,363**	**296,850**	**51,800**	**2,179,650**
Procurement, Defense-wide	56,255	140,200		127,600
Total Procurement	**8,661,215**	**5,166,268**	**2,126,700**	**16,605,817**
RESEARCH, DEVELOPMENT, TEST AND EVALUATION				
Research, Development, Test and Evaluation, Army		25,500		2,639
Research, Development, Test and Evaluation, Navy	110,000			7,856
Research, Development, Test and Evaluation, Air Force	48,427	7,000		
Research, Development, Test and Evaluation, Defense-Wide	155,980	5,000		
Total Research, Development, Test and Evaluation	**314,407**	**37,500**		**10,495**

Title XV EMERGENCY AUTHORIZATION
(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
OPERATION AND MAINTENANCE				
Operation and Maintenance, Army	21,874,469	22,396,986	22,124,466	28,045,387
Operation and Maintenance, Navy	1,345,869	1,834,560	2,349,560	2,007,948
Operation and Maintenance, Marine Corps	1,407,000	1,485,920	1,544,920	2,257,089
Operation and Maintenance, Air Force	2,478,906	2,822,998	2,779,898	2,478,906
Operation and Maintenance, Defense-wide	2,938,735	3,377,402	3,388,402	1,544,614
Operation and Maintenance, Army Reserve	71,600			500
Operation and Maintenance, Navy Reserve	8,962			
Operation and Maintenance, Army National Guard		50,000	59,000	221,500
Operation and Maintenance, Air National Guard	104,000	15,400		2,000
Total Operation and Maintenance	**30,229,541**	**31,983,266**	**32,246,246**	**36,557,944**
OTHER PROGRAMS				
Defense Health Program		950,200	960,200	869,200
Total Other Programs		**950,200**	**960,200**	**869,200**
MILITARY PERSONNEL				
Military Personnel, Army	5,023,072	6,869,881	5,466,987	6,464,802
Military Personnel, Navy	114,500	333,000	321,000	193,000
Military Personnel, Marine Corps	54,200	749,392	466,092	568,000
Military Personnel, Air Force	129,000	1,071,793	1,081,793	592,477
Military Personnel, Army Reserve	24,400	150,000		
Military Personnel, Army National Guard	50,100	100,000		251,000

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
Military Personnel, Air National Guard		36,700		6,700
Military Personnel, Benefits		52,000		31,000
Total Military Personnel	5,395,272	9,362,766	7,335,872	8,106,979
Joint Improvised Explosive Device Defeat Fund	2,100,000		2,100,000	2,100,000
Iraq Freedom Fund			2,230,982	50,000
Joint Rapid Acquisition for Global War on Terror	100,000			
Afghanistan Security Forces Fund	1,446,300			1,446,300
Iraq Security Forces Fund	1,734,000			1,734,000
Intelligence Community Management Account	19,265			19,265
Classified Programs /a	[1,600,000]	2,500,000	3,000,000	2,500,000
Transfer Authority /a		[3,000,000]	[2,500,000]	[2,500,000]
Total	50,000,000	50,000,000	50,000,000	70,000,000

a/ Values in brackets are non-additive

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
PROCUREMENT				
Aircraft Procurement, Army				
Joint Improved Explosive (IED) Device Defeat - persistent surveillance platforms		100,000		
Subtotal Aircraft Procurement, Army		**100,000**		
Reset - Aircraft Procurement, Army				
UH-60 battle losses (SASC-5 aircraft)	105,000		71,000	71,000
UH-60 battle losses - Remaining Reset Reqs.				34,000
CH-47 battle losses (SASC-12 aircraft)	331,500	82,900	333,100	361,500
AH-64s		49,500		49,500
AH-64s - remaining reset requirement				537,000
Armed Reconnaissance Helicopter (ARH)				63,000
Air Traffic Control				6,500
Aviation Ground Support Equipment				2,200
Aviation (General Add)				399,600
Subtotal Reset - Aircraft Procurement, Army	**436,500**	**132,400**	**404,100**	**1,524,300**
Total Aircraft Procurement, Army	**436,500**	**232,400**	**404,100**	**1,524,300**
Missile Procurement, Army				
Upgrade Patriot battalions to configuration-3 capability			400,000	
Additional PAC-3 missiles (16)			50,000	
Subtotal Missile Procurement, Army			**450,000**	

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
Reset - Missile Procurement, Army				
Javelins				3,200
Subtotal Reset - Missile Procurement, Army				3,200
Total Missile Procurement, Army			450,000	3,200
Weapons and Tracked Combat Vehicles Procurement, Army				
Tank urban survivability kit		77,000	77,900	77,000
Stryker - SLAT armor		24,364		24,364
Abrams integrated management program (budget realignment)		182,450		
M240 medium machine gun (7.62mm) (budget realignment)		21,600		
M240 medium machine gun (7.62mm) and conversions		20,000		20,000
M249 SAW machine gun (5.56mm) (budget realignment)		18,300		
M249 SAW machine gun (5.56mm)		3,900		3,900
M4 carbine mods		3,800		3,800
M4 carbine mods (budget realignment)		15,450		
M2 50 caliber machine gun mods - quick change barrel kits		10,000		10,000
M249 SAW machine gun mods		2,000		
Phalanx mods		42,000		
Subtotal WTCVehicles , Army		420,864	77,900	139,864
Reset - WTCV Procurement, Army				
M1A1 Abrams integrated management program	522,800	187,308	136,500	293,200
M1A2 SEP	400,000			700,000
Bradley base sustainment - ODS/A3s	1,398,300	380,000		1,398,300
Stryker		41,500		82,130

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
M113 Carrier mod	77,680			77,680
M88 Improved Recovery Vehicle Mods	197,400			192,400
Modification in Service Equip - BFIST vehicle	130,000			130,000
MK-19 Grenade Launcher				10,062
Subtotal Reset - WTCV Procurement, Army	**2,726,180**	**608,808**	**136,500**	**2,883,772**
Total WTCV Procurement, Army	**2,726,180**	**1,029,672**	**214,400**	**3,022,836**
Procurement of Ammunition, Army				
5.56mm (budget realignment)		107,300		
7.62mm (budget realignment)		56,800		
7.62mm		1,642		1,642
.50 caliber (budget realignment)		62,550		
.50 caliber		35,849		35,849
20mm (C-RAM)		20,000		11,100
120mm tank ammunition - M1028 canisters		9,200		
Ammo industrial base upgrades		35,000		
Total Procurement of Ammunition, Army		**328,341**		**48,591**
Other Procurement, Army				
Tactical and Support Vehicles				
Up-Armor HMMWV fragmentation kits / gunner protection shields		364,000		214,000
Armored Security Vehicle		83,000		83,000
Armored Security Vehicle (budget realignment)		77,750		
HEMTT ESP (budget realignment)		110,200		
HMMWV recap program (budget realignment)		34,800		

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
Fuel tank passive fire suppression kits - for UAHs and FHTVs		19,400		
FHTV trailers				
Armored security vehicles	92,600			
Modification of in service equipment	364,000			
Classified program	527			
Classified program	96,000			
Combat Communications				
Land mobile radio			30,000	
SINCGARs (budget realignment)		58,250		
CSEL radios		35,560		35,560
CSEL radios (budget realignment)		8,250		
Radio, improved HF family (budget realignment)		45,700		
Tactical Intelligence				
Prophet Ground (budget realignment)		48,250		
Tactical Unmanned Aerial System (MIP) (budget realignment)		50,150		
Tactical Surveillance				
Profiler			23,600	
Lightweight counter mortar radar		10,470		10,470
Night vision devices (budget realignment)		160,500		
AN/TMQ-52 Profiler		23,600		
FireFinder radars (budget realignment) - C-RAM		9,600		
Force XXI battle command BDE and below (FBCB2) (budget realignment)		80,050		

Title XV EMERGENCY AUTHORIZATION
(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
Engineer Equipment				
GSTAMIDS route clearance team equipment (budget realignment)		66,100		
Training Equipment				
HMMWV and tactical truck crew trainers - Guard		25,000		25,000
Other Support Equipment				
Joint Improvised Explosive (IED) Device Defeat - IED electronic countermeasures		109,700		
Manual transport robotic systems for EOD teams		16,800		16,800
C-RAM		66,200		66,200
Total Other Procurement, Army	**553,127**	**1,503,330**	**53,600**	**451,030**
Reset - Other Procurement, Army				
Uparmored HMMWV or M1151/M1152 HMMWV	614,745	500,000	508,000	478,184
FMTV	220,000			623,049
FHTV	201,542			589,966
HEMTT-ESP program		25,000	125,000	18,405
HMMWV recap program				881,567
Tactical Trailers / Dolly Sets				53,803
Family of Semi-Trailers				143,528
Towing Device: 5th Wheel				174
Family of Tractor Trailers / M915A2s				138,194
Truck Utility, 3/4 ton, 4x4				166,500
Tactical Fire Fighting Truck				6,000
Heavy Armored Sedans (Truck Carryalls)				5,625
Battlefield Anti-Intrusion System: AN/PRS-9				1,035

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
Mortar Fire Control System				10,280
Ground Standoff Mine Detection System				26,440
NAVSTAR GPS				23,900
TSEC Army Key Management System				36,000
Maneuver Control System (MCS)				5
TC AIMS II				124
RADIAC- Pocket				347
RADIAC SET AN/PDR 77				9
RADIAC SET AN/VDR-2				547
RADIAC SET AN/PDR-75				71
Radio, improved HF family - PRC-148/PRC-150		50,600		1,900
SINCGARs		31,600		17,280
Night vision devices		20,900		20,900
Night vision devices - remaining reset req				67,100
Force XXI battle command BDE and below (FBCB2)		52,000		92
Combat Support Medical				21,435
Field Medical Equipment				557
Shop Equipment Contact Maintenance				32,100
Distribution Systems, Petroleum and Water				6,770
Army Oil Analysis Mobile Laboratories				1,430
Fuel System Supply Point				35,900
Generators and Assoc Equipment				176,262
Decontaminate APP PWR DR LtWgt M17				68
Power Units/Power Plants				1,367
Rough Terrain Container Handler				64,500
Tactical Bridge, Float-Ribbon				70,900

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
Welding Shop, Trailer				33,860
Construction Equipment ESP				9,500
All Terrain Lifting Army System (ATLAS)				98,312
Cranes				4,225
Graders				10,000
Loaders, Scoop Type				5,070
Hydraulic Excavator				2,610
High Mobility Engineer Excavator (HMEE)				4,590
Equipment (General Add)				7,328
Modification of In SVC Equipment				4,610
Scraper, Earthmoving				4,500
Tactical Equipment				4,500
Items Less Than $5M (Const Equip)				7,998
Items Less Than $5M (Eng Support Equip)				866
Items Less Than $5M (Maint Equip)				25,752
Maintenance Support Device				1,146
Information System Security Program (ISSP)				2,641
CBRN Soldier Protection				43,428
Reconnaissance System NBC				36,700
Integrated Family of Test Equipment				2,130
Fire Support C2 Family				7,000
Knight Family				50,000
Mobility - Vehicles - Special Purpose				22,000
Field Feeding Equipment				454
Laundry and Decon Dry Cleaning System				12,300
Sanitation, Field Feeding				1,000

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
Water Purification System				834
Rapid Equipping Force				387
SALE				59,725
Subtotal Reset - Other Procurement, Army	1,036,287	680,100	633,000	4,185,780
Total Other Procurement, Army	1,589,414	2,183,430	686,600	4,636,810
Reset - Aircraft Procurement, Navy				
AV-8B Attrition Recovery				15,507
AV-8B Oil Tester/JETSCAN				1,400
Litening on Station 4				4,200
TAV-8B 30KVA Generator				3,470
TAV-8B				10,700
CH-46E Aircraft Sustainment				11,850
CH-46E Engine Electrical Overspeed Protection				3,866
CH-46E M240D Machine Gun				750
CH-53E AMARC				5,620
CH-53E IMDS				8,900
CH-53 EAPS Seals				2,100
CH-53 T-64 Engine Reliability Improvement				5,100
CH-53D rate gyro				1,150
H-1 Y/Z Procurement				68,600
Crash Attenuating CC & AO Seats				2,752
KC-130J procurement				71,800
Aviation Sustainment Support Packages				35,800
MV-22 aircraft procurement	101,000			71,000

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
MV-22 Pre Block A to Block B Mods				54,600
MV-22 Spares	15,000			10,300
Subtotal Reset - Aircraft Procurement, Navy	**116,000**			**389,465**
Total Aircraft Procurement, Navy	**116,000**			**389,465**
Reset Weapons Procurement, Navy				
Hellfire II - Marine Corps		122,000		100,000
Pioneer UAV sustainment		9,400		9,400
Subtotal Reset - Weapons Procurement, Navy		**131,400**		**109,400**
Total Weapons Procurement, Navy		**131,400**		**109,400**
Procurement of Ammunition, Navy and Marine Corps				
5.56mm, all types (budget realignment)		12,200		
7.62mm, all types (budget realignment)		7,400		
.50 Caliber (budget realignment)		3,200		
Grenades, all types (budget realignment)		8,350		
Items less than $5 million	97			
Total Procurement of Ammo, Navy and Marine Corps	**97**	**31,150**		
Reset - Procurement of Ammo, Navy and Marine Corps				
5.56mm, all types	4,237	20,000		5,572
7.62mm, all types	3,275	20,000		4,436
Linear charges	4,540			5,810
.50 caliber	4,947			5,923

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
40mm, all types	9,227			10,206
60mm, all types	9,876			12,227
81mm, all types	17,474			22,525
120mm, all types	11,034			17,322
25mm, all types	1,322			1,402
9mm, all types	471			544
Grenades, all types	4,471	10,000		4,882
Rockets, all types	7,062			8,751
Artillery, all types	11,956	62,000		20,606
Charge, Demolition all types	7,668			8,045
Fuze, all types	1,136			1,586
Non-Lethal	1,137			1,364
Ammo Modernization				20,238
Subtotal Reset - Procurement of Ammo, Navy and Marine Corq	**99,833**	**112,000**		**151,439**
Total Procurement of Ammo, Navy and Marine Corps	**99,930**	**143,150**		**151,439**
Other Procurement, Navy				
ScanEagle UAV - ISR mission		39,700		
Satcom Terminals		5,000		
Classified programs	32,250			
Construction and maintenance equipment	63,600			
Tactical vehicles	223,145			
Items under $5 million	28,610			
Materials handling equipment	1,000			
Total Other Procurement, Navy	**348,605**	**44,700**		

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
Reset - Other Procurement, Navy				
Littoral Battlespace Sensing				500
Al Asad Facility Transfer				14,100
Subtotal Reset - Other Procurement, Navy				14,600
Total Other Procurement, Navy	348,605	44,700		14,600
Procurement, Marine Corps				
Cougar and Buffalo procurement			100,000	
Assault breacher vehicle			12,000	
Gunner protection kits			100,000	
HIMARS re-supply systems armor			85,300	
AAV Enhanced Applique Armor Kits (EAAK)		6,950		
High Mobility Artillery Rocket System (HIMARS) - Add on Armor		170,700		
Weapons and Combat Vehicles Under $5.0 million (budget realignment)		4,500		
TOW Bunker Buster missiles		30,600		30,600
Night Vision Equipment (budget realignment)		6,850		
Radio Systems (budget realignment)		26,750		
Up-Armor HMMWVs (budget realignment)		36,200		
Assault Breacher Vehicle (ABV)		12,000		
EOD Systems (budget realignment)		7,400		
MTVR Training and Maintenance Devices		3,900		
Virtual Convoy Combat Trainer (VCCT)		5,500		
Biometric Automated Toolkits		2,275		
ULCANS		3,000		

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
5/4T truck HMMWV	451,536			
Rapid deployable kitchen	1,600			
Total Procurement, Marine Corps	453,136	316,625	297,300	30,600
Reset - Procurement, Marine Corps				
Radio Systems		120,400		120,400
Radio Systems - remaining reset req.				739,826
Comm Switching and Control Systems				209,527
Bulk Liquid Equipment				18,974
Tactical Fuel Systems				37,338
EOD Systems		16,300		7,400
EOD Systems - remaining reset requirement				624,774
Family of Construction Equipment	103,700			98,290
AAV7A1 product improvement program	83,900		22,500	6,948
LAV PIP	45,050			73,300
Modification Kits	61,305			272,864
M1A1 Firepower Enhancements	5,762			1,154
Weapons and Combat Vehicles under $5 million				122,493
Javelin	76,815			46,500
Command post systems	9,200			80,831
Fire Support System				22,941
Intelligence Support Equipment				63,822
Night Vision Equipment		48,100		29,700
Night Vision Equipment - remaining reset requirement				154,511
Up-Armor HMMWVs		84,700		84,700
Up-Armor HMMWVs - remaining reset requirement				435,901

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
Motor Transport Modifications				163,600
MTVRs				14,308
Family of Tactical Trailers				91,109
Environmental control equipment	12,700			22,090
Power equipment assorted	5,000			11,785
Material handling equipment	106,000			66,818
Field Medical Equipment				6,902
Unit operations center	201,400			267,200
Weapons Enhancement Program				2,703
Modular Weapon System		50,000		51,590
Repair and Test Equipment				96,609
Items Under $5.0 million (Comm & Elec)				14,183
Common Computer Resources				28,762
Comm $ Elec Infrastructure Supt				53,580
Air Operations C2 Systems				33,784
Radar Systems				21,093
Items Less Than $5.0 million				27,019
Amphibious Support Equipment				28,257
Family of Internally Trans Veh (ITV)	10,000			10,845
Bridge Boats				22,275
Family of Field Feeding Systems				2,598
Container Family				7,741
HIMARS				67,350

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
Expeditionary Air Defense System				2,924
Modification Kits (engineer)				7
Subtotal Reset - Procurement, Marine Corps	720,832	319,500	22,500	4,367,326
Total Procurement, Marine Corps	1,173,968	636,125	319,800	4,397,926
Aircraft Procurement, Air Force				
Predator UAV (budget realignment)		114,550		
Predator UAVs		80,000		80,000
U-2		7,000		
C-17 (10 additional aircraft)	225,000			2,094,000
C-130J	307,000			
V-22 osprey	146,270			
Modification of in service aircraft - C-17A	97,000			
Modification of in service aircraft - C-37A	43,000			
Modification of in service aircraft - C-130	90,800			
Total Aircraft Procurement, Air Force	909,070	201,550		2,174,000
Missile Procurement, Air Force				
Predator Hellfire Missiles (budget realignment)		32,650		
Total Missile Procurement, Air Force		32,650		
Other Procurement, Air Force				
Up-armored HMMWVS		51,800	51,800	5,650
Armored HMMWV (budget realignment)		4,200		
Up-Armored HMMWV (budget realignment)		5,650		

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
U-2		1,000		
Classified programs	1,205,293			
Total Other Procurement, Air Force	**1,205,293**	**62,650**	**51,800**	**5,650**
Procurement, Defense-wide				
MH-47 reconstitution		4,100		4,100
Time delay firing device / sympathetic detonation (M153)		7,500		7,500
Persistent Predator operations and intelligence (PPOI)		13,400		13,400
Payload integration - Predator		6,000		6,000
Specialized ballistic protection		2,200		2,200
Counter Ambush Weapons System		6,300		6,300
MH-47 radio frequency countermeasures		44,000		44,000
M134 DT mini-gun replacement		13,900		13,900
Miniature multi-band beacons		8,900		8,900
Small arms - laser acquisition marker		5,300		5,300
AN/PVS-24 clip-on night vision device		12,600		5,000
Special Weapons Observation Reconnaissance Direct Action System (SWORDS)		6,000		1,000
SU-232/PAS thermal clip on night vision device		10,000		10,000
Classified programs	54,699			
Classified programs	1,556			
Total Procurement, Defense-wide	**56,255**	**140,200**		**127,600**
Total Procurement	**8,661,215**	**5,166,268**	**2,126,700**	**16,605,817**

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
RESEARCH, DEVELOPMENT, TEST AND EVALUATION				
Research, Development, Test and Evaluation, Army				
C-RAM		25,500		
Subtotal RDTE, Army		25,500		
Reset - Research, Development, Test and Evaluation, Army				
Arty and Combat Support Technology				104
AWG Combat Evaluation				1,250
Ballistics Technology				925
Sanitation Center, Field Feeding				360
Subtotal Reset - RDTE, Army				2,639
Total RDTE, Army		25,500		2,639
Research, Development, Test and Evaluation, Navy				
Classified programs	110,000			
Subtotal RDTE, Navy	110,000			
Reset - Research, Development, Test and Evaluation, Navy				
Litening on Station 4				6,656
Low Pressure Compressor				1,200
Subtotal Reset - RDTE, Navy				7,856
Total RDTE, Navy	110,000			7,856

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
Research, Development, Test and Evaluation, Air Force				
U-2		7,000		
Classified programs	48,427			
Total RDTE, Air Force	48,427	7,000		
Research, Development, Test and Evaluation, Defense-Wide				
Pacific Wind		4,000		
Specialized Ballistic Protection		1,000		
Classified programs	155,980			
Total RDTE, Defense-Wide	155,980	5,000		
Total Research, Development, Test and Evaluation		37,500		
OPERATION AND MAINTENANCE				
Operation and Maintenance, Army				
Incremental OIF/OEF wartime costs	18,715,237	20,350,426	20,160,706	17,958,887
Incremental ONE wartime costs			202,720	180,000
Abrams M1A1 Abrams integrated management program			231,000	
Base support - mobilization and demobilization		470,960	643,000	
Sustainment costs related to end strength		592,600	887,040	643,000
Our Military Kids (non-add) (S. Amdt)			[1,500]	
Hemostatic agents (non-add) (S. Amdt)			[15,000]	
Hemostatic agents				15,000
Recruiting and retention		100,000		

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
Body Armor		883,000		700,000
Depot maintenance	2,193,000			
Security programs	218,852			
Servicewide transportation	747,380			
Subtotal O&M, Army	21,874,469	22,396,986	22,124,466	19,496,887
Reset - Operation and Maintenance, Army				
Reset of APS-3 & APS-5				631,000
Depot Maintenance				4,024,300
Direct Support / General Support (DS/GS)				2,065,700
Unit level repair				1,072,700
Aviation Special Technical Inspection and Repair (STIR)				624,100
Long Range Scout Surveillance System and Information Diagnostics				37,100
Military Technician (MILTECH) Program (equipment and maintenance)				93,600
Subtotal Reset - Operation and Maintenance, Army				8,548,500
Total O&M Army	21,874,469	22,396,986	22,124,466	28,045,387
Operation and Maintenance, Navy				
Incremental OIF/OEF wartime costs		1,834,560	1,834,560	1,286,525
Navy flying hour program	374,100		75,000	75,000
Ship operations	188,493		121,000	121,000
Ship depot maintenance	69,552		145,000	145,000
Intermediate maintenance	1,917			
Ship operations support and training	5,316			
Combat communications	1,389			

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
Electronic warfare	2,110			
Warfare tactics	13,350			
Operational meteorology and oceanography	1,405			
Combat support forces	330,259			
Equipment maintenance	160			
In service weapons systems support	2,993			
Weapons maintenance	4,393			
Base operating support	126,525			
Ship prepositioning and surge	2,325			
Specialized skill training	4,912			
Administration	2,147			
Military manpower and personnel management	348			
Other personnel support	315			
Servicewide communications	16,985			
Servicewide transportation	74,450			
Acquisition and program management	15,796			
Combat / weapons systems	180			
Other programs	47,105			
Subtotal O&M, Navy	**1,286,525**	**1,834,560**	**2,175,560**	**1,627,525**
Reset - Operation and Maintenance, Navy				
AV-8B Crash/Damage Repair				20,200
TAV-8B				11,000
CH-53E AMARC				20,280
Aviation depot maintenance	59,344		174,000	174,000
Aviation depot maintenance - remaining reset req				99,956

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
EA-6B Sand Intrusion				7,200
CH-46E Auto Flight Control System Wiring				924
KC-130J Power by the Hour				6,090
MATCALS Manportable				1,600
Al Qasad Facility Transfer				12,973
Fleet Support Team				10,200
MV-22 Interim O-level Contractor Support				9,000
MV-22 Component Repair				7,000
Subtotal Reset - Operation and Maintenance, Navy	**59,344**		**174,000**	**380,423**
Total Operation and Maintenance, Navy	**1,345,869**	**1,834,560**	**2,349,560**	**2,007,948**
Operation and Maintenance, Marine Corps				
Incremental OIF/OEF wartime costs	990,896	1,389,920	1,389,920	990,896
Sustainment costs related to end strength		49,000	49,000	49,000
Hemostatic agents (non-add) (S. Amdt)			[5,000]	
Hemostatic agents				5,000
Field logistics	29,544			
Maritime prepositioning	24,605			
Recruit training	187			2,375
Training support	68,018			25,010
Base operating support	3,627			
Servicewide transportation	135,123			
Subtotal O&M, Marine Corps	**1,252,000**	**1,438,920**	**1,438,920**	**1,072,281**

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
Reset - Operation and Maintenance, Marine Corps				
Depot Maintenance	155,000		106,000	447,153
Body Armor		47,000		35,000
Personal combat equipment				49,748
Organizational/Intermediate Maintenance				526,537
Consumbable Replacement				126,370
Subtotal Reset - Operation and Maintenance, Marine Corps	**155,000**	**47,000**	**106,000**	**1,184,808**
Total Operation and Maintenance, Marine Corps	**1,407,000**	**1,485,920**	**1,544,920**	**2,257,089**
Operation and Maintenance, Air Force				
Incremental OIF/OEF wartime costs		2,779,898	2,477,429	2,250,906
Incremental ONE wartime costs			302,469	228,000
U-2		43,100		
Primary combat forces	1,236,039			
Combat communications	200,000			
Airlift operations	862,901			
Specialized skill training	26,540			
Security programs	153,426			
Total O&M, Air Force	**2,478,906**	**2,822,998**	**2,779,898**	**2,478,906**
Operation and Maintenance, Defense-wide				
Defense Contract Audit Agency DCAA		9,063	9,063	
Defense Contract Management Agency (DCMA)		3,187	3,187	
Defense Intelligence Agency (DIA)		11,234	11,234	
Defense Information Systems Agency (DISA)	38,800	127,667	127,667	40,000

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
Defense Logistics Agency (DLA)	26,100	1,721,811	1,721,811	215,000
Defense Legal Services Agency (DLSA)	11,000	5,513	5,513	5,513
Department of Defense Education Activity (DoDEA)	50,000	46,872	46,872	46,872
Defense Security Cooperation Agency (DSCA)	1,000,000	586,556	586,556	586,556
Defense Threat Reduction Agency (DTRA)		17,550	17,550	
National Geospatial-Intelligence Agency (NGA)		191,307	191,307	
National Security Agency (NSA)		9,405	9,405	
OASD(NII)		11,564	11,564	
Special Operations Command	900,000	511,673	511,673	511,673
Sustainment costs related to Army end strength		115,000	115,000	115,000
Sustainment costs related to Army NG end strength			11,000	15,000
Sustainment costs related to USMC end strength		9,000	9,000	9,000
Reading for the Blind for severly wounded (non-add) (S. Amdt)			[500]	
Defense Human Resources Activity (DHRA)	9,800			
Washington Headquarters Service (WHS)	9,300			
Other programs	893,735			
Total O&M, Defense-wide	2,938,735	3,377,402	3,388,402	1,544,614
Operation and Maintenance, Army Reserve				
Corps support forces	41,000			
Echelon above corps support forces	22,000			
Base operations support	8,600			
Our Military Kids				500
Total O&M, Army Reserve	71,600			500

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
Operation and Maintenance, Navy Reserve				
Mission and other flight operations	4,641			
Aircraft depot maintenance	600			
Mission and other ship operations	523			
Combat support forces	3,198			
Total O&M, Navy Reserve	**8,962**			
Operation and Maintenance, Army National Guard				
Sustainment costs related to end strength			59,000	
Our Military Kids (non-add) (S. Amdt)			[500]	
Our Military Kids				1,500
Recruting and retention		50,000		
Manpower buy back				220,000
Total O&M, Army National Guard		**50,000**	**59,000**	**221,500**
Operation and Maintenance, Air National Guard				
Recruiting and retention		15,000		
AGRs for Joint Stars		400		2,000
Force readiness operations support	68,000			
Base operations support	20,000			
Management and operational HQ	16,000			
Total O&M, Air National Guard	**104,000**	**15,400**		**2,000**
Total Operation and Maintenance	**30,229,541**	**31,983,266**	**32,246,246**	**36,557,944**

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
OTHER PROGRAMS				
Defense Health Program				
Incremental wartime costs		739,200	739,200	645,200
Army costs related to end strength		182,000	182,000	182,000
Army NG costs related to end strength			10,000	13,000
USMC costs related to end strength		29,000	29,000	29,000
Total Defense Health Program		**950,200**	**960,200**	**869,200**
Total Other Programs		**950,200**	**960,200**	**869,200**
MILITARY PERSONNEL				
Military Personnel, Army				
Incremental OIF/OEF wartime costs	4,172,372	5,208,881	5,396,581	4,803,802
Army active end strength increase	850,700	1,661,000		1,661,000
Recruiting and retention initiatives			70,406	
Total Military Personnel, Army	**5,023,072**	**6,869,881**	**5,466,987**	**6,464,802**
Military Personnel, Navy				
Incremental OIF/OEF wartime costs	114,500	311,000	321,000	171,000
Death gratuities		22,000		22,000
Total Military Personnel, Navy	**114,500**	**333,000**	**321,000**	**193,000**

Title XV EMERGENCY AUTHORIZATION
(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
Military Personnel, Marine Corps				
Incremental OIF/OEF wartime costs	54,200	465,092	466,092	303,000
Marine Corps active end strength increase		284,300		265,000
Total Military Personnel, Marine Corps	**54,200**	**749,392**	**466,092**	**568,000**
Military Personnel, Air Force				
Incremental OIF/OEF wartime costs	129,000	830,616	840,616	351,300
Incremental ONE wartime costs		241,177	241,177	241,177
Total Military Personnel, Air Force	**129,000**	**1,071,793**	**1,081,793**	**592,477**
Military Personnel, Army Reserve				
Recruiting and retention initiatives		150,000		
Pre / post mobilization training	24,400			
Total Military Personnel, Army Reserve	**24,400**	**150,000**		
Military Personnel, Army National Guard				
Recruiting and retention initiatives		100,000		
School training	50,100			
Guard manpower buy back				251,000
Total Military Personnel, Army National Guard	**50,100**	**100,000**		**251,000**
Military Personnel, Air National Guard				
Recruiting and retention initiatives		30,000		
AGRs for Joint Stars		6,700		6,700
Total Military Personnel, Air National Guard		**36,700**		**6,700**

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
Military Personnel, Benefits				
Postal benefits for servcie members in OIF/OEF		21,000		
Payment of SGLI full premium in OIF/OEF		31,000		31,000
Total Military Personnel, Benefits		52,000		31,000
Total Military Personnel	5,395,272	9,362,766	7,335,872	8,106,979
Joint Improvised Explosive Device Defeat Fund				
Joint Improvised Explosive Device Defeat Fund				2,100,000
Joint IED Defeat – persistent surveillance platforms (non-add)				[100,000]
Joint IED Defeat – IED electronic countermeasures (non-add)				[109,700]
Total, Joint Improvised Explosive Device Defeat Fund	2,100,000		2,100,000	2,100,000
Iraq Freedom Fund			2,230,982	50,000
Afghanistan Security Forces Fund	1,446,300			1,446,300
Iraq Security Forces Fund	1,734,000			1,734,000
Intelligence Community Management Account	19,265			19,265
Classified Programs /a	[1,600,000]	2,500,000	3,000,000	2,500,000
Transfer Authority /a		[3,000,000]	[2,500,000]	[2,500,000]
Total	50,000,000	50,000,000	50,000,000	70,000,000

a/ Values in brackets are non-additive

Reset funding

The conferees agree to authorize $23.7 billion in this title to reset—repair, replace, or recapitalize—Army and Marine Corps equipment used in the global war on terror. The conferees based their agreement on information provided to them by the Army on July 29, 2006, and by the Marine Corps on September 6, 2006. The conferees understand that these requirements may change, and expect the Department of Defense to fully utilize the reprogramming authorities provided in this title to best meet its requirements.

The table below summarizes the reset funding contained elsewhere in this title.

Title XV EMERGENCY AUTHORIZATION

(Dollars in Thousands)

Program Title	Budget Request	House Authorized	Senate Authorized	Conference Authorized
RESET - ARMY				
Aircraft Procurement, Army	436,500	132,400	404,100	1,524,300
Missile Procurement, Army				3,200
Weapons and Tracked Combat Vehicles Procurement, Army	2,726,180	608,808	136,500	2,883,772
Other Procurement, Army	1,036,287	680,100	633,000	4,185,780
Research, Development, Test and Evaluation, Army				2,639
Operation and Maintenance, Army				8,548,500
TOTAL - RESET ARMY	4,198,967	1,421,308	1,173,600	17,148,191
RESET - MARINE CORPS				
Aircraft Procurement, Navy	116,000			389,465
Weapons Procurement, Navy		131,400		109,400
Procurement of Ammunition, Navy and Marine Corps	99,833	112,000		151,439
Other Procurement, Navy				14,600
Procurement, Marine Corps	720,832	319,500	22,500	4,367,326
Research, Development, Test and Evaluation, Navy				7,856
Operation and Maintenance, Navy	59,344		174,000	380,423
Operation and Maintenance, Marine Corps	155,000	47,000	106,000	1,184,808
TOTAL - RESET MARINE CORPS	1,151,009	609,900	302,500	6,605,317
TOTAL - RESET	5,349,976	2,031,208	1,476,100	23,753,508

BUDGET ITEM

C–17 procurement

The budget request included $2.6 billion in Aircraft Procurement, Air Force for procurement of 12 C–17 aircraft, which would complete the current C–17 multiyear procurement contract purchase of 60 aircraft.

The House bill would authorize an increase of $299.8 million, and would also authorize the budget request of $389.6 million of settlement funding for the procurement of three additional C–17 aircraft.

The Senate amendment would authorize the budget request for 12 C–17 aircraft. Of the authorized amount, the Secretary of the Air Force may apply $400.0 million of settlement funding for the procurement of two additional C–17 aircraft, and $33.2 million of settlement funding for advance procurement for additional C–17 aircraft in the fiscal year 2008 budget request.

The conferees agree to authorize a decrease of $348.0 million in Aircraft Procurement, Air Force for C–17 production line shutdown. The conferees agree to authorize an increase of $2.1 billion in title XV of this Act for the procurement of 10 additional C–17 aircraft. The conferees authorize the Secretary to apply the fiscal year 2006 appropriation for line shut-down funding of $224.0 million towards advance procurement of these 10 additional C–17 aircraft.

The conferees are concerned that the Department of Defense has not thoroughly determined its airlift requirements for both the intra-theater and inter-theater missions and that the decision to cease production of the Department's only strategic airlift aircraft procurement program is premature. Further, the conferees agree with the Government Accountability Office's assessment of the Mobility Capabilities Study (MCS), and are concerned about the validity and completeness of the MCS and its conclusions. The MCS assessed that a fleet of 292 strategic airlift aircraft is adequate to meet future airlift requirements. However, the conferees have concluded that the Department's determination was based on numerous assumptions, of which some are no longer relevant. Among the uncertainties affecting these assumptions are:

(1) defining Army modularity intra-theater and inter-theater airlift requirements;

(2) achieving success in the C–5 modernization program;

(3) defining the C–130 wing-box repair strategy; and

(4) determining the viability of the Civil Reserve Airlift Fleet to augment future airlift requirements.

The conferees support the number one priority on the Chief of Staff of the Air Force's unfunded priorities list requesting seven additional C–17 aircraft, and agree that procurement of additional C–17 aircraft would help mitigate the risk associated with the uncertainties of determining the Department's airlift requirements.

LEGISLATIVE PROVISIONS ADOPTED

Purpose (sec. 1501)

The House bill contained a provision (sec. 1501) that would establish a title as an authorization of appropriations for the Department of Defense for fiscal year 2007, in addition to amounts otherwise authorized in this Act, to provide funds for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom.

The Senate amendment contained an identical provision (sec. 1401).

The conference agreement includes this provision.

Army procurement (sec. 1502)

The House bill contained a provision (sec. 1502) that would authorize an additional $3,773.8 million in fiscal year 2007 for Army Procurement.

The Senate amendment contained a similar provision (sec. 1402) that would authorize an additional $1,755.1 million.

The Senate recedes with an amendment that would authorize an additional $9,235.7 million in fiscal year 2007 for Army Procurement.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Navy and Marine Corps procurement (sec. 1503)

The House bill contained a provision (sec. 1503) that would authorize an additional $955.4 million in fiscal year 2007 for Navy and Marine Corps Procurement.

The Senate amendment contained a similar provision (sec. 1403) that would authorize an additional $319.8 million.

The Senate recedes with an amendment that would authorize an additional $5,062.8 million in fiscal year 2007 for Navy and Marine Corps Procurement.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Air Force procurement (sec. 1504)

The House bill contained a provision (sec. 1504) that would authorize an additional $296.9 million in fiscal year 2007 for Air Force Procurement.

The Senate amendment contained a similar provision (sec. 1404) that would authorize $51.8 million.

The Senate recedes with an amendment that would authorize an additional $2,179.7 million in fiscal year 2007 for Air Force Procurement.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Defense-wide activities procurement (sec. 1505)

The House bill contained a provision (sec. 1505) that would authorize an additional $140.2 million in fiscal year 2007 for Procurement, Defense-wide.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize an additional $127.6 million in fiscal year 2007 for Procurement, Defense-wide.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Research, development, test and evaluation (sec. 1506)

The House bill contained a provision (sec. 1506) that would authorize an additional $37.5 million in fiscal year 2007 for Research, Development, Test, and Evaluation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize an additional $10.5 million in fiscal year 2007 for Research, Development, Test, and Evaluation.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Operation and maintenance (sec. 1507)

The House bill contained a provision (sec. 1507) that would authorize an additional $31,983.3 million in fiscal year 2007 for operation and maintenance programs.

The Senate amendment contained a similar provision (sec. 1405) that would authorize an additional $32,246.2 million.

The Senate recedes with an amendment that would authorize an additional $36,557.9 million in fiscal year 2007 for operation and maintenance programs.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Defense health program (sec. 1508)

The House bill contained a provision (sec. 1508) that would authorize an additional $950.2 million in fiscal year 2007 for Defense Health Program activities.

The Senate amendment contained a similar provision (sec. 1406) that would authorize an additional $960.2 million.

The House recedes with an amendment that would authorize an additional $869.2 million in fiscal year 2007 for Defense Health Program activities.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Classified programs (sec. 1509)

The House bill contained a provision (sec. 1509) that would authorize an additional $2.5 billion in fiscal year 2007 for classified programs.

The Senate amendment contained a similar provision (sec. 1409) that would authorize an additional $3.0 billion.

The Senate recedes.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Military personnel (sec. 1510)

The House bill contained a provision (sec. 1510) that would authorize an additional $9,362.8 million in fiscal year 2007 for military personnel accounts.

The Senate amendment contained a similar provision (sec. 1407) that would authorize an additional $7,335.9 million.

The Senate recedes with an amendment that would authorize an additional $8,107.0 million in fiscal year 2007 for military personnel accounts.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Treatment as additional authorizations (sec. 1511)

The House bill contained a provision (sec. 1511) that would provide that the funds authorized in title XV of their bill for emergency contingency operations related to Operation Iraqi Freedom and Operation Enduring Freedom are in addition to the amounts otherwise authorized in this Act.

The Senate amendment contained an identical provision (sec. 1411).

The conference agreement includes this provision.

Transfer authority (sec. 1512)

The House bill contained a provision (sec. 1512) that would provide fiscal year 2007 transfer authority of $3.0 billion to the Department of Defense for the authorizations contained in title XV of their bill.

The Senate amendment contained a similar provision (sec. 1412) that would transfer authority of $2.5 billion.

The House recedes.

Availability of funds (sec. 1513)

The House bill contained a provision (sec. 1513) that would require the funds provided in title XV be made available for obligation by the end of the second quarter of fiscal year 2007.

The Senate amendment contained an identical provision (sec. 1413).

The conference agreement includes this provision.

Joint Improvised Explosive Device Defeat Fund (sec. 1514)

The Senate amendment contained a provision (sec. 1408) that would authorize an additional $2.1 billion in fiscal year 2007 for the Joint Improvised Explosive Device Defeat Fund.

The House bill contained no similar provision.

The House recedes.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Iraq Freedom Fund (sec. 1515)

The Senate amendment contained a provision (sec. 1410) that would authorize an additional $2,231.0 million in fiscal year 2007 for the Iraq Freedom Fund.

The House bill contained no similar provision.

The House recedes with an amendment that would provide an additional authorization of $50.0 million in fiscal year 2007 for an Iraq Freedom Fund transfer account. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Iraq Security Forces Fund (sec. 1516)

The conferees agree to include a provision that would provide an additional authorization of $1,734.0 million in fiscal year 2007 for an Iraq Security Forces Fund transfer account. These funds would be available to the Secretary of Defense for the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and for the Iraq Security Forces. The provision would also authorize the Secretary to receive contributions of funds from any person, foreign government, or international organization for the purposes of the fund. The provision would require the Secretary to notify the congressional defense committees in writing 5 days prior to the use or transfer of funds from the Iraq Security Forces Fund, and to provide quarterly reports summarizing the details of the use or transfer of funds.

Afghanistan Security Forces Fund (sec. 1517)

The conferees agree to include a provision that would provide an additional authorization of $1,446.3 million in fiscal year 2007 for an Afghanistan Security Forces Fund transfer account. These funds would be available to the Secretary of Defense for the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and for the Afghanistan Security Forces. The provision would also authorize the Secretary to receive contributions of funds from any person, foreign government, or international organization for the purposes of the fund. The provision would require the Secretary to notify the congressional defense committees in writing 5 days prior to the use or transfer of funds from the Afghanistan Security Forces Fund, and to provide quarterly reports summarizing the details of the use or transfer of funds.

Submittal to Congress of Department of Defense supplemental and cost of war execution reports (sec. 1518)

The Senate amendment contained a provision (sec. 1418) that would add the congressional defense committees to the report distribution of global war on terror cost reports, as required by section 1221 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163).

The House bill contained no similar provision.

The House recedes.

Limitation on availability of funds for certain purposes relating to Iraq (sec. 1519)

The Senate amendment contained a provision (sec. 1419) that would prohibit the obligation or expenditure of funds within this Act to establish a permanent United States military installation or base in Iraq or to exercise United States control over the oil resources of Iraq.

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit the obligation or expenditure of funds within this Act to establish any military installation or base for the purposes of providing for the permanent stationing of United States Armed Forces in Iraq or to exercise United States economic control of the oil resources of Iraq.

Intelligence Community Management Account (sec. 1520)

The conferees agree to include a provision that would provide an additional authorization of $19.3 million in fiscal year 2007 for an Intelligence Community Management Account.

LEGISLATIVE PROVISION NOT ADOPTED

Our Military Kids Youth Support Program

The Senate amendment contained a provision (sec. 1415) that would authorize a total of $2.0 million for expansion of the program Our Military Kids Youth Support Program, which provides services to the children of deployed or injured members of the guard and reserve.

The House bill contained no similar provision.

The Senate recedes.

The conference outcome is reflected in the tables of this report.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

BUDGET ITEMS

Explanation of funding table

Division B of this Act authorizes funding for military construction projects for the Department of Defense. It includes funding authorizations for the construction and operation of military family housing and military construction for the reserve components, the defense agencies, and the North Atlantic Treaty Organization Security Investment program. It also provides authorization for the base closure account that funds environmental cleanup and other activities associated with the implementation of base closure rounds.

The budget request included $16,698.4 million for military construction and housing programs. Of this amount, the budget request included $5,626.2 million to implement the results of the 2005 Defense Base Closure and Realignment round. The amount is included in the following table in a line designated Base Realignment and Closure V.

The House bill would authorize appropriations of $16,698.4 million.

The Senate amendment would authorize appropriations of $17,102.0 million.

The conferees agree to authorize appropriations of $17,376.8 million for the military construction and family housing programs. When the impact of $278.4 million in prior year rescissions proposed in the Military Quality of Life and Veterans Affairs, and Related Agencies Appropriations Bill, 2007 (H.R. 5385) for both the Senate and the House of Representatives is included, the conference agreement will be consistent with the budget authority level of $17,098.4 million for military construction and family housing programs.

The following tables provide the project-level authorizations for the military construction funding authorized in division B of this Act and summarize that funding by account.

Summary of Military Construction Authorization of Appropriations for Fiscal Year 2007
(Dollars in Thousands)

	Authorization Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
Military Construction					
Military Construction, Army	2,059,762	2,135,596	2,180,761	204,280	2,264,042
Military Construction, Navy	1,162,038	1,219,871	1,268,839	129,247	1,291,285
Military Construction, Air Force	1,156,148	1,233,873	1,258,276	152,085	1,308,233
Military Construction, Defense-Wide	1,208,198	1,152,106	1,203,681	(63,017)	1,145,181
NATO Security Investment Program	220,985	200,985	205,985	(20,000)	200,985
BRAC IV	191,220	191,220	191,220	0	191,220
BRAC 2005	5,626,223	5,626,223	5,526,894	0	5,626,223
Military Construction, Army National Guard	473,197	518,403	533,831	88,178	561,375
Military Construction, Air National Guard	125,788	212,788	228,443	168,495	294,283
Military Construction, Army Reserve	166,487	169,487	189,817	24,130	190,617
Military Construction, Naval and Marine Corps Reserv	48,408	55,158	48,408	1,590	49,998
Military Construction, Air Force Reserve	44,936	56,836	52,436	11,900	56,836
Chemical Demilitarization Construction, Def	130,993	130,993	140,993	10,000	140,993
Total Military Construction	12,614,383	12,903,341	13,029,584	706,888	13,321,271
Family Housing					
Family Housing Construction, Army	594,991	578,791	594,991	(16,200)	578,791
Family Housing Support, Army	676,829	674,657	676,829	(1,212)	675,617
Family Housing Construction, Navy and USMC	305,071	308,956	305,071	3,885	308,956
Family Housing Support, Navy and USMC	509,126	509,126	498,525	0	509,126
Family Housing Construction, Air Force	1,183,138	1,169,138	1,182,138	(15,000)	1,168,138
Family Housing Support, Air Force	755,071	755,071	755,071	0	755,071
Family Housing Construction, Defense-Wide	8,808	8,808	8,808	0	8,808
Family Housing Support, Defense-Wide	48,506	48,506	48,506	0	48,506
Family Housing Improvement Fund	2,500	2,500	2,500	0	2,500
Total Family Housing	4,084,040	4,066,553	4,072,439	(28,527)	4,055,513
Total Military Construction and Family Housing	16,698,423	16,958,894	17,102,023	678,361	17,376,784
Prior Year Rescissions		-260,471			-278,361
Total Authorization of Appropriations		16,698,423	17,102,023		17,098,423

Military Construction Authorizations for Fiscal Year 2007
(Dollars in Thousands)

Location	Service/Agency	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Alabama	Army National Guard	Anniston	Readiness Center, Phase 1	13,223	13,223	13,223	0	13,223
Alabama	Air National Guard	Birmingham IAP	Alert Quarters Mobility Complex		4,500	0	4,500	4,500
Alabama	Army National Guard	Fort Whiting, Mobile	Armed Forces Reserve Center, Phase 3	9,012	9,012	9,012	0	9,012
Alabama	Army	Redstone Arsenal	Child Development Center		2,000	0	2,000	2,000
Alabama	Army	Redstone Arsenal	Explosive Cargo Handling Apron		2,300	0	2,300	2,300
Alabama	Army	Redstone Arsenal	Software Engineering Annex, Phase 2			20,000	20,000	20,000
Alaska	Air Force	Eielson AFB	Add/Alt Physical Fitness Center	23,900	23,900	23,900	0	23,900
Alaska	Air Force	Eielson AFB	Replace Chapel Center	14,400	14,400	14,400	0	14,400
Alaska	Air Force	Elmendorf AFB	C-17 Maintenance Complex, Increment 2	30,000	30,000	30,000	0	30,000
Alaska	Air Force	Elmendorf AFB	Dormitory (120 Room)	21,000	21,000	21,000	0	21,000
Alaska	Air Force	Elmendorf AFB	F-22 Corrosion Cntrl/Low Mx/Composite Rep Fac	31,750	31,750	31,750	0	31,750
Alaska	Air Force	Elmendorf AFB	F-22 Fighter Town East Infrastructure	3,350	3,360	3,350	0	3,350
Alaska	Air Force	Elmendorf AFB	Replace Joint PME Center, Phase 1			12,000	12,000	12,000
Alaska	Army	Fort Richardson	Ammunition Supply Point Upgrade	9,800	9,800	9,800	0	9,800
Alaska	Army	Fort Richardson	Barracks Complex	50,000	48,356	50,000	0	50,000
Alaska	Army	Fort Richardson	Child Development Center	12,500	12,500	12,500	0	12,500
Alaska	TMA	Fort Richardson	Health Clinic	37,200	37,200	37,200	0	37,200
Alaska	Army	Fort Wainwright	Railhead Operations Facility			8,800	8,800	8,800
Arizona	Air Force	Davis-Monthan AFB	Consolidated Mission Support Center		7,200	0	7,200	7,200
Arizona	Air Force	Davis-Monthan AFB	CSAR Group Headquarters Facility	4,600	4,600	4,600	0	4,600
Arizona	Army National Guard	Florence	Field Maintenance Shop			10,870	10,870	10,870
Arizona	Marine Corps	MCAS Yuma	Fixed Wing Fueling Apron	5,966	5,966	5,966	0	5,966
Arizona	DLA	MCAS Yuma	Fixed Wing Hydrant Fuel System	8,715	8,715	8,715	0	8,715
Arkansas	Air National Guard	Little Rock AFB	Engine Inspection and Maintenance Facility			3,600	0	0
Arkansas	Air Force	Little Rock AFB	Multi-Purpose Education Center		9,800	0	9,800	9,800
California	Air Force	Beale AFB	Add/Alt DCG Station Ops Facility	28,000	28,000	28,000	0	28,000
California	DLA	Beale AFB	Replace Fuel Storage/Distribution System	9,000	9,000	9,000	0	9,000
California	Army National Guard	Camp Roberts	Infantry Squad Battle Course	2,000	2,000	2,000	0	2,000
California	Air Force	Edwards AFB	Main Base Runway, Increment 2	31,000	31,000	31,000	0	31,000
California	Army Reserve	Fort Hunter Liggett	Combat Pistol/MP Qualification Course	1,351	1,351	1,351	0	1,351
California	Army	Fort Irwin	Child Development Center		8,200	0	8,200	8,200

Military Construction Authorizations for Fiscal Year 2007
(Dollars in Thousands)

Location	Service/Agency	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
California	Army	Fort Irwin	Land Acquisition, Phase 4	10,000	10,000	10,000	0	10,000
California	Army National Guard	Fort Irwin	Maneuver Area Training/Equipment Site, Ph 2	20,000	20,000	20,000	0	20,000
California	TMA	Fort Irwin	Add/Alt Dental Clinic	6,050	6,050	6,050	0	6,050
California	Army National Guard	Fresno	Add/Alt Aviation Classification/Repair Depot, Ph 1	30,000	30,000	30,000	0	30,000
California	Air National Guard	Fresno/Yosemite	Replace Squadron Operations Facility			9,800	9,800	9,800
California	Air National Guard	March Air Reserve Base	Predator Operations and Training Complex	6,000	6,000	6,000	0	6,000
California	Air Force Reserve	March Air Reserve Base	Alter C-17 General Maintenance Hangar	10,300	10,300	10,300	0	10,300
California	Marine Corps	MCAS Camp Pendleton	Tactical Support Van Pads Expansion	5,057	5,057	5,057	0	5,057
California	Marine Corps	MCAS Camp Pendleton	Taxiway Improvements	1,355	1,355	1,355	0	1,355
California	Marine Corps	MCAS Miramar	Missile Magazine	2,968	2,968	2,968	0	2,968
California	Marine Corps	MCB 29 Palms	Comm/Elec Maintenance/Storage Facility	6,217	6,217	6,217	0	6,217
California	Marine Corps	MCB 29 Palms	MOUT Facility, Phase 2		19,000	0	19,000	19,000
California	Navy Reserve	MCB 29 Palms	Reserve Training Center	11,453	11,453	11,453	0	11,453
California	Marine Corps	MCB Camp Pendleton	Amphibious Vehicle Test Branch Annex	2,320	2,320	2,320	0	2,320
California	Marine Corps	MCB Camp Pendleton	Armory and Communications Complex	12,160	12,160	12,160	0	12,160
California	Marine Corps	MCB Camp Pendleton	Bachelor Enlisted Quarters	18,068	18,068	18,068	0	18,068
California	Marine Corps	MCB Camp Pendleton	BEQ/Mess Hall, 41 Area, MARSOC	31,115	31,115	31,115	0	31,115
California	Marine Corps	MCB Camp Pendleton	Bachelor Enlisted Quarters, Chappo Area	14,940	14,940	14,940	0	14,940
California	Marine Corps	MCB Camp Pendleton	Fire Emergency Response Station, 20 Area	4,710	4,710	4,710	0	4,710
California	Marine Corps	MCB Camp Pendleton	Light Armored Recon Battalion Facility	7,969	7,969	7,969	0	7,969
California	Marine Corps	MCB Camp Pendleton	Reclamation/Conveyance, Increment 2	33,290	33,290	33,290	0	33,290
California	Marine Corps	MCB Camp Pendleton	Regimental Maintenance Spt Facilities, Phase 2	14,860	14,860	14,860	0	14,860
California	SOCOM	MCB Camp Pendleton	Headquarters Operations Facility, MARSOC	24,400	24,400	24,400	0	24,400
California	Army Reserve	Moreno Valley	Reserve Center/OMS/AMSA/UNH Stor Fac	32,562	32,562	32,562	0	32,562
California	Navy	NAS North Island	Waterfront Amphibious Operations Facility	21,535	21,535	21,535	0	21,535
California	Navy	NSA Monterey	Global Weather Ops Center Expansion		7,380	0	7,380	7,380
California	Army National Guard	Sacramento Army Depot	Add/Alt Field Maintenance Shop	4,500	4,500	4,500	0	4,500
California	Air Force	Travis AFB	C-17 Munitions Storage Facility	6,200	6,200	6,200	0	6,200
California	Air Force	Travis AFB	C-17 Roads/Utilities	8,800	8,800	8,800	0	8,800
California	Air Force	Travis AFB	C-17 Taxiway Lima	8,500	8,500	8,500	0	8,500
California	Air Force	Travis AFB	C-17 Two-Bay Hangar	50,400	50,400	50,400	0	50,400

Military Construction Authorizations for Fiscal Year 2007
(Dollars in Thousands)

Location	Service/Agency	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
California	Air Force	Travis AFB	Construct Large Fire/Crash Rescue Station			11,900	11,900	11,900
Colorado	Air Force	Buckley AFB	Consolidated Fuel Facility	10,700	10,700	10,700	0	10,700
Colorado	Air National Guard	Buckley AFB	Air Sovereignty Alert Crew Quarters		3,100	0	3,100	3,100
Colorado	Air National Guard	Buckley AFB	Replace Squadron Ops Facility			7,000	7,000	7,000
Colorado	Army	Fort Carson	Airfield Arrival/Departure Complex, Phase 2	24,000	24,000	24,000	0	24,000
Colorado	Army	Fort Carson	Utility Upgrades, Phase 1		6,800	0	6,800	6,800
Colorado	SOCOM	Fort Carson	Combat Service Support Complex	26,100	26,100	26,100	0	26,100
Colorado	Air Force	Peterson AFB	Acquire Land - Command Complex Force Prot		4,900	0	4,900	4,900
Colorado	Chem Demil	Pueblo Depot	Ammunition Demilitarization Facility, Phase 8	41,836	41,836	41,836	0	41,836
Colorado	Air Force	Schriever AFB	Space Test and Evaluation Facility	21,000	21,000	21,000	0	21,000
Connecticut	Navy	NSB New London	Waterfront Operations Small Craft Facility		9,580	9,580	9,580	9,580
Delaware	Air Force	Dover AFB	Add/Alt C-17 Composite Maintenance Shop	2,600	2,600	2,600	0	2,600
Delaware	Air Force	Dover AFB	Alter C-17 Hangars	13,400	13,400	13,400	0	13,400
Delaware	Air Force	Dover AFB	C-17 Aircrew Life Support	7,400	7,400	7,400	0	7,400
Delaware	Air Force	Dover AFB	C-17 Engine Storage Facility	3,000	3,000	3,000	0	3,000
Delaware	Air Force	Dover AFB	Construct Precision Measurement Equipmt Lab			4,000	4,000	4,000
Florida	Army National Guard	Camp Blanding	Regional Training Institute, Phase 3		14,800	0	14,800	14,800
Florida	Navy	Cape Canaveral	Engineering Services Facility			9,900	9,900	9,900
Florida	Air Force	Eglin AFB	Dormitory (144 Room)	15,000	15,000	15,000	0	15,000
Florida	Air Force	Eglin AFB	Child Development Center		11,000	0	11,000	11,000
Florida	Air Force	Eglin AFB	Replace Explosive Ordnance Disposal Complex	4,350	4,350	4,350	0	4,350
Florida	Air Force	Hurlburt Field	Add/Alt Security Forces Operations Facility	1,900	1,900	1,900	0	1,900
Florida	Air Force	Hurlburt Field	Dormitory (60 Room)	8,400	8,400	8,400	0	8,400
Florida	Air Force	Hurlburt Field	Fire Crash/Rescue Station	6,400	6,400	6,400	0	6,400
Florida	Air Force	Hurlburt Field	Joint Operational Planning Facility	7,250	7,250	7,250	0	7,250
Florida	Air Force	Hurlburt Field	Realign Cruz Avenue	2,000	2,000	2,000	0	2,000
Florida	Air Force	Hurlburt Field	Vehicle Maintenance Facility (823 RHS)	7,000	7,000	7,000	0	7,000
Florida	SOCOM	Hurlburt Field	Engine Maintenance and Storage Facility	8,500	8,500	8,500	0	8,500
Florida	SOCOM	Hurlburt Field	Talon II Squadron Operations Facility	5,962	5,962	5,962	0	5,962
Florida	Air Force	MacDill AFB	Add/Alt USCENTCOM HQ	60,000	60,000	60,000	0	60,000
Florida	Air Force	MacDill AFB	CENTCOM Joint Intelligence Center, Incr 2	23,300	23,300	23,300	0	23,300

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Location	Service/Agency	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Florida	Air Force	MacDill AFB	Dormitory (96 Room)	11,000	11,000	11,000	0	11,000
Florida	SOCOM	MacDill AFB	Add Building 501-D	27,300	27,300	27,300	0	27,300
Florida	TMA	MacDill AFB	Clinic Replacement, Increment 1	87,000	45,600	87,000	(41,400)	45,600
Florida	Marine Corps	MCLB Albany	Land Settlement Blount Island Jacksonville, FL	62,000	62,000	62,000	0	62,000
Florida	Navy	NAS Jacksonville	Helo Hanger Replacement, Increment 2	43,250	43,250	43,250	0	43,250
Florida	TMA	NAS Jacksonville	Alter Hospital	16,000	16,000	16,000	0	16,000
Florida	Navy	NAS Pensacola	Bachelor Enlisted Quarters/EOD School	13,486	13,486	13,486	0	13,486
Florida	Air Force Reserve	Patrick AFB	ISO/Phase Dock Extension, Hanger 830		3,000	0	3,000	3,000
Florida	Air Force	Tyndall AFB	1st Air Force Headquarters Facility, Phase 3		6,400	0	6,400	6,400
Florida	Air Force	Tyndall AFB	F-22A Weapons/Tactical Trainers Addition	1,800	1,800	1,800	0	1,800
Georgia	Navy	Blount Island	Waterfront Operations Facility		3,560	0	3,560	3,560
Georgia	Army	Fort Gillem	Forensic Lab	15,000	15,000	15,000	0	15,000
Georgia	NSA	Fort Gordon	Regional Security Operations Ctr, Increment 2	107,116	87,116	107,116	(30,000)	77,116
Georgia	Army	Fort Stewart	Brigade Complex	23,800	23,800	23,800	0	23,800
Georgia	Army	Fort Stewart	Child Development Center	6,800	6,800	6,800	0	6,800
Georgia	Army	Fort Stewart	Combined Arms Collective Training Facility	23,000	23,000	23,000	0	23,000
Georgia	Army	Fort Stewart	Digital Multipurpose Range Complex	34,000	34,000	34,000	0	34,000
Georgia	Army	Fort Stewart (Hunter AAF)	Child Development Center	7,700	7,700	7,700	0	7,700
Georgia	Marine Corps	MCLB Albany	Combat Vehicle Warehouse		4,960	0	4,960	4,960
Georgia	Navy	NSB Kings Bay	Reaction Force Facility Auxiliary Spt Complex	13,648	13,648	13,648	0	13,648
Georgia	Navy	NSB Kings Bay	Waterfront Security Force Facility	6,634	6,634	6,634	0	6,634
Georgia	Air Force	Robins AFB	Advanced Metal Finishing Facility	30,000	30,000	30,000	0	30,000
Georgia	Air Force	Robins AFB	Construct Software Support Facility, Phase 1			14,000	14,000	14,000
Georgia	Air Force	Robins AFB	Construct Software Support Facility, Phase 2#				7,000	7,000
Georgia	Air Force	Robins AFB	Consolidated Logistics Fac, Depot Ops, Ph 1		7,000	0	0	0
Georgia	Air Force	Robins AFB	Depot Maintenance Support Hanger	8,600	8,600	8,600	0	8,600
Georgia	Air National Guard	Savannah CRTC	Troop Training Quarters		8,700	0	8,700	8,700
Georgia	Air National Guard	Savannah/HH IAP	Replace Ops, Training, Security Forces Cmplx	7,100	7,100	7,100	0	7,100
Hawaii	Air Force	Hickam AFB	C-17 Fuel Cell Nose Dock	25,000	25,000	25,000	0	25,000
Hawaii	Air Force	Hickam AFB	C-17 Restore Aircraft Apron and Access Road	3,538	3,538	3,538	0	3,538
Hawaii	NSA	Kunia	Replace Regional Security Ops Cntr, Incr 4	47,016	47,016	47,016	0	47,016

Military Construction Authorizations for Fiscal Year 2007

(Dollars in Thousands)

Location	Service/Agency	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Hawaii	Navy	NAVMAG Pearl Harbor	Fire Station		6,010	0	6,010	6,010
Hawaii	Navy	NB Pearl Harbor	Dredge West Loch Channel for T-AKE	30,994	30,994	30,994	0	30,994
Hawaii	Navy	NB Pearl Harbor	Helicopter Flight Training Facility	4,324	4,324	4,324	0	4,324
Hawaii	Navy	NB Pearl Harbor	Site Preparation Mobile User Objective System	13,020	13,020	13,020	0	13,020
Hawaii	TMA	NS Pearl Harbor	Replace Env Preventative Medicine Unit 6 Fac	7,700	7,700	7,700	0	7,700
Hawaii	Navy	NSY Pearl Harbor	Dry Dock Ship Support Services			22,000	22,000	22,000
Hawaii	Army	Schofield Barracks	Child Development Center	12,500	12,500	12,500	0	12,500
Hawaii	Army	Schofield Barracks	Unit Operational Facilities	42,000	42,000	42,000	0	42,000
Idaho	Army National Guard	Gowen Field	Construct Railhead, Phase 2			6,964	6,964	6,964
Illinois	Army Reserve	Granite City	AR Center/OMS/AMSA/UNH Storage Facility	20,935	20,935	20,935	0	20,935
Illinois	TMA	NH Great Lakes	Federal Health Care Facility (Parking Structure)	20,000	20,000	20,000	0	20,000
Illinois	Navy	RTC Great Lakes	RTC Infrastructure Upgrade, Increment 2	23,589	23,589	23,589	0	23,589
Illinois	Air Force	Scott AFB	Child Development Center			8,200	8,200	8,200
Illinois	Air Force	Scott AFB	Dormitory (120 Room)	20,000	20,000	20,000	0	20,000
Illinois	Air Force Reserve	Scott AFB	Contractor Logistics Support Storage Facility	4,350	4,350	4,350	0	4,350
Illinois	Air Force Reserve	Scott AFB	Squadron Operations Facility	10,200	10,200	10,200	0	10,200
Illinois	Army National Guard	Sparta	Fire Station (ADRS)	1,700	1,700	1,700	0	1,700
Indiana	Army National Guard	Camp Atterbury	Live Fire Shoot House	1,929	1,929	1,929	0	1,929
Indiana	Army National Guard	Camp Atterbury	Urban Assault Course	1,601	1,601	1,601	0	1,601
Indiana	Army National Guard	Evansville	Add/Alt Motor Vehicle Stor Compound (ADRS)	2,566	2,566	2,566	0	2,566
Indiana	Navy	NSA Crane	Special Weapons Assessment Facility		6,730	6,730	6,730	6,730
Indiana	Air National Guard	Fort Wayne IAP	Replace Security Forces Ops/Training Facility	4,300	4,300	4,300	0	4,300
Iowa	Air National Guard	Fort Dodge	Vehicle Maint Communications Training Center		5,600	0	5,600	5,600
Iowa	Army National Guard	Iowa City	Construct Readiness Center			10,724	10,724	10,724
Iowa	Army National Guard	Waterloo	Add/Alt Army Aviation Support Facility	11,432	11,432	11,432	0	11,432
Kansas	Army	Fort Leavenworth	Battle Seminar Facility	15,000	15,000	15,000	0	15,000
Kansas	Army	Fort Leavenworth	Child Development Center		8,200	0	8,200	8,200
Kansas	Army	Fort Riley	Barracks Complex	32,000	32,000	32,000	0	32,000
Kansas	Army	Fort Riley	Child Development Center	5,200	5,200	5,200	0	5,200
Kansas	Army	Fort Riley	Vehicle Inspection/Cargo Processing Facility			10,200	10,200	10,200
Kansas	Air Force	McConnell AFB	Upgrade Ramp Lighting North and South		3,875	0	3,875	3,875

Military Construction Authorizations for Fiscal Year 2007
(Dollars in Thousands)

Location	Service/Agency	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Kentucky	Army	Blue Grass Depot	Block and Brace Facility	3,500	3,500	3,500	0	3,500
Kentucky	Chem Demil	Blue Grass Depot	Ammunition Demilitarization Facility, Phase 7	89,157	89,157	99,157	10,000	99,157
Kentucky	Army	Fort Campbell	Barracks	26,000	26,000	26,000	0	26,000
Kentucky	Army	Fort Campbell	Barracks Complex	50,000	50,000	50,000	0	50,000
Kentucky	Army	Fort Campbell	Battle Command Training Center	24,400	24,400	24,400	0	24,400
Kentucky	Army	Fort Campbell	Child Development Center	5,000	5,000	5,000	0	5,000
Kentucky	Army	Fort Campbell	Tactical Unmanned Aerial Vehicle Facility		8,100	0	8,100	8,100
Kentucky	Army	Fort Campbell	Vehicle Maintenance Facility	10,000	10,000	10,000	0	10,000
Kentucky	Army	Fort Campbell	Warrior Rehabilitation/Fitness Center			11,800	11,800	11,800
Kentucky	SOCOM	Fort Campbell	Battalion Operations Complex	24,500	24,500	24,500	0	24,500
Kentucky	Air Force	Fort Knox	TACP ASOS Facility	3,500	3,500	3,500	0	3,500
Kentucky	DODEA	Fort Knox	Replace High School	18,106	18,106	18,106	0	18,106
Kentucky	Army National Guard	London	Readiness Center		2,500	0	2,500	2,500
Louisiana	Army	Fort Polk	Child Development Center		6,100	0	6,100	6,100
Louisiana	Army	Fort Polk	Construct Brigade Facility (4th BDE 10th HQ)			9,800	9,800	9,800
Maine	Navy	NSY Portsmouth	Drydock #3 Waterfront Support Facility			9,650	9,650	9,650
Maryland	Army	Aberdeen PG	Automotive Technology Evaluation Facility, Ph 1			8,800	8,800	8,800
Maryland	Air Force	Andrews AFB	Strategic Planning and Development Facility	29,000	0	29,000	0	29,000
Maryland	Army	Fort Detrick	Research Acquisition Building		12,400	0	12,400	12,400
Maryland	TMA	Fort Detrick	USAMRIID Stage 1, Increment 1	29,000	29,000	29,000	0	29,000
Maryland	NSA	Fort Meade	Classified Material Conversion, Increment 2	11,151	11,151	11,151	0	11,151
Maryland	NSA	Fort Meade	Headquarters Utilities Upgrades, Phase 1	4,517	4,517	0	(4,517)	0
Maryland	Army National Guard	Gaithersburg	Add/Alt Readiness Center (ADRS)	5,612	5,612	5,612	0	5,612
Maryland	Air National Guard	Martin State Airport	Fire/Rescue Station		8,800	0	8,800	8,800
Maryland	Navy	NAS Patuxent River	Renovate and Modernize MMA Test Facilities	16,316	16,316	16,316	0	16,316
Maryland	Navy	Naval Academy	Wesley Brown Field House, Increment 2	26,685	21,685	26,685	0	26,685
Maryland	Navy	Suitland	National Maritime Intelligence Center, Incr 1	11,780	11,780	11,780	0	11,780
Maryland	Navy Reserve	NSA Washington	Administrative & Boat Storage Fac, Annapolis	1,924	1,924	1,924	0	1,924
Massachusetts	Air National Guard	Barnes ANGB	Add/Alt Fire Crash Rescue Station		7,000	0	7,000	7,000
Massachusetts	Army Reserve	Devens RFTA	Urban Assault Course	1,713	1,713	1,713	0	1,713
Massachusetts	Air Force	Hanscom AFB	Renovate Acquisition Management Facility			12,400	12,400	12,400

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Location	Service/Agency	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Michigan	Army	Detroit Arsenal	Ground System Power and Energy Lab			18,500	18,500	18,500
Michigan	Army National Guard	Lansing	USPFO/Readiness Center Phase 2		4,239	0	4,239	4,239
Minnesota	Army National Guard	Camp Ripley	Urban Assault Course		1,700	1,700	1,700	1,700
Minnesota	Air Force Reserve	Minneapolis-St. Paul IAP	Aerial Port Facility		6,400	0	6,400	6,400
Minnesota	Army National Guard	St. Cloud	Army Aviation Support Facility	34,453	34,453	34,453	0	34,453
Mississippi	Army National Guard	Camp Shelby	Joint Use Simulation Center			14,839	14,839	14,839
Mississippi	Navy	NAS Meridian	Construct Fire Station			5,870	5,870	5,870
Mississippi	SOCOM	Stennis Space Center	Riverine and Combat Craft Operations Facility		10,200	0	10,200	10,200
Mississippi	Army National Guard	Tupelo	Add/Alt Army Aviation Support Facility	29,888	29,888	29,888	0	29,888
Missouri	Army	Fort Leonard Wood	Barracks	17,000	17,000	17,000	0	17,000
Missouri	Army	Fort Leonard Wood	Child Development Center			6,900	6,900	6,900
Missouri	Army	Fort Leonard Wood	Vehicle Maintenance Shop - 58th Trans Bn		10,600	0	10,600	10,600
Missouri	Navy Reserve	St. Louis	Administrative and Boat Storage Facility	4,108	4,108	4,108	0	4,108
Missouri	Air Force	Whiteman AFB	Animal Clinic/SF Kennel Complex		3,600	0	3,600	3,600
Montana	Air National Guard	Great Falls	Replace Operation and Training Facility			9,600	9,600	9,600
Montana	Air Force	Malmstrom AFB	Community Activity Center		5,700	0	5,700	5,700
Nebraska	Army National Guard	Grand Island	Army Aviation Support Facility	17,275	17,275	17,275	0	17,275
Nebraska	Army Reserve	North Platte	Reserve Center/OMS/AMSA/Storage			7,630	7,630	7,630
Nebraska	Army Reserve	Omaha	AR Center/OMS/AMSA/UNH Storage Facility	24,143	24,143	24,143	0	24,143
Nebraska	Navy Reserve	Omaha	Navy Reserve Center	5,160	5,160	5,160	0	5,160
Nevada	Air Force	Indian Springs	Predator Support Facilities, Phase 2	26,000	26,000	26,000	0	26,000
Nevada	Air Force	Indian Springs	Predator Ops Facilities, Phase 2	23,923	23,923	23,923	0	23,923
Nevada	Navy	NAS Fallon	Improve Range B-20			7,730	7,730	7,730
Nevada	Air Force	Nellis AFB	Construct Airfield Fire Rescue Station			4,800	0	0
Nevada	Air National Guard	Reno-Tahoe IAP	Vehicle Maintenance Complex		5,000	5,000	5,000	5,000
New Jersey	Air National Guard	Atlantic City IAP	Arm/Disarm Apron		1,800	1,800	1,800	1,800
New Jersey	Army National Guard	Lakehurst	Consolidated Logistics Training Facility, Ph 2	20,024	20,024	20,024	0	20,024
New Jersey	Air Force	McGuire AFB	C-17 NE Landing Zone	15,500	15,500	15,500	0	15,500
New Jersey	Air Force	McGuire AFB	Unified Security Forces Operations Facility		13,000	0	13,000	13,000
New Jersey	Army	Picatinny Arsenal	Armament Integration Facility		9,900	0	9,900	9,900
New Mexico	Air Force	Kirtland AFB	Rescue/Recovery Training Ctr (PJ/CRO)			11,400	11,400	11,400

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New York	Army National Guard	Camp Smith	Readiness Center	21,908	21,908	21,908	0	21,908
New York	Army	Fort Drum	Automated Qualification Training Range		9,400	0	9,400	9,400
New York	Army	Fort Drum	Barracks	40,000	40,000	40,000	0	40,000
New York	Army	Fort Drum	Barracks	29,000	29,000	29,000	0	29,000
New York	Army	Fort Drum	Barracks Complex 10300 Block, Increment 2	16,500	16,500	16,500	0	16,500
New York	Army	Fort Drum	Brigade Complex #1, Phase 1	36,500	36,500	36,500	0	36,500
New York	Army	Fort Drum	Brigade Complex #2, Phase 1	37,400	37,400	37,400	0	37,400
New York	Army	Fort Drum	Brigade Complex #3, Phase 1	42,400	42,400	42,400	0	42,400
New York	Army	Fort Drum	Child Development Center	7,400	7,400	7,400	0	7,400
New York	Army	Fort Drum	Combined Arms Collective Training Facility	16,500	16,500	16,500	0	16,500
New York	Army National Guard	Fort Drum	Maneuver Area Training Equipment Site, Ph 2	12,658	12,658	12,658	0	12,658
New York	TMA	Fort Drum	Dental Clinic	9,700	9,700	9,700	0	9,700
New York	Air National Guard	Griffiss	Construct NEADS Support Facility, Phase 2		6,600	6,600	6,600	6,600
New York	Air National Guard	Hancock Field	Upgrade Base Facilities		8,000	0	8,000	8,000
New York	Air Force Reserve	Niagara Falls IAP	Visiting Quarters, Phase 2	7,800	7,800	7,800	0	7,800
New York	Army National Guard	Queensbury	Add/Alt Readiness Center (ADRS)	9,763	9,763	9,763	0	9,763
New York	Navy Reserve	Stewart AFB	MCR Center Aviation Support Equipmt Stor Fac	1,834	1,834	1,834	0	1,834
North Carolina	Army	Fort Bragg	Barracks	22,000	22,000	22,000	0	22,000
North Carolina	Army	Fort Bragg	Barracks Complex	39,000	39,000	39,000	0	39,000
North Carolina	Army	Fort Bragg	Barracks Complex 2nd Brigade, Increment 2	31,000	31,000	31,000	0	31,000
North Carolina	Army	Fort Bragg	Barracks Complex - 3rd Brigade, Increment 2	50,000	50,000	50,000	0	50,000
North Carolina	Army	Fort Bragg	Barracks Complex - Division Artillery, Incr 2	37,000	37,000	37,000	0	37,000
North Carolina	Army	Fort Bragg	Child Development Center			7,900	7,900	7,900
North Carolina	Army	Fort Bragg	Digital Multipurpose Range Complex	28,000	28,000	28,000	0	28,000
North Carolina	SOCOM	Fort Bragg	Add Operations Facility Northeast	18,291	18,291	18,291	0	18,291
North Carolina	SOCOM	Fort Bragg	Add Operations Facility Northwest	17,927	17,927	17,927	0	17,927
North Carolina	SOCOM	Fort Bragg	SOF Communications Training Facility		6,900	0	6,900	6,900
North Carolina	SOCOM	Fort Bragg	Training Facility	8,650	8,650	8,650	0	8,650
North Carolina	Marine Corps	MCAS Cherry Point	Commercial Power/Cargo Refueling Lane		2,790	0	2,790	2,790
North Carolina	Marine Corps	MCAS New River	Aircraft Maintenance Hangar	21,500	21,500	21,500	0	21,500
North Carolina	Marine Corps	MCAS New River	Construct Combat Training Tank			5,800	0	0

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North Carolina	Marine Corps	MCB Camp Lejeune	Ammunition Supply Point Upgrade, Phase 2	7,610	7,610	7,610	0	7,610
North Carolina	Marine Corps	MCB Camp Lejeune	Armories, II MEF	4,702	4,702	4,702	0	4,702
North Carolina	Marine Corps	MCB Camp Lejeune	Consolidated Academic Instruction Fac, Ph 2	15,140	15,140	15,140	0	15,140
North Carolina	Marine Corps	MCB Camp Lejeune	MARSOC Bachelor Enlisted Quarters	61,905	61,905	61,905	0	61,905
North Carolina	Marine Corps	MCB Camp Lejeune	MARSOC Battalion Aid Station	3,478	3,478	3,478	0	3,478
North Carolina	Marine Corps	MCB Camp Lejeune	MARSOC Enlisted Dining Facility	13,420	13,420	13,420	0	13,420
North Carolina	Marine Corps	MCB Camp Lejeune	MARSOC Intelligence Operations Facility	20,430	20,430	20,430	0	20,430
North Carolina	Marine Corps	MCB Camp Lejeune	MARSOC Maintenance Complex	22,117	22,117	22,117	0	22,117
North Carolina	Marine Corps	MCB Camp Lejeune	Modify K-Ranges, Phase 1	12,102	12,102	12,102	0	12,102
North Carolina	SOCOM	MCB Camp Lejeune	MARSOC Headquarters Facility	51,600	51,600	51,600	0	51,600
North Carolina	Navy Reserve	MCB Camp Lejeune	Reserve Training Center /Vehicle Maint Facility	5,792	5,792	5,792	0	5,792
North Carolina	Navy Reserve	MCB Camp Lejeune	Reserve Center Relocation	5,210	5,210	5,210	(5,210)	0
North Carolina	SOCOM	Pope AFB	Hangar/Squadron Operations Facility	15,276	15,276	15,276	0	15,276
North Carolina	Army Reserve	Raleigh-Durham	AR Center/OMS/Unh Storage Facility	12,114	12,114	12,114	0	12,114
North Carolina	Air National Guard	Stanly County Airport	Relocate Comm/Electronics Training Cplx	5,100	5,100	5,100	0	5,100
North Carolina	Army	Sunny Point Mil Terminal	Center Wharf Expansion	46,000	46,000	46,000	0	46,000
North Carolina	Navy	Washington County	Outlying Landing Field Facilities, Increment 4	7,926	7,926	7,926	0	7,926
North Dakota	Air National Guard	Hector Field Airport	Predator Operations Complex	5,500	5,500	5,500	0	5,500
North Dakota	Air Force	Minot AFB	Air Traffic Control Complex, Phase 1			9,000	9,000	9,000
Ohio	Army National Guard	Columbus	Add/Alt Readiness Center (ADRS)	1,108	1,108	1,108	0	1,108
Ohio	Army National Guard	Marysville	Readiness Center (ADRS)	6,163	6,163	6,163	0	6,163
Ohio	Air National Guard	Rickenbacker ANG Base	Security Forces Complex/Communications Building		7,200	7,200	7,200	7,200
Ohio	Air Force Reserve	Wright-Patterson AFB	Alter C-5 Facility for Reserve Training	2,700	2,700	2,700	0	2,700
Oklahoma	Air Force	Altus AFB	Construct Visiting Quarters			8,000	8,000	8,000
Oklahoma	Air Force	Altus AFB	Repair Defense Access Rd (McQueen Rd)	1,500	1,500	1,500	0	1,500
Oklahoma	Army	McAlester AAP	Fabrication Facility	3,050	3,050	3,050	0	3,050
Oklahoma	Air Force	Tinker AFB	Electrical Substation		5,700	8,100	5,700	5,700
Oregon	Army National Guard	Boardman	Multi-Purpose Training Range	3,314	3,314	3,314	0	3,314
Pennsylvania	Army Reserve	Beaver Falls	AR Center/OMS/Unh Storage Facility	10,285	10,285	10,285	0	10,285
Pennsylvania	Army National Guard	Bradford	Readiness Center (SBCT)	6,206	6,206	6,206	0	6,206
Pennsylvania	Army National Guard	Butler	Add/Alt Readiness Center (SBCT)	2,496	2,496	2,496	0	2,496

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Pennsylvania	Army National Guard	Carlisle	Field Maintenance Shop (SBCT)	7,033	7,033	7,033	0	7,033
Pennsylvania	Army National Guard	Chambersburg	Add/Alt Readiness Center (SBCT)	4,560	4,560	4,560	0	4,560
Pennsylvania	DLA	DDD New Cumberland	Add Consolidated Maintenance Facility	8,900	8,900	8,900	0	8,900
Pennsylvania	Army National Guard	Easton	Field Maintenance Shop (SBCT)	9,707	9,707	9,707	0	9,707
Pennsylvania	Army National Guard	Easton	Readiness Center (SBCT)	5,190	5,190	5,190	0	5,190
Pennsylvania	Air National Guard	Fort Indiantown Gap	Operations and Training Facility		6,000	0	6,000	6,000
Pennsylvania	Army National Guard	Lancaster	Field Maintenance Shop (SBCT)	8,309	8,309	8,309	0	8,309
Pennsylvania	Army National Guard	Lancaster	Readiness Center (SBCT)	10,714	10,714	10,714	0	10,714
Pennsylvania	Army	Letterkenny Depot	Construct Port Staging Facility			7,500	7,500	7,500
Pennsylvania	Army National Guard	Lewistown	Add/Alt Readiness Center (SBCT)	8,868	8,868	8,868	0	8,868
Pennsylvania	Army National Guard	Punxsutawney	Add/Alt Readiness Center (SBCT)	5,470	5,470	5,470	0	5,470
Pennsylvania	Army National Guard	Reading	Add/Alt Readiness Center (SBCT)	5,817	5,817	5,817	0	5,817
Pennsylvania	Air National Guard	State College Station	Replace Air Ops Squadron Training Facility	5,300	5,300	5,300	0	5,300
Pennsylvania	Army National Guard	Waynesburg	Readiness Center		8,012	0	8,012	8,012
Rhode Island	Army National Guard	East Greenwich	Combined Support Maintenance Shop	27,472	27,472	29,547	2,075	29,547
Rhode Island	Navy	NS Newport	Hazardous Material Storage Facility			3,410	0	0
Rhode Island	Navy	NS Newport	Replace Vehicle Bridge, Incr 2*				3,410	3,410
South Carolina	Air Force	Charleston AFB	Child Development Center			10,200	10,200	10,200
South Carolina	Marine Corps	MCAS Beaufort	AICUZ Land Acquisition, Phase 1	7,255	7,255	0	0	7,255
South Carolina	Marine Corps	MCAS Beaufort	Enlisted Dining Facility	14,970	14,970	14,970	0	14,970
South Carolina	Marine Corps	MCAS Beaufort	Nuclear/Bio/Chem Facility		3,350	0	3,350	3,350
South Carolina	Air Force	Shaw AFB	Aerospace Ground Equipment Shop/Storage Facility	6,200	6,200	6,200	0	6,200
South Carolina	Air Force	Shaw AFB	Air Defense Alert Airfield Pavements		9,300	0	9,300	9,300
South Carolina	Air Force	Shaw AFB	Dormitory (144 Room)	16,000	16,000	16,000	0	16,000
South Dakota	Air Force	Ellsworth AFB	Base Water Well		3,000	3,000	3,000	3,000
South Dakota	Air National Guard	Joe Foss Field	Replace Civil Engineer Maintenance Complex			7,500	7,500	7,500
South Dakota	Army Reserve	Sioux Falls	AFR Center/OMS/Unh Storage Facility/ Land	12,876	12,876	12,876	0	12,876
Tennessee	Army National Guard	Louisville	Add/Alt Army Aviation Support Facility	5,239	5,239	5,239	0	5,239
Tennessee	Air National Guard	McGhee Tyson	Replace Squadron Operations Facility			11,200	11,200	11,200
Tennessee	Air National Guard	Memphis IAP	C-5 Infrastructure Upgrade	5,000	5,000	5,000	0	5,000

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Tennessee	Air National Guard	Memphis IAP	Replace C-5 Support Equipment Shop/Storage	4,400	4,400	4,400	0	4,400
Tennessee	Air National Guard	Memphis IAP	Replace C-5 Fire Crash Rescue Station	4,350	4,350	4,350	0	4,350
Tennessee	Air National Guard	Memphis IAP	Replace C-5 Squadron Operations/Simulator Facility	10,000	10,000	10,000	0	10,000
Texas	Army National Guard	Camp Bowie	Multi-Purpose Machine Gun Range	2,229	2,220	2,229	0	2,229
Texas	Army	Corpus Christi Depot	Aircraft Component Maintenance Shop		12,200	0	12,200	12,200
Texas	Army Reserve	Ellington Field	Construct Armed Forces Reserve Ctr, Ph 2			15,000	15,000	15,000
Texas	Air National Guard	Ellington Field Airport	Predator Operations Complex	6,000	6,000	6,000	0	6,000
Texas	Army	Fort Bliss	Physical Fitness Center		8,200	0	8,200	8,200
Texas	Air Force	Fort Bliss	TACP ASOS and Weather Facility	8,500	8,500	8,500	0	8,500
Texas	Army	Fort Hood	Barracks Complex	47,000	47,000	47,000	0	47,000
Texas	Army	Fort Hood	CH-47 Maintenance Hanger		18,000	0	18,000	18,000
Texas	Army	Fort Hood	Combined Arms Collective Training Facility	28,000	28,000	28,000	0	28,000
Texas	TMA	Fort Hood	Add/Alt Women's Health Services	18,000	18,000	18,000	0	18,000
Texas	Navy Reserve	Fort Worth	Joint Ground Support Equipment/AC Maint Fac	9,428	9,428	9,428	0	9,428
Texas	Air Force	Lackland AFB	Replace Telecommunications Switch/Admin	13,200	13,200	13,200	0	13,200
Texas	Air Force	Laughlin AFB	Student Officers Quarters, Phase 2		12,600	0	12,600	12,600
Texas	Navy Reserve	NAS/JRB Fort Worth	Joint Multi-Level Parking Facility		6,500	0	6,500	6,500
Texas	Army	Red River Depot	Construct Maneuver Sys Sustainment Ctr, Ph 1			6,000	6,000	6,000
Texas	Air Force	Sheppard AFB	Base Operations Ramp, Phase 1		7,000	0	7,000	7,000
Utah	Army National Guard	Camp Williams	Total Army School System Barracks, Phase 1	19,688	19,688	19,688	0	19,688
Utah	Army	Dugway PG	Michael Army Airfield Runway, Phase 3	14,400	14,400	14,400	0	14,400
Utah	Air Force	Hill AFB	Add to Software Support Facility	20,000	20,000	20,000	0	20,000
Utah	Air Force	Hill AFB	Armament Overhaul/Test Facility	7,400	7,400	7,400	0	7,400
Utah	Air Force	Hill AFB	Construct Consolidated ALC Warehouse			10,000	10,000	10,000
Utah	Air Force	Hill AFB	F-22 Fuel Composite Aircraft Overhaul/Test Fac	26,000	26,000	26,000	0	26,000
Vermont	Air National Guard	Burlington	Improve Base Security, Phase 1			6,000	6,000	6,000
Vermont	Army National Guard	Camp Ethan Allen	Infantry Squad Battle Course	2,204	2,204	2,204	0	2,204
Virginia	Army	Fort Belvoir	Administrative Buildings	31,000	0	31,000	(31,000)	0
Virginia	Army	Fort Belvoir	Defense Access Road, Phase 2	13,000	13,000	13,000	0	13,000
Virginia	Army	Fort Belvoir	Museum Support Center	27,000	0	27,000	0	27,000
Virginia	DLA	Fort Belvoir	Material Receiving and Screening Facility	5,500	5,500	5,500	0	5,500

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Virginia	Army	Fort Lee	Deployment Staging Area		4,150	0	4,150	4,150
Virginia	Army National Guard	Fort Pickett	Ammunition Supply Point Magazines (SBCT)	1,869	1,869	1,869	0	1,869
Virginia	Air Force	Langley AFB	DCG Station Operations Facility	47,700	47,700	47,700	0	47,700
Virginia	Air Force	Langley AFB	Dormitory (96 Room)	10,000	10,000	10,000	0	10,000
Virginia	SOCOM	NAB Little Creek	Seal Delivery Team Two Maintenance Facility	22,000	22,000	22,000	0	22,000
Virginia	Navy	NS Norfolk	Add Helicopter Training Facility	12,062	12,062	12,062	0	12,062
Virginia	Navy	NS Norfolk	Pier 11 Replacement, Increment 4	30,633	30,633	30,633	0	30,633
Virginia	Navy	NSA Norfolk	Damage Control School Trainer	13,502	13,502	13,502	0	13,502
Virginia	Navy	NSA Norfolk	JFCOM Headquarters Building		13,250	10,500	13,250	13,250
Virginia	Navy	NSA Norfolk	Joint Deployment/Fleet Services Command Ctr	14,960	14,960	14,960	0	14,960
Virginia	Navy	Norfolk Naval Shipyard	Dry Dock #8 Modernization	34,952	34,952	34,952	0	34,952
Virginia	Navy	Norfolk Naval Shipyard	Ship Repair Pier 3 Replacement, Increment 2	30,939	30,939	30,939	0	30,939
Virginia	Navy	NSWC Dahlgren	Construct Electromagnetic Launch RDT&E Fac			9,850	9,850	9,850
Virginia	Marine Corps	MCB Quantico	Hockmuth Hall Addition, Increment 2	11,559	10,159	11,559	(1,400)	10,159
Virginia	Marine Corps	MCB Quantico	Senior NCO Academic Facility	8,317	8,317	8,317	0	8,317
Virginia	Marine Corps	MCB Quantico	Student Quarters, The Basic School, Phase 1	22,311	22,311	22,311	0	22,311
Virginia	Army National Guard	Winchester	Organizational Maintenance Shop		3,113	0	3,113	3,113
Washington	Air Force	Fairchild AFB	Physiological Training Facility		4,250	0	4,250	4,250
Washington	Army	Fort Lewis	Barracks Complex	35,000	35,000	35,000	0	35,000
Washington	Army	Fort Lewis	Barracks Complex	49,000	49,000	49,000	0	49,000
Washington	Army	Fort Lewis	Brigade Complex, Increment 1	102,000	102,000	102,000	0	102,000
Washington	Army	Fort Lewis	Child Development Center	10,600	10,600	10,600	0	10,600
Washington	Navy	NAS Whidbey Island	Indoor Aircraft Washrack		9,650	9,650	9,650	9,650
Washington	Navy	NAS Whidbey Island	Recapitalize Hanger 5, Increment 1	57,653	26,500	57,653	(31,153)	26,500
Washington	DLA	NAS Whidbey Island	Consolidated Fuel Facility	26,000	26,000	26,000	0	26,000
Washington	Navy	NB Kitsap	Limited Area Production & Stor Cmplx, Incr 3	14,274	14,274	14,274	0	14,274
Washington	Navy	NB Kitsap	Reaction Force Facility Auxiliary Sup Cmplx	13,507	13,507	13,507	0	13,507
Washington	Navy	NB Kitsap	Ocean Engineering Support Facility		4,110	0	4,110	4,110
Washington	Navy	NS Everett	BEQ Homeport Ashore, Increment 2	20,917	20,917	20,917	0	20,917
West Virginia	Army National Guard	Camp Dawson	Multi-Purpose Building		4,842	0	4,842	4,842
West Virginia	Air National Guard	EWVRA-Shepherd Field	Replace C-5 Base Supply Facility	5,700	5,700	5,700	0	5,700

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West Virginia	Air National Guard	EWVRA-Shepherd Field	Replace C-5 Fire Crash Rescue Station	7,500	7,500	7,500	0	7,500
West Virginia	Air National Guard	EWVRA-Shepherd Field	Upgrade/Extend C-5 Runway and Taxiways	20,500	20,500	20,500	0	20,500
West Virginia	Air National Guard	Martinsburg ANGS	Construct C-5 Avionics Shop, ASE, Aerial Port			5,000	5,000	5,000
West Virginia	Air National Guard	Yeager	Replace Aircraft Maintenance Hangar			17,300	17,300	17,300
Wisconsin	Army Reserve	Fort McCoy	General Purpose Warehouse	13,744	13,744	13,744	0	13,744
Wisconsin	Army Reserve	Menasha	AR Center/OMS/Unh Storage Facility	12,159	12,159	12,159	0	12,159
Wisconsin	Air National Guard	Truax Field	Add/Alt Fire Crash Rescue Station			7,000	7,000	7,000
Wyoming	Army National Guard	Camp Guernsey	Multi-Purpose Machine Gun Range	1,796	1,796	1,796	0	1,796
Wyoming	Air National Guard	Cheyenne Airport	Add/Alt Fire Crash Rescue Station	4,200	4,200	4,200	0	4,200
Wyoming	Air National Guard	Cheyenne Airport	Replace Squadron Operations Facility			7,600	7,600	7,600
Wyoming	Air Force	F.E. Warren AFB	Renovate Dormitory 230	11,000	11,000	11,000	0	11,000
Overseas/Worldwide MILCON								
Diego Garcia	Navy	NSF Diego Garcia	Improve Wharf and Shore Support Facilities	37,473	37,473	37,473	0	37,473
Germany	Army	Grafenwoehr	Barracks	29,000	29,000	29,000	0	29,000
Germany	Army	Grafenwoehr	Barracks	29,000	29,000	29,000	0	29,000
Germany	Army	Grafenwoehr	Brigade Headquarters	11,132	11,132	11,132	0	11,132
Germany	Army	Grafenwoehr	Vehicle Maintenance Complex	29,500	29,500	29,500	0	29,500
Germany	Army	Grafenwoehr	Vehicle Maintenance Complex	29,500	29,500	29,500	0	29,500
Germany	Army	Grafenwoehr	Vehicle Maintenance Complex	29,500	29,500	29,500	0	29,500
Germany	Air Force	Ramstein AB	C-130J Aircraft Parts Storage	3,300	3,300	3,300	0	3,300
Germany	Air Force	Ramstein AB	C-130J Dual Bay Maintenance Hangar	22,000	22,000	22,000	0	22,000
Germany	Air Force	Ramstein AB	Ramp 1, Phase 2	27,850	27,850	27,850	0	27,850
Germany	Army	Vilseck	Barracks	19,000	19,000	19,000	0	19,000
Guam	Air Force	Andersen AFB	Global Hawk Aircraft Maintenance/Ops Cmplx	52,800	52,800	52,800	0	52,800
Guam	Air Force	Andersen AFB	ISR/STF Large Veh Inspection Ctr/Access Rd	15,500	15,500	0	(15,500)	0
Guam	Air Force	Andersen AFB	Upgrade Northwest Field Infrastructure, Ph 1	12,500	12,500	0	0	12,500
Guam	Navy	Naval Base Guam	Alpha/Bravo Wharves Improvements, Incr 2	29,772	29,772	29,772	0	29,772
Italy	Navy	NAS Sigonella	Mobile User Objective System Installation	13,051	13,051	13,051	0	13,051
Italy	Army	Vicenza	Barracks Complex, Dal Molin	46,000	46,000	46,000	0	46,000
Italy	Army	Vicenza	Barracks Complex, Dal Molin	41,000	41,000	41,000	0	41,000

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Italy	Army	Vicenza	Barracks Complex, Dal Molin	29,000	29,000	29,000	0	29,000
Italy	Army	Vicenza	Brigade Complex, Dal Molin	32,000	32,000	32,000	0	32,000
Italy	Army	Vicenza	Brigade Complex Infrastructure, Dal Molin	49,000	49,000	49,000	0	49,000
Italy	Army	Vicenza	Physical Fitness Center, Dal Molin	26,000	26,000	26,000	0	26,000
Italy	DODEA	Vicenza	Construct Middle School and Renovate High School	0	0	0	0	0
Italy	DODEA	Vicenza	Elementary School	31,460	31,460	31,460	0	31,460
Italy	TMA	Vicenza	Enhanced Health Service Center	52,000	52,000	52,000	0	52,000
Japan	Army	Camp Hansen	Range Complex, Phase 2	7,150	7,150	7,150	0	7,150
Japan	Navy	Naval Station Yokosuka	Wharf Upgrades, Increment 2	44,360	44,360	44,360	0	44,360
Japan	DLA	Okinawa	Replace Single-Point Mooring Buoy	5,000	5,000	5,000	0	5,000
Korea	Army	Camp Humphreys	Barracks Complex	42,000	42,000	42,000	(8,400)	33,600
Korea	Army	Camp Humphreys	Barracks Complex	35,000	35,000	35,000	(7,000)	28,000
Korea	Air Force	Kunsan AB	Dormitory (600 Room)	46,700	46,700	46,700	(9,340)	37,360
Korea	Air Force	Osan AB	DCG Station Intel Squad Ops Facility	2,156	2,156	2,156	0	2,156
Korea	DODEA	Osan AB	Add Osan High School	4,569	4,569	4,569	0	4,569
Korea	Army	Yongpyong	Digital Multipurpose Range	4,350	4,350	4,350	0	4,350
Korea	Army	Yongpyong	Shoot House	1,450	1,450	1,450	0	1,450
Korea	Army	Yongpyong	Shoot House	1,600	1,600	1,600	0	1,600
Kwajalein	MDA	Kwajalein Atoll	Upgrade Launch Control Facility Life Safety	7,592	0	7,592	0	7,592
Puerto Rico	Army Reserve	Camp Santiago	Combat Pistol/ MP Qualification Course	2,054	2,054	2,054	0	2,054
Qatar	SOCOM	Al Udeid AB	Aircraft Operations and Maintenance Facility	28,000	28,000	28,000	0	28,000
Qatar	SOCOM	Al Udeid AB	Rotary Wing Hanger	16,500	16,500	16,500	0	16,500
Spain	DODEA	NS Rota	Add Rota High School	23,048	23,048	23,048	0	23,048
United Kingdom	NSA	RAF Menwith Hill Station	Operations/Tech Building, Increment 2	46,386	46,386	46,386	0	46,386
Wake Island	DLA	Wake Island	Replace Fuel Truck Loading Facility	2,600	2,600	2,600	0	2,600
Romania	Army	Babadag Range	Base Camp	34,800	34,800	34,800	0	34,800
Worldwide	Air Force	Classified Location	Classified Project	1,700	1,700	1,700	0	1,700
Worldwide	Air Force	Classified Location	Special Evaluation Program	4,600	4,600	4,600	0	4,600
Worldwide	Air Force	Classified Location	Special Tactical Unit Detachment Facility	3,377	3,377	3,377	0	3,377
Worldwide	Navy	Unspecified Worldwide	Helicopter Support Facility	12,185	12,185	12,185	0	12,185
Worldwide	Air Force	Unspecified Worldwide	Common Battlefield Airman Training Complex	14,200	0	14,200	(14,200)	0

Military Construction Authorizations for Fiscal Year 2007

(Dollars in Thousands)

Location	Service/Agency	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Worldwide	Air Force	Unspecified Worldwide	Global Hawk Aircraft Maintenance/Ops Cmplx	26,000	26,000	26,000	(26,000)	0
Base Realignment and Closure (BRAC) Accounts								
Worldwide	Army	Unspecified Worldwide	BRAC 2005, Environmental	19,293	19,293	19,293	0	19,293
Worldwide	Army	Unspecified Worldwide	BRAC 2005, Existing Footprint	831,669	831,669	831,669	0	831,669
Worldwide	Army	Unspecified Worldwide	BRAC 2005, New Footprint	1,555,731	1,555,731	1,555,731	0	1,555,731
Worldwide	Army	Unspecified Worldwide	BRAC 2005, Other	319,010	319,010	319,010	0	319,010
Worldwide	Army	Unspecified Worldwide	Global Posture Moves, Existing Footprint	733,205	733,205	733,205	0	733,205
Worldwide	Army	Unspecified Worldwide	Global Posture Moves, New Footprint	105,295	105,295	105,295	0	105,295
Worldwide	Army	Unspecified Worldwide	Global Posture Moves, Other	44,031	44,031	44,031	0	44,031
Worldwide	Army	Unspecified Worldwide	Prior BRAC Rounds	51,340	51,340	51,340	0	51,340
Worldwide	Navy	Unspecified Worldwide	BRAC 2005, Environmental	6,483	6,483	6,483	0	6,483
Worldwide	Navy	Unspecified Worldwide	BRAC 2005, Existing Footprint	522,186	522,186	522,186	0	522,186
Worldwide	Navy	Unspecified Worldwide	BRAC 2005, New Footprint	36,505	36,505	36,505	0	36,505
Worldwide	Navy	Unspecified Worldwide	BRAC 2005, O&M	109,415	109,415	109,415	0	109,415
Worldwide	Navy	Unspecified Worldwide	Global Posture Moves, Operations and Maint	15,000	15,000	15,000	0	15,000
Worldwide	Air Force	Unspecified Worldwide	BRAC 2005, Environmental	1,965	1,965	1,965	0	1,965
Worldwide	Air Force	Unspecified Worldwide	BRAC 2005, Existing Footprint	203,526	203,526	203,526	0	203,526
Worldwide	Air Force	Unspecified Worldwide	BRAC 2005, New Footprint	305,289	305,289	305,289	0	305,289
Worldwide	Air Force	Unspecified Worldwide	BRAC 2005, O&M	396,161	396,161	396,161	0	396,161
Worldwide	Air Force	Unspecified Worldwide	Prior BRAC Rounds	133,827	133,827	133,827	0	133,827
Worldwide	AFIS	Unspecified Worldwide	BRAC 2005, AFIS	6,419	6,419	6,419	0	6,419
Worldwide	CIFA	Unspecified Worldwide	BRAC 2005, CIFA	2,883	2,883	2,883	0	2,883
Worldwide	DODEA	Unspecified Worldwide	BRAC 2005, DODEA	6,010	6,010	6,010	0	6,010
Worldwide	DFAS	Unspecified Worldwide	BRAC 2005, DFAS	63,999	63,999	63,999	0	63,999
Worldwide	DHP	Unspecified Worldwide	BRAC 2005, DHP	15	15	15	0	15
Worldwide	DHRA	Unspecified Worldwide	BRAC 2005, DHRA	8,414	8,414	8,414	0	8,414
Worldwide	DISA	Unspecified Worldwide	BRAC 2005, DISA	140	140	140	0	140

Military Construction Authorizations for Fiscal Year 2007
(Dollars in Thousands)

Location	Service/Agency	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Worldwide	DIA	Unspecified Worldwide	BRAC 2005, DIA	336	336	336	0	336
Worldwide	DLSA	Unspecified Worldwide	BRAC 2005, DLSA	1	1	1	0	1
Worldwide	DLA	Unspecified Worldwide	BRAC 2005, DLA	97,185	97,185	97,185	0	97,185
Worldwide	DLA	Unspecified Worldwide	Prior BRAC Rounds, DLA	6,053	6,053	6,053	0	6,053
Worldwide	DTSA	Unspecified Worldwide	BRAC 2005, DTSA	2,404	2,404	2,404	0	2,404
Worldwide	DTRA	Unspecified Worldwide	BRAC 2005, DTRA	4,407	4,407	4,407	0	4,407
Worldwide	DOD-IG	Unspecified Worldwide	BRAC 2005, DODIG	13,222	13,222	13,222	0	13,222
Worldwide	NGIA	Unspecified Worldwide	BRAC 2005, NGIA	124,111	124,111	124,111	0	124,111
Worldwide	OSD	Unspecified Worldwide	BRAC 2005, OSD	20,434	20,434	20,434	0	20,434
Worldwide	TMA	Unspecified Worldwide	BRAC 2005, TMA	244	244	244	0	244
Worldwide	WHS	Unspecified Worldwide	BRAC 2005, WHS	71,235	71,235	71,235	0	71,235
Worldwide	DOD	Unspecified Worldwide	BRAC 2005 General Reduction - DOD Agencies	0	0	(99,329)	0	0
Unspecified Accounts								
Worldwide	Army	Unspecified Worldwide	Planning and Design	191,830	198,830	198,629	7,000	198,830
Worldwide	Army	Unspecified Worldwide	Planning and Design (Host Nation Support)	21,000	21,000	21,000	0	21,000
Worldwide	Army	Unspecified Worldwide	Unspecified Minor Construction	23,000	23,930	23,000	930	23,930
Worldwide	Army National Guard	Unspecified Worldwide	Planning and Design	57,337	63,337	60,998	3,500	60,837
Worldwide	Army National Guard	Unspecified Worldwide	Unspecified Minor Construction	20,844	20,844	20,844	0	20,844
Worldwide	Army Reserve	Unspecified Worldwide	Planning and Design	19,509	22,509	20,209	1,500	21,009
Worldwide	Army Reserve	Unspecified Worldwide	Unspecified Minor Construction	3,042	3,042	3,042	0	3,042
Worldwide	Navy	Unspecified Worldwide	Planning and Design	46,485	49,961	49,184	2,000	48,485
Worldwide	Navy	Unspecified Worldwide	Unspecified Minor Construction	8,939	8,939	8,939	0	8,939
Worldwide	Marine Corps	Unspecified Worldwide	Planning and Design	21,376	22,876	22,083	1,000	22,376
Worldwide	Navy Reserve	Unspecified Worldwide	Planning and Design	1,400	1,650	1,400	300	1,700
Worldwide	Navy Reserve	Unspecified Worldwide	Unspecified Minor Construction	1,112	1,112	1,112	0	1,112
Worldwide	USMC Reserve	Unspecified Worldwide	Planning and Design	987	987	987	0	987
Worldwide	Air Force	Unspecified Worldwide	Planning and Design	87,504	97,504	90,632	(8,500)	79,004
Worldwide	Air Force	Unspecified Worldwide	Unspecified Minor Construction	15,000	15,000	15,000	0	15,000

Military Construction Authorizations for Fiscal Year 2007
(Dollars in Thousands)

Location	Service/Agency	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Worldwide	Air National Guard	Unspecified Worldwide	Planning and Design	18,838	29,738	26,593	8,195	27,033
Worldwide	Air National Guard	Unspecified Worldwide	Unspecified Minor Construction	6,000	6,000	6,000	0	6,000
Worldwide	Air Force Reserve	Unspecified Worldwide	Planning and Design	5,109	7,609	5,109	2,500	7,609
Worldwide	Air Force Reserve	Unspecified Worldwide	Unspecified Minor Construction	4,477	4,477	4,477	0	4,477
Worldwide	DODEA	Unspecified Worldwide	Unspecified Minor Construction	466	466	466	0	466
Worldwide	DFAS	Unspecified Worldwide	Unspecified Minor Construction	1,421	1,421	1,421	0	1,421
Worldwide	JCS	Unspecified Worldwide	Unspecified Minor Construction	7,531	7,531	7,531	0	7,531
Worldwide	NSA	Unspecified Worldwide	Planning and Design	6,416	6,416	6,416	0	6,416
Worldwide	OSD	Unspecified Worldwide	Planning and Design	35,512	35,512	35,512	0	35,512
Worldwide	OSD	Unspecified Worldwide	Unspecified Minor Construction	4,591	4,591	4,591	0	4,591
Worldwide	SOCOM	Unspecified Worldwide	Planning and Design	47,915	48,715	47,915	800	48,715
Worldwide	SOCOM	Unspecified Worldwide	Unspecified Minor Construction	4,342	4,342	4,342	0	4,342
Worldwide	TMA	Unspecified Worldwide	Planning and Design	61,800	61,800	61,800	0	61,800
Worldwide	TMA	Unspecified Worldwide	Unspecified Minor Construction	3,321	3,321	3,321	0	3,321
Worldwide	WHS	Unspecified Worldwide	Planning and Design	507	507	507	0	507
Miscellaneous Accounts								
Worldwide	ECIP	Unspecified Worldwide	Energy Conservation Improvement Program	60,000	55,900	60,000	(5,000)	55,000
Worldwide	NATO	Unspecified Worldwide	NATO Security Investment Program	220,985	200,985	205,985	(20,000)	200,985
Worldwide	OSD	Unspecified Worldwide	Contingency Construction	10,000	10,000	10,000	0	10,000
Family Housing								
Alaska	Air Force	Eielson AFB	Replace Family Housing (129 Units)	87,414	87,414	87,414	0	87,414
Alaska	Army	Fort Richardson	Replace Family Housing (57 Units)	25,000	25,000	25,000	0	25,000
Alaska	Army	Fort Richardson	Replace Family Housing (105 Units)	45,000	45,000	45,000	0	45,000
Alaska	Army	Fort Wainwright	Replace Family Housing (58 Units)	32,000	32,000	32,000	0	32,000
Alaska	Army	Fort Wainwright	Replace Family Housing (86 Units)	50,000	50,000	50,000	0	50,000
Alaska	Army	Fort Wainwright	Replace Family Housing (90 Units)	50,000	50,000	50,000	0	50,000
Arizona	Army	Fort Huachuca	Replace Family Housing (119 Units)	32,000	32,000	32,000	0	32,000
Arkansas	Army	Pine Bluff Arsenal	Replace Family Housing (10 Units)	2,900	2,900	2,900	0	2,900

Military Construction Authorizations for Fiscal Year 2007
(Dollars in Thousands)

Location	Service/Agency	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
California	Marine Corps	MCLB Barstow	Replace Family Housing (74 Units)	27,851	27,851	27,851	0	27,851
Idaho	Air Force	Mountain Home AFB	Replace Family Housing (457 Units)	107,800	107,800	107,800	0	107,800
Missouri	Air Force	Whiteman AFB	Replace Family Housing (116 Units)	39,270	39,270	39,270	0	39,270
Montana	Air Force	Malmstrom AFB	Replace Family Housing (493 Units)	140,252	140,252	140,252	0	140,252
North Carolina	Air Force	Seymour Johnson AFB	Replace Family Housing (56Units)	22,956	22,956	22,956	0	22,956
North Dakota	Air Force	Minot AFB	Replace Family Housing (575 Units)	171,188	171,188	170,188	(1,000)	170,188
Texas	Air Force	Dyess AFB	Replace Family Housing (199 Units)	49,215	49,215	49,215	0	49,215
Virginia	DLA	DSC Richmond	Replace Family Housing (25 Units)	7,840	7,840	7,840	0	7,840
Wisconsin	Army	Fort McCoy	Replace Family Housing (13 Units)	4,900	4,900	4,900	0	4,900
Family Housing Overseas								
Germany	Air Force	Ramstein AB	Replace Family Housing (101 Units)	73,488	59,488	73,488	(14,000)	59,488
Germany	Air Force	Spangdahlem AB	Replace Family Housing (60 Units)	39,294	39,294	39,294	0	39,294
Guam	Navy	Naval Base Guam	Replace Family Housing (68 Units)	48,017	48,017	48,017	0	48,017
Guam	Navy	Naval Base Guam	Replace Family Housing (106 Units)	50,157	50,157	50,157	0	50,157
United Kingdom	Air Force	RAF Lakenheath	Replace Family Housing (74 Units)	35,282	35,282	35,282	0	35,282
Family Housing Improvements								
Worldwide	Army	Unspecified Worldwide	Construction Improvements	336,859	320,659	336,859	(16,200)	320,659
Worldwide	Navy	Unspecified Worldwide	Construction Improvements	176,446	180,146	176,446	3,700	180,146
Worldwide	Air Force	Unspecified Worldwide	Construction Improvements	403,777	403,777	403,777	0	403,777
Worldwide	DLA	Unspecified Worldwide	Construction Improvements	464	464	464	0	464
Worldwide	NSA	Unspecified Worldwide	Construction Improvements	284	284	284	0	284
Worldwide	FHIF	Unspecified Worldwide	Family Housing Improvement Fund	2,500	2,500	2,500	0	2,500
Family Housing Operations								
Worldwide	Army	Unspecified Worldwide	Furnishings Account	36,687	36,687	36,687	0	36,687
Worldwide	Army	Unspecified Worldwide	Leasing Account	214,781	214,781	214,781	0	214,781
Worldwide	Army	Unspecified Worldwide	Maintenance of Real Property	204,963	202,791	204,963	(1,212)	203,751
Worldwide	Army	Unspecified Worldwide	Management Account	60,919	60,919	60,919	0	60,919
Worldwide	Army	Unspecified Worldwide	Miscellaneous Account	630	630	630	0	630

Military Construction Authorizations for Fiscal Year 2007
(Dollars in Thousands)

Location	Service/Agency	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Worldwide	Army	Unspecified Worldwide	Operations Account	0	0	0	0	0
Worldwide	Army	Unspecified Worldwide	Planning and Design	16,332	16,332	16,332	0	16,332
Worldwide	Army	Unspecified Worldwide	Privatization Support Costs	25,990	25,990	25,990	0	25,990
Worldwide	Army	Unspecified Worldwide	Services Account	26,726	26,726	26,726	0	26,726
Worldwide	Army	Unspecified Worldwide	Utilities Account	106,133	106,133	106,133	0	106,133
Worldwide	Navy	Unspecified Worldwide	Furnishings Account	18,036	18,036	18,036	0	18,036
Worldwide	Navy	Unspecified Worldwide	Leasing Account	132,282	132,282	121,681	0	132,282
Worldwide	Navy	Unspecified Worldwide	Maintenance of Real Property	152,991	152,991	152,991	0	152,991
Worldwide	Navy	Unspecified Worldwide	Management Account	75,085	75,085	75,085	0	75,085
Worldwide	Navy	Unspecified Worldwide	Miscellaneous Account	595	595	595	0	595
Worldwide	Navy	Unspecified Worldwide	Mortgage Insurance Premium	2	2	2	0	2
Worldwide	Navy	Unspecified Worldwide	Planning and Design	2,600	2,785	2,600	185	2,785
Worldwide	Navy	Unspecified Worldwide	Privatization Support Costs	15,261	15,261	15,261	0	15,261
Worldwide	Navy	Unspecified Worldwide	Services Account	34,123	34,123	34,123	0	34,123
Worldwide	Navy	Unspecified Worldwide	Utilities Account	80,751	80,751	80,751	0	80,751
Worldwide	Air Force	Unspecified Worldwide	Debt Account	1	1	1	0	1
Worldwide	Air Force	Unspecified Worldwide	Furnishings Account	44,545	44,545	44,545	0	44,545
Worldwide	Air Force	Unspecified Worldwide	Leasing Account	121,296	121,296	121,296	0	121,296
Worldwide	Air Force	Unspecified Worldwide	Maintenance Account	342,298	342,298	342,298	0	342,298
Worldwide	Air Force	Unspecified Worldwide	Management Account	77,981	77,981	77,981	0	77,981
Worldwide	Air Force	Unspecified Worldwide	Miscellaneous Account	1,914	1,914	1,914	0	1,914
Worldwide	Air Force	Unspecified Worldwide	Planning and Design	13,202	13,202	13,202	0	13,202
Worldwide	Air Force	Unspecified Worldwide	Privatization Support Costs	37,899	37,899	37,899	0	37,899
Worldwide	Air Force	Unspecified Worldwide	Services Account	25,888	25,888	25,888	0	25,888
Worldwide	Air Force	Unspecified Worldwide	Utilities Account	103,250	103,250	103,250	0	103,250
Worldwide	DIA	Unspecified Worldwide	Furnishings Account	4,182	4,182	4,182	0	4,182
Worldwide	DIA	Unspecified Worldwide	Leasing Account	32,821	32,821	32,821	0	32,821

Military Construction Authorizations for Fiscal Year 2007
(Dollars in Thousands)

Location	Service/Agency	Installation	Project Title	Budget Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Worldwide	DLA	Unspecified Worldwide	Furnishings Account	58	58	58	0	58
Worldwide	DLA	Unspecified Worldwide	Maintenance of Real Property	236	236	236	0	236
Worldwide	DLA	Unspecified Worldwide	Management Account	374	374	374	0	374
Worldwide	DLA	Unspecified Worldwide	Planning and Design	200	200	200	0	200
Worldwide	DLA	Unspecified Worldwide	Services Account	72	72	72	0	72
Worldwide	DLA	Unspecified Worldwide	Utilities Account	399	399	399	0	399
						0	0	0
Worldwide	NSA	Unspecified Worldwide	Furnishings Account	28	28	28	0	28
Worldwide	NSA	Unspecified Worldwide	Leasing Account	10,261	10,261	10,261	0	10,261
Worldwide	NSA	Unspecified Worldwide	Maintenance of Real Property	70	70	70	0	70
Worldwide	NSA	Unspecified Worldwide	Utilities Account	7	7	7	0	7
			Total Military Construction and Family Housing	16,698,423	16,958,894	17,102,023	678,361	17,376,784
			Rescissions		(260,471)	0		(278,361)
			Total Authorization of Appropriations		16,698,423			17,098,423

* Project requested by Senator Reed and Senator Chafee in lieu of Hazardous Material Storage Facility project contained in Senate amendment

Project requested by CM Marshall and CM Kingston in lieu of Consolidated Logistics Fac, Depot Ops, Ph 1 project contained in House Bill

2005 Defense Base Closure and Realignment accounts authorized for appropriations in 2006

The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) included authorization of appropriations of $1,504.5 million to carry out military construction, environmental activities, and certain operating expenses related to the results of the 2005 Defense Base Closure and Realignment (BRAC) round. Section 2404(c) of the aforementioned Act required the Secretary of Defense to submit to the congressional defense committees a report describing the specific programs, projects, and activities for which the authorized amounts would be used.

Congress imposed a 1 percent reduction upon the appropriation for the BRAC account, which resulted in an amount of $1,489.4 million being available for obligation.

On February 10, 2006, the Under Secretary of Defense for Acquisition, Technology, and Logistics submitted to the committees on Armed Services of the Senate and the House of Representatives a report detailing the planned expenditures of funds to support implementation of the Department of Defense's BRAC requirements.

The planned expenditures included $1,160.3 million to initiate planning, design, and construction of facilities; $82.3 million for activities required by the National Environmental Policy Act and other environmental actions; $193.8 million to carry out personnel permanent changes of station, transportation of personnel property, sustainment of real property, and BRAC program management; and $52.6 million for the procurement of collateral equipment, information technology systems, training, and other transition support services.

The following table provides the projects and other activities that were identified by the Department to be carried out by each service using amounts made available in fiscal year 2006.

The conferees continue to review the justification for the construction projects and other BRAC V activities within these accounts to ensure amounts authorized for this program are used solely to carry out the decisions of the 2005 BRAC round.

2005 Defense Base Closure and Realignment Program for Fiscal Year 2006

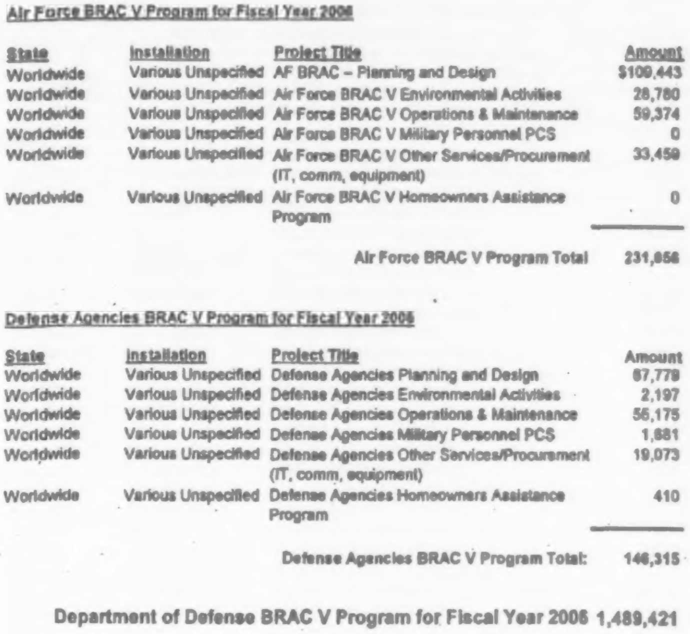
(dollars in thousands)

Army BRAC V Program for Fiscal Year 2006

State	Installation	Project Title	Amount
Arkansas	Fort Chaffee	Armed Forces Reserve Center	19,500
Colorado	Fort Carson	Brigade Combat Team Complex, Increment 1	120,000
Iowa	Camp Dodge	Armed Forces Reserve Center	37,000
Kansas	Fort Riley	Div HQ & Sustainment Bde HQ (IGPBS), Incr 1	91,000
Kentucky	Fort Knox	Brigade Combat Team Facilities, Phase 1	113,000
New Jersey	Fort Dix	Armed Forces Reserve Center	40,000
South Carolina	Fort Jackson	Armed Forces Reserve Center	18,000
Texas	Fort Bliss	BDE Combat Team Complex #1 (IGPBS) Incr 1	85,000
Texas	Fort Bliss	Site Infrastructure (IGPBS), Increment 1	101,000
Wisconsin	Fort McCoy	Armed Forces Reserve Center	21,000
Worldwide	Various Unspecified	Army BRAC - Planning and Design (IGPBS)	59,300
Worldwide	Various Unspecified	Army BRAC - Planning and Design	98,500
Worldwide	Various Unspecified	Army BRAC V Environmental Activities	34,254
Worldwide	Various Unspecified	Army BRAC V Operations and Maintenance	27,735
Worldwide	Various Unspecified	Army BRAC V Other Services/Procurement (IT, comm, equipment)	0
		Army BRAC V Program Total:	**865,289**

Navy BRAC V Program for Fiscal Year 2006

State	Installation	Project Title	Amount
Florida	NS Mayport	Bachelor Enlisted Quarters	12,031
Florida	NS Mayport	DESRON Six Command Bldg	1,789
Florida	NS Mayport	Construct Parking	846
Florida	NAS Jacksonville	Construct Hangar/Parking Apron, Increment 1	21,735
Illinois	NS Great Lakes	Convert Shop Space for Southern Division	853
Illinois	NS Great Lakes	Renovate Space for Navy Region South	135
Maryland	NAS Patuxent River	Aircraft Research Support Facility	22,527
Rhode Island	NS Newport	Renovate Bldg 370 for OTC-P	7,173
Tennessee	NSA Millington	Construct Bldg for EPMAC/NRPC	11,112
Tennessee	NSA Millington	Renovate Bldg 750 for NRRC	1,301
Virginia	NSA Norfolk	NAVRESFORCOM Administrative Complex	33,509
Virginia	NS Norfolk	Add to Bldg Z140 for EFA NE	5,100
Virginia	NS Norfolk	Renovate Bldg CEP86 REDCOM Mid-Atlantic	845
Worldwide	Various Unspecified	Navy BRAC - Planning and Design	59,865
Worldwide	Various Unspecified	Navy BRAC V Environmental Activities	17,063
Worldwide	Various Unspecified	Navy BRAC V Operations and Maintenance	50,897
Worldwide	Various Unspecified	Navy BRAC V Other Services/Procurement (IT, comm, equipment)	0
		Navy BRAC V Program Total	**246,761**



Air Force BRAC V Program for Fiscal Year 2006

State	Installation	Project Title	Amount
Worldwide	Various Unspecified	AF BRAC – Planning and Design	$109,443
Worldwide	Various Unspecified	Air Force BRAC V Environmental Activities	28,780
Worldwide	Various Unspecified	Air Force BRAC V Operations & Maintenance	59,374
Worldwide	Various Unspecified	Air Force BRAC V Military Personnel PCS	0
Worldwide	Various Unspecified	Air Force BRAC V Other Services/Procurement (IT, comm, equipment)	33,459
Worldwide	Various Unspecified	Air Force BRAC V Homeowners Assistance Program	0
		Air Force BRAC V Program Total	231,056

Defense Agencies BRAC V Program for Fiscal Year 2006

State	Installation	Project Title	Amount
Worldwide	Various Unspecified	Defense Agencies Planning and Design	67,779
Worldwide	Various Unspecified	Defense Agencies Environmental Activities	2,197
Worldwide	Various Unspecified	Defense Agencies Operations & Maintenance	55,175
Worldwide	Various Unspecified	Defense Agencies Military Personnel PCS	1,681
Worldwide	Various Unspecified	Defense Agencies Other Services/Procurement (IT, comm, equipment)	19,073
Worldwide	Various Unspecified	Defense Agencies Homeowners Assistance Program	410
		Defense Agencies BRAC V Program Total:	146,315

Department of Defense BRAC V Program for Fiscal Year 2006 1,489,421

2005 Defense base closure and realignment accounts

The budget request included authorization of appropriations of $5,626.2 million for fiscal year 2007 to carry out military construction, environmental activities, and certain operating expenses related to the results of the 2005 Defense Base Closure and Realignment (BRAC) round.

The House bill would authorize appropriations of $5,626.2 million for fiscal year 2007 to carry out military construction, environmental activities, and certain operating expenses related to the results of the 2005 BRAC round.

The Senate amendment would authorize appropriations of $5,526.9 million for fiscal year 2007 to carry out military construction, environmental activities, and certain operating expenses related to the results of the 2005 BRAC round.

The conferees agree to authorize appropriations of $5,626.2 million for fiscal year 2007 to carry out military construction, environmental activities, and certain operating expenses related to the results of the 2005 BRAC round.

The following table provides the projects and other activities identified by the Department of Defense to be carried out with amounts authorized for appropriation within each service's BRAC V account.

The conferees continue to review the justification for the construction projects and other BRAC V activities within these accounts to ensure amounts authorized for this program are used solely to carry out the decisions of the 2005 BRAC round.

2005 Defense Base Closure and Realignment Program for Fiscal Year 2007

Army BRAC V Program for Fiscal Year 2007

(dollars in thousands)

State	Installation	Project Title	Amount
Alabama	Birmingham	Armed Forces Reserve Center	28,000
Alabama	Redstone Arsenal	Recruiting Brigade Operations Building	9,400
Arkansas	North Little Rock	Armed Forces Reserve Center	1,050
Arizona	Buckeye	Armed Forces Reserve Center	19,500
California	Bell	Armed Forces Reserve Center	46,900
California	Fort Hunter Liggett	Armed Forces Reserve Center	13,400
California	Moffett Field	Armed Forces Reserve Center	47,000
California	Moffett Field	Armed Forces Reserve Center	23,000
Colorado	Fort Carson	Brigade Combat Team Complex, Incr 2	118,000
Colorado	Fort Carson	Division HQ's, Increment 1	84,000
Connecticut	Middletown	Armed Forces Reserve Center	35,000
Florida	Eglin AFB	Special Forces Complex, Phase 1	115,700
Georgia	Fort Benning	Child Development Center	6,700
Georgia	Fort Benning	Trainee Barracks Complex 1	110,000
Georgia	Fort Benning	Training Brigade Complex	41,200
Georgia	Fort Benning	Fire and Movement Range	2,050
Georgia	Fort Benning	Modified Record Fire Range	4,500
Georgia	Fort Benning	IET Brigade Headquarters Building	20,000
Georgia	Fort Benning	Trainee Barracks Complex 2	110,000
Georgia	Fort Benning	Stationary Gunnery Range	6,100
Kansas	Fort Leavenworth	Regional Correctional Facility	68,000
Kansas	Fort Riley	Battle Command Training Center	27,000
Kansas	Fort Riley	Runway Improvements	17,000
Kansas	Fort Riley	Child Development Center	5,700
Kansas	Fort Riley	Combat Avn Bde Complex - Phase 1	152,000
Kansas	Fort Riley	Cons Soldier/Family Medical Clinic	17,520
Kansas	Fort Riley	Div HQ/Sustainment Bde HQ (IGPBS), Incr 2	87,000
Kentucky	Bluegrass Depot	Armed Forces Reserve Center	21,000
Kentucky	Fort Knox	Human Resources Command Cplx, Ph 1	98,000
Kentucky	Fort Knox	Brigade Combat Team Facilities, Phase 2	77,000
Kentucky	Paducah	Armed Forces Reserve Center	16,500
Massachusetts	Ayer	Armed Forces Reserve Center	81,000
Massachusetts	Westover AFB	Armed Forces Reserve Center	34,000
Maryland	Aberdeen PG	Infrastructure Upgrades	47,000
Maryland	Aberdeen PG	Comm Electronic Res Dev/Engring C Ph 1	145,000
Maryland	Fort Detrick	Armed Forces Reserve Center	13,800
Minnesota	Cambridge	Armed Forces Reserve Center	10,000
North Carolina	Fort Bragg	Veh Maint Shop / 4th BCT	52,000
North Carolina	Fort Bragg	Brigade Combat Team Complex	33,000
Nebraska	Hastings	Armed Forces Reserve Center	12,000
Nebraska	Kearney	Armed Forces Reserve Center	4,700
New Mexico	Kirtland AFB	Armed Forces Reserve Center	20,000
New York	Fort Totten	Armed Forces Reserve Center	21,000
New York	Stewart Newburgh	Armed Forces Reserve Center	22,000
Oklahoma	Fort Sill	Armed Forces Reserve Center	8,700
Oklahoma	Fort Sill	Restation ADA School, Increment 1	138,000
South Carolina	Shaw AFB	Third Army Barracks	13,800
Texas	Camp Bullis	Armed Forces Reserve Center	44,000

State	Installation	Project Title	Amount
Texas	Fort Bliss	Brigade Combat Team Complex #2, Incr 1	85,000
Texas	Fort Bliss	Live Fire Shoot House	2,000
Texas	Fort Bliss	Multipurpose Machine Gun Range	3,950
Texas	Fort Bliss	Live Fire Shoot House	2,000
Texas	Fort Bliss	Infantry Platoon Battle Course	4,650
Texas	Fort Bliss	Urban Assault Course	2,150
Texas	Fort Bliss	Demolition Range Complex	1,750
Texas	Fort Bliss	Combat Pistol Qualification Range	2,250
Texas	Fort Bliss	Combat Aviation Brigade Increment 1	92,000
Texas	Fort Bliss	Child Development Center	5,800
Texas	Fort Bliss	Dental Clinic	13,530
Texas	Fort Bliss	Youth Activity Center - Biggs	4,000
Texas	Fort Bliss	Ammunition Supply Point	15,500
Texas	Fort Bliss	Central Wash Facility	8,700
Texas	Fort Bliss	Battle Command Training Center	27,000
Texas	Fort Bliss	Site Infrastructure (IGPBS), Increment 2	100,000
Texas	Fort Bliss	BDE Combat Team Cmplx #1 (IGPBS) Incr 2	85,000
Texas	Fort Sam Houston	Youth Center	5,100
Texas	Fort Sam Houston	Budge Dental Clinic Add/Alt	1,350
Texas	Fort Sam Houston	Btlfield Health/Trauma Biomed Lab, Increment 1	54,000
Texas	Grand Prairie	Armed Forces Reserve Center	35,000
Texas	Seagoville	Armed Forces Reserve Center	19,500
Virginia	Fort Lee	Combat Service Support Center, Increment 1	197,000
Washington	Fairchild AFB	Armed Forces Reserve Center	31,000
Washington	Fort Lewis	Armed Forces Reserve Center	24,000
Washington	Vancouver	Armed Forces Reserve Center	28,000
Wyoming	Cheyenne	Armed Forces Reserve Center	44,000
Worldwide	Various Unspecified	Army BRAC Planning and Design (IGPBS)	71,500
Worldwide	Various Unspecified	Army BRAC Planning and Design	160,109
Worlwide	Various Unspecified	Army BRAC V Environmental Activities	73,492
Worlwide	Various Unspecified	Army BRAC V Operations and Maintenance	143,865
Worlwide	Various Unspecified	Army BRAC V Other Services/Procurement (IT, comm, equipment)	136,818
		Army BRAC V Program Total:	**3,608,234**

Navy BRAC V Program for Fiscal Year 2007

State	Installation	Project Title	Amount
Arizona	MCAS Yuma	Construct FRC Maintenance Facility	3,181
California	NS San Diego	Bachelor Enlisted Quarters	16,943
California	NS San Diego	Construct Parking Facility	20,991
California	NS San Diego	Squadron Support Facility	4,400
California	NSB San Diego	MINEWARTRACEN Training Facs	24,245
California	NWS Concord	Construct Fire Station	3,400
California	NWS Concord	Construct Administration Bldg	3,145
California	NWS Concord	Constr Railroad Equipmt/Engine Maint Shop	2,891
California	NWS Concord	Construct Electrical Substation	1,409
California	Camp Pendleton	Construct Pre-trial Detainee Facility	4,580
California	MCAS Miramar	Construct FRC Maintenance Facility	3,164
California	NWS China Lake	Weapons and Armament Tech Ctr, Incr 1	30,118
California	NWS China Lake	Renovate Lab Bldgs	3,776

State	Installation	Project Title	Amount
California	NWS China Lake	Bldg Renovation and Storage	7,924
Florida	NAS Jacksonville	Facility Engineering Ctr SE, Engineering Ops	16,025
Florida	NAS Jacksonville	Construct Hangar/Parking Apron, Incr 2	70,955
Florida	NAS Jacksonville	Bachelor Enlisted Quarters	16,100
Florida	NAS Jacksonville	Construct Fleet Support Facility	5,092
Georgia	Robins AFB	Add to/Renovate Hangars for HMLA-773 (MCR)	27,460
Georgia	Marietta	Marine Corps Reserve Center	2,690
Louisiana	Belle Chasse JRB	Bachelor Enlisted Quarters	23,753
Louisiana	Belle Chasse JRB	Add to Dining Facility	3,614
Louisiana	Belle Chasse JRB	Add to Child Development Center	2,164
Louisiana	Belle Chasse JRB	Medical and Dental Clinic Addition	6,321
Louisiana	Belle Chasse JRB	Add to Indoor Physical Fitness Facility	3,950
Louisiana	Belle Chasse JRB	Construct Youth Center	4,743
Louisiana	Belle Chasse JRB	Construct General Purpose Instructional Bldg	7,264
Louisiana	Belle Chasse JRB	Administrative Support Bldg	10,493
Louisiana	Belle Chasse JRB	Applied Instruction Bldg	3,521
Louisiana	Belle Chasse JRB	Construct Covered Storage Bldg	1,664
Louisiana	Belle Chasse JRB	Military Entrance Processing Station	6,307
Louisiana	Belle Chasse JRB	Construct Family Service Center	1,507
Louisiana	Belle Chasse JRB	Police Station, Security Support Facs	829
Louisiana	Belle Chasse JRB	Construct Road Infrastructure Support	8,186
Louisiana	Belle Chasse JRB	NAVAIRSEFAC Calibration Laboratory	5,343
Maryland	NNMC Bethesda	Joint Medical Command HQ Facilities	1,374
New Jersey	Ft Dix	Construct/Ren Bldgs 5957, 5956 for NMCRC	6,916
North Carolina	Camp Lejeune	Construct Pre-trial Detainee Facility	3,007
North Caroline	MCAS New River	Construct FRC Maintenance Facility	6,548
Oregon	Portland	Construct Dock to Relocate ACU-1 (NR)	955
Rhode Island	NS Newport	Dental Clinic Addition	964
Rhode Island	NS Newport	Training Bldg for Naval Supply Corps School	22,164
Texas	Ft Worth JRB	Reconfigure Hangar 1404 for VR-46	4,168
Texas	Ft Worth JRB	Upgrade Hangar 1049 fro VMFA-142	1,504
Texas	Ft Worth JRB	CAG-20, Ft Worth, TX	2,180
Texas	Ft Worth JRB	Administrative Fac, 8th MCD, Ft Worth, TX	4,488
Texas	San Antonio	Construct Regional Medical Fac - Navy Share	48,991
Virginia	NS Norfolk	Aircraft Maintenance Hanger, Increment 1	28,857
Virginia	NS Norfolk	NWDC Administrative Facility	28,427
Worldwide	Various Unspecified	Navy BRAC - Planning and Design	40,000
Worlwide	Various Unspecified	Navy BRAC V Environmental Activities	6,483
Worlwide	Various Unspecified	Navy BRAC V Operations and Maintenance	124,415
Worlwide	Various Unspecified	Navy BRAC V Other Services/Procurement (IT, comm, equipment)	0
		Navy BRAC V Program Total:	689,589

Air Force BRAC V Program for Fiscal Year 2007

State	Installation	Project Title	Amount
Alaska	Elmendorf AFB	Replicate C-17 Engine Shop	$3,500
Alaska	Elmendorf AFB	Replicate C-17 Parking Apron	$14,800
Alaska	Elmendorf AFB	Construct Infrastructure & Utilities	$30,000
Arkansas	Fort Smith AGS	A-10 Munitions Load Crew Training Facility	$2,850
Arkansas	Fort Smith AGS	A-10 Consolidated 2-Bay Corr/Fuel Cell	$7,000
Arkansas	Little Rock AFB	C-130 Flight Simulator Facility	$4,250

State	Installation	Project Title	Amount
Arkansas	Little Rock AFB	HQ Wing Facility	$7,400
Arkansas	Little Rock AFB	C-130J 1-Bay Corrosion Control Hangar	$12,400
Arkansas	Little Rock AFB	C-130 Squadron Operations/AMU	$12,800
California	Vandenberg AFB	Construct Satellite Control Facility (AFSPC)	$34,000
Florida	Homestead ARS	Add/Alter Squadron Operations/AMXS (AFR)	$3,800
Florida	Homestead ARS	Add Weapons Release Shop (AFR)	$2,350
Florida	MacDill AFB	Training Facility (AFR)	$7,200
Florida	MacDill AFB	Add/Alter Aerial Port Squadron Training (AFR)	$1,700
Florida	MacDill AFB	Add/Alter Bldg 6 for Squad Ops/AMU	$16,500
Georgia	Moody AFB	Weapons Release Shop (A-10)	$3,850
Georgia	Moody AFB	Fuel Cell Hanger, 2Bay (A-10)	$7,700
Georgia	Moody AFB	A-10 Engine Trim Pad	$1,650
Georgia	Robins AFB	Relocate 202 EIS Vehicle Maint Complex	$880
Louisana	Barksdale AFB	Add/Alt Squadron Ops/Life Support (AFRC)	$1,833
Louisana	Barksdale AFB	Aircraft Maintenance Squadron (AFR)	$1,845
Massachusetts	Barnes AGS	Install Aircraft Arresting Systems	$780
Massachusetts	Barnes AGS	Add/Alter Squadron Operations Facility	$4,700
Massachusetts	Barnes AGS	Upgrade F-15 Parking Apron	$1,600
Massachusetts	Barnes AGS	Add/Alter Aircraft Maintenance Hangar	$1,300
Massachusetts	Barnes AGS	Add/Alter Fuel Cell/Corrosion Control Hangar	$5,600
Massachusetts	Barnes AGS	Add/Alter Engine Shop-Building 20	$830
Mississippi	Columbus AFB	Add/Alter Flight Simulator B268	$2,000
Mississippi	Columbus AFB	IFF Squadron Operations Facility	$2,700
Mississippi	Columbus AFB	Unaccompanied Officer's Quarters	$7,700
Mississippi	Columbus AFB	Add/Alter Supt Operations B236	$1,550
Mississippi	Columbus AFB	Expand Compressed Air (CASS) System	$830
Missouri	Whiteman AFB	Squadron Operations/Life Support (AFR)	$8,100
Missouri	Whiteman AFB	Construct Munitions Igloos (AFR)	$1,350
Missouri	Whiteman AFB	Conventional Munitions Maintenance (AFR)	$1,850
Montana	Great Falls AGS	Squadron Operations (ANG)	$8,500
Montana	Great Falls AGS	Upgrade Avionics & ECM (ANG)	$1,150
Montana	Great Falls AGS	Add/Alter Weapons & Release Shop (ANG)	$1,900
Montana	Great Falls AGS	Add/Alter ASE Shop (ANG)	$2,550
Nevada	Nellis AFB	Aircraft Operations Facilities	$25,000
Nevada	Nellis AFB	Flight Simulator Facility	$10,600
Nevada	Nellis AFB	Aircraft Maintenance Shop Facilities	$9,900
Nevada	Nellis AFB	Aircraft Maintenance Complex	$13,200
Nevada	Nellis AFB	Construct Training Facility (AFR)	$10,800
North Carolina	Seymour Johnson	F-100 Propulsion Shop	$4,090
North Carolina	Seymour Johnson	Add/Alter Squad Ops & AMU (AFR)	$9,600
North Carolina	Seymour Johnson	Add/Alter Maintenance Shops (AFR	$1,100
North Carolina	Seymour Johnson	Flight Simulator (AFR)	$3,500
North Carolina	Seymour Johnson	Corrosion Control Hangar (AFR)	$9,400
North Carolina	Seymour Johnson	Add to KC-135 Parts Store, Bldg 4810 (AFR)	$1,000
Ohio	Wright-Patterson	Facilities Infrastructure Upgrade	$19,000
Oklahoma	Tinker AFB	Expand Fuel Hydrant System (AFR)	$1,800
Oklahoma	Vance AFB	Add/Alter Survival Equipment Shop	$877
Oklahoma	Vance AFB	Squadron Facilities	$4,530
Oklahoma	Vance AFB	Add/Alter Aircraft Parking Apron	$7,540
Oklahoma	Vance AFB	IFF No-Drop Range	$2,750
Oklahoma	Vance AFB	Renovate Simulator Facility 672	$1,820
Oklahoma	Will Rogers AGS	Air Traffic Relocation	$4,600
Texas	Carswell ARS	Add/Alter Squadron Operations (AFR)	$2,900
Texas	Carswell ARS	Add Munitions Maintenance (AFR)	$780

State	Installation	Project Title	Amount
Texas	Carswell ARS	Add/Alter Aircraft Maintenance Squadron (AFR)	$2,350
Texas	Carswell ARS	Add Weapons Release Shop (AFR)	$2,350
Texas	Lackland AFB	Medical Administrative Center	$13,800
Texas	Lackland AFB	Intelligence Operations Center	$14,200
Texas	Laughlin AFB	Add/Alter Aircraft Parking Apron	$4,550
Texas	Laughlin AFB	Add/Alter Student Training Complex	$3,150
Texas	Laughlin AFB	Add/Alter Simulator Facility	$1,050
Texas	Laughlin AFB	Construct 55 Person UOQ	$9,200
Texas	Laughlin AFB	Add/Alter Egress Shop	$900
Texas	Laughlin AFB	Add/Alter Aircraft Weather Shelter	$2,000
Texas	Laughlin AFB	Add/Alter NDI Shop	$1,100
Texas	Laughlin AFB	Construct No-Drop Bomb Range- Acquire Land	$3,500
Texas	Randolph AFB	Renovate Hanger 6 MX Shop Relocation (IFF)	$2,894
Texas	Randolph AFB, TX	Add/Alter Bldg 738 for IFF Sims	$1,480
Virginia	Langley AFB, VA	Logistics Support Center	$13,200
Virginia	Langley AFB, VA	Alter Alert Facility	$2,450
Worldwide	Various Unspecified	AF BRAC – Planning and Design	$34,414
Worldwide	Various Unspecified	AF BRAC – Unspecified Minor Construction	$18,361
Worlwide	Various Unspecified	Air Force BRAC V Environmental Activities	1,965
Worlwide	Various Unspecified	Air Force BRAC V Operations and Maintenance	241,877
Worlwide	Various Unspecified	Air Force BRAC V Military Personnel PCS	22,459
Worlwide	Various Unspecified	Air Force BRAC V Other Services/Procurement (IT, comm, equipment)	126,062
Worlwide	Various Unspecified	Air Force BRAC V Homeowners Assistance Program	5,763
		Air Force BRAC V Program Total:	906,940

Defense Agencies BRAC V Program for Fiscal Year 2007

State	Installation	Project Title	Amount
Georgia	DDD Warner Robins	DLA - General Purpose Warehouse	24,200
Pennsylvania	DDD New Cumberlar	DLA - General Purpose Warehouse	38,350
Worldwide	Various Unspecified	DLA BRAC V - Planning and Design	6,080
Worldwide	Various Unspecified	DISA BRAC V Planning and Design	140
Worldwide	Various Unspecified	TMA BRAC V Planning and Design	244
Virginia	Fort Belvoir	NGA Site Development Campus	94,400
Virginia	Fort Belvoir	NGA Access Roads Improvement	12,800
Worldwide	Various Unspecified	NGA BRAC V Planning and Design	15,000
Worldwide	Various Unspecified	CIFA BRAC V Planning and Design	2,883
Worldwide	Various Unspecified	AFIS BRAC V Planning and Design	5,819
Worldwide	Various Unspecified	DTRA BRAC V Planning and Design	2,977
Virginia	Fort Belvoir	DOD IG Administration Facility	13,222
Virginia	Fort Belvoir	DHRA BRAC V Planning & Design Admin Fac	8,313

State	Installation	Project Title	Amount
Worldwide	Various Unspecified	DTSA BRAC V Planning and Design	2,404
Worldwide	Various Unspecified	DODEA BRAC V Planning and Design	1,734
Ohio	DSD Columbus	DODEA Convert Industrial Space to Admin Space	1,780
Worldwide	Various Unspecified	WHS BRAC V Planning and Design	89,467
Worldwide	Various Unspecified	Defense Agencies Environmental Activities	2,191
Worldwide	Various Unspecified	Defense Agencies Operations & Maintenance	84,169
Worldwide	Various Unspecified	Defense Agencies Military Personnel PCS	40
Worldwide	Various Unspecified	Defense Agencies BRAC V Other Services/Procurement (IT, comm, equipment)	14,516
Worldwide	Various Unspecified	Defense Agencies Homeowners Assistance Program	730
		Defense Agencies BRAC V Program Total:	421,459
		Department of Defense BRAC V Program for Fiscal Year 2007	**5,626,222**

LEGISLATIVE PROVISIONS ADOPTED

Short title (sec. 2001)

The House bill contained a provision (sec. 2001) that would cite division B of this Act as the "Joel Hefley Military Construction Authorization Act for Fiscal Year 2007."

The Senate amendment contained a provision (sec. 2001) that would cite division B of this Act as the "Military Construction Authorization Act for Fiscal Year 2007."

The House recedes.

Recognition of Representative Joel Hefley upon his retirement from the House of Representatives (sec. 2002)

The conferees agree to include a provision that would recognize and commend the accomplishments of Representative Joel Hefley for 20 years of public service to the people of Colorado, members of the Armed Forces and their families, and the United States.

TITLE XXI—ARMY

BUDGET ITEM

Overview

The budget request included $2,059.8 million for military construction and $1,271.8 million for family housing for the Army in fiscal year 2007.

The House bill would authorize appropriations of $2,135.6 million for military construction and $1,253.4 million for family housing.

The Senate amendment would authorize appropriations of $2,180.8 million for military construction and $1,271.8 million for family housing.

The conferees agree to authorize appropriations of $2,264.0 million for military construction and $1,254.4 million for family housing for the Army in fiscal year 2007.

The conferees agree to decrease the authorization of appropriations for military construction for the Army by $31.0 million for a project to acquire a temporary administrative facility at Fort Belvoir, Virginia. The conferees acknowledge that the substantial annual cost to lease the facility could be avoided by the acquisition of the building. Therefore, the conferees direct the Secretary of the Army to review the administrative space requirements for Fort Belvoir related to the 2005 Defense Base Closure and Realignment (BRAC) round. If the Secretary determines that this temporary building will be used to satisfy BRAC requirements, the conferees direct the Secretary to carry out the acquisition of the facility in fiscal year 2007 with funds authorized for BRAC activities, consistent with BRAC statutes.

The conferees agree to decrease the authorization of appropriations for military construction for the Army by $15.4 million for two projects to construct barracks at Camp Humphreys, Republic of Korea due to a favorable bid climate in the country.

The conferees agree to decrease the authorization of appropriations for Army housing construction improvements by $16.2 million for a project to privatize housing at Fort McNair, Washington, D.C. The conferees note that the Secretary has decided that the best course of action to restore the houses to an adequate condition is to use military construction funds to renovate 18 historic houses. The conferees are concerned that the current cost estimates to restore these houses to an acceptable condition meeting historical preservation requirements exceeds $1.0 million per house. At a time when the Army is struggling to budget funds for the recapitalization and sustainment of critical mission facilities and infrastructure, the conferees do not support the current estimated costs for these units. Understanding the need to perform critical repairs for the safety and security of the housing occupants, the conferees direct the Secretary to reassess the costs and proposed renovation or replacement actions to be carried out to these houses, and to include in the budget request for fiscal year 2008 an amount that will allow the Army to carry out minimum essential repairs required to ensure adequate living conditions.

The conferees agree to decrease the authorization of appropriations for Army housing maintenance by $1.2 million for a project to repair a housing unit at Stuggart, Germany, and direct that the Secretary consider a burden-sharing agreement with the host nation to complete the repair of this facility.

LEGISLATIVE PROVISIONS ADOPTED

Authorized Army construction and land acquisition projects (sec. 2101)

The House bill contained a provision (sec. 2101) that would authorize Army military construction projects in fiscal year 2007.

The Senate amendment contained a similar provision (sec. 2101).

The conference agreement includes this provision.

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of Division B of this conference report entitled "Military Construction Authorizations for Fiscal Year 2007" provides the binding list of specific construction projects authorized at each location.

Family housing (sec. 2102)

The House bill contained a provision (sec. 2102) that would authorize new construction and planning and design of family housing units for the Army in fiscal year 2007.

The Senate amendment contained a similar provision (sec. 2102).

The conference agreement includes this provision.

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of Division B of this conference report entitled "Military Construction Authorizations for Fiscal Year 2007" provides the binding list of specific construction projects authorized at each location.

Improvements to military family housing units (sec. 2103)

The House bill contained a provision (sec. 2103) that would authorize improvements to existing units of Army family housing in fiscal year 2007.

The Senate amendment contained a similar provision (sec. 2103).

The conference agreement includes this provision.

Authorization of appropriations, Army (sec. 2104)

The House bill contained a provision (sec. 2104) that would authorize specific appropriations for each line item contained in the Army's military construction budget in fiscal year 2007. The provision would also provide an overall limit on the amount the Army is authorized to spend on military construction projects in fiscal year 2007.

The Senate amendment contained a similar provision (sec. 2104).

The conference agreement includes this provision.

ITEMS OF SPECIAL INTEREST

Impact of 2005 Defense Base Closure and Realignment decisions to the transportation infrastructure in Northern Virginia

The conferees note that the decisions of the 2005 Defense Base Closure and Realignment (BRAC) round will have a significant impact on the transportation infrastructure and national highway system in Northern Virginia supporting Fort Belvoir and Marine Corps Base Quantico. These impacts, if not studied and addressed through a long-term investment strategy, have the potential to adversely affect timely access to these two critical military installations, as well as the quality of life for military members and their families on the installations and in the local communities.

The conferees acknowledge that the Department of the Army is currently studying the impact to the environment resulting from relocation of functions and personnel to Fort Belvoir and the former Engineering Proving Grounds in Fairfax County, Virginia. The conferees direct the Secretary of the Army to work with appropriate Federal, Commonwealth, and local agencies to ensure the draft and final environmental impact statements address the following factors:

(1) a description of the demographic, population, and other planning assumptions used to determine traffic infrastructure requirements;

(2) an analysis of the direct and indirect impact to the transportation infrastructure resulting from the BRAC decisions;

(3) a description of the standards and methodologies for the traffic impact studies contained in the study; and

(4) an assessment of specific traffic infrastructure improvements and new construction projects identified to mitigate the effects of the increase of personnel, and estimates of the costs to carry out the projects.

Request for data related to unaccompanied housing requirements in the Department of the Army

The conferees note that the Department of the Army is carrying out programs to transform its force structure and global presence within the next 5 years, which will result in the permanent relocation of over 100,000 unaccompanied soldiers among Army installations. Concurrently, the Department of the Army is in the process of implementing business plans to carry out the decisions of the 2005 Defense Base Closure and Realignment (BRAC) round. In the budget justification material accompanying the fiscal year 2007 budget request for BRAC 2005, the Army included an assessment that the military construction, environmental, and related requirements, currently identified by the Army to implement its BRAC recommendations, will cost $5.7 billion more than the $9.5 billion budgeted by the Department of Defense for the Army over the Future Years Defense Program. In subsequent testimony to Congress, Army officials estimated that the shortfall may be as high as $8.0 billion.

In both BRAC and transformation initiatives, a major expense for the Army will be the construction of new unaccompanied housing facilities to support the relocation of military personnel. The conferees are concerned that the inadequate planning and scarce resources within the Department of the Army to carry out BRAC and transformation initiatives will result in too many unaccompanied junior enlisted personnel having to find adequate quarters off base due to a lack of adequate on-base facilities. The conferees recognize that local communities have limited resources to be able to accommodate the increase in demand for barracks-type housing at market rates commensurate with a military member's Basic Allowance for Housing. The conferees are concerned that this limited availability could force military personnel to seek housing at substantial distances from military bases, detrimentally affecting both readiness and their quality of life.

To address this substantial requirement to construct unaccompanied housing on military installations, the conferees note that Congress has granted authority to the Department of the Army to enter into agreements with eligible entities to provide for the acquisition or construction of military unaccompanied housing units on or near military installations. Similar authorities have been used to dramatically improve the quality of family housing for military personnel across all services.

In the statement of managers accompanying the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), the conferees encouraged "the Secretary of the Army to consider the use of alternate authorities for the construction of unaccompanied housing in the development of plans for permanent facilities at installations planned for substantial increases in the number of unaccompanied personnel." The conferees acknowledge that the Department of the Army has initiated a project to acquire unaccompanied housing using alternative authorities at Fort Drum, New York. To date, no other similar projects have been initiated at other Army installations planned for a substantial population increase of military personnel.

In order to more accurately understand the Department of the Army's current status concerning the housing of unaccompanied personnel, the conferees direct the Secretary of the Army to submit to the congressional defense committees, not later than March 1, 2007, a report on the following:

(1) the current number of each rank of unaccompanied personnel living either on or off post at each major Army installation in the United States;

(2) the number of each rank of unaccompanied personnel projected to be living either on or off post at each major Army installation in the United States by 2011;

(3) a description of the Department of the Army's policy concerning the use of alternate authorities for the acquisition of unaccompanied housing; and

(4) an assessment by the Secretary of the Army of the costs, benefits, utility, and restrictions of using the alternate authorities to acquire unaccompanied housing.

TITLE XXII—NAVY

BUDGET ITEM

Overview

The budget request included $1,162.0 million for military construction and $814.2 million for family housing for the Navy in fiscal year 2007.

The House bill would authorize appropriations of $1,219.9 million for military construction and $818.1 million for family housing.

The Senate amendment would authorize appropriations of $1,268.8 million for military construction and $803.6 million for family housing.

The conferees agree to authorize appropriations of $1,291.3 million for military construction and $818.1 million for family housing for the Navy in fiscal year 2007.

The conferees agree to fully authorize the project to recapitalize Hangar 5 at Whidbey Island, Washington, but to decrease the authorization of appropriations for military construction for the Navy by $31.2 million for this project. The conferees expect the Secretary of the Navy to carry out this project in fiscal year 2007 using incremental appropriations, as was initially proposed by the Department of the Navy during the preparation of the budget request for fiscal year 2007.

The conferees agree to decrease the authorization of appropriations for military construction for the Navy by $1.4 million for a project to construct an addition to Hockmuth Hall, Marine Corps Base Quantico, Virginia due to an error in the amount included in the budget request for fiscal year 2007.

LEGISLATIVE PROVISIONS ADOPTED

Authorized Navy construction and land acquisition projects (sec. 2201)

The House bill contained a provision (sec. 2201) that would authorize Navy military construction projects in fiscal year 2007.

The Senate amendment contained a similar provision (sec. 2201).

The conference agreement includes this provision. The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of Division B of this conference report entitled "Military Construction Authorizations for Fiscal Year 2007" provides the binding list of specific construction projects authorized at each location.

Family housing (sec. 2202)

The House bill contained a provision (sec. 2202) that would authorize new construction and planning and design of family housing units for the Navy in fiscal year 2007.

The Senate amendment contained a similar provision (sec. 2202).

The conference agreement includes this provision.

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of Division B of this conference report entitled "Military Construction Authorizations for Fiscal Year 2007" provides the binding list of specific construction projects authorized at each location.

Improvements to military family housing units (sec. 2203)

The House bill contained a provision (sec. 2203) that would authorize improvements to existing units of Navy family housing in fiscal year 2007.

The Senate amendment contained a similar provision (sec. 2203).

The conference agreement includes this provision.

Authorization of appropriations, Navy (sec. 2204)

The House bill contained a provision (sec. 2204) that would authorize specific appropriations for each line item contained in the Navy's military construction budget in fiscal year 2007. The provision would also provide an overall limit on the amount the Navy is authorized to spend on military construction projects in fiscal year 2007.

The Senate amendment contained a similar provision (sec. 2204).

The conference agreement includes this provision.

Modification of authority to carry out certain fiscal year 2004, 2005, and 2006 projects (sec. 2205)

The House bill contained a provision (sec. 2205) that would amend section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136), as amended, and the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375), as amended, to consolidate into one project the authorities currently provided in two separate projects for the construction of an outlying landing field at Washington County, North Carolina.

The Senate amendment contained a provision (sec. 2205) that would amend section 2201 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163) to change project authorizations for Marine Corps Base, Camp Pendleton, California and Marine Corps Base, Quantico, Virginia.

The Senate recedes with an amendment that would change a project authorization for Marine Corps Base, Camp Pendleton, California.

TITLE XXIII—AIR FORCE

BUDGET ITEM

Overview

The budget request included $1,156.1 million for military construction and $1,938.2 million for family housing for the Air Force in fiscal year 2007.

The House bill would authorize appropriations of $1,233.7 million for military construction and $1,924.2 million for family housing.

The Senate amendment would authorize appropriations of $1,258.3 million for military construction and $1,937.2 million for family housing.

The conferees agree to authorize appropriations of $1,308.2 million for military construction and $1,923.2 million for family housing for the Air Force in fiscal year 2007.

The conferees agree to decrease the authorization of appropriations for military construction for the Air Force by $15.5 million for a project to construct a large vehicle inspection center and access road at Andersen Air Force Base, Guam due to the lack of a comprehensive masterplan that incorporates all proposed infrastructure and facility projects and investments required to support new missions in Guam, including the relocation of 7,000 U.S. Marines from Okinawa, Japan, to Guam.

The conferees agree to decrease the authorization of appropriations for military construction for the Air Force by $9.3 million for a project to construct a dormitory at Kunsan Air Base, Republic of Korea due to a favorable bid climate in the country.

The conferees agree to decrease the authorization of appropriations for military construction for the Air Force by $14.2 million for a project to construct a common battlefield airman training complex at an unspecified worldwide location due to concerns with the status of an environmental impact analysis.

The conferees agree to decrease the authorization of appropriations for military construction for the Air Force by $26.0 million for a project to construct a Global Hawk aircraft maintenance and operations complex at Naval Base Sigonella, Italy because approval from the host nation to proceed with the project has not yet been received.

The conferees agree to decrease the authorization of appropriations for family housing military construction for the Air Force by $1.0 million for a project to replace housing at Minot Air Force Base, North Dakota due to the cost efficiencies gained by the substantial scope of the project.

The conferees agree to decrease the authorization of appropriations for family housing military construction for the Air Force by $14.0 million for a project to replace housing at Ramstein Air Base, Germany due to errors in the budget request for fiscal year 2007 in the calculation of supporting costs for the project.

The conferees agree to decrease the authorization of appropriations for military construction for the Air Force by $8.5 million for planning and design due to excess amounts in the budget request for fiscal year 2007 identified by the Air Force, which would be available for other projects.

The conferees agree to change a project title for the Air Force at Cape Canaveral, Florida in the table entitled "Military Construction Authorizations for Fiscal Year 2006," as contained in the statement of managers accompanying the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), from "Satellite Processing Operations Support Facility" to "Satellite Alert Facility."

LEGISLATIVE PROVISIONS ADOPTED

Authorized Air Force construction and land acquisition projects (sec. 2301)

The House bill contained a provision (sec. 2301) that would authorize Air Force military construction projects in fiscal year 2007.

The Senate amendment contained a similar provision (sec. 2301).

The conference agreement includes this provision.

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of Division B of this conference report entitled "Military Construction Authorizations for Fiscal Year 2007" provides the binding list of specific construction projects authorized at each location.

Family housing (sec. 2302)

The House bill contained a provision (sec. 2302) that would authorize new construction and planning and design of family housing units for the Air Force in fiscal year 2007.

The Senate amendment contained a similar provision (sec. 2302).

The conference agreement includes this provision.

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of division B of this conference report entitled "Military Construction Authorizations for Fiscal Year 2007" provides the binding list of specific construction projects authorized at each location.

Improvements to military family housing units (sec. 2303)

The House bill contained a provision (sec. 2303) that would authorize improvements to existing units of Air Force family housing in fiscal year 2007.

The Senate amendment contained a similar provision (sec. 2303).

The conference agreement includes this provision.

Authorization of appropriations, Air Force (sec. 2304)

The House bill contained a provision (sec. 2304) that would authorize specific appropriations for each line item contained in the Air Force's military construction budget in fiscal year 2007. The provision would also provide an overall limit on the amount the Air Force is authorized to spend on military construction projects in fiscal year 2007.

The Senate amendment contained a similar provision (sec. 2304).

The conference agreement includes this provision.

Modification of authority to carry out certain fiscal year 2006 project (sec. 2305)

The Senate amendment contained a provision (sec. 2305) that would amend section 2301 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163) to decrease a project authorization for MacDill Air Force Base, Florida.

The House bill contained no similar provision.

The House recedes.

ITEM OF SPECIAL INTEREST

Military construction project for Phase 1 of a Basic Expeditionary Airman Skill Training Campus at Lackland Air Force Base, Texas

The conferees note that the Chief of Staff of the Air Force recently requested additional authorization for a "critical" military construction requirement not included in the President's budget request for fiscal year 2007. The conferees agree that the construction of Phase 1 of a Basic Expeditionary Airman Skill Training Campus at Lackland Air Force Base, Texas could significantly enhance the ability of the Air Force to deploy in expeditionary environments. The conferees note that the Secretary of the Air Force currently has authorities provided by Congress to address urgent, unforeseen military construction requirements. Section 2803 of title 10, United States Code, authorizes the Secretary concerned to carry out a military construction project not otherwise authorized by law if determined to be vital to the national security or to the protection of health, safety, or the quality of the environment and urgent enough not to wait for the next budget cycle.

Therefore, the conferees encourage the Secretary of the Air Force to use this authority to carry out this military construction project, if the Secretary of the Air Force determines it is a critical requirement, using amounts from within the total authorization of appropriations for military construction for the Air Force included in this Act.

TITLE XXIV—DEFENSE AGENCIES

BUDGET ITEM

Overview

The budget request included $1,339.2 million for military construction (including construction of chemical demilitarization facilities) and $59.8 million for family housing for defense agencies in fiscal year 2007.

The House bill would authorize appropriations of $1,283.1 million for military construction and $59.8 million for family housing.

The Senate amendment would authorize appropriations of $1,344.7 million for military construction and $59.8 million for family housing.

The conferees agree to authorize appropriations of $1,286.2 million for military construction and $59.8 million for family housing for defense agencies in fiscal year 2007.

The conferees agree to decrease the authorization of appropriations for military construction for the TRICARE Management Agency by $41.4 million for a project to replace the clinic at MacDill Air Force Base, Florida. The conferees agree to fully authorize the project and expect the Director of Health Affairs to carry out this project in fiscal year 2007 using incremental appropriations, as was initially proposed by the TRICARE Management Agency during the preparation of the budget request for fiscal year 2007.

The conferees agree to decrease the authorization of appropriations for military construction for the defense agencies by $30.0 million for a project to construct increment 2 of a regional security operations center at Fort Gordon, Georgia due to delays in the award of the construction contract.

The conferees agree to decrease the authorization of appropriations for military construction for the defense agencies by $4.5 million for the first phase of a project to upgrade utilities at the headquarters complex at Fort Meade, Maryland. The conferees support the requirement to upgrade the existing Supervisory Control and Data Acquisition system servers, workstations, and associated software to improve the energy control and management systems and encourage the Director of the National Security Agency to fund the improvements with appropriations provided for operation and maintenance.

LEGISLATIVE PROVISIONS ADOPTED

Authorized Defense Agencies construction and land acquisition projects (sec. 2401)

The House bill contained a provision (sec. 2401) that would authorize Defense Agencies military construction projects in fiscal year 2007.

The Senate amendment contained a similar provision (sec. 2401).

The conference agreement includes this provision.

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of Division B of this conference report entitled "Military Construction Authorizations for Fiscal Year 2007" provides the binding list of specific construction projects authorized at each location.

Family housing (sec. 2402)

The House bill contained a provision (sec. 2402) that would authorize construction and planning and design of family housing units for defense agency activities in fiscal year 2007.

The Senate amendment contained a similar provision (sec. 2402).

The conference agreement includes this provision.

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of Division B of this conference report entitled "Military Construction Authorizations for Fiscal Year 2007" provides the binding list of specific construction projects authorized at each location.

Energy conservation projects (sec. 2403)

The House bill contained a provision (sec. 2403) that would authorize the Secretary of Defense to carry out energy conservation projects.

The Senate amendment contained a similar provision (sec. 2403).

The conference agreement includes this provision.

Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005 (sec. 2404)

The House bill contained a provision (sec. 2404) that would authorize the amount for base closure and realignment (BRAC) activities and projects in fiscal year 2007. The provision would also amend the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163) to authorize the amount for BRAC activities and projects for fiscal year 2006.

The Senate amendment contained no similar provision.

The Senate recedes.

Authorization of appropriations, Defense Agencies (sec. 2405)

The House bill contained a provision (sec. 2405) that would authorize specific appropriations for each line item contained in the Defense Agencies' military construction budget in fiscal year 2007. The provision would also provide an overall limit on the amount the Defense Agencies are authorized to spend on military construction projects in fiscal year 2007.

The Senate amendment contained a similar provision (sec. 2404).

The conference agreement includes this provision.

Modification of authority to carry out certain fiscal year 2006 project (sec. 2406)

The House bill contained a provision (sec. 2406) that would amend the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163) to increase project authorizations for the National Security Agency for Augusta, Georgia; Kunia, Hawaii; and Menwith Hill, United Kingdom.

The Senate amendment contained a similar provision (sec. 2405).

The House recedes with an amendment that would increase the project authorization for the National Security Agency for Menwith Hill, United Kingdom.

The conferees note that the project authorizations for the National Security Agency for Augusta, Georgia and Kunia, Hawaii were amended by sections 7016 and 7017 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

BUDGET ITEM

Overview

The budget request included $221.0 million for the North Atlantic Treaty Organization Security Investment program.

The House bill would authorize appropriations of $201.0 million, a decrease of $20.0 million.

The Senate amendment would authorize appropriations of $206.0 million, a decrease of $15.0 million.

The conferees agree to authorize appropriations of $201.0 million, a decrease of $20.0 million.

LEGISLATIVE PROVISIONS ADOPTED

Authorized NATO construction and land acquisition projects (sec. 2501)

The House bill contained a provision (sec. 2501) that would authorize the Secretary of Defense to make contributions to the North Atlantic Treaty Organization Security Investment program in an amount equal to the sum of the amount specifically authorized elsewhere in this conference report, and the amount of recoupment due to the United States for construction previously financed by the United States.

The Senate amendment contained an identical provision (sec. 2501).

The conference agreement includes this provision.

Authorization of appropriations, NATO (sec. 2502)

The House bill contained a provision (sec. 2502) that would authorize appropriation of $200.9 million for the U.S. contribution to the North Atlantic Treaty Organization Security Investment program.

The Senate amendment contained a similar provision (sec. 2502).

The Senate recedes.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

BUDGET ITEM

Overview

The budget request included $858.8 million for military construction for National Guard and reserve facilities in fiscal year 2007.

The House bill would authorize appropriations of $1,012.7 million.

The Senate amendment would authorize appropriations of $1,052.9 million.

The conferees agree to authorize appropriations of $1,153.1 million for National Guard and reserve facilities in fiscal year 2007, as set forth in the following table:

Reserve Component	*$ (millions)*
Army National Guard	561.4
Air National Guard	294.3
Army Reserve	190.6
Naval and Marine Corps Reserve	50.0
Air Force Reserve	56.8
Total	1,153.1

The conferees agree to decrease the authorization of appropriations for military construction for the Naval and Marine Corps Reserve by $5.2 million for a project to relocate a reserve center at Camp Lejeune, North Carolina due to a notification received by the Secretary of the Navy that the project is no longer required.

LEGISLATIVE PROVISION ADOPTED

Authorized Guard and Reserve construction and land acquisition projects (sec. 2601)

The House bill contained a provision (sec. 2601) that would authorize appropriations for military construction for the Guard and reserve components in fiscal year 2007.

The Senate amendment contained a similar provision (sec. 2601).

The conference agreement includes this provision.

A State list of projects contained in the table at the beginning of Division B of this conference report entitled "Military Construction Authorization for Fiscal Year 2007" provides the binding list of specific construction projects authorized at each location.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

LEGISLATIVE PROVISIONS ADOPTED

Expiration of authorizations and amounts required to be specified by law (sec. 2701)

The House bill contained a provision (sec. 2701) that would provide that authorizations for military construction projects, repair of real property, land acquisition, family housing projects and facilities, contributions to the North Atlantic Treaty Organization Security Investment program, and National Guard and reserve projects will expire on October 1, 2009, or the date of enactment of an act authorizing funds for military construction for fiscal year 2010, whichever is later. This requirement would not apply to funds obligated prior to the expiration date.

The Senate amendment contained an identical provision (sec. 2701).

The conference agreement includes this provision.

Extension of authorizations of certain fiscal year 2004 projects (sec. 2702)

The Senate amendment contained a provision (sec. 2702) that would provide for the extension of authorizations of certain fiscal year 2004 military construction projects until October 1, 2007, or the date of enactment of an act authorizing funds for military construction for fiscal year 2008, whichever is later.

The House bill contained no similar provision.

The House recedes with an amendment that would delete certain projects for which the military department concerned has notified the conferees that the extension is no longer required.

Extension of authorizations of certain fiscal year 2003 projects (sec. 2703)

The Senate amendment contained a provision (sec. 2703) that would provide for the extension of authorizations of certain fiscal year 2003 military construction projects until October 1, 2007, or the date of enactment of an act authorizing funds for military construction for fiscal year 2008, whichever is later.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Effective date (sec. 2704)

The House bill contained a provision (sec. 2702) that would provide that titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this Act shall take effect on October 1, 2006, or the date of enactment of this Act, whichever is later.

The Senate amendment contained an identical provision (sec. 2704).

The conference agreement includes this provision.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

ITEMS OF SPECIAL INTEREST

Incremental funding of military construction projects

The conferees note that, in a memo dated January 10, 2006, the Associate Director of National Security Programs in the Office of Management and Budget (OMB) provided guidance to the Under Secretary of Defense (Comptroller) and Chief Financial Officer about requests for incremental funding of military construction projects. OMB has stated the intent to limit incremental funding of military construction projects to an exceptional practice, as intended by OMB Circular A–11. This guidance represents a change in policy for the budgeting of certain military construction projects.

The conferees acknowledge that requesting full funding to ensure a military construction project results in a complete and useable facility, or useable improvement to an existing facility, should be the preferred practice consistent with law and current policy to ensure an accurate accounting of all obligations incurred by the Federal Government. The conferees also acknowledge that, for certain military construction projects estimated to exceed $50.0 million and where the construction period is planned to exceed 2 years, Congress has supported the use of incremental funding to address the fact that not all military construction funds appropriated by Congress for a project will be expended in the first year. In these cases, the Department of Defense has had the option of requesting only those appropriated amounts expected to be expended in the budget year, and notifying potential contractors that the project's completion is subject to subsequent appropriations. This option then allows the Department to address additional military requirements in the military construction budget request; and accelerating the completion of critical projects for military readiness, operations, and service members' quality of life. Because of the efficiencies gained by this method, the conferees' agreement includes the use of incremental funding not proposed in the budget request for certain military construction projects.

The conferees also note that the Department has requested incremental funding for single military construction projects that will construct multiple complete and useable facilities. The conferees are concerned that this practice will encourage the bundling of facility requirements into very large contracts, thereby curtailing contractor competition. Therefore, the conferees encourage the Department to avoid the use of incremental funding requests for projects with multiple complete and useable facilities, except in cases where operational requirements dictate a compelling need for facilities.

Updating foreign currency fluctuation adjustment for certain military family housing leases in Korea

The conferees note that section 2801 of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314) amended section 2828 of title 10, United States Code, to authorize the Secretaries of military departments to lease an additional 2,800 family housing units in Korea at a maximum amount of $35,000 per unit per year. This authority was in addition to existing authority to lease a certain number of family housing units at $25,000 per unit per year, which was provided by Congress in 1987. Both authorities include a statutory requirement in section 2828 to adjust the maximum amounts annually to account for foreign currency fluctuation and changes to the consumer price index.

Congress clearly intended that section 2801 provide the Secretary concerned permanent authority to lease a certain number of family housing units in Korea at a greater maximum amount that was then currently authorized by statute. Therefore, any adjustments for foreign currency fluctuation and the consumer price index to maximum lease amounts should reflect this intent.

As such, the conferees direct the Secretary of a military department, in making adjustments required by paragraph (5)(B) of section 2828(e), to the maximum lease amount provided in paragraph (4) of such section for up to 2,800 units of family housing in Korea subject to a maximum lease amount of $35,000 per unit per year, to base such adjustments on the same beginning date specified in law for adjustments required by paragraph (5)(A) of such section.

Subtitle A—Military Construction Program and Military Family Housing Changes

LEGISLATIVE PROVISIONS ADOPTED

Increase in maximum annual amount authorized to be obligated for emergency military construction (sec. 2801)

The House bill contained a provision (sec. 2801) that would amend section 2803 of title 10, United States Code, to increase from $45.0 million to $60.0 million the maximum amount of funds the Secretary of each military department may annually obligate using emergency construction authorities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would increase from $45.0 million to $50.0 million the maximum amount of funds the Secretary concerned may annually obligate using emergency construction authorities.

One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States (sec. 2802)

The House bill contained a provision (sec. 2810) that would extend through 2007 the authority provided by section 2808 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136), which permits the Secretary of Defense to utilize operation and maintenance funds to construct facilities necessary for temporary operational requirements related to a declaration of war, national emergency, or contingency.

The Senate amendment contained a similar provision (sec. 2801) that would extend the authority by 3 years.

The Senate recedes.

Repeal of requirement to determine availability of suitable alternative housing for acquisition in lieu of construction of new family housing (sec. 2803)

The Senate amendment contained a provision (sec. 2808) that would repeal section 2823 of title 10, United States Code, which requires the Secretaries of military departments to consult with the Secretary of Housing and Urban Development on the availability of suitable alternate housing before entering into contracts to construct authorized family housing units in the United States.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Authority to continue to occupy leased family housing for United States Southern Command personnel (sec. 2804)

The Senate amendment contained a provision (sec. 2816) that would provide temporary authority to the Secretary of the Army to manage the occupancy of housing units leased under the authority of section 2828(b)(4) of title 10, United States Code, in a manner consistent with Army housing policy as it relates to allowing the family members of a member of the armed forces deployed overseas on an unaccompanied tour to continue to occupy military housing.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Consideration of alternative and more efficient uses for general officer and flag officer quarters in excess of 6,000 square feet (sec. 2805)

The House bill contained a provision (sec. 2808) that would amend section 2831 of title 10, United States Code, to require the Secretary of Defense to identify and consider alternative uses for general and flag officer housing units that exceed 6,000 square feet.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Modification of notification requirements related to cost variation authority (sec. 2806)

The Senate amendment contained a provision (sec. 2803) that would amend section 2853(c) of title 10, United States Code, to modify the requirement for the Secretary of a military department to notify the congressional defense committees of a variation in the cost of a military construction contract.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Consideration of local comparability of floor areas in construction, acquisition, and improvement to military unaccompanied housing (sec. 2807)

The House bill contained a provision (sec. 2802) that would amend section 2826 of title 10, United States Code, to require the Secretary concerned to ensure that floor areas in unaccompanied housing be built to standards consistent with local private construction.

The Senate amendment contained a similar provision (sec. 2804)

The House recedes with a technical amendment.

The conferees encourage the Secretary of the Navy to implement, for the future construction, acquisition, and improvement of military unaccompanied housing, a policy which provides a consistent floor area standard between the Navy and the Marine Corps, and which does not exceed the floor areas of similar local private housing.

Certification required for military construction projects for facilities designed to provide training in urban operations (sec. 2808)

The Senate amendment contained a provision (sec. 2811) that would restrict the obligation of funds for military construction projects that would provide training in urban operations, including urban assault courses, range complexes, shoot houses, and combined arms training facilities, beginning in fiscal year 2007, until the Under Secretary of Defense for Personnel and Readiness certifies to the congressional defense committees that the Department of Defense has developed a training strategy and assessed the project against that strategy.

The House bill contained no similar provision.

The House recedes with an amendment that would allow the Secretary of Defense to obligate funds for such projects, if carried out under specific emergency authorities identified in this section.

Authority to carry out military construction projects in connection with industrial facility investment program (sec. 2809)

The Senate amendment contained a provision (sec. 2802) that would authorize the Secretary of Defense to carry out a military construction project not previously authorized, using funds appropriated or otherwise made available for that purpose, to carry out activities to reengineer industrial processes in support of the goals of section 2474(a)(2) of title 10, United States Code.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees note that this section authorizes the Secretary to include in the annual budget request for military construction an unspecified authorization for an amount to be used for projects not otherwise authorized, similar to the Energy Conservation Investment Program. The conferees expect that projects submitted by the services, which meet guidelines established for process improvements in industrial facilities, will compete for funding based on an assessment of their value and rate of economic return. The conferees intend for this authority to be used by the Secretary to encourage investment in process improvements to enhance the performance of the Department's equipment maintenance facilities.

Repeal of special requirement for military construction contracts on Guam (sec. 2810)

The House bill contained a provision (sec. 2804) that would repeal section 2864 of title

10, United States Code, which places special limitations on military construction contracts in Guam.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees note that while the Davis-Bacon law is not applicable to military construction projects in Guam, in general, federal labor laws, including the Fair Labor Standards Act and the federal minimum wage, do apply in Guam. The conferees expect the military departments, the government of Guam, the U.S. Commissioner of Immigration and Naturalization, and other federal entities as appropriate, to ensure that non-immigrant alien workers who perform construction work for the Department of Defense in Guam are treated fairly and in accordance with applicable law.

Temporary expansion of authority to convey property at military installations to support military construction (sec. 2811)

The House bill contained a provision (sec. 2806) that would amend section 2869 of title 10, United States Code, to authorize the Secretaries of the military departments to exchange excess property at any military installation for construction projects, land, housing, or to support agreements to limit encroachments under section 2684a of title 10, United States Code.

The Senate amendment contained a provision (sec. 2807) that would repeal section 2869 to authorize the Secretary of a military department to transfer property at military installations that have been closed or are subject to closure to persons who, in exchange, construct or provide family housing, unaccompanied housing, and military construction activities.

The Senate recedes with an amendment that would establish an expiration date of September 30, 2008, to the authority granted to the Secretaries of the military departments to exchange real property, deemed excess to the requirements of the Department of Defense, in return for the construction of new facilities.

Pilot projects for acquisition or construction of military unaccompanied housing (sec. 2812)

The House bill contained a provision (sec. 2807) that would amend section 2881a of title 10, United States Code, to reduce notification and wait periods required before the Secretary of the Navy may enter into a contract for the privatization of unaccompanied housing using the authorities in section 2881a. The provision would also extend from September 30, 2007, to September 30, 2011, the expiration of the pilot authority in section 2881a and increase the number of pilot projects authorized from three to six.

The Senate amendment contained a provision (sec. 2810) that would amend section 2881a to extend the expiration date of the authorization for the pilot projects for unaccompanied housing privatization from September 30, 2007, to September 30, 2009.

The House recedes.

Subtitle B—Real Property and Facilities Administration

Congressional notice requirements, in advance of acquisition of land by condemnation for military purposes (sec. 2821)

The House bill contained a provision (sec. 2825) that would express the sense of Congress that the Secretary of Defense, when acquiring land for military purposes, should make every effort to do so by purchases from willing sellers, and that the use of condemnation, eminent domain, or seizure procedures should only be employed as a matter of last resort in cases of compelling national security requirements. The provision would also amend section 2663 of title 10, United States Code, to require prior notification to Congress before the Secretary of Defense may begin condemnation, eminent domain, or seizure procedures to acquire property.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the reporting requirement. The amendment would also authorize the Secretary of a military department, in cases where the requirement is vital to national security or where any delay would be detrimental to life, health, or safety, to begin legal proceedings to acquire any interest in land through the use of condemnation, eminent domain, or seizure procedures prior to congressional notification. In such cases, the Secretary concerned would be required to notify the congressional defense committees within 7 days of the commencement of legal proceedings.

Consolidation of Department of Defense authorities regarding granting of easements for rights-of-way (sec. 2822)

The House bill contained a provision (sec. 2821) that would amend section 2668 of title 10, United States Code, to consolidate and make technical corrections to authorities available to the Secretaries of the military departments to grant real property easements.

The Senate amendment contained a similar provision (sec. 2821).

The Senate recedes.

Authority to grant restrictive easements for conservation purposes in connection with land conveyances (sec. 2823)

The House bill contained a provision (sec. 2822) that would authorize the Secretaries of the military departments to grant restrictive easements for conservation purposes to State or local governments, or qualified organizations, in connection with the conveyance of real property.

The Senate amendment contained a similar provision (sec. 2822).

The Senate recedes with a clarifying amendment that would limit the granting of such restrictive easements unless the proposed recipient of the easement consents to the receipt of the easement.

Maximum term of leases for structures and real property relating to structures in foreign countries needed for purposes other than family housing (sec. 2824)

The House bill contained a provision (sec. 2823) that would amend section 2675 of title 10, United States Code, to increase from 5 years to 10 years the maximum time period authorized for the lease of a structure required for a military purpose other than family housing in a foreign country.

The Senate amendment contained a similar provision (sec. 2826).

The Senate recedes.

Consolidation of laws relating to transfer of Department of Defense real property within the Department of Defense and to other Federal agencies (sec. 2825)

The House bill contained a provision (sec. 2824) that would amend section 2696 of title 10, United States Code, to consolidate and clarify the requirement for the Secretary of Defense to screen for use by the Department of Defense or other Federal agencies proposed transfers or conveyances of real property currently deeded to the Department.

The Senate amendment contained a similar provision (sec. 2823).

The Senate recedes with a technical amendment.

Defense access road program (sec. 2826)

The House bill contained a provision (sec. 2826) that would amend section 2837 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163) to add the consideration of transit systems to the requirement for the Secretary of Defense to conduct a study of the impact to local transportation infrastructure around military installations affected by significant personnel realignments.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Reports on Army operational ranges (sec. 2827)

The Senate amendment contained a provision (sec. 2828) that would require the Secretary of the Army to submit a report to the congressional defense committees not later than November 30, 2006, containing an analysis of any potential expansion of the Pinon Canyon Maneuver Site, Fort Carson, Colorado. The provision would also restrict the Secretary from carrying out any actions related to the expansion of the site until after 30 days of receipt of the report by the congressional defense committees. The provision would also require the Secretary to submit a report to the congressional defense committees not later than February 1, 2007, containing an assessment of training ranges operated by the Army to support major training units. The House bill contained no similar provision.

The House recedes with a technical amendment. The conferees agree to require the Secretary to include other types of Army operational ranges in the report.

Subtitle C—Base Closure and Realignment

Modification of deposit requirements in connection with lease proceeds received at military installations approved for closure or realignment after January 1, 2005 (sec. 2831)

The House bill contained a provision (sec. 2831) that would amend section 2667 of title 10, United States Code, to authorize the Secretary of Defense to deposit into the appropriate base closure and realignment account lease proceeds received at a military installation closed or realigned by the 2005 Defense Base Closure and Realignment round.

The Senate amendment contained a similar provision (sec. 2833).

The House recedes with a clarifying amendment.

Report on Air Force and Air National Guard bases affected by 2005 round of defense base closure and realignment (sec. 2832)

The Senate amendment contained a provision (sec. 2834) that would require the Secretary of the Air Force to submit to the congressional defense committees a report not later than January 1, 2007, on planning by the Department of the Air Force for future roles and missions for each Air Force and Air National Guard installation affected by the 2005 Defense Base Closure and Realignment process.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle D—Land Conveyances

Conveyance of easement, Pine Bluff Arsenal, Arkansas (sec. 2841)

The conferees agree to include a provision that would authorize the Secretary of the Army to convey, without consideration, to

Jefferson County, Arkansas an easement over approximately 38.18 acres of property adjacent to Pine Bluff Arsenal, Arkansas for the purpose of permitting the county to construct, maintain, and operate a railroad on the property encumbered by the easement. The provision would require the Secretary to determine that the conveyance, and the subsequent use of the easement by the county, would not adversely impact the mission of Pine Bluff Arsenal.

Modification of land transfer authority, Potomac Annex, District of Columbia (sec. 2842)

The Senate amendment contained a provision (sec. 2827) that would amend section 2831 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) to authorize the Secretary of the Navy to convey, without consideration other than certain reimbursement requirements, to the United States Institute of Peace administrative jurisdiction over one acre and two buildings located thereon, known as building 6 and building 7, in addition to the 3 acres originally authorized.

The House bill contained no similar amendment.

The House recedes with a technical amendment.

Land conveyance, Naval Air Station, Barbers Point, Hawaii (sec. 2843)

The House bill contained a provision (sec. 2841) that would direct the Secretary of the Navy, not later than September 30, 2008, to dispose of approximately 499 acres at the former Naval Air Station Barbers Point, Hawaii that are subject to the Ford Island Master Development Agreement for the purpose of promoting the beneficial development of the real property.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the action required to be completed by the Secretary by September 30, 2008.

The conferees note the concurrence of the Secretary of the Navy with this directive provision. The conferees also acknowledge the special circumstances surrounding this parcel of land and reaffirm a commitment to minimize the use of legislation to direct the Secretaries of the military departments to dispose of land under their jurisdiction.

Land conveyances, Omaha, Nebraska (sec. 2844)

The Senate amendment contained a provision (sec. 2843) that would authorize the Secretaries of the Army and the Navy to convey to the Metropolitan Community College area four parcels of property consisting of approximately 12 acres currently under the control of the Army and Navy Reserve at the Fort Omaha campus of the College in Omaha, Nebraska for educational purposes.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Hopkinton, New Hampshire (sec. 2845)

The Senate amendment contained a provision (sec. 2854) that would authorize the Secretary of the Army to convey to the Town of Hopkinton, New Hampshire a parcel of property consisting of approximately 90 acres known as Kast Hill for the purpose of permitting the town to use the existing sand and gravel resources on the property and to ensure perpetual conservation of the property.

The House bill contained no similar provision.

The House recedes.

Land conveyance, North Hills Army Reserve Center, Allison Park, Pennsylvania (sec. 2846)

The House bill contained a provision (sec. 2844) that would authorize the Secretary of the Army to convey to the North Allegheny School District a parcel of property consisting of approximately 11 acres and containing the North Hills Army Reserve Center in Allison Park, Pennsylvania for the purpose of permitting the school district to use the property for educational and recreational purposes and for related parking facilities.

The Senate amendment contained no similar provision.

The Senate recedes.

Transfer of jurisdiction, Fort Jackson, South Carolina (sec. 2847)

The conferees agree to include a provision that would authorize the Secretary of the Army to transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property consisting of approximately 600 acres at Fort Jackson, South Carolina for the purpose of permitting the Secretary of Veterans Affairs to establish a national cemetery on the property.

Sense of Congress regarding land conveyance involving Army Reserve Center, Marshall, Texas (sec. 2848)

The House bill contained a provision (sec. 2846) that would express the sense of Congress that the Secretary of the Army should consider the feasibility of conveying an Army Reserve Center in Marshall, Texas to the Marshall-Harrison County Veterans Association for the purpose of assisting in the erection of a veteran's memorial, the creation of a park, and the establishment of a museum honoring the sacrifices and accomplishments of the veterans of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Modifications to land conveyance authority, Engineering Proving Grounds, Fort Belvoir, Virginia (sec. 2849)

The House bill contained a provision (sec. 2845) that would amend section 2836 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107) to authorize the Secretary of the Army to carry out an alternate agreement with the Commonwealth of Virginia for the design and construction of a parkway portion as part of the conveyance of two parcels of real property totaling 182 acres at the Engineering Proving Grounds, Fort Belvoir, Virginia.

The Senate amendment contained a similar provision (sec. 2842)

The Senate recedes.

Land conveyance, Radford Army Ammunition Plant, New River Unit, Virginia (sec. 2850)

The House bill contained a provision (sec. 2843) that would authorize the Secretary of the Army to convey, without consideration, to the Commonwealth of Virginia, on behalf of the Virginia Department of Veterans Services, a parcel of property consisting of approximately 85 acres located at the Radford Army Ammunition Plant, Radford, Virginia for the purpose of establishing a veterans' cemetery.

The Senate amendment contained a similar provision (sec. 2841).

The Senate recedes with a clarifying amendment.

Subtitle E—Energy Security

Consolidation and enhancement of laws to improve Department of Defense energy efficiency and conservation (sec. 2851)

The Senate amendment contained a provision (sec. 2806) that would amend section 2865 of title 10, United States Code, to require the Secretary of Defense to designate energy performance goals consistent, where appropriate, with the Energy Policy Act of 2005 (Public Law 109–58). The provision would also expand the application of the section to include the consideration of alternate energy initiatives for vehicles and military support equipment, and make other technical clarifications. The provision would require the Secretary to ensure energy efficient products that meet the requirements of the Secretary are included in the construction of new facilities for the Department of Defense.

The House bill contained no similar provision.

The House recedes with an amendment that would revise various sections in title 10, United States Code, related to energy usage and conservation, and would incorporate this provision within the revision. Elsewhere in this report, the conferees agree to include a separate provision on the use of energy efficient products in the construction of new facilities.

The conferees intend for the Secretary to establish energy performance goals across all aspects of military operations, training, and the Department's facilities, which can be evaluated on a consistent basis to determine progress towards achievement. The conferees also acknowledge that certain energy saving measures adopted by the Secretary may not demonstrate an immediate economic payback. Therefore, the conferees agree to expand the Secretary's flexibility to evaluate energy conservation measures to include consideration of alternate energy initiatives and energy reduction performance goals, as opposed to requiring the Secretary to assess measures based solely on a specific economic return within 10 years to justify the investment.

Department of Defense goal regarding use of renewable energy to meet electricity needs (sec. 2852)

The Senate amendment contained a provision (sec. 2829) that would establish goals for the Department of Defense for the use of renewable energy sources.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Congressional notification of cancellation ceiling for Department of Defense energy savings performance contracts (sec. 2853)

The House bill contained a provision (sec. 2805) that would amend section 2865 of title 10, United States Code, to require a notice and wait period for the Secretary of Defense before the award of an energy savings performance contract that contains a cancellation ceiling in excess of $7.0 million.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Use of energy efficiency products in new construction (sec. 2854)

The conferees agree to include a provision that would require the Secretary of Defense to ensure energy efficient products that meet the requirements of the Secretary are included in the construction of new facilities for the Department. These requirements were originally included in section 2806 of the Senate amendment.

Subtitle F—Other Matters

Availability of research and technical assistance under Defense Economic Adjustment Program (sec. 2861)

The Senate amendment contained a provision (sec. 2831) that would amend section 2391 of title 10, United States Code, to authorize the Secretary of Defense to award grants, conclude cooperative agreements, or enter into contracts for research and technical assistance.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Availability of community planning assistance relating to encroachment of civilian communities on military facilities used for training by the armed forces (sec. 2862)

The House bill contained a provision (sec. 2851) that would amend section 2391 of title 10, United States Code, to authorize the Secretary of Defense to award grants for the purposes of addressing encroachment upon state-owned and operated National Guard facilities subject to significant use by the armed forces.

The Senate amendment contained a similar provision (sec. 2832).

The Senate recedes with a technical amendment.

Prohibitions against making certain military airfields or facilities available for use by civil aircraft (sec. 2863)

The House bill contained a provision (sec. 2852) that would prohibit the Secretary of the Navy from entering into an agreement that would allow the regular use of property at, or conveyance of property for, civil aviation purposes at Marine Corps Air Station and Marine Corps Base Camp Pendleton, Marine Corps Air Station Miramar, and Naval Station North Island, California.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Modification of certain transportation projects (sec. 2864)

The Senate amendment contained a provision (sec. 2851) that would amend section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) to clarify the purpose for a project numbered 4651 authorized for Rickenbacker airport, Columbus, Ohio.

The House bill contained no similar provision.

The House recedes with an amendment that would combine this provision with a similar provision (sec. 2852) and would amend sections 1702 and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) to clarify the purpose for projects numbered 4333 and 196 authorized for Detroit, Michigan.

Availability of funds for South County Commuter Rail project, Providence, Rhode Island (sec. 2865)

The Senate amendment contained a provision (sec. 1095) that would make funds authorized by paragraphs (34) and (35) of section 3034(d) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) available for the purchase of commuter rail equipment for the South County Commuter Rail project, Providence, Rhode Island, upon the receipt by the Secretary of the Rhode Island Department of Transportation of an approved environmental assessment.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Fox Point Hurricane Barrier, Providence, Rhode Island (sec. 2866)

The Senate amendment contained a provision (sec. 2853) that would direct the Secretary of the Army to assume responsibility for the annual operation and maintenance of the Fox Point Hurricane Barrier, Providence, Rhode Island.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Federal funding for fixed guideway projects (sec. 2867)

The Senate amendment contained a provision (sec. 2855) that would direct certain requirements prescribed by the Federal Transit Administration for cost effectiveness ratings not to apply to the Northstar Corridor Commuter Rail project in Minnesota.

The House bill contained no similar provision.

The House recedes.

Feasibility study regarding use of General Services Administration property for Fort Belvoir, Virginia, realignment (sec. 2868)

The conferees agree to include a provision that would require the Secretary of the Army, in consultation with the Administrator of General Services, to conduct a study that considers the potential costs, benefits, feasibility, and suitability of the exchange or purchase of property under the control of the General Services Administration in Springfield, Virginia.

The conferees note that the relocation of thousands of military and civilian personnel to Fort Belvoir, Virginia may present significant transportation challenges. The conferees have taken steps to address these concerns in three other provisions in this report.

The first provision would facilitate the construction of a segment of the Fairfax County parkway on the former Engineering Proving Grounds at Fort Belvoir.

The second provision would urge the inclusion of mass transit improvements in the defense access roads program. The third provision would require the Secretary of the Army to incorporate within an ongoing environmental impact assessment a review of traffic infrastructure requirements, in collaboration with other Federal, State, and local agencies, at Fort Belvoir related to the impact of the realignment of personnel.

The conferees believe that the Army should make every effort to proactively address the potential traffic congestion that could result from the relocation of personnel to Fort Belvoir. The conferees urge the Army to incorporate as many transportation improvements as possible into plans to support the arrival of these additional personnel.

LEGISLATIVE PROVISIONS NOT ADOPTED

Authority to use proceeds from sale of military family housing to support military housing privatization initiative

The House bill contained a provision (sec. 2803) that would amend section 2831 of title 10, United States Code, to authorize the transfer of proceeds from the handling and disposal of family housing units into the Department of Defense Family Housing Improvement Fund, which is used to support military family housing privatization activities.

The Senate amendment contained no similar provision.

The House recedes.

Increase in thresholds for unspecified minor military construction projects

The Senate amendment contained a provision (sec. 2805) that would amend section 2805(a)(1) of title 10, United States Code, to raise the threshold of the cost of a construction project authorized by this section from $1.5 million to $2.5 million. This provision would also raise the threshold of the cost of a construction project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening from $3.0 million to $4.0 million.

The House bill contained no similar provision.

The Senate recedes.

Repeal of temporary minor military construction program

The House bill contained a provision (sec. 2809) that would repeal section 2810 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163), which provides for temporary authority to expend minor construction funds at increased limits for construction of child development centers.

The Senate amendment contained no similar provision.

The House recedes.

Updating foreign currency fluctuation adjustment for certain military family housing leases in Korea

The Senate amendment contained a provision (sec. 2809) that would amend section 2828 of title 10, United States Code, to modify the adjustments made by a Secretary of a military department to maximum lease amounts for family housing in Korea to account for foreign currency fluctuations.

The House bill contained no similar provision.

The Senate recedes.

Naming of research laboratory at Air Force Rome Research Site, Rome, New York in honor of Sherwood L. Boehlert, a member of the House of Representatives

The Senate amendment contained a provision (sec. 2813) that would designate the new laboratory building at the Air Force Rome Research Site, Rome, New York as the "Sherwood L. Boehlert Engineering Center."

The House bill contained no similar provision.

The Senate recedes.

Naming of administrative building at Joint Systems Manufacturing Center in Lima, Ohio after Michael G. Oxley, a member of the House of Representatives

The Senate amendment contained a provision (sec. 2814) that would designate the administrative building under construction at the Joint Systems Manufacturing Center in Lima, Ohio as the "Michael G. Oxley Administration and Technology Center."

The House bill contained no similar provision.

The Senate recedes.

Naming of military family housing facility at Fort Carson, Colorado, in honor of Joel Hefley, a member of the House of Representatives

The Senate amendment contained a provision (sec. 2815) that would require the Secretary of the Army to designate one of the military family housing areas or facilities constructed for Fort Carson, Colorado, using housing privatization authorities provided by subchapter IV of chapter 169 of title 10, United States Code, in honor of Representative Joel Hefley.

The House bill contained no similar provision.

The Senate recedes.

Authority to use excess property as exchange under agreements to limit encroachments on military training, testing, and operations

The Senate amendment contained a provision (sec. 2824) that would authorize the Secretary concerned to use land that is determined to be excess to the needs of the Department of Defense in an exchange under an agreement with eligible third parties under section 2684a of title 10, United States Code, to create buffer zones to address the use or development of real property in the vicinity of a military installation to prevent encroachment or preserve habitat that may relieve environmental restrictions on military training, testing, or operations.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that authority to use excess lands as part of the contribution to the acquisition costs of real property, or an interest in real property, as part of agreements under section 2864a is included in section 2811 of this report.

Modification of utility system authority and related reporting requirements

The Senate amendment contained a provision (sec. 2825) that would amend section 2688 of title 10, United States Code, to modify the authority provided to the Secretary of a military department for the conveyance of utility systems.

The House bill contained no similar provision.

The Senate recedes.

Naming of Navy and Marine Corps Reserve Center at Rock Island, Illinois, in honor of Lane Evans, a member of the House of Representatives

The Senate amendment contained a provision (sec. 2830) that would designate the Navy and Marine Corps Reserve Center at Rock Island, Illinois, in honor of Lane Evans, a member of the House of Representatives.

The House bill contained no similar provision.

The Senate recedes.

Modification of land acquisition authority, Perquimans County, North Carolina

The House bill contained a provision (sec. 2842) that would amend section 2846 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107), as amended by section 2865 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375), to increase, from 840 acres to 1,540 acres, the amount of acreage that the Secretary of the Navy is authorized to acquire.

The Senate amendment contained a similar provision (sec. 2812).

The conference agreement does not include this provision. The conferees note that the provision was included in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234).

Highway projects, Detroit, Michigan

The Senate amendment contained a provision (sec. 2852) that would amend sections 1702 and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) to clarify the purpose for projects numbered 4333 and 196 authorized for Detroit, Michigan.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to include this provision in section 2864 of this Act.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Overview

Title XXXI authorizes appropriations for atomic energy defense activities of the Department of Energy for fiscal year 2007, including: the purchase, construction, and acquisition of plant and capital equipment; research and development; nuclear weapons activities; naval nuclear propulsion; environmental cleanup; operating expenses; and other expenses necessary to carry out the purposes of the Department of Energy Organization Act (Public Law 95-91). This title authorizes appropriations in four categories, which are: (1) National Nuclear Security Administration (NNSA); (2) defense environmental cleanup; (3) other defense activities; and (4) defense nuclear waste disposal.

The budget request included $15.8 billion for atomic energy defense activities, a 2.5 percent decrease below the fiscal year 2006 appropriated level. Of the total amount requested:

(1) $9.3 billion is for NNSA, of which

(a) $6.4 billion is for weapons activities,

(b) $1.7 billion is for defense nuclear nonproliferation activities,

(c) $795.1 million is for naval reactors, and

(d) $386.6 million is for the Office of the Administrator;

(2) $5.4 billion is for defense environmental cleanup;

(3) $717.8 million is for other defense activities; and

(4) $388.1 million is for defense nuclear waste disposal.

The budget request also included $6.1 million within energy supply.

The conferees agree to authorize $15.8 billion for atomic energy defense activities, the amount of the budget request.

Of this amount, the conferees agree to authorize:

(1) $9.3 billion for NNSA, of which

(a) $6.4 billion would be for weapons activities, an increase of $9.8 million above the budget request;

(b) $1.7 billion would be for defense nuclear nonproliferation, a decrease of $24.8 million below the budget request;

(c) $795.1 million would be for naval reactors, the amount of the budget request; and

(d) $386.6 million would be for the Office of the Administrator, the amount of the budget request;

(2) $5.4 billion would be for defense environmental cleanup activities, an increase of $45.0 million above the budget request;

(3) $717.8 million would be for other defense activities, the amount of the budget request; and

(4) $358.1 million would be for defense nuclear waste disposal, a decrease of $30.0 million below the budget request.

The conferees agree to authorize $6.1 million for energy supply, the amount of the budget request.

The following table summarizes the budget request and the authorizations:

Department of Energy National Security Programs

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
ATOMIC ENERGY DEFENSE ACTIVITIES (053)					
Department of Energy					
Energy Supply	6,079	6,079			6,079
National nuclear security administration:					
Weapons activities	6,407,889	6,467,889	6,455,389	9,787	6,417,676
Defense nuclear nonproliferation	1,726,213	1,616,213	1,726,213	-24,787	1,701,426
Naval reactors	795,133	795,133	795,133		795,133
Office of the administrator	386,576	386,576	356,576		386,576
Total, National nuclear security administration	**9,315,811**	**9,265,811**	**9,333,311**	**-15,000**	**9,300,811**
Environmental and other defense activities:					
Defense environmental cleanup	5,390,312	5,440,312	5,430,312	45,000	5,435,312
Other defense activities	717,788	717,788	624,530		717,788
Defense nuclear waste disposal	388,080	388,080	333,080	-30,000	358,080
Total, Environmental & other defense activities	**6,496,180**	**6,546,180**	**6,387,922**	**15,000**	**6,511,180**
Total, Department of Energy	**15,818,070**	**15,818,070**	**15,721,233**		**15,818,070**
OTHER ACTIVITIES (Discretionary)					
Defense Nuclear Facilities Safety Board	22,260	22,260	22,260		22,260
Total, Other Activities Discretionary	**22,260**	**22,260**	**22,260**		**22,260**
Atomic Energy Defense Activities (053) Discretionary	**15,840,330**	**15,840,330**	**15,743,493**		**15,840,330**

Department of Energy National Security Programs

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Energy Supply	6,079	6,079			6,079
Weapons Activities					
Directed stockpile work					
Life extension programs					
B61 Life extension program	58,934	58,934	58,934		58,934
W76 Life extension program	151,684	151,684	151,684		151,684
W80 Life extension program	102,044	102,044	102,044	-80,000	22,044
Total, Life extension programs	312,662	312,662	312,662	-80,000	232,662
Stockpile systems					
B61 Stockpile systems	63,782	63,782	63,782		63,782
W62 Stockpile systems	3,738	3,738	3,738		3,738
W76 Stockpile systems	56,174	56,174	56,174		56,174
W78 Stockpile systems	50,662	50,662	50,662		50,662
W80 Stockpile systems	27,230	27,230	27,230		27,230
B83 Stockpile systems	23,365	23,365	23,365		23,365
W84 Stockpile systems	1,465	1,465	1,465		1,465
W87 Stockpile systems	59,333	59,333	59,333		59,333
W88 Stockpile systems	39,796	39,796	39,796		39,796
Total, Stockpile systems	325,545	325,545	325,545		325,545
Reliable replacement warhead	27,707	27,707	27,707	20,000	47,707
Weapons dismantlement and disposition	75,000	75,000	75,000		75,000

Department of Energy National Security Programs

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Stockpile services					
Production support	236,115	236,115	236,115		236,115
Research and development support	63,948	63,948	63,948		63,948
R&D certification and safety	194,199	194,199	194,199		194,199
Management, technology, and production	159,662	159,662	159,662		159,662
Responsive infrastructure	15,430	15,430	15,430		15,430
Total, Stockpile services	**669,354**	**669,354**	**669,354**		**669,354**
QMU study (non-add)		[2,000]		[2,000]	[2,000]
Total, Directed stockpile work	**1,410,268**	**1,410,268**	**1,410,268**	**-60,000**	**1,350,268**
Campaigns					
Science campaign					
Primary assessment technologies	50,527	50,527	50,527		50,527
Test readiness	14,757	14,757	14,757		14,757
Dynamic materials properties	80,727	80,727	80,727		80,727
Advanced radiography	36,745	36,745	36,745		36,745
Secondary assessment technologies	81,006	81,006	81,006		81,006
Total, Science campaign	**263,762**	**263,762**	**263,762**		**263,762**
Engineering campaign					
Enhanced surety	26,731	26,731	26,731		26,731
Weapon systems engineering assessment technology	21,156	21,156	21,156		21,156
Nuclear survivability	14,973	14,973	14,973		14,973
Enhanced surveillance	86,526	86,526	86,526		86,526
Engineering campaign construction activities					
MESA, other project costs	4,613	4,613	4,613		4,613

Department of Energy National Security Programs

(Dollars In Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Construction:					
01-D-108 Microsystem & engineering science applications (MESA), SNL, Albuquerque, NM	6,920	6,920	6,920		6,920
Total, Engineering campaign construction activities	**6,920**	**6,920**	**6,920**		**6,920**
Total, Engineering campaign	**160,919**	**160,919**	**160,919**		**160,919**
Inertial confinement fusion ignition and high yield campaign					
Ignition	79,763	79,763	79,763		79,763
Support of stockpile programs	5,872	5,872	5,872		5,872
NIF diagnostics, cryogenics and experimental support	45,959	45,959	45,959		45,959
Pulsed power inertial confinement fusion	10,603	10,603	10,603		10,603
University grants/other ICF support	8,903	8,903	8,903		8,903
Facility operations and target production	43,021	43,021	43,021	10,000	53,021
NIF demonstration program	143,438	143,438	143,438		143,438
High-energy petawatt laser development	2,213	2,213	2,213		2,213
Subtotal, Inertial confinement fusion and high yield campaign	**339,772**	**339,772**	**339,772**	**10,000**	**349,772**
Construction:					
96-D-111 National ignition facility (NIF), Lawrence Livermore National Laboratory, Livermore, CA	111,419	111,419	111,419		111,419
Program increase (NIF target production)		10,000			
Total, Inertial confinement fusion and high yield campaign	**451,191**	**461,191**	**451,191**	**10,000**	**461,191**

Department of Energy National Security Programs

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Advanced simulation and computing campaign					
Operations and maintenance	617,955	617,955	617,955		617,955
Total, Advanced simulation and computing campaign	**617,955**	**617,955**	**617,955**		**617,955**
Pit manufacturing and certification campaign					
W88 pit manufacturing	147,658	147,658	147,658		147,658
W88 pit certification	56,605	56,605	56,605		56,605
Pit manufacturing capability	33,335	33,335	33,335		33,335
Total, Pit manufacturing and certification campaign	**237,598**	**237,598**	**237,598**		**237,598**
Readiness Campaign					
Stockpile readiness	17,576	17,576	17,576		17,576
High explosives and weapon operations	17,188	17,188	17,188		17,188
Non-nuclear readiness	31,171	31,171	31,171		31,171
Tritium readiness campaign					
Operations and maintenance	86,385	86,385	86,385		86,385
Total, Tritium readiness campaign	**86,385**	**86,385**	**86,385**		**86,385**
Advanced design and production technologies	53,645	53,645	53,645		53,645
Total, Readiness campaign	**205,965**	**205,965**	**205,965**		**205,965**
Total Campaigns	**1,937,390**	**1,947,390**	**1,937,390**	**10,000**	**1,947,390**
Readiness in technical base and facilities (RTBF)					
Operations of facilities	1,203,786	1,203,786	1,215,486		1,203,786
Program readiness	75,167	75,167	75,167		75,167

Department of Energy National Security Programs

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Material recycle and recovery	69,982	69,982	69,982		69,982
Containers	20,130	20,130	20,130		20,130
Storage	35,285	35,285	35,285		35,285
Y-12		2,000			
Repair and replacement-Pantex		17,000		17,000	17,000
Repair and replacement-Y-12		15,000		15,000	15,000
Subtotal, Readiness in technical base and facilities	1,404,350	1,438,350	1,416,050	32,000	1,436,350
Construction:					
07-D-140 Project engineering and design (PED) various locations	4,977	4,977	4,977		4,977
07-D-220 Radioactive liquid waste treatment facility upgrade project, LANL	14,828	14,828	14,828		14,828
06-D-140 Project engineering and design (PED) various locations	51,577	51,577	51,577		51,577
06-D-402 NTS replace fire stations 1 & 2 Nevada Test Site, NV	13,919	13,919	13,919		13,919
06-D-403 Tritium facility modernization Lawrence Livermore National Laboratory, Livermore, CA	7,810	7,810	7,810		7,810
05-D-140 Project engineering and design various locations	9,615	9,615	9,615		9,615

Department of Energy National Security Programs

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
05-D-402 Beryllium capability project, Y-12 National Security Complex, Oak Ridge, TN	5,084	5,084	5,084		5,084
04-D-125 Chemistry and metallurgy research facility replacement, Los Alamos National Laboratory, Los Alamos, NM	112,422	112,422	112,422		112,422
04-D-128 TA-18 Criticality experiments facility, Los Alamos National Laboratory, Los Alamos, NM	24,197	24,197	24,197		24,197
03-D-103 Project engineering and design (PED) various locations	14,161	14,161	14,161		14,161
01-D-103 Project engineering and design (PED) various locations	1,565	1,565	1,565		1,565
01-D-124 HEU materials facility, Y-12 plant, Oak Ridge, TN	21,267	21,267	31,267	10,000	31,267
Total, Construction	**281,422**	**281,422**	**291,422**	**10,000**	**291,422**
Total, Readiness in technical base and facilities	**1,685,772**	**1,719,772**	**1,707,472**	**42,000**	**1,727,772**
Secure transportation asset					
Operations and equipment	130,484	130,484	130,484		130,484
Program direction	78,780	78,780	78,780		78,780
Total, Secure transportation asset	**209,264**	**209,264**	**209,264**		**209,264**

Department of Energy National Security Programs

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Nuclear weapons incident response	135,354	135,354	135,354		135,354
Facilities and infrastructure recapitalization program					
Operation and maintenance	245,283	245,283	245,283	-8,013	237,270
Construction					
07-D-253 TA 1 heating systems modernization, Sandia National Laboratory, Albuquerque, NM	14,500	14,500	14,500		14,500
06-D-160 Project engineering and design various locations	2,700	2,700	2,700		2,700
06-D-601 Electrical distribution system upgrade, Pantex Plant, Amarillo, TX	6,429	6,429	6,429		6,429
06-D-602 Gas main and distribution system upgrade, Pantex Plant, Amarillo, TX	3,145	3,145	3,145		3,145
06-D-603 Steam plant life extension project (SLEP), Y-12, National Security Complex, Oak Ridge, TN	17,811	17,811	17,811		17,811
05-D-160 Facilities and infrastructure recapitalization program project engineering and design (PED), various locations	648	648	648		648

Department of Energy National Security Programs

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
05-D-601 Compressed air upgrades project (CAUP), Y-12, National security complex, Oak Ridge, TN	702	702	702		702
Total, Construction	45,935	45,935	45,935		45,935
Total, Facilities and infrastructure recapitalization program	291,218	291,218	291,218	-8,013	283,205
Environmental projects and operations					
Long Term Response Actions	17,211	17,211	17,211		17,211
Safeguards and security					
Operations and maintenance	665,701	681,701	691,501	25,800	691,501
Pantex unfunded safeguards and security		[8,000]		[11,800]	
Y-12 unfunded safeguards and security		[8,000]		[14,000]	
Cybersecurity	88,711	88,711	88,711		88,711
Total, Safeguards and security	754,412	770,412	780,212	25,800	780,212
Subtotal, Weapons Activities	6,440,889	6,500,889	6,488,389	9,787	6,450,676
Adjustments					
Less security charge for reimbursable work	-33,000	-33,000	-33,000		-33,000
Total, Adjustments	-33,000	-33,000	-33,000		-33,000
Total, Weapons Activities	6,407,889	6,467,889	6,455,389	9,787	6,417,676
Defense Nuclear Nonproliferation					
Nonproliferation and verification R&D					
Operations and maintenance	260,967	260,967	260,967		260,967

Department of Energy National Security Programs

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Construction:					
07-SC-05, Physical sciences facility, Pacific Northwest National Laboratory, Richland, WA	4,220	4,220	4,220		4,220
06-D-180 Physical sciences facility, project engineering and design (PED), Pacific Northwest National Laboratory, Richland, WA	3,700	3,700	3,700		3,700
Total, Construction	**7,920**	**7,920**	**7,920**		**7,920**
Total, Nonproliferation & verification R&D	**268,887**	**268,887**	**268,887**		**268,887**
Nonproliferation and international security	127,411	127,411	127,411		127,411
International nuclear materials protection and cooperation	413,182	433,182	413,182	15,000	428,182
Material consolidation and conversion		[5,000]			
Second line of defense-Megaports		[15,000]		[15,000]	
Elimination of weapons-grade plutonium production program	206,654	206,654	206,654		206,654
Fissile materials disposition					
U.S. surplus materials disposition	235,051	235,051	235,051		235,051
Russian surplus materials disposition	34,695		34,695	-34,695	
Construction:					
99-D-141 Pit disassembly and conversion facility, Savannah River, SC	78,700	78,700	78,700		78,700

Department of Energy National Security Programs

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC	289,510	174,205	289,510	-25,092	264,418
Total, Construction	368,210	252,905	368,210	-25,092	343,118
Total, Fissile materials disposition	637,956	487,956	637,956	-59,787	578,169
Global threat reduction initiative	106,818	126,818	106,818	20,000	126,818
Program increase for activities outside the U.S.		[15,000]		[15,000]	
International radiological threat reduction		[5,000]		[5,000]	
Subtotal, Defense Nuclear Nonproliferation	1,760,908	1,650,908	1,760,908	-24,787	1,736,121
Adjustments:					
Use of prior year balances	-34,695	-34,695	-34,695		-34,695
Total, Defense Nuclear Nonproliferation	1,726,213	1,616,213	1,726,213	-24,787	1,701,426
Naval Reactors					
Naval reactors development					
Operation and maintenance	761,176	761,176	761,176		761,176
Construction:					
07-D-190 Materials research technology complex, project engineering and design, West Mifflin, PA	1,485	1,485	1,485		1,485
05-D-900 Materials development facility building, Schenectady, NY	1,287	1,287	1,287		1,287
Total, Construction	2,772	2,772	2,772		2,772
Total, Naval reactors development	763,948	763,948	763,948		763,948

Department of Energy National Security Programs

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Program direction	31,185	31,185	31,185		31,185
Subtotal, Naval Reactors	**795,133**	**795,133**	**795,133**		**795,133**
Total, Naval Reactors	**795,133**	**795,133**	**795,133**		**795,133**
Office Of The Administrator					
Office of the administrator	386,576	386,576	356,576		386,576
Total, Office Of The Administrator	**386,576**	**386,576**	**356,576**		**386,576**
Defense Environmental Cleanup					
Closure sites:					
Ashtabula	295	295	295		295
Closure sites administration	25,896	25,896	25,896		25,896
Fernald	258,877	258,877	258,877		258,877
Miamisburg	34,869	34,869	34,869		34,869
Rocky Flats	1,000	1,000	1,000		1,000
Total, Closure sites	**320,937**	**320,937**	**320,937**		**320,937**
Hanford site:					
2012 completion projects					
Nuclear material stabilization and disposition PFP	81,651	81,651	81,651		81,651
SNF stabilization and disposition	81,069	81,069	81,069		81,069
Nuclear facility D&D river corridor closure project	221,022	221,022	221,022		221,022
Solid waste stabilization and disposition	39,876	39,876	39,876		39,876
Total, 2012 completion projects	**423,618**	**423,618**	**423,618**		**423,618**

Department of Energy National Security Programs

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2035 completion projects					
Solid waste stabilization and disposition 200 area	188,989	188,989	188,989		188,989
Soil and water remediation - groundwater vadose zone	75,973	75,973	75,973		75,973
Nuclear facility D&D - remainder of Hanford	94,270	94,270	94,270		94,270
Operate waste disposal facility	3,534	3,534	3,534		3,534
Community and regulatory support	18,332	18,332	18,332		18,332
Total, 2035 completion projects	**381,098**	**381,098**	**381,098**		**381,098**
Total, Hanford site	**804,716**	**804,716**	**804,716**		**804,716**
Office of River Protection:					
Waste treatment and immobilization plant					
Project decrease			-10,000		
01-D-16A Low activity waste facility	77,800	77,800	77,800		77,800
01-D-16B Analytical laboratory	21,800	21,800	21,800		21,800
01-D-16C Balance of facilities	48,900	48,900	48,900		48,900
01-D-16D High level waste facility	253,700	253,700	253,700		253,700
01-D-16E Pretreatment facility	287,800	287,800	287,800		287,800
Total, Waste treatment and immobilization plant	**690,000**	**690,000**	**680,000**		**690,000**
Tank farm activities					
Rad liquid tank waste stabilization and disposition	273,656	273,656	283,656		273,656
Community and regulatory support	471	471	471		471
Total, Tank farm activities	**274,127**	**274,127**	**284,127**		**274,127**
Total, Office of River protection	**964,127**	**964,127**	**964,127**		**964,127**

Department of Energy National Security Programs

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Idaho National Laboratory:					
Nuclear material stabilization and disposition	1,000	1,000	1,000		1,000
SNF stabilization and disposition - 2012	18,415	18,415	18,415		18,415
Solid waste stabilization and disposition	193,910	193,910	193,910		193,910
Radioactive liquid tank waste stabilization and disposition	73,514	73,514	73,514		73,514
Construction					
06-D-401 Sodium bearing waste treatment project, Idaho	31,000	31,000	31,000		31,000
Total, Construction	**31,000**	**31,000**	**31,000**		**31,000**
Soil and water remediation - 2012	120,510	120,510	120,510		120,510
Nuclear facility D & D	67,562	67,562	67,562		67,562
Non-nuclear facility D & D	3,010	3,010	3,010		3,010
Community and regulatory support	3,683	3,683	3,683		3,683
Total, Idaho National Laboratory	**512,604**	**512,604**	**512,604**		**512,604**
NNSA sites and Nevada off-sites					
Lawrence Livermore National Laboratory	11,580	11,580	11,580		11,580
NNSA Service Center	26,122	26,122	26,122		26,122
Nevada	79,668	79,668	79,668		79,668
California site support	370	370	370		370
Pantex	23,726	23,726	23,726		23,726
Los Alamos National Laboratory	90,602	90,602	90,602		90,602
Total, NNSA sites and Nevada off-sites	**232,068**	**232,068**	**232,068**		**232,068**

Department of Energy National Security Programs

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Oak Ridge Reservation:					
Solid waste stabilization and disposition - 2012	48,888	48,888	48,888		48,888
Soil and water remediation - offsites	15,381	15,381	15,381		15,381
Nuclear facility D & D, E. Tennessee Technology Park	10,094	10,094	10,094		10,094
Nuclear facility D & D Y-12	40,000	40,000	40,000		40,000
Nuclear facility D & D ORNL	21,956	21,956	21,956		21,956
Science current generation	18,544	18,544	18,544		18,544
Community and regulatory support	4,999	4,999	4,999		4,999
Total, Oak Ridge Reservation	**159,862**	**159,862**	**159,862**		**159,862**
Savannah River sites:					
2012 completion projects					
Nuclear facility D&D	3,664	3,664	3,664		3,664
Nuclear material stabilization and disposition	208,233	208,233	218,233		208,233
Construction:					
04-D-423 Container surveillance capability in 235F	21,300	21,300	21,300		21,300
04-D-414 Container surveillance capability in 235F Project engineering and design	2,935	2,935	2,935		2,935
Total, Construction	**24,235**	**24,235**	**24,235**		**24,235**
Total, 2012 completion projects	**236,132**	**236,132**	**246,132**		**236,132**
2035 completion projects					
Community and regulatory support	12,542	12,542	12,542		12,542
Nuclear material stabilization and disposition	41,160	41,160	41,160		41,160

Department of Energy National Security Programs

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Spent nuclear fuel stabilization and disposition	22,668	22,668	22,668		22,668
Solid waste stabilization and disposition	85,276	85,276	90,276		85,276
Soil and water remediation	103,150	103,150	125,150		103,150
Nuclear facility D & D	12,542	12,542	20,542		12,542
Total, 2035 completion projects	**277,338**	**277,338**	**312,338**		**277,338**
Tank farm activities					
Radioactive liquid tank waste stabilization and disposition	507,724	507,724	542,724	35,000	542,724
Construction:					
05-D-405 Salt waste processing facility, Savannah River	25,700	25,700	25,700		25,700
03-D-414 Salt waste processing facility PED, Savannah River	37,500	37,500	37,500		37,500
Total, Construction	**63,200**	**63,200**	**63,200**		**63,200**
Total, Tank farm activities	**570,924**	**570,924**	**605,924**	**35,000**	**605,924**
Site increase for cleanup activies		30,000			
Total, Savannah River site	**1,084,394**	**1,114,394**	**1,164,394**	**35,000**	**1,119,394**
Waste Isolation Pilot Plant					
Waste isolation pilot plant	132,026	132,026	132,026		132,026
Central characterization project	23,190	23,190	23,190		23,190
Transportation	32,940	32,940	32,940		32,940
Community and regulatory support	25,122	25,122	25,122		25,122
Total, Waste Isolation Pilot Plant	**213,278**	**213,278**	**213,278**		**213,278**

Department of Energy National Security Programs

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Program direction	291,216	291,216	251,216		291,216
Program support	37,881	37,881	37,881		37,881
Safeguards and Security:					
Waste Isolation Pilot Project	4,324	4,324	4,324		4,324
Oak Ridge Reservation	22,889	22,889	22,889		22,889
Fernald	1,216	1,216	1,216		1,216
West Valley	1,600	1,600	1,600		1,600
Paducah	8,707	8,707	8,707		8,707
Portsmouth	15,642	15,642	15,642		15,642
Richland/Hanford Site	77,836	77,836	77,836		77,836
Savannah River Site	163,626	163,626	163,626		163,626
Total, Safeguards and Security	**295,840**	**295,840**	**295,840**		**295,840**
Technology development	21,389	21,389	21,389	10,000	31,389
Uranium enrichment D&D fund contribution	452,000	452,000	452,000		452,000
Subtotal, Defense environmental cleanup	**5,390,312**	**5,420,312**	**5,430,312**	**45,000**	**5,435,312**
EM increase (tank waste cleanup R&D)		20,000			
Total, Defense Environmental Cleanup	**5,390,312**	**5,440,312**	**5,430,312**	**45,000**	**5,435,312**
Other Defense Activities					
Office of security and safety performance assurance					
Nuclear safeguards and security	182,548	182,548	182,548		182,548
Security investigations	40,000	40,000	40,000		40,000

Department of Energy National Security Programs

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Program direction	75,949	75,949	75,949		75,949
Total, Security and safety performance assurance	**298,497**	**298,497**	**298,497**		**298,497**
Environment, safety & health					
Environment, safety and health (defense)	60,738	60,738	60,738		60,738
Program direction	20,076	20,076	20,076		20,076
Total, Environment, safety and health	**80,814**	**80,814**	**80,814**		**80,814**
Office of Legacy Management					
Legacy management	156,790	156,790	156,790		156,790
Program direction	11,061	11,061	11,061		11,061
Total, Office of Legacy Management	**167,851**	**167,851**	**167,851**		**167,851**
Nuclear energy					
Infrastructure					
Idaho sitewide safeguards and security	75,949	75,949	75,949		75,949
Total, Infrastructure	**75,949**	**75,949**	**75,949**		**75,949**
Total, Nuclear energy	**75,949**	**75,949**	**75,949**		**75,949**
Defense related administrative support	93,258	93,258			93,258
Office of hearings and appeals	4,422	4,422	4,422		4,422
Subtotal, Other defense activities	**720,791**	**720,791**	**627,533**		**720,791**

Department of Energy National Security Programs

(Dollars in Thousands)

	FY2007 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Adjustments:					
Use of prior year balances					
Less security charge for reimbursable work (NE)	-3,003	-3,003	-3,003		-3,003
Total, Adjustments	**-3,003**	**-3,003**	**-3,003**		**-3,003**
Total, Other Defense Activities	**717,788**	**717,788**	**624,530**		**717,788**
Defense Nuclear Waste Disposal					
Defense nuclear waste disposal	388,080	388,080	333,080	-30,000	358,080
Total, Department of Energy	**15,818,070**	**15,818,070**	**15,721,233**		**15,818,070**
OTHER ACTIVITIES (Discretionary)					
Defense Nuclear Facilities Safety Board	22,260	22,260	22,260		22,260
Total, Other Activities Discretionary	**22,260**	**22,260**	**22,260**		**22,260**
Atomic Energy Defense Activities (053) Discretionary	**15,840,330**	**15,840,330**	**15,743,493**		**15,840,330**

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—National Security Programs Authorizations

National Nuclear Security Administration (sec. 3101)

The House bill contained a provision (sec. 3101) that would authorize $9.3 billion for the National Nuclear Security Administration (NNSA) of the Department of Energy, including funds for weapons activities, defense nuclear nonproliferation programs, naval reactor programs, and the Office of the Administrator, a decrease of $50.0 million below the budget request. The Senate amendment contained a similar provision (sec. 3101). The provision would authorize $9.3 billion, an increase of $17.5 million above the budget request.

The conferees agree to authorize $9.3 billion for NNSA, a decrease of $15.0 million below the budget request.

The budget request included $6.4 billion for weapons activities. The House bill would authorize $6.5 billion, an increase of $60.0 million above the budget request. The Senate amendment would authorize $6.5 billion, an increase of $47.5 million above the budget request. The conferees agree to authorize $6.4 billion, an increase of $9.8 million above the budget request.

Within weapons activities, the conferees agree to authorize $22.0 million for the W80 life extension program, a decrease of $80.0 million below the budget request, to be used for the orderly closeout of program activities due to the postponement of the W80 life extension by the Nuclear Weapons Council. The conferees agree to authorize an additional $20.0 million for the reliable replacement warhead to support a second warhead design competition. Within inertial confinement fusion ignition and high yield campaign, the conferees agree to authorize an increase of $10.0 million to support enhanced target production and characterization capabilities and for tests on the Omega and Z facilities. Within readiness in technical base and facilities, the conferees agree to authorize an additional $17.0 million to address deferred maintenance and repair at the Pantex Plant, an additional $15.0 million to address deferred maintenance and repair at the Y–12 National Security Complex, and an additional $10.0 million for the High Enriched Uranium Materials Facility [project 01–D–124] at the Y–12 National Security Complex. Within safeguards and security, the conferees agree to authorize an additional $11.8 million for safeguards and security requirements at the Pantex Plant and an additional $14.0 million for safeguards and security requirements at the Y–12 National Security Complex.

The budget request included $1.7 billion for defense nuclear nonproliferation. The conferees agree to authorize $1.7 billion, a decrease of $24.8 million below the budget request. The conferees agree to provide an additional $15.0 million in funding for the Second Line of Defense Megaports program to accelerate cooperation with international partners to improve their capability to detect and interdict nuclear and radiological materials that could be passing through foreign ports. The conferees agree to authorize an additional $20.0 million in funding for the Global Threat Reduction Initiative (GTRI) program. Of that amount, $5.0 million is authorized for international radiological threat reduction and $15.0 million is authorized to be used exclusively for other GTRI activities conducted outside the United States. The conferees agree to provide no funding for the Russian Surplus Fissile Materials Disposition program, a decrease of $34.7 million. The conferees agree to provide $264.4 million for construction of the U.S. Mixed Oxide Fuel Fabrication Facility, a decrease of $25.1 million below the budget request. The views of the conferees regarding the Fissile Materials Disposition program are discussed elsewhere in this conference report.

The budget request included $795.1 million for naval reactors programs and $386.6 million for the Office of the NNSA Administrator. The conferees agree to authorize these programs at the requested levels.

Defense environmental cleanup (sec. 3102)

The House bill contained a provision (sec. 3102) that would authorize $5.4 billion for the Department of Energy for defense environmental cleanup for fiscal year 2007, an increase of $50.0 million above the budget request.

The Senate amendment contained a similar provision (sec. 3102). The provision would authorize $5.4 billion for defense environmental cleanup, an increase of $40.0 million above the budget request.

The conferees agree to include a provision that would authorize $5.4 billion for defense environmental cleanup, an increase of $45.0 million above the budget request. Within this increase, the conferees agree to provide an additional $35.0 million in funding for radioactive liquid tank waste stabilization and disposition at the Savannah River Site in South Carolina and to provide an additional $10.0 million in funding for a research and development program to support tank waste cleanup technologies consistent with recommendations made in the National Research Council report entitled "Tank Waste Retrieval, Processing, and On-Site Disposal at Three Department of Energy Sites, April 2006."

Other defense activities (sec. 3103)

The House bill contained a provision (sec. 3103) that would authorize $717.8 million for the Department of Energy for other defense activities for fiscal year 2007, the amount of the budget request.

The Senate amendment contained a similar provision (sec. 3103). The provision would authorize $624.5 million for the Department for other defense activities, a decrease of $93.3 million below the budget request.

The conferees agree to include a provision that would authorize $717.8 million, the amount of the budget request.

Defense nuclear waste disposal (sec. 3104)

The House bill contained a provision (sec. 3104) that would authorize $388.1 million for defense nuclear waste disposal, the amount of the budget request.

The Senate amendment contained a similar provision (sec. 3104). The provision would authorize $333.1 million for defense nuclear waste disposal, a decrease of $55.0 million below the budget request.

The conferees agree to include a provision that would authorize $358.1 million, a decrease of $30.0 million below the budget request. The conferees note that the Department of Energy has issued a revised schedule for the development of a geologic repository, delaying the completion of the license application for the repository until June of 2008.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Plan for transformation of National Nuclear Security Administration nuclear weapons complex (sec. 3111)

The House bill contained a provision (sec. 3111) that would direct the Secretary of Energy and the Secretary of Defense to develop a plan to transform the nuclear weapons complex so as to achieve a responsive infrastructure by the year 2030 and to transmit a report to the congressional defense committees, not later than February 1, 2007, on the transformation plan.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Energy to develop the transformation plan in consultation with the Secretary of Defense and the Nuclear Weapons Council. The amendment would also modify the objectives of the plan to acknowledge the continued utilization of Category I and II special nuclear material, beyond the year 2012, at the national security laboratory at which a pit production capability is located. The amendment would make further technical changes.

Extension of Facilities and Infrastructure Recapitalization Program (sec. 3112)

The House bill contained a provision (sec. 3112) that would extend the Facilities and Infrastructure Recapitalization Program for 2 years, until September 30, 2013.

The Senate amendment contained a similar provision (sec. 3114).

The Senate recedes.

Utilization of contributions to Global Threat Reduction Initiative (sec. 3113)

The House bill contained a provision (sec. 3113) that would provide the Secretary of Energy authority to accept international contributions to the Global Threat Reduction Initiative program.

The Senate amendment contained a similar provision (sec. 3112).

The House recedes with a technical amendment.

Utilization of contributions to Second Line of Defense program (sec. 3114)

The House bill contained a provision (sec. 3114) that would provide the Secretary of Energy authority to accept international contributions to the Second Line of Defense program.

The Senate amendment contained a similar provision (sec. 3113).

The House recedes with a technical amendment.

Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel (sec. 3115)

The House bill contained a provision (sec. 3115) that would amend section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) to extend excepted service authority for an additional two years, until September 30, 2008.

The Senate amendment contained an identical provision (sec. 3115).

The conference agreement includes this provision.

National Academy of Sciences study of quantification of margins and uncertainty methodology for assessing and certifying the safety and reliability of the nuclear stockpile (sec. 3116)

The House bill contained a provision (sec. 3116) that would direct the Secretary of Energy to enter into an arrangement with the National Research Council of the National Academy of Sciences to carry out a study of the quantification of margins and uncertainty methodology used by the national security laboratories for assessing and certifying the safety and reliability of the nuclear stockpile. The provision would further direct the National Research Council to submit a report on the study to the Secretary of Energy and to the Committees on Armed

Services of the Senate and the House of Representatives not later than 1 year after the date on which the Council enters into the arrangement for such study.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would narrow the matters to be included in the study, and would make technical changes to the funding of the study.

The conferees acknowledge the aggressive schedule directed for completion of the study and the report thereon. The conferees are aware of ongoing work on complementary topics being conducted by the Nuclear Weapons Complex Assessment Committee of the American Association for the Advancement of Science. The conferees encourage the National Research Council to seek opportunities to support mutual study objectives and to coordinate the use of any study contributors and subject matter experts between these studies, as appropriate.

Consolidation of counterintelligence programs of Department of Energy and National Nuclear Security Administration (sec. 3117)

The House bill contained a provision (sec. 3117) that would consolidate the counterintelligence programs of the Department of Energy and the National Nuclear Security Administration (NNSA) under the Department of Energy. The provision would also establish the Intelligence Executive Committee within the Department of Energy consisting of the Deputy Secretary of Energy, who would chair the committee, and each Under Secretary of Energy. The provision would require the Secretary of Energy to use the committee to assist in developing and promulgating the counterintelligence and intelligence policies, requirements, and priorities of the entire Department.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish, within the staff of the Administrator of the NNSA, a position of NNSA Intelligence and Counterintelligence Liaison that would be responsible for liaison between the NNSA and the Department's Office of Intelligence and Counterintelligence. The amendment would also sunset on September 30, 2010, the transfer of functions, personnel, funds, assets, and other resources transferred to the Secretary of Energy, returning them to the control of the Administrator of the NNSA.

The conferees reluctantly provide this authority to consolidate the counterintelligence programs of the Department of Energy and NNSA, despite the ongoing skepticism of many in Congress over the Department's ability to implement a strong security program for the Department and its laboratories. The conferees note that with the recent Departmental initiative to combine the Offices of Intelligence and Counterintelligence and with the authority provided in this provision, the intelligence and counterintelligence functions will be organized as they were when the Department experienced significant counterintelligence problems.

The conferees believe that the Department could have addressed many of the perceived issues associated with having separate counterintelligence offices for the Department and NNSA by demonstrating greater management resourcefulness. The conferees are unpersuaded that the Department fully and faithfully implemented the counterintelligence program structure called for in the National Nuclear Security Administration Act (Title 32 of the National Defense Authorization Act for Fiscal Year 2000, Public Law 106–65, as amended).

Nevertheless, the conferees note that the Department has continued—under the leadership of two different Secretaries of Energy and two different Deputy Secretaries—to identify the counterintelligence structure of the NNSA Act as an impediment to the smooth functioning of security operations within the Department of Energy complex. The conferees have agreed, therefore, to include a provision that would provide temporary authority for the disestablishment of the Office of Defense Nuclear Counterintelligence within NNSA and the transfer of NNSA counterintelligence personnel to the Department's Office of Counterintelligence.

Because NNSA and its programs contain the assets of greatest national security concern, the conferees would incorporate three important safeguards into the new organizational structure. First, the provision would require the establishment of an Intelligence Executive Committee within the Department of Energy consisting of the Deputy Secretary of Energy, who would chair the Committee, and each Under Secretary of Energy. One of the Under Secretaries is also the Administrator of the NNSA. Second, conferees would create, within the staff of the Administrator of the NNSA, a position of NNSA Intelligence and Counterintelligence Liaison that would be responsible for liaison between NNSA and the Department's Office of Intelligence and Counterintelligence. Third, the conferees would include a section to sunset the transfer effective September 30, 2010. This sunset would allow future Congresses to examine the effectiveness of the new, consolidated office and to take appropriate action, either to continue, modify, or reverse this organizational structure, based on that examination. Taken together, these measures are intended to ensure a continued strong voice for the NNSA in counterintelligence policy and requirements within the Department.

The conferees also wish to emphasize to the Department of Energy the existing requirement, already in law, regarding the selection and appointment of leadership for the new organization. The conferees remind the Department that section 1014 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) requires the Secretary of Energy to obtain the concurrence of the Director of National Intelligence before appointing an individual to fill the positions of Director of Intelligence and Director of Counterintelligence for the Department of Energy. Section 1014 further states that if the Director of National Intelligence does not concur in the recommendation, the Secretary of Energy may not appoint the individual to the position. The conferees support this requirement. The conferees further note that the recently appointed Director of Counterintelligence for the Department is detailed from the Federal Bureau of Investigation (FBI) for 2 years. The conferees believe that an individual having experience in counterintelligence matters as either a current or former agent of the FBI continues to be the most appropriate choice to lead the Department's counterintelligence efforts.

Notice-and-wait requirement applicable to certain third-party financing arrangements (sec. 3118)

The Senate amendment contained a provision (sec. 3111) that would require the Secretary of Energy to notify the congressional defense committees 30 days prior to entering into certain alternative financing arrangements.

The House bill contained no similar provision.

The House recedes.

Extension of deadline for transfer of lands to Los Alamos County, New Mexico, and of lands in trust for the Pueblo of San Ildefonso (sec. 3119)

The Senate amendment contained a provision (sec. 3116) that would amend section 632 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119) to extend, by five years, the deadline for completing certain land transfers by the Secretary of Energy to Los Alamos County, New Mexico and to the Secretary of the Interior of lands to be held in trust for the Pueblo of San Ildefonso.

The House bill contained no similar provision.

The House recedes.

Limitations on availability of funds for Waste Treatment and Immobilization Plant (sec. 3120)

The Senate amendment contained a provision (sec. 3117) that would prohibit the Secretary of Energy from obligating or expending more than a percentage of the amount authorized to be appropriated for the Waste Treatment and Immobilization Plant prior to performing certain actions.

The House bill contained no similar provision.

The House recedes with an amendment that would increase the amount available to be obligated or expended from 30 percent to 90 percent of the funds appropriated or otherwise available prior to the Secretary certifying to the congressional defense committees that the earned value management system for the project has been recommended for acceptance by the Defense Contract Management Agency. The amendment would also alter the limitation related to the establishment of final seismic criteria for the project by prohibiting the obligation or expenditure of any of the amount appropriated or otherwise available for the project for construction or for procurement of critical equipment affected by the seismic criteria prior to the establishment of final seismic and ground motion criteria for the project. The conferees encourage the Department of Energy to sequence the obligation and expenditure of engineering funds on the project in a manner that minimizes the risk of incurring additional costs should the interim seismic criteria ultimately be found to be inadequate.

Report on Russian Surplus Fissile Materials Disposition Program (sec. 3121)

The Senate amendment contained a provision (sec. 3118) that would prohibit the obligation of fiscal year 2007 funds to implement the Russian Surplus Fissile Materials Disposition Program, other than continuation of the research and development associated with the Gas Turbine-Modular Helium Reactor (GT–MHR), until 30 days after the Secretary of Energy provides to the congressional defense committees written recommendations regarding whether and in what manner the program should proceed. The provision would require the recommendations to include: (1) a description of the disposition method Russia has agreed to use; (2) a description of the assistance the United States plans to provide under the program; (3) an estimate of the total cost and schedule of the U.S. assistance to the program; and (4) an explanation of how parallelism is to be defined for purposes of the program and whether such parallelism can be achieved if the U.S. mixed-oxide (MOX) approach to plutonium disposition continues on the current planned schedule without further delays.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Energy to provide a report, no later than March 1, 2007, to the congressional defense committees. The report shall include: (1) a description of the disposition method Russia has agreed to use under the program; (2) a description of the assistance the United States plans to provide under the program; (3) an estimate of the total cost and schedule of such assistance; and (4) an explanation of how parallelism is to be defined for purposes of the program, including projected goals for the disposition of Russian weapons-grade plutonium under the 2000 Plutonium Disposition and Management Agreement, and whether such parallelism can be achieved if the U.S. MOX program continues on the current planned schedule without further delays.

The conferees note their support for the goals of the September 2000 Plutonium Management and Disposition Agreement to dispose of 34 metric tons of surplus weapons-grade plutonium in both the United States and Russia on roughly parallel paths. For the past 2 years, the Russian program has been delayed pending completion of a liability agreement between the United States and the Russian Federation, and that in turn caused a delay in the U.S. program. The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) cut $250.0 million in funding for the U.S. MOX program due to the impasse over liability. Although the liability agreement has now been signed, Russian officials have stated that the agreement will require ratification by the Russian Duma.

In a new development arising out of U.S.-Russian negotiations on the plutonium disposition program in February 2006, Russia has now indicated that it is not prepared to proceed with the program as originally conceived. Representatives of the National Nuclear Security Administration and the Department of State have indicated that Russia no longer wishes to use MOX fuel in VVER–1000 light water reactors unless the United States and the international community agree to bear the full life cycle cost of this approach, estimated at $2.7 billion. Rather, Russia would like to explore a new two-pillar approach to the plutonium disposition program, consisting of limited disposition in an existing BN–600 reactor (disposition in such a reactor was part of the originally envisioned program), and eventually larger-scale disposition in one or more BN–800 fast breeder reactors (FBR). It is unclear how much this new approach would cost and how it would be funded. The United States has not previously supported the FBR design due to proliferation concerns.

While generally pleased with the progress of DOE programs with the Russian Federation to cooperatively reduce the nuclear threat, the conferees are troubled by the uncertainty that now surrounds the Russian Surplus Materials Disposition Program. The conferees note the July 13, 2006, Joint Statement by the Secretary of Energy and the Director of the Federal Atomic Energy Agency of the Russian Federation reaffirming the joint commitment to the 2000 Agreement to dispose of 34 metric tons of excess weapons-grade plutonium. Nevertheless, the conferees remain concerned about the lack of any plan, implementing agreement, or concrete timetable for implementing this renewed commitment. Such a plan should include the method of disposition, the amount of the Russian contribution to the disposition program, and how much and what type of assistance the United States and the international community will be asked to provide to the program. The conferees believe that these questions must be resolved before the United States invests further in this important cooperative program. Therefore, the conferees recommend no funds for the Russian Surplus Fissile Materials Disposition Program, a reduction of $34.7 million. Of those funds available from prior fiscal years for the Russian Surplus Fissile Materials Disposition Program, no more than $20.0 million shall be available for expenditure until 30 days after the Secretary of Energy has provided to the congressional defense committees the report required by this section. The conferees note that there are adequate prior year funds available for the Russian Surplus Fissile Materials Disposition Program in the event that Russia and the United States agree on a path forward and are prepared to resume cooperative work on a plutonium disposition program that is consistent with the 2000 Agreement, and to which Russia and the United States are fully committed.

The conferees expect the GT–MHR technology cooperation efforts to proceed without interruption using the prior year funds that are unaffected by this funding restriction.

Limitation on availability of funds for construction of MOX Fuel Fabrication Facility (sec. 3122)

The Senate amendment contained a provision (sec. 3119) that would prohibit the obligation of fiscal year 2007 funds for construction of the Mixed Oxide (MOX) Fuel Fabrication Facility until 30 days after the Secretary of Energy provides to the congressional defense committees: (1) an independent cost estimate for the U.S. Surplus Fissile Materials Disposition program and facilities; and (2) a written certification that the Department of Energy intends to use the MOX Fuel Fabrication Facility for U.S. plutonium disposition regardless of the future direction of the Russian Surplus Fissile Materials Disposition program.

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit the obligation of fiscal year 2007 funds for construction of the MOX Fuel Fabrication Facility until 30 days after the Secretary of Energy provides to the congressional defense committees: (1) an independent cost estimate for the U.S. Surplus Fissile Materials Disposition program and facilities; (2) a written certification that the Department intends to use the MOX Fuel Fabrication Facility for U.S. plutonium disposition regardless of the future direction of the Russian Surplus Fissile Materials Disposition program; and (3) a corrective action plan for issues raised by the Department of Energy Inspector General (IG) in the December 2005 report titled "The Status of the Mixed Oxide Fuel Fabrication Facility."

The conferees support the goals of the September 2000 Plutonium Management and Disposition Agreement to dispose of 34 metric tons of surplus weapons-grade plutonium in both the United states and Russia on roughly parallel paths, but note their ongoing concern regarding the implementation of this program. Under the agreement, the United States and Russia each agreed to dispose of 34 metric tons of surplus weapons-grade plutonium, and both countries planned to dispose of the plutonium by fabricating it into MOX fuel for use in existing nuclear reactors. It has been both executive branch policy and a condition of the Congress that the U.S. and Russian programs would proceed on parallel paths. This program was delayed for more than 2 years as the United States and Russia negotiated an agreement on liability protections for U.S. contractors associated with the project. Now Russia has indicated it wishes to pursue alternative disposition methods under this program, rather than relying on the MOX method that had been planned. Uncertainties surrounding the Russian program have led to questions regarding the continued relationship of that program to the U.S. Surplus Fissile Materials Disposition program, given that these two programs are required to proceed on roughly parallel paths.

The conferees are further concerned that the U.S. MOX program has experienced significant cost overruns and schedule delays, irrespective of the problems with the Russian program. A December 2005 audit by the IG concluded that while the original 2002 budget estimate for the U.S. MOX facility was $1.0 billion, the total cost is now estimated at around $3.5 billion, and the plant will not begin producing MOX fuel until 2015, 6 years later than originally planned. The IG audit was highly critical of the Department's management of the MOX program, asserting that weaknesses in project management and limited administration of the program contributed to cost growth. More recent information suggests that the cost of the U.S. MOX program is expected to rise significantly higher than the IG estimated.

In light of these developments, the conferees believe it is necessary to have an independent cost estimate for the program; a certification from the Secretary that the Department will use the MOX facility for plutonium disposition regardless of the future direction of the Russian program; and a corrective action plan for issues raised by the IG, before fiscal year 2007 funds are obligated for construction of the MOX Fuel Fabrication Facility.

Based on preliminary discussions with the Department, the conferees are operating under the assumption that the Savannah River Site MOX project is a cost-effective and efficient method for the United States to dispose of a significant portion of its excess weapons-grade plutonium inventory as part of a broader plutonium disposition plan. Accordingly, the conferees believe that moving forward expeditiously with construction and operation of the U.S. MOX facility will significantly reduce the costs and risks associated with managing domestic weapons-grade plutonium. The conferees direct the Department to provide to the congressional defense committees an assessment of whether, given the sunk costs to date for the U.S. MOX project and an evaluation of other alternatives for plutonium disposition, proceeding with the U.S. MOX project is the most effective means, from both a cost and technical perspective, for managing and disposing of excess U.S. weapons-grade plutonium.

The conferees reaffirm their view that proceeding with construction and operation of the U.S. MOX facility is important in order to demonstrate the continuing commitment of the United States to fulfilling its obligations under both the 2000 Plutonium Management and Disposition Agreement, and under Article VI of the Nuclear Non-Proliferation Treaty.

Education of future nuclear engineers (sec. 3123)

The Senate amendment contained a provision (sec. 3121) that would direct the Secretary of Energy to conduct a study on the feasibility and merit of establishing a scholarship or fellowship program to educate future nuclear engineers at the postsecondary and postgraduate levels and to submit a report on the study to the congressional defense committees.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Technical correction related to authorization of appropriations for fiscal year 2006 (sec. 3124)

The Senate amendment contained a provision (sec. 3120) that would strike the amount "$9,196,456" and insert "$9,196,456,000" in section 3101(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163).

The House bill contained no similar provision.

The House recedes.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Legislative Provision Adopted

Authorization (sec. 3201)

The House bill contained a provision (sec. 3201) that would authorize $22.3 million for the Defense Nuclear Facilities Safety Board, the amount of the budget request.

The Senate amendment contained an identical provision (sec. 3201).

The conference agreement includes this provision. The conferees note their concern regarding the untimely resolution by the Department of Energy of technical issues raised by the Board. The conferees believe that the Board and the Department would benefit from a more structured process for issue resolution that would allow issues to be raised, evaluated, and adjudicated at logical points in the design and construction process. The conferees urge the Board to evaluate whether more frequent use of the Board's formal recommendation process would drive both parties towards this more structured process. The conferees also encourage the Board to take a constructive role in the problem-solving process by quickly evaluating corrective actions proposed by the Department and its contractors.

The conferees are encouraged by efforts between the Department and the Board to develop a process to provide for more timely identification and resolution of technical differences over design standards and other issues at the Department's nuclear facilities. Specifically, conferees support the pending revision of the Department's Order 413.3 to require critical safety determinations be made prior to Critical Decision 1 in the Department's project management system. The conferees direct the Board and the Department to continue these discussions and to report jointly to the congressional defense committees on their efforts to improve the timeliness of issue resolution, including recommendations, if any, for legislation that would strengthen and improve technical oversight of the Department's nuclear design and operational activities. Until such time as this report is submitted, the conferees further direct the Board to provide to the congressional defense committees quarterly reports to identify and report the status of significant unresolved issues.

The conferees expect the Board to exercise its existing statutory authority at all Department of Energy defense nuclear facilities. This includes the Waste Treatment and Immobilization Plant [Project 01–D–416] at the Department's Hanford site in the State of Washington.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Legislative Provision Adopted

Authorized uses of National Defense Stockpile funds (sec. 3301)

The House bill contained a provision (sec. 3301) that would authorize $52.1 million from the National Defense Stockpile Transaction Fund for the operation and maintenance of the National Defense Stockpile for fiscal year 2007. The provision would also permit the use of additional funds for extraordinary or emergency conditions 45 days after Congress receives notification.

The Senate amendment contained no similar provision.

The Senate recedes.

Revisions to required receipt objectives for previously authorized disposals from National Defense Stockpile (sec. 3302)

The House bill contained a provision (sec. 3302) that would authorize increased sales of certain materials in the National Defense Stockpile through the end of fiscal year 2013.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would reduce the amount of the increased sales.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Legislative Provision Adopted

Authorization of appropriations (sec. 3401)

The House bill contained a provision (sec. 3401) that would authorize $18.8 million for the operation and maintenance of the Naval Petroleum and Oil Shale Reserves.

The Senate amendment contained no similar provision.

The Senate recedes.

Legislative Provision Not Adopted

The Senate amendment contained a provision (sec. 3401) that would require the 'Shallow Oil Zone Provisional Recommendation of Equity Participation' of the independent petroleum engineer for Naval Petroleum Reserve Numbered 1 to become the final recommendation, unless the Department of Energy and Chevron U.S.A. Inc. agree that the independent petroleum engineer shall not be liable for any cost or expense incurred as a result of good faith services.

The House bill contained no similar provision.

The Senate recedes.

TITLE XXXV—MARITIME ADMINISTRATION

Legislative Provisions Adopted

Authorization of appropriations for fiscal year 2007 (sec. 3501)

The House bill contained a provision (sec. 3501) that would authorize a total of $164.4 million for fiscal year 2007, an increase of $19.5 million above the budget request. Of the amount authorized, $25.7 million would be for the disposal of obsolete vessels. Within the funds included for operation and training programs, the provision would authorize $19.5 million to provide for the reimbursement of non-emergency repairs under the provisions of section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), as amended by section 3503 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would increase the amount authorized by an additional $15.6 million. Of the additional amount authorized, $15.0 million would be for assistance to small shipyards under section 3506 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), and $0.6 million for fuel payments for the six State maritime academies to operate their training ships.

The amendment would further clarify the amount authorized for administrative expenses related to the implementation of the loan guarantee program under title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) and the non-emergency repair reimbursement, and small shipyard assistance programs described above.

Amendments relating to the Maritime Security Fleet program (sec. 3502)

The House bill contained a provision (sec. 3502) that would amend section 53105(e) of the Maritime Security Act of 2003 (46 U.S.C. 53101 note) to prohibit the transfer of an operating agreement to a person that is not a citizen of the United States, as that term is used in section 2 of the Shipping Act, 1916 (46 U.S.C. 802), unless the Secretary of Defense determines that there is no citizen under that section who is interested in obtaining the operating agreement for a vessel that is otherwise eligible to be included in the Maritime Security Fleet program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require that in order for a vessel to be considered eligible for an operating agreement to be transferred the vessel must meet the specific Department of Defense requirements for that operating agreement. The amendment would also amend section 53103(c)(4) of title 46, United States Code, to provide an alternative approach for operators of the Maritime Security Fleet program product tankers to meet U.S.-built replacement vessel requirements. The alternative approach would include the construction and operation of equivalent domestic trade tank vessels. The amendment would further amend section 53106 of title 46, United States Code, to establish priority for allocation of payments to vessels, in the event that the amounts available for payments under operating agreements are not sufficient to pay the full amount authorized under each agreement.

Applicability to certain Maritime Administration vessels of limitations on overhaul, repair, and maintenance of vessels in foreign shipyards (sec. 3503)

The House bill contained a provision (sec. 3503) that would require that certain U.S. Maritime Administration vessels activated in support of Department of Defense missions be subject to section 7310 of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes.

Vessel transfer authority (sec. 3504)

The House bill contained a provision (sec. 3504) that would authorize the Secretary of Transportation to transfer any vessels that are in the National Defense Reserve Fleet to another Federal agency.

The Senate amendment contained no similar provision.

The Senate recedes.

United States Merchant Marine Academy graduates: service requirements (sec. 3505)

The House bill contained a provision (sec. 3505) that would exempt graduates of the

United States Merchant Marine Academy, who serve on active duty in the Armed Forces for the 5 years following graduation, from certain commitment agreement requirements which were entered into upon admission.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include exemption of graduates of the United States Merchant Marine Academy, who serve on active duty in the Public Health Service for the 5 years following graduation, from the agreement requirements specified in this provision.

United States Merchant Marine Academy graduates: service obligation performance reporting requirement (sec. 3506)

The House bill contained a provision (sec. 3506) that would allow the Department of Defense, the United States Coast Guard, and the National Oceanic and Atmospheric Administration to verify to the Maritime Administration that academy graduates have in fact remained on active duty or continued in a ready reserve status for the amount of their obligation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would also allow the Public Health Service to verify to the Maritime Administration that academy graduates have in fact remained on active duty or continued in a ready reserve status for the amount of their obligation.

Temporary authority to transfer obsolete combatant vessels to Navy for disposal (sec. 3507)

The House bill contained a provision (sec. 3507) that would require the Secretary of Transportation to transfer to the Secretary of the Navy for disposal by scrapping, during fiscal year 2007, no fewer than six combatant vessels of the nonretention fleet of the Maritime Administration.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would reduce the number of combatant vessels subject to transfer by the Secretary of Transportation to the Secretary of the Navy, during fiscal year 2007, to no fewer than three.

Qualifying Reserve duty for receipt of student incentive payments (sec. 3508)

The conferees agree to include a provision that would amend title 13 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295c(g)(2)) to include service in the United States Coast Guard Reserve as fulfillment of enlisted reserve requirements for receipt of student incentive payments.

Large passenger ship crew requirements (sec. 3509)

The conferees agree to include a provision that would amend section 8103 of title 46, United States Code, to establish crew requirements for large passenger vessels. Specifically, the provision would expand the pool of non-citizens that can be employed on U.S.-flag large passenger vessels to include certain non-resident alien visa holders. The provision would also establish rules, restrictions, and background check requirements for non-resident alien employees, which have been deemed necessary by the Department of Homeland Security to maintain the security and safety of passenger vessels.

The conferees direct the Commandant of the Coast Guard to closely monitor implementation of affected procedures for employment of non-citizens. The Commandant shall notify Congress of any measures, beyond changes to Coast Guard regulations, that may be required to maintain the security and safety of the subject passenger vessels consistent with standards for U.S.-flagged vessels.

The conferees agree that the relief to employment requirements of this provision warrant documentation within the security plan for each large passenger vessel employing non-resident aliens. The Secretary of Homeland Security shall ensure that vessel security plans prohibit non-resident alien seamen from working in:

(1) any position with the authority to receive stores or provisions;

(2) any position allowing unescorted access to restricted spaces on the vessel;

(3) any position with security-related responsibilities; and

(4) any position with any operationally critical shipboard duties.

Miscellaneous Maritime Administration provisions (sec. 3510)

The conferees agree to include a provision that would make technical corrections to (1) section 1208(a) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1288(a)), (2) section 8 of the Merchant Marine Decorations and Medals Act (46 U.S.C. App. 2007), and (3) section 3509 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163). The provision would also authorize funding for an intermodal or marine facility comprising a component of the Hawaii Port Infrastructure Expansion Program.

Legislative Provision Not Adopted

Temporary requirement to maintain Ready Reserve Force

The House bill contained a provision (sec. 3508) that would require the Secretary of Defense, in consultation with the Secretary of Transportation, to submit to Congress by March 1, 2007, a report describing a 5-year plan for maintaining the capability of the Ready Reserve Force of the National Defense Reserve Fleet necessary to support Department of Defense wartime mission and support to civil authorities. The provision would also require the Secretary of Transportation to maintain 58 vessels in the Ready Reserve Force of the National Defense Reserve Fleet until 45 days after the date the report is required.

The Senate amendment contained no similar provision.

The House recedes.

The conferees request that the U. S. Transportation Command advise the congressional defense committees prior to further reductions to the Ready Reserve Force and include plans for providing capacity to meet related readiness requirements.

EARMARKS

Pursuant to House Resolution 1000, entitled "Providing for earmarking reform in the House of Representatives," adopted on September 14, 2006, the committee finds the following earmarks contained in this conference report:

Member	Program/Project Title	Account/Line No.	Amount (dollars in millions)
Hunter, Duncan (CA) and Bartlett, Roscoe (MD)	Low cost domestic titanium reduction to powder initiative	RDA 183 78045A	$5.0
Kline, John (MN)	Traumatic brain injury treatment and rehabilitation	Defense Health Program O&M	12.0
Warner, John (VA)	East Coast Asymmetric Warfare Initiative	RDDW 54 63828D8Z	4.0
Kingston, Jack (GA) and Marshall, Jim (GA)	Construct Software Support Facility, Phase 2, Robins AFB, Georgia	Air Force Construction and Land Acquisition Projects	7.0
Chafee, Lincoln (RI) and Reed, Jack (RI)	Replace Vehicle Bridge, Increment 2, Naval Station Newport, Rhode Island	Navy Construction and Land Acquisition Projects.	3.41

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Duncan Hunter,
C. Weldon,
Joel Hefley,
J. Saxton,
John M. McHugh,
Terry Everett,
R. Bartlett,
Mac Thornberry,
John N. Hostettler,
Jim Ryun,
Jim Gibbons,
Robin Hayes,
Ken Calvert,
Rob Simmons,
Thelma Drake,
Geoff Davis,
Ike Skelton,
John M. Spratt, Jr.,
Solomon P. Ortiz,
Gene Taylor,
Neil Abercrombie,
Silvestre Reyes,
Vic Snyder,
Adam Smith,
Loretta Sanchez,
Ellen Tauscher,
R.A. Brady,
Robert E. Andrews,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

Pete Hoekstra,
Ray LaHood,
Jane Harman,

From the Committee on Education and the Workforce, for consideration of secs. 571 and 572 of the House bill, and secs. 571, 572, 1081, and 1104 of the Senate amendment, and modifications committed to conference:

Howard P. McKeon,
John Kline,

From the Committee on Energy and Commerce, for consideration of secs. 314, 601, 602, 710, 3115, 3117, and 3201 of the House bill, and secs. 332–335, 352, 601, 722, 2842, 3115, and 3201 of the Senate amendment, and modification committed to conference:

Joe Barton,
Paul Gillmor,

From the Committee on Government Reform, for consideration of secs. 343, 721, 811, 823, 824, 1103, 1104, and 3115 of the House bill, and secs. 371, 619, 806, 823, 922, 1007, 1043, 1054, 1088, 1089, 1101, and 3115 of the Senate amendment, and modifications committed to conference:

TOM DAVIS,
C. SHAYS,

From the Committee on Homeland Security, for consideration of section 1026 of the House bill, and section 1044 of the Senate amendment, and modifications committed to conference:

PETER T. KING,
D. REICHERT,
BENNIE G. THOMPSON,

From the Committee on International Relations, for consideration of secs. 1021–1023, 1201–1204, 1206, title XIII, secs. 3113 and 3114 of the House bill, and secs. 1014, 1021–1023, 1054, 1092, 1201–1208, 1210, 1214, title XIII, secs. 3112 and 3113 of the Senate amendment, and modifications committed to conference:

HENRY HYDE,
JAMES LEACH,
TOM LANTOS,

From the Committee on Resources, for consideration of secs. 601, 602, and 1036 of the House bill, and section 601 of the Senate amendment, and modifications committed to conference:

RICHARD POMBO,
GREG WALDEN,

From the Committee on Science, for consideration of secs. 312 and 911 of the House bill, and secs. 333, 874, and 1062 of the Senate amendment, and modifications committed to conference:

SHERWOOD BOEHLERT,
MIKE SODREL,

From the Committee on Small Business, for consideration of secs. 874 and 1093 of the Senate amendment, and modifications committed to conference:

DONALD MANZULLO,
SUE W. KELLY,

From the Committee on Transportation and Infrastructure, for consideration of secs. 312, 551, 601, 602, and 2845 of the House bill and secs. 333, 584, 601, 1042, 1095; 2842, 2851–2853, and 2855 of the Senate amendment, and modifications committed to conference:

DON YOUNG,
FRANK LOBIONDO,
JIM OBERSTAR
(EXCEPT SECTIONS 1095, 2851, 2852, 2853 OF THE SENATE AMENDMENT),

From the Committee on Veterans' Affairs, for consideration of secs. 666, 682, 683, 687, 721, and 923 of the Senate amendment, and modifications committed to conference:

STEVEN BUYER,
JOHN BOOZMAN,
STEPHANIE HERSETH,
Managers on the Part of the House.

JOHN W. WARNER,
JOHN MCCAIN,
JAMES M. INHOFE,
PAT ROBERTS,
JEFF SESSIONS,
SUSAN M. COLLINS,
JOHN ENSIGN,
JIM TALENT,
JOE LIEBERMAN,
JACK REED,
DANIEL K. AKAKA,
BILL NELSON,
E. BENJAMIN NELSON,
MARK DAYTON,
EVAN BAYH,
H.R. CLINTON,
SAXBY CHAMBLISS,
LINDSEY GRAHAM,
JOHN CORNYN
JOHN THUNE,
CARL LEVIN,
TED KENNEDY,
ROBERT C. BYRD,
Managers on the Part of the Senate.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1053 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1053

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of September 29, 2006.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

GENERAL LEAVE

Mr. COLE of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and insert tabular and extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COLE of Oklahoma. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on Thursday night the Rules Committee met and reported a rule for consideration of resolutions reported by the Rules Committee on the same day. The rule waives clause 6(a) of rule XIII and applies a special waiver to any resolutions reported this legislative day.

Mr. Speaker, it is of the utmost importance for the House to pass this rule and move the debate along so that important legislation may be considered before the House adjourns. Legislation that may be considered under this same-day rule may include the fiscal year 2007 National Defense Authorization Act and the Port Security Act and other measures brought to the floor through a special rule reported by the committee. This rule will provide the House the flexibility and ability to move the remaining legislation in a timely and efficient manner so that we can adjourn this legislative day.

To that end, Mr. Speaker, I urge support of the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this martial law rule.

It is not unusual for a rush of bills, especially conference reports, to come to the House floor in the final hours before a recess or a final adjournment no matter who holds the majority. We are used to seeing that. But the manner in which this House has conducted business over the past week should be a matter of grave concern to all Members no matter what side of the aisle they sit on.

Closed rules have become a norm in this Chamber. Bills that have not gone through committee hearings, markup, or open debate or with a chance for Members to offer and debate thoughtful amendments, bills that magically appear out of thin air with the Republican leadership asking Members to vote "yes" on far-reaching legislation that nobody has actually read.

Mr. Speaker, we cannot continue to operate the United States House of Representatives in such a fashion.

☐ 1315

It demeans our democracy. It is bad enough that this House is passing bills that will be signed into law that undermine our system of justice and due process both here at home and internationally. But the very way in which this House has carried out legislative business this week is an affront to the Democratic process.

I know that we all want to return home to our districts to meet with our constituents and prepare for the upcoming elections, but I genuinely worry about how we are living up to our oaths of office when I look at how the Republican leadership has shut down debate on some of the most significant issues facing our country.

Mr. Speaker, there are only a few hours left before Congress adjourns to go home. After the most do-nothing Congress in the history of the country, Republican leadership continues to ignore critical issues that are absolutely important to the American people in a rush to get out of Washington.

Some of us, Mr. Speaker, have spoken in the past about the culture of corruption that exists in this institution; and it is more than just about the antics of Mr. DeLay and Mr. Cunningham and Mr. Abramoff. This culture of corruption that we talk about is also about a corruption of the process that allows for this Congress to become a place where trivial issues get debated passionately and important ones not at all. It is a process where rank and file Members of both parties, not just Democrats but Republicans, routinely get locked out of the ability to offer amendments and to be heard on the floor of the people's House.

Now, Mr. Speaker, when gas prices went sky high, President Bush and the Republican-controlled Congress gave tax breaks to the oil companies. They did not give us an opportunity to debate and to vote on a real energy bill that would provide funding for alternative sources of renewable energy. But that is how they responded to that crisis.

When our troops in Iraq and Afghanistan needed body armor, we got "mission accomplished". Mr. Speaker, the headlines of the last week alone should show not only how messed up things are in Iraq but how this administration has deceived the American people and deceived this Congress.

And what has been the response of Congress over these many months? Has it been to hold the administration accountable? Has it been to conduct proper oversight?

No. It has been a rubber stamp. Just let things go on as they are. Stay the course, which has become code for stay forever. With American workers crying out for an increase in the minimum wage, President Bush and the Republican-controlled Congress forced through an estate tax cut benefiting only the wealthiest people in this country.

Mr. Speaker, the Federal minimum wage is at $5.15 an hour. $5.15 an hour. It has been frozen that way for 9 years. Now, during those same 9 years, this Congress has given itself pay increases of $31,600. I mean, we have the time. We have the time to give ourselves a pay raise in this body, but we do not have the time to give the American workers a pay raise? $5.15 an hour is what the current Federal minimum wage is.

And would you not think that there would be a sense of urgency in this House of Representatives to not adjourn until we have a clean up or down vote on the minimum wage? No, that is not part of why we are having a martial law rule here today. They are not doing this so they can bring up the Federal minimum wage, an increase in the Federal minimum wage. That is not what this is about.

Mr. Speaker, with the cost of college tuition skyrocketing and student aid not meeting the need, President Bush and the Republican-controlled Congress instead give us a bill congratulating Little League teams. We have done nothing in this Congress to address the real concern and the real need out there by so many American families to help pay for the cost of a college education.

And as thousands of our senior citizens fall into the doughnut hole of the Medicare Prescription Drug Plan, President Bush and the Republican-controlled Congress answered their pleas for help by naming more post offices. We were not given the opportunity to fix the doughnut hole in that prescription drug bill.

We have not been given the opportunity to do what Democrats have been demanding for a long time, and that is to give the Federal Government the ability to negotiate lower drug prices for our senior citizens. That is how the Veterans Administration does it. The VA negotiates on behalf of all of our veterans, thereby getting a better price so that our veterans do not have to pay as much for prescription drugs.

Why cannot we do the same thing for Medicare beneficiaries? We are not doing it because the prescription drug industry and the pharmaceuticals do not want it, and they have contributed mightily to the majority party's campaign for reelection.

Mr. Speaker, it is time for a new direction; and I hope that my colleagues will indicate their frustration with the way this House has been run and demonstrate their dismay at the lack of accomplishment of this Congress by voting "no" on this martial law rule.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to just disagree with my good friend from Massachusetts on his characterization of the accomplishments of this Congress. As a matter of fact, if you start ticking off the record, it is pretty impressive: bankruptcy reform, class action lawsuit reform, a transportation bill that put more money into our infrastructure than any transportation bill in American history, significant energy legislation passed last year, dealing with the entitlement spending problem, an across-the-board budget cut.

All of those are genuine accomplishments. Pension reform, bill after bill after bill. Some of them bipartisan, some of them, frankly, passed without the cooperation of our friends.

And, frankly, to criticize us for minimum wage, when in this House we have voted on and passed the minimum wage increase and passed, along with it, a reform of the death tax and tax extender bills that are important, I think is somewhat disingenuous.

That legislation passed with a majority vote on this floor; and, frankly, a majority of the other body favored that legislation. Our friends on the other side of the aisle used their friends on the other side of the rotunda to routinely block progress. Even when the majority of the United States Senate agrees with the will of this House, as was the case with the minimum wage, with ANWR, and another piece of legislation with the tax extenders, with reform of the death tax, an obstructionist minority of Democrats on the other side keep a bipartisan majority from actually reaching the magic 60 vote level that is required in moving legislation forward.

We are not responsible for that. Frankly, I am proud of what we have moved through the floor here.

I also want to disagree with my good friend on the Medicare measure that he discussed in his remarks. Quite frankly, it is something that I think our good friends on the other side of the aisle are embarrassed that they did not support. It was the largest expansion of spending for senior citizens and entitlement spending since 1965. Since 1965.

Now the argument that the Democrats advanced that night, and I was here, was it is not enough. They were not willing to vote for something that was the largest increase in almost 40 years. It simply was not enough. And I think now that tens of thousands of seniors are getting health care that in the past they were not able to get, and that our friends on the other side had nothing to do with that accomplishment puts them in the position where they feel like they have to take away from the achievement that they could have been part of but rejected the opportunity to participate in.

Finally, let me just conclude my observation that there are only two times when we get criticized from the other side of the aisle. That is when we do something and when we do not.

Day after day, and particularly morning after morning this week, we have heard demands from the floor or from the well of this body on the floor that we have up or down votes on issue after issue after issue. Now when we are bringing important issues for up or down votes, issues that in many cases have been dealt with for months through the committee process, we are dealing with conference reports or providing an up or down opportunity, we are criticized for that. So I suspect we are going to be criticized regardless of what we do.

What I am pleased with is the record of accomplishment that this Congress has to offer to the American people in issue after issue. My only regret is that, frankly, our friends on the other side of the aisle have so often chosen to obstruct rather than participate, in my opinion, constructively in this process.

I hope that that changes ahead. Frankly, there have been times when it has been different on this floor. I would hold the pension reform bill out as an example of that. I would also point out on things like the PATRIOT Act, where we had 40 odd of our friends from the other side participating; tort reform, where 70 odd of our friends participated on the other side; there have been many instances of bipartisan reform cooperation. Unfortunately, in my opinion, it has diminished as we have moved forward in the Congress and moved closer to November.

I hope on the other side of November that will change. But I, for one, am very proud of this Congress and what it has accomplished; and I look forward to working with our friends on the other side of the aisle so we can accomplish more in the months that remain in this Congress and, frankly, in the next one.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate my friend saying he looks forward to working with us. I look forward to the day that the majority decides to work with those of us in the minority in this Congress.

You know, one of the frustrations that we have, and, again, we have not been given an answer to this question, is why on some of the most important pieces of legislation that have come before this Congress, issues involving wire tapping, issues involving torture, would these bills be brought to the floor under a closed process when there were Democrats and Republicans both coming before the Rules Committee who wanted to have input, who wanted to make their amendments in order, who had some good ideas.

You may not agree with everything. You do not have a monopoly on good ideas. But the fact of the matter is, to shut people down, to just shut everybody out, that not only diminishes this institution, it diminishes this democracy. It is why we believe that there is a culture of corruption that exists in this Congress. You have corrupted this process.

You know, my friend likes to say he is very proud of the record of the Republican Congress. Well, the fact of the matter is, he and a handful of others may be the only people who think that this Congress has done a good job. There is a reason why only 25 percent of the American people approve of the job that this Congress is doing. They are disgusted with the lack of accomplishment on issues that make a difference in their lives.

I do not know about my colleague from Oklahoma, but when I go home, you know, I have a lot of seniors telling me that they have hit that doughnut hole in the prescription drug bill. They do not know what to do about it. I have a lot of my senior citizens say to me, why in the world will you not give the Federal Government the ability to negotiate lower drug prices for our senior citizens? What is so radical about that?

I mean, that is one of those best-business type practices. Why cannot you allow our Government to negotiate lower drug prices for our senior citizens? The reason why is because the people who have funded the Republican National Committee and the campaigns, the pharmaceutical industries, do not want that.

There are people asking me all of the time, you know, why has this Congress not implemented the 9/11 Commission recommendations to make our country safer? You know, a nonpartisan commission that has set forth an agenda that I think almost everybody agrees with, and yet we cannot implement those recommendations.

On the minimum wage, you play politics with the minimum wage. If you cared about the workers of this country who are earning a minimum wage, then you would bring up a minimum wage that would pass. But, no, in order to help low-income workers, you have got to help the richest people in this country. You want to play politics with that issue.

The minimum wage has been stuck at $5.15 an hour for 9 years. You do not have the time to give these workers an increase, but yet we can all give ourselves a pay increase. No wonder why the American people are so fed up with this Congress.

On student aid, students returning to college continue to confront skyrocketing tuition costs; and yet the Republican Congress made it harder to pay for college by cutting $12 billion in student aid. Congress needs to pass and approve the Labor-HHS appropriations bill that restores the massive cuts in college tuition and expands the size and availability of Pell Grants.

You know, why cannot we focus on that? Pass an energy plan that decreases our dependence on foreign oil. Your energy law, you know, written in secret by the Cheney task force and Big Oil and energy lobbyists, gives billions of special interest giveaways to oil and gas companies that are enjoying record profits.

I mean, yeah, you passed some things but things that really do not make a difference to the average working person out there. So you can be proud of your record in this Congress. But I want to tell you, there is a reason why only 25 percent of the American people approve of the way that this Congress has handled its job.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield to the gentleman from California (Mr. HUNTER) to file a conference report.

Mr. HUNTER. Mr. Speaker, I am going to ask to submit a conference report. I just wanted to say that this conference report is largely the product of Mr. Bob Cover, who after many, many years is leaving the Office of Legislative Counsel. We appreciate his great service to our country.

□ 1330

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

I want to take a moment to respond to my good friend from Massachusetts. We simply, I guess, see the world differently. The reality is most of the legislation that comes to this floor that passes is bipartisan, passes with at least a bipartisan vote. It is my friends on the other side who so often find themselves in lonely partisan isolation, less frequent on this side of the aisle.

Again, I could go issue after issue, whether it is tort reform, the PATRIOT Act, bankruptcy reform, the transportation bill, defense bills, there are overwhelming bipartisan votes.

Frankly, I think our friends at this point are more interested in problems than solutions. They simply do not want to run on them. They want to create the impression that the Congress has been neither productive and is overly partisan. That is something we are going to have to agree to disagree on.

I also want to again remind my friend, on the Medicare bill, it is this side of the aisle that provided tens of millions of seniors with prescription drug coverage for the first time ever, and I think if my friend checked the polling reports or checked the rates of satisfaction he would find that it is very, very high. I personally think our friends are disappointed in themselves for not having participated, not having worked with us.

Many times our friends want to negotiate, but they also tell us what is nonnegotiable before we sit down to negotiate. They certainly did that during the Medicare situation. They certainly did that when the administration wanted to discuss Social Security earlier last year: these are the things we will not talk about; now, let us sit down and talk. That is not a negotiation in my opinion.

Finally, I want to remind my friends, when they move on education spending, I would be delighted to debate the record of this Congress and frankly this administration in the area of funding education. The largest increase in spending for education at all levels has occurred during the Bush administration, over 50 percent since 2001. It is this party that has delivered time and time and time again when it came to funding.

Finally, last point, my friend made the point that the minimum wage would pass quote "if." It did pass. This is the point. It came to this floor and passed. It went to the United States Senate. Over half, 57 of our Senators out of a body of 100 of the other body, were in favor of that legislation. It was a minority that blocked the passage of the minimum wage and a minority in the United States Senate. I regret that. We still have time before the Congress is finished to deal with that, and I hope that we do after the election.

I think there are some that would rather have election issues than have a solution. I think when you offer a compromise solution, we had many Members in this body who did not want to raise the minimum wage. We had many Members in this body that did want to raise it. We had also Members that wanted to reform the death tax, those that did not. Most of us on both sides of the aisle were in favor of the extenders. That was actually a very finely crafted compromise that had something for everybody. Our good friends wanted everything for themselves, but nothing for anybody else in terms of the compromise.

I think we have put on this floor a fair bill, a bill we can be proud of. I am very proud to be able to go home and say I voted for a minimum wage increase; when it came to the floor of the House, I voted to reform the death tax; and I voted to extend some important economic tax incentives and a reduction. I wish more of the Congress could, but the majority of us actually can go home and say that.

The majority in the United States Senate can say it. It is the obstructionist minority in the other body that chose not to participate in the compromise with us, but again, there is still time left in the Congress. We will be back here in all likelihood in November and December. I hope that opportunity on the other side of the election will lead us to be able to pass significant compromise legislation. Frankly, I trust that it will.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would just again remind those who may be listening that the Republicans control the White House, they control the House of Representatives, and they control the United States Senate. So if they really wanted to increase the minimum wage, they would be able to do it, but they do not; and if anybody believes that it is in their heart to try to increase the minimum wage somehow after the elections are all over with; I think you are in for a rude awakening.

For 9 years, Republicans in Congress proudly refused to raise the minimum wage for hardworking Americans, even as their own pay increased by $31,600. This year the Republicans are playing politics with a pay raise for millions of Americans, killing a minimum wage by attaching it to tax cuts for the wealthiest people in this country. This is how they chose to kill it this year, and they have been killing it every year for 9 years. I mean, that is their legacy and we need to change that, and hopefully come November that will change.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN), a champion for increasing the minimum wage.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I want to thank you for your leadership on this matter.

The people on the other side of the aisle, Republicans, always want to talk about the Bible, and you know, the Bible said the poor will always be with us. But our jobs as Members of Congress is to help raise the standard.

A few months ago, I voted against raising the minimum wage. Well, why would I vote against raising the minimum wage? Because I do not think there is anybody in this body supports raising the minimum wage more than I do.

Well, it was a poison pill. It was a kiss of death because what the Republicans did, they tied raising the minimum wage to passing an estate tax. I mean, that would have taken trillions of dollars out of the budget just to help what I call their rich friends.

The Republicans have practiced over and over again what I call reverse Robin Hood, robbing from the poor and working people to give tax breaks to their friends.

So now they put the minimum wage on the floor, but tied it to an estate tax that would have taken thousands and thousands of dollars out of the budget. Yes, we have not dealt with the agenda of the American people.

In closing, the Bible says the poor will always be with us, but our job is to help raise the standard. Give us a clean bill on this floor on minimum wage, and let us vote to help the American people.

Mr. COLE of Oklahoma. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I want to associate myself with the comments of the gentlewoman from Florida who just spoke. Again, the leadership in this Congress, the majority in this Congress, gave themselves a pay raise, but they cannot bring themselves to giving hardworking American families a pay raise, those who earn the minimum wage. There is something wrong with that equation.

The bottom line is we work for the people of this country, and the Federal minimum wage has been stuck at $5.15 for 9 years. It is disgraceful; and for 9 years this leadership, this majority has proudly stood to fight against increasing the minimum wage. They should be ashamed of themselves. We give ourselves a pay raise, but we cannot give hardworking American families a pay raise.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentleman from Massachusetts, and I certainly appreciate his leadership in this matter.

Mr. Speaker, as I hear this discussion today, it is a heartbreaking thing to see this body completely engaged in partisan politics because it does not matter to the American people when they cannot afford their medicine, when they cannot afford health insurance anymore.

Health insurance, the cost has doubled under the Bush administration. They come and pretend and posture and try to give the impression that they care about what happens to the American people.

When America fails, we all share in that failure. We all suffer. We all get part of the pain. When we cannot afford to fill our automobiles up with gasoline, we all suffer. When Social Security is threatened, we all suffer. When the minimum wage is not raised to a reasonable level, we all pay the price.

It is very distressing to know that under the Bush administration and the majority Republican Party leadership in this Congress that we have failed on every count. Not only can we not afford our gasoline or our health care or to educate our children because they have raised the cost of student loans, we know what a mess we have in Iraq. We know what a failure our borders have been under the direction of the Bush administration and the Republican majority in this Congress.

It makes me very distressed to know that we are going to leave here this week very likely without doing anything substantive on any of these issues.

The good news is this: we can go in a new direction. We know how to provide health care to the American people. We know how to provide gasoline they can afford. Is it not a sad state of affairs when we think $2.15 gas is a good deal? We know how to provide prescription medicine to our people at a fair and reasonable price that they can afford and they will not need any government help to purchase it.

One of the great Arkansas companies just came out with a new plan this week that demonstrates the power of massive buying. That is Wal-Mart, and they have a new prescription drug plan that they are going to present to America.

All of these are good things.

We know how to get the job done, and the Democrats cannot wait to get started to see that our people do not have to go to bed wondering if they are going to be able to afford their medicine or their gasoline or their light bill, thinking that they are going to work tomorrow and still be working for $5.15 an hour, wondering if Social Security is going to be there for them. That should be something that there is no question about.

As I said, the Democrats cannot wait to get started in the right direction. We know how to do these things. We are excited about being part of it, and to continue to play these political games on the floor of this great institution is a sad commentary on the corruption of absolute power.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

I want to just note for the record I am delighted to finally hear something good about Wal-Mart coming from the other side because generally that is not what we hear, but I agree with my good friend. It is a great company and not just a great Arkansas company, but a great American company.

I also want to say, Mr. Speaker, that I am very proud when I had the opportunity to vote to give tens of millions of seniors drug coverage for the first time in the history, I did.

I am very happy and very proud that when I had the opportunity on this floor to vote for an increase in the minimum wage, I did.

I am very happy when I had the opportunity to vote for, first, the elimination and then the reform of the death tax so small business people and farmers can keep their properties, I did.

I am very glad when the PATRIOT Act came up for reauthorization I had the opportunity to vote to make our country safer and stronger, and I did.

I am very glad I had the opportunity to vote for liability reform for medical cases, and when the opportunity came to vote on the floor, I was pleased to do so.

Finally, when I have had on a number of occasions the opportunity to vote for measures that would increase the energy independence of this country and hold down the escalation of gasoline prices, I have done that. I am very pleased that I had an opportunity to do so.

I think what we are hearing today is unfortunately regret that so many of our friends on the other side of the aisle did not vote for those things when they had the opportunity; and rather than simply express their disagreement, they are simply trying to denigrate the work of the Congress, which has been productive and good for the American people.

So I am pleased with the record of Congress and look forward to going home to talk about it and look forward, again, to the balance of the Congress after the election.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, could I inquire from the gentleman from Oklahoma how many more speakers he has on his side.

Mr. COLE of Oklahoma. I am prepared to close when the gentleman is.

Mr. MCGOVERN. I thank my friend. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 10½ minutes remaining. The gentleman from Oklahoma has 18 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I once again want to express my deep disappointment in the lack of accomplishment of this Congress. I mean, this really is a do-nothing Congress, and there are issues that one would have thought we could have come together in a bipartisan way on, for example, allowing the Federal Government to negotiate cheaper drug prices for our senior citizens that the majority in this House chose not to want to reach out and work with us.

☐ 1345

There are issues of energy independence that we could have worked together on that they did not want to work with us on. In fact, as I said in the very beginning, every time we have an idea, every time we want to express a different opinion or want to present a different alternative, we go to the Rules Committee and we are told, no, you are not welcome; no, you are not allowed; no, we are going to shut you out.

That has been the hallmark of this Congress. This is probably the most closed Congress in the history of the country. I don't remember a time when we have had more closed rules, more restrictive rules than we have in this Congress. I am going to tell you, that is something maybe my friend from Oklahoma wants to take some pride in, but I find that shameful. My expectation is that if the Democrats have the privilege of taking over this Congress, Leader PELOSI has already indicated we will have a whole different tone here, and all ideas, not just Democrat ideas but Republican ideas, will be welcome as well.

That is what the American people expect. Every one of us represents the same amount of people in our congressional districts, yet you would never know that when you go to the Rules Committee and people routinely get shut out.

We debated a bill on torture, we debated a bill on wiretaps dealing with people's civil liberties, dealing with the values of this country, and people had some strong opinions, not just Democrats but Republicans, and they were told no, no, no, no, no, you have no right to come to the floor and offer your opinion.

That is not a democracy. That is not the way this place is supposed to run. This is supposed to be a deliberative body, and we are routinely shut out. I think people are sick of that. People don't want politics as usual. People want a change. They want a new direction. And a new direction is not just in terms of policies but also in terms of tone.

My friends on the other side of the aisle run everything. They run the White House, they run the House of Representatives, and they run the Senate. Yet they cannot get things done. They can't even work with their own Members in the other body. So I think it is time for a change to get people put in places of power who are going to actually be not only advocates for working families in this country but who will deliver and who are going to reach out a hand and try to work in a bipartisan way. That doesn't exist here. There is no bipartisanship here at all. There is none.

So this talk about we want to work together in the future on this issue or that issue, it has not happened in the past, so why should it happen in the future?

Mr. Speaker, before I talk about the previous question, I want to urge Members of this House to vote against this martial law rule. This rule allows the Republican leadership to bring up virtually any piece of legislation with only a few minutes notice to this House. That is just plain wrong. We have no idea what may be coming our way. I mean, they could bring anything up with a few minutes notice. I do not think that is the right way to do business here. I do not think that is the way we should conduct ourselves in the House.

Mr. Speaker, before I get into my previous question speech, my good friend from Virginia (Mr. MORAN) just came to the floor, and I want to yield him 3½ minutes.

Mr. MORAN of Virginia. I thank my very good friend from Massachusetts, who has done such a fine job in succeeding Mr. Moakley on the Rules Committee.

Mr. Speaker, we are about to adjourn, and yet we are going to leave the American people without the resources and the legislation they need to provide the kind of security that the bipartisan 9/11 Commission said was necessary. Five F's and 14 D's on the Commission's scorecard, yet we can't act on the 9/11 Commission's recommendations.

Mr. Speaker, we have the greatest gap in compensation between the rich and the poor that we have ever had since the days of the Great Depression in this country, and yet we can't even see our way through to raising the minimum wage from $5.15 to $7.25 an hour. Shame on this Congress.

Mr. Speaker, there are hundreds of thousands of senior citizens who are being dumped into the doughnut hole as we speak, who are going to have to pay 100 percent of the cost of their prescription drugs. And do you know that there are hundreds of thousands of additional senior citizens, Mr. Speaker, who are going to be stuck with a penalty of paying an extra 7 percent premium for the rest of their lives because we couldn't fix the Medicare prescription drug program to eliminate the monthly penalty and the prohibition on the government's ability to negotiate lower prices? It was written for and passed for the benefit of the drug companies, not the senior citizens of America.

Mr. Speaker, the average college student is graduating from college with a $20,000 debt. They can't afford to go into public service because they have to go into a job that is going to give them the maximum compensation so that they can spend the first few years after graduation in order to pay back their debt.

We have thousands of students who have worked so hard to become eligible for a college education, to become all that their parents want them to be, all that we need them to be, but they can't afford college. Yet we have seen massive cuts in college tuition assistance imposed by this Congress, a Congress that has refused to provide the kind of size and availability of Pell Grants that would have enabled these young people to get to college and to afford college.

Mr. Speaker, not to provide the resources for our students when we will spend over $400 billion on a misguided mission in Iraq is unbelievable, and yet we are ready to recess.

Mr. Speaker, I will conclude with this. I mentioned four reasons why this Congress shouldn't even think of recessing, but there is another one. There is billions of dollars that the large oil companies are getting in tax breaks. They have had more revenue than at any time, more than they could have ever imagined. In fact, in the last quarter, they showed $47 billion of profit, all coming out of the pockets of hard-working Americans, and yet we continue to give them tax breaks. Unbelievable.

Mr. Speaker, this Congress has no business recessing, and this martial law rule certainly should be defeated.

Mr. McGOVERN. Mr. Speaker, once again, I will be asking Members to vote "no" on the previous question so that I can amend this rule and allow for the immediate consideration of the five bills that we on this side of the aisle believe will really make a difference to our Nation's working families.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, these bills are the same ones I talked about yesterday; the same ones I have talked about today. Every Member of this House of Representatives should support the goal of these important legislative initiatives. My amendment would allow each of them to be considered immediately.

The first bill will implement the long-overdue recommendations of the highly respected bipartisan 9/11 Commission. My friends on the other side like to talk about their great record on national security, yet the 9/11 Commission has given them D's and F's for the implementation of their recommendations to better protect our homeland. This would allow that bill to come up immediately.

The second bill would allow us to bring the minimum wage up to $7.25 per hour. It has been stuck at $5.15 an hour for 9 years. You have given yourselves pay raise after pay raise after pay raise. How about giving the American worker a pay raise?

The third bill would let the Secretary of Health and Human Services negotiate for lower prescription drug prices for senior citizens and people with disabilities. Why not? What is wrong with free enterprise? What is wrong with doing what the Veterans Administration has done so effectively? Let us get those prices down lower and keep them low.

The fourth bill would repeal the massive cuts in college tuition assistance opposed by the Congress, and it will expand the size and availability of Pell Grants. People can't afford to go to college any more, and you have made it more difficult. We say we want a 21st century workforce, that we need to make sure our young people get the education they need, and that means they have to be able to afford to go to college.

And, lastly, the fifth bill will roll back the tax breaks for big oil and invest those savings in alternative fuels to achieve energy independence. We are tired of tax break after tax break after tax break and subsidy after subsidy after subsidy for big oil. It is time to be on the side of working families.

Mr. Speaker, each of these bills has enormous potential to help the quality of life for tens of millions of deserving hard-working Americans and their families. We have one more day before we adjourn for more than a month. Let's use this opportunity not for suspension bills but for something that will really make a difference in people's lives, to provide people these opportunities by passing this important legislation that will truly help so many.

So vote "no" on the previous question so we can bring up these measures.

Mr. Speaker, I yield back the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I know we are not at Halloween yet, but we must be getting close, because we have to scare the American people on issue after issue after issue.

Frankly, most of the measures that my good friend talked about, if they were brought up, would have to be brought up under the very same closed rules he so often voices his concern about.

We are told this Congress somehow operates differently than the others. I simply want to provide for the information of our body some information provided to me by the Congressional Research Service. Same day rules during the last week of session during the final three Democratic Congresses, the Hundred First, the Hundred Second and the Hundred Third, totaled six. Same day rules under the last three Republican Congresses, the Hundred Seventh, the Hundred Eighth and the Hundred Ninth, totaled five. Basically, the body operates about the same way procedurally that it has operated throughout most of its history and certainly throughout its recent history.

I also want to remind my friends who talk about the minimum wage that they had the opportunity to vote for a minimum wage increase. I voted for it. I certainly am happy that I did. I wish more of my friends had. A majority of this body did. Indeed, a bipartisan majority. A bipartisan majority of the United States Senate favored it.

It was my friends' friends on the other side of the rotunda that decided not to enter in and allow that increase to take place because they wanted a perfect bill from their perspective. They didn't want to compromise. They didn't want to give and take. They didn't want to have some discussion. Frankly, what they wanted is what they got, or what they believe they got, which is a political issue for the November elections.

I am hopeful that after the elections are over we can come back here and actually have a discussion and come to a compromise solution, such as was crafted on the floor in this body.

Our friends talk to us a lot about education. I think they should. They probably ought to thank President Bush for being the best friend education ever had. It is President Bush who came up with No Child Left Behind, and it was President Bush who has recommended throughout his tenure over a 50 percent increase in Federal funding of education.

My friends are concerned about the cost of tuition. So am I. I just had a son who graduated. I am very grateful. But, quite frankly, most of that problem is at the State level, where we have State government after State government running enormous surpluses, yet not passing some of that surplus on to higher education institutions and to their own students.

The reality is that after coming in with a recession beginning in 2001, followed by September 11, something that all of us on both sides of the aisle recognize as a dastardly and disastrous event, this administration and this Republican Congress has gotten the economy moving again and has accomplishment after accomplishment to run on. I am not surprised that our friends on the other side see it differently or want to obscure it, but I have profound faith in the good judgment of the American people to understand fiction and understand fact and know the difference between the two.

Mr. Speaker, today, in closing, I want to reiterate the importance of passing this rule. This rule allows us to move forward, pass the necessary legislation, and to do the business of the American people. It is interesting how we have heard complaints by the other side of the aisle that this is a do-nothing Congress, yet at the same time the other side wants to slow down the process today to prevent important bipartisan legislation from being passed. It wants, in effect, to do less, not more.

Mr. Speaker, I am sure it is no surprise that I intend to vote for the rule and the underlying legislation, and I would urge my colleagues to do the same.

The material previously referred to by Mr. MCGOVERN is as follows:

Previous Question for H. Res. 1053, Blanket Martial Law Rule Waiving Clause 6(a), Rule XIII

At the end of the resolution add the following new Sections:

Sec. 3. Notwithstanding any other provisions in this resolution and without intervention of any point of order it shall be in order immediately upon adoption of this resolution for the House to consider the bills listed in Sec. 4:

Sec. 4. The bills referred to in Sec. 3. are as follows:

(1) a bill to implement the recommendations of the 9/11 Commission.

(2) a bill to increase the minimum wage to $7.25 per hour.

(3) a bill to provide authority to the Secretary of Health and Human Services to negotiate for lower prescription drug prices for senior citizens and people with disabilities.

(4) a bill to repeal the massive cuts in college tuition assistance imposed by the Congress and to expand the size and availability of Pell Grants.

(5) a bill to roll back tax breaks for large petroleum companies and to invest those savings in alternative fuels to achieve energy independence.

The Vote on the Previous Question: What It Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. COLE of Oklahoma. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 1053, if ordered; and passage of S. 3930.

The vote was taken by electronic device, and there were—yeas 215, nays 197, not voting 20, as follows:

[Roll No. 506]

YEAS—215

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehlert
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NAYS—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)

Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Blunt
Boehner
Burgess
Cantor
Case
Castle
Chocola
Evans
Fattah
Foley
Gallegly
Hastings (FL)
Lewis (GA)
Meehan
Ney
Otter
Pence
Strickland
Thompson (MS)
Wilson (SC)

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So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 193, not voting 12, as follows:

[Roll No. 507]

AYES—227

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NOES—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Burgess
Case
Castle
Evans
Fattah
Foley
Lewis (GA)
Meehan
Ney
Strickland
Thompson (MS)
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1432

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MILITARY COMMISSIONS ACT OF 2006

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the vote on passage of the Senate bill, S. 3930, on which the yeas and nays are ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 250, nays 170, not voting 12, as follows:

[Roll No. 508]

YEAS—250

Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway

Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NAYS—170

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Farr
Filner
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stupak
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Burgess
Case
Castle
Evans
Fattah
Foley
Lewis (GA)
Meehan
Ney
Strickland
Thompson (MS)
Wilson (SC)

☐ 1447

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MELANCON. Mr. Speaker, during rollcall vote No. 508 on S. 3930, I mistakenly recorded my vote as "nay" when I should have voted "yea".

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5122, JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. COLE of Oklahoma, from the Committee on Rules, submitted a privileged report (Rept. No. 109–703) on the resolution (H. Res. 1062) waiving points of order against the conference report to accompany the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 5441.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CONFERENCE REPORT ON H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to House Resolution 1054, I call up the conference report to accompany the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1054, the conference report is considered read.

(For conference report and statement see proceedings of the House of September 28, 2006 at page 20527.)

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I am pleased to be here today for the consideration of the fiscal 2007 conference agreement for the Department of Homeland Security.

Mr. Speaker, I bring good news for all Americans who want to see our borders are secure from those who are crashing those borders. We are ending the age-old catch-and-release program that has allowed millions of illegal aliens to flood our country. You will hear more about that during this debate today, I hope.

The recent anniversaries of the 9/11 attacks and the 2005 hurricane disasters keep us focused on why we are here today: to protect our citizens and our homeland from any threat to our society and our economy, be it terrorism or natural catastrophe. The funding in this conference agreement ensures the Department of Homeland Security can address the perils that face our communities and reduce our vulnerability to them.

The fiscal 2007 conference agreement provides a total of $34.8 billion for the Department, including an additional $1.8 billion in emergency funds devoted to border security. The total provided is $2.3 billion above the current year and $2.7 billion above what the President asked us for, when you exclude disaster relief funding for Katrina.

This includes more than $21.3 billion for border security and immigration enforcement; $4.34 billion for port, container, and cargo security; $3.4 billion for first responders across the country; $6.4 billion for transportation security; $1.4 billion for research, development, and deployment of innovative technologies; and $1.8 billion to protect national and critical infrastructure.

Five years ago our Nation suffered its most devastating terrorist attack. Since that tragic day, a vigorous national debate over our vulnerabilities, fueled by historic levels of illegal immigration, has resulted in one very clear conclusion: we must do all we can to gain control over our borders and our coastlines to preserve the sovereignty and integrity of our immigration and preserve the strength of our economy.

This conference agreement will provide the resources and direction to build upon the Department's progress and transform our approach to border security from a fragmented, uncoordinated effort into a truly integrated system capable of producing results.

This includes a staggering $1.2 billion to secure the borders with a system of fencing, a system of infrastructure, a system of technology, 1,500 new Border Patrol agents, 6,700 new additional detention bed space for those caught, 650 additional CBP officers, and over $1.7 billion for the procurement of aircraft and vessels to patrol those borders. This massive infusion of moneys will accelerate the Department's goal of obtaining operational control of these borders in less than 5 years, a goal that has become an unquestioned necessity since 9/11.

I want to emphasize that with all these resources we are pouring into this effort will come accountability. We are requiring bi-monthly status reports on the Department's performance and their expenditure of funds on border security. We want to know what is happening every 2 weeks. We are withholding $950 million until the Department provides a detailed border security expenditure plan. They won't get the money until we see the plan. I believe in planning your work and working your plan.

And we are requiring, in bill language, strategic plans for the Secure Border Initiative and port and cargo security. We are absolutely committed to holding the Department accountable and providing the American people with the results that they are demanding of us.

In addition to border security and immigration enforcement, the conference report balances resources across other critical areas of homeland security including:

One, almost $900 million to prevent weapons of mass destruction from entering the country. These funds will enable DHS to speed the deployment of radiation detectors and significantly enhance screening for vehicles and cargo.

Two, $2.5 billion to fund and reform FEMA. The funding and direction contained in the conference agreement will ensure that we do not repeat the errors of 2005, by putting in place the planning, assessment, training, logistics, and communications to enable DHS to prepare for and respond to acts of terrorism and natural disasters.

Three, $6.4 billion for transportation security. The recent disruption of the terrorist plot in London reminds us that transportation security remains a top priority. This report includes critical resources for new cutting-edge technologies to strengthen protection from all modes of travel as well as to increase the capabilities of the Federal air marshals. While we are much safer than 5 years ago, we must sustain that effort to anticipate and defeat threats to our transportation system.

In addition to these significant levels of funding, the conference agreement includes several legislative provisions that will fortify our homeland security, including legislation to criminalize for the first time the construction or financing of a tunnel across or under the U.S. border; two, legislation that significantly strengthens and improves FEMA, a whole new authorizing law; and, thirdly, breakthrough legislation requiring the Department of Homeland Security to regulate security at chemical facilities across the land.

Our homeland security needs are both numerous and they are complex, but I believe this conference report will make a major contribution towards those needs. So I urge my colleagues to support the agreement.

Before I sit down this time, Mr. Speaker, I want to pay special tribute to our staff on both sides of the aisle who have worked long, hard, and laboriously over these last several months. I want to especially thank Michelle Mrdeza, who could not be with us in these final days because of an illness in her family which required her to be absent. But she is retiring from this body. She has been a great servant of the public on this committee for a number of years. Her service has been invaluable and expert, and we will miss her terribly. I want to thank Stephanie Gupta too and the staff of the subcommittee and staff on both sides of the aisle for the great work that they have done.

And, finally, I want to say a word about MARTY SABO, ranking member of this subcommittee, who will be finishing 27 years of service in this body and to the Nation when he leaves office in January seeking greener pastures. This man is a personal friend of mine and all of ours, but he is also an expert on budgetary matters and has become an expert on the homeland security efforts of the country. A huge void will exist on the horizon of this body when MARTY SABO leaves this body.

☐ 1500

I cannot say enough in tribute to this man. He has been a helpmate to me and the subcommittee and the country on this bill for a number of years now, as well as before that we served in the same capacities on the Transportation Subcommittee; and of course, as you know, he was chairman of the Budget Committee for a number of years sometime past.

A great public servant whose work is now soon to be finished in this body, but I am confident that his record will stand for the ages. Very few Members of Congress can retire from this body with a greater sense of accomplishment of greatness than our friend, MARTY SABO. The gentleman will be missed in this body.

TRIBUTE TO BRETT DREYER

Mr. Speaker, the Homeland Security Appropriations Subcommittee will soon take leave from our Congressional Fellow, Brett Dreyer, who, after having served the Committee with great distinction over the past 2 years, will assume new responsibilities as a senior Special Agent for U.S. Immigration and Customs Enforcement (ICE).

Special Agent Dreyer's professional career mirrors some of the transitions of the young Department of Homeland Security. He began his Federal service in Newark, New Jersey as an immigration enforcement agent with the Immigration and Naturalization Service; moved up to become a Criminal Investigator at INS; and then transferred to the U.S. Customs Service. On 9/11, Agent Dreyer helped secure airports as the security situation was resolved, and was at Ground Zero in New York, searching the rubble for remains of victims of that terrible attack. After DHS was established he found himself an ICE Special Agent, where he witnessed the trials and tribulations of the agency merger that was repeated throughout the Department.

Brett came to the Subcommittee in January 2005, and at once proved himself a key member of the professional staff. His critical judgment, familiarity with agency matters, and expertise on Customs and Immigration law and regulation made him integral to the operations of the Committee during the extraordinary developments over the past 2 years, in particular the response to the 2005 hurricanes and the intensified effort to secure our borders and strengthen administration of immigration law. His strong understanding of organizational dynamics, of operational issues and real-world, real-time considerations for building a successful new department contributed significantly to the success of this subcommittee. Brett brought to the appropriations process the clear, thoughtful analysis and mature judgment developed in his successful career in criminal investigation. Throughout his service here, Brett's unqualified professionalism, perceptiveness, great sense of humor and cool head have helped this Subcommittee and the Congress move forward on a wide range of policy and budgetary issues. His assistance in planning and coordinating complicated subcommittee oversight trips were of particular benefit, and in coordinating the many classified briefings our oversight requires.

Special Agent Dreyer has served me, this Subcommittee, and the House well: We are sorry to see him leave, and will miss him as a colleague and as a friend. Each of us on the Homeland Security Subcommittee wish Brett all the best as he resumes his ICE career, where we look forward to seeing him accomplish great things.

Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield 3½ minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would simply like to follow up on the remarks of the gentleman from Kentucky about the gentleman from Minnesota.

I remember when MARTIN SABO first walked into this institution in 1978. He and his wife, Sylvia, epitomize more than any people I know what are regarded as midwestern values, most especially the value of modesty. You will never find MARTIN SABO bragging much on himself. In that sense, he is a true Norwegian. I also think that he exemplifies the thoughtfulness and the caring for one's neighbor that people in the Midwest have come to take as being the natural course of things.

He is probably the closest friend I have in this body. I very much regret to see him leave. I question his judgment profoundly on that.

As the gentleman from Kentucky has said, while today the gentleman from Minnesota deals with homeland security issues and is certainly an expert on those, in the past he has dealt with transportation issues most ably. As a matter of fact, there is no one in this body who has made a greater contribution to the cause of responsible budgeting and deficit reduction over the years than has the gentleman from Minnesota. He chaired the Budget Committee when we took the action under President Clinton that finally began to get the budget deficit under control.

I just want to profoundly express my appreciation to him, not just for his accomplishments but for the way he has achieved those accomplishments, for the way he has dealt with the needs of this body as an institution, for the respect that he has shown for the values and the traditions of this institution and the respect that he has shown for persons on both sides of the aisle.

He is truly a gentleman. He is a great legislator. I hate to see him go. I hope he is back to visit us often. I thank the gentleman profoundly for the quality of his service.

Mr. PRICE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Speaker, I want to join the chairman and our ranking member in paying tribute to MARTIN SABO, whom I also consider a dear friend and one of this institution's finest Members.

MARTIN has served here for 28 years. He was the chairman of the Budget Committee when Congress passed the largest deficit reduction package in its history. He served as our ranking member on Transportation Appropriations and on Homeland Security Appropriations ever since that subcommittee was formed.

MARTIN is an exemplary Member of this body in every way. He is a skilled legislator who is more interested in achieving results than in claiming credit. He is a gifted politician with a knack for finding common ground. He is a man who understands and loves this institution. He is a congenial colleague and he is a good friend, displaying qualities of character that in the end matter above all.

So we will miss MARTIN SABO. We salute him for his service to Minnesota and to this country, service that is indeed exemplary and has inspired and encouraged us all.

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, well, I am not sure I should say anything. But thank you to my chairman, Mr. ROGERS, for his kind comments. We have been together, I think, 6 years now, 4 years on homeland security, 2 years on transportation.

As I said last night in front of the Rules Committee, the ultimate compliment I can give to somebody is to call them a pro; and HAL ROGERS is a pro. It has been a pleasure to serve with him. He is on the majority party. He has a responsibility to the President of his own party.

At the time, he is someone who has asked many a tough question and asked for discipline and, as he said in his opening comments, that he expects to continue to do oversight of the operations of this agency which has had many, many growing pains. It has not been an easy committee to chair as we merged all of these 22 agencies into one, with an incredible amount of chaos; and he has shown, I think, an intellect and toughness and fairness in trying to steer this agency in the right direction. It has been a privilege to work with Chairman ROGERS.

My friend, DAVE OBEY, who I have known, and known him for many years before I came to the Congress, neighbor across the border in Wisconsin, I have served with him on Appropriations for 28 years, both a personal friend and somebody who has an absolute passion for public policy and for making this institution work.

It has been a real honor, DAVE, to get to know you and Joan and to work with you. You are just a great human being.

And to DAVE PRICE who served with me on the Budget Committee, I am often asked, why do you leave? And, you know, particularly if the partisan nature changes and the opportunity to chair a subcommittee. And I always say, I have no reluctance in doing that because I know the next person in line is DAVE PRICE, who is a person who has great skill as a legislator and great understanding of public policy. And I think he will do a great job, as he has done in many other roles, whatever the role might be, as either a Chair or ranking member of the subcommittee in 2 years. So it is an honor to have your kind words today.

And to the staff, to all of the majority staff, Michelle, who is not here because of a family crisis and who is leaving the House and has done an incredible job, but all of the majority staff have been great to work with.

I suppose a special word to Stephanie. She followed us from Transportation to Homeland Security. So I have had an opportunity to work with her in both roles.

To our own personal staff on this committee, to Chris, who has worked with us, and Bev Pheto, who sits right here next to me, who has worked with us, me personally on this committee, over the last 6 years, 2 years in Transportation, 4 years in Homeland Security, who I am constantly amazed at her knowledge and her energy. She has to compete with all of you on the majority side and has remarkable knowledge and ability. It utterly amazes me. And she is a remarkable person.

Marjorie Duske from my staff, who originally was an intern in our office and has now been in our office for many years working with me on Homeland Security, has worked transportation, defense, housing, you name it, from simple issues to the most complicated of issues, just been an incredible person, dedicated to public policy and doing what is right, but, at the same time, tough, hard-nosed to work with agencies to make sure that the Government does what it is supposed to do.

Just incredible people who make this institution work. I simply say thank you.

A couple of words about the bill, if I might. It is a good bill, and it does lots of good things. It has got additional funding.

Some of the other issues we worked on, we have had a concern over how sensitive security information is handled by the Department. There are provisions here for handling that information, which I think is good. I think the changes made to FEMA strengthens the role of FEMA.

I was one, along with Mr. OBEY, who a year ago thought we were making a mistake as we created a new Department or agency on preparedness and how it was structured. This basically goes back to strengthening the role of FEMA within the Department. I think it is a significant improvement.

Frankly, if I had my choice, I still would make FEMA a separate agency outside of this Department. I would prefer that. That is not going to happen. I think the changes in this bill represent substantial improvement.

I have to say that I am concerned over how we add the money in this bill for the Department. We do it on an energy basis. I think $1.8 billion is desperately needed and will be well spent. But, at some point, we have to come back to passing budget resolutions in this body that are real.

The need for additional expenditure for homeland security are not emergencies. They are going to be there on an ongoing basis in the years ahead; and, in 2005, we added $450 million as an emergency; 2006, $1.2; and $1.8 in 2007.

At some point, this institution has got to get back to having budget resolutions that are real, where real choices are made, not pretending that we are not going to spend any money initially and then getting around to it by having emergency designations. That simply undermines the process.

I am probably in the minority on this issue. I still remain very concerned to the degree we have given the Department discretion in distributing some of our formula funds. I do not think that they have the capacity to do it. So I hope this institution keeps an eye on how the agency does distribute formula grants or simply grants in the future. Clearly, their ability to do it on a discretionary basis, I think, needs to be examined; and I think they need much better information to do that than they have had in the past.

But it is a good bill. It has been a pleasure working with Mr. ROGERS and all of the other members of our subcommittee. We have a good subcommittee. I think this committee has made a great contribution.

Mr. Chairman, I do have to ask one question. I understand we have a variety of other bills relating to homeland security that are authorizing bills, that seem to be hanging up the adjournment or our recess. Am I wrong that everything that is in this bill is currently authorized? All of our money can be spent that is in this bill? It is not subject to any authorization?

Mr. ROGERS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. That is correct, except for the new authorizing languages that are in the bill. You are correct, except for the newly authorized items that are in this bill.

Mr. SABO. Mr. Speaker, reclaiming my time.

All of the money that is needed for borders, for ports, all of the money we have appropriated can be spent?

Mr. ROGERS of Kentucky. That is correct.

Mr. SABO. I thank the gentleman. And I thank the gentleman for his good work.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS of Kentucky. I thank the gentleman for his very, very kind remarks; and I yield such time as he may consume to the gentleman from California (Mr. LEWIS), the chairman of the Appropriations Committee, who has been extremely helpful on this bill, as all of the others.

Mr. LEWIS of California. Mr. Speaker, I rise in support of the fiscal year 2007 Homeland Security Appropriations Conference Report. This is the second of 11 individual conference reports I hope to bring to the House floor for consideration this year.

The conference report funds the Department of Homeland Security at $34.8 billion for fiscal year 2007, an increase of $2.3 billion over the fiscal year before.

□ 1515

The conference agreement aggressively addresses our most critical homeland security needs including border and immigration security; port, cargo and container security; transportation security; natural disaster preparedness and response; and support to State and local first responders.

I would really like to praise Chairman ROGERS and Ranking Member SABO for their very fine bipartisan work; but to my colleague MARTIN SABO, let me say not just a colleague and congressional classmate, MARTIN SABO is one of the finest people I have known since I have been in Congress. I would say to MARTIN, a job well done, my friend, not just for, of course, this piece of work, but most important, for a lifetime of work on behalf of your country.

Chairman ROGERS has spoken to the specifics of the conference report so I will again direct my attention to the need to complete our appropriations work this year.

As the body knows, the Appropriations Committee has made tremendous strides over the last 2 years in reforming the process of adopting our annual spending bills. The Appropriations Committee has been strongly committed to bringing to this floor individual conference reports for each and every bill. We were successful in doing so last year. I hope to replicate that success again this year.

To underscore this point, Chairman COCHRAN and I sent a letter to both Speaker HASTERT and Majority Leader FRIST this week reiterating our support for completing each of our bills in regular order and not resorting to an end-of-session omnibus spending bill. I would like to submit for the RECORD that letter at this point.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 25, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.
Hon. WILLIAM H. FRIST,
Senate Majority Leader,
Washington, DC.

DEAR MR. SPEAKER AND MAJORITY LEADER FRIST: As we approach the end of the pre-election legislative session, the Appropriations Committees are preparing to present to our chambers the conference reports for funding the Department of Defense and the Department of Homeland Security. While progress is being made with these two major bills, we want to reiterate our commitment to moving each of the individual appropriations subcommittee conference reports at the earliest possible date this year. We know that you, too, share this goal.

Thanks to your leadership last year, we were able to complete each of the appropriations bills individually within the established budgetary constraints and avoid a massive, year-end "omnibus" spending bill. This represented a remarkable victory for taxpayers and demonstrated that Congress was capable of completing its constitutional responsibilities on time and on budget. Upon our selection as Chairmen, we committed to you and our colleagues that we would work to restore regular order to the appropriations process. We remain committed to passing conference reports individually again this year.

Maintaining regular order and passing individual conference reports within the parameters of the budget resolution is an important part of controlling spending. It is our belief that omnibus legislation that bypasses the regular order is not in the best interest of the Congress, or ultimately the taxpayer. Whether we work through the holidays or pass long-term continuing resolutions, we are committed to completing the FY 2007 appropriations process in an open and orderly manner, without resorting to an omnibus strategy.

Our Committees remain committed to completing our work at the earliest possible date. We thank you for your assistance in this endeavor and we look forward to working with you as we together accomplish our legislative goals this year.

Sincerely,

JERRY LEWIS,
Chairman, House Committee on Appropriations.
THAD COCHRAN,
Chairman, Senate Committee on Appropriations.

Mr. Speaker, early in the process I made it very clear to our leadership and to our Members that the Appropriations Committee would not entertain the prospect of an omnibus spending bill. This committee is doing everything in its power to ensure that this does not happen.

The Appropriations Committee passed each of the 11 spending bills through the full committee by June 20 of this year, and passed 10 of 11 bills off the House floor by June 30. We remain committed to pass the final appropriations bill at a moment's notice.

The Appropriations Committee made a commitment to move its spending bills individually, in regular order, and within the framework of the budget resolution. We have done that. The Appropriations Committee has kept its word.

Moving our spending bills individually is the only way to maintain fiscal discipline. The pursuit of an omnibus strategy is a budget-buster and an invitation to unrestrained spending. If history is any guide, an omnibus spending bill would become a vehicle for other forms of legislative mischief.

Again, Chairman COCHRAN and I would ask our colleagues to avoid that approach and move forward in passing individual conference reports. Together, we remain committed to completing our work at the earliest possible date.

I also urge the adoption of this conference report in a vote later today.

As I close these comments, let me say one more time, Mr. ROGERS and Mr. SABO have a reflection in this bill of the finest of bipartisan efforts, exactly the kind of effort that will cause the Congress to rise in the respect of the American people.

Mr. SABO. Mr. Speaker, I yield 10 minutes to my friend from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I simply want to say that I am pleased to be able to support this bill. I very much regret the fact that we will only have completed two out of the 11 appropriation bills by the end of the fiscal year. That, in my view, is not the fault of the Appropriations Committee on either side of the aisle. It is very much the fault of the fact that this institution chose to adopt a budget resolution which did not accurately reflect the political center of gravity in the Republican Party, much less the Democratic Party when you take a look at the positions of each House.

Having said that, I want to take this opportunity to comment on something the President said yesterday because the President told the country that those of us on this side of the aisle were, in effect, soft on security and soft on defending this country.

I regret very much that the President has chosen to govern this country by dividing it rather than uniting it. I took a great deal of pleasure in working with the President's father in working out many a legislative compromise. We did the same thing with President Clinton. We did the same thing with President Carter. We even on many occasions did the same thing with President Reagan and President Nixon. But this is the first President I have known who has seemed to purposely divide the country in order to govern, and I just want to trace what the facts are with respect to defending the homeland.

I remember, in August of 2001 when I was at home in Wisconsin, receiving a call from my staff director telling me he had just been briefed by the CIA and that they were extremely concerned about the traffic that they were intercepting around the world, and they thought something big was up, did not know if it was domestic or international, but the intelligence community was very worried that something was coming. That was in August, just before 9/11.

The day before 9/11, Attorney General Ashcroft met with his staff to set out their priorities for the year, and in that meeting, he was presented a spreadsheet with various boxes indicating which would be his preferred activities and activities of focus for the coming year. He declined to check any of the boxes that had anything to do with antiterrorism. He was, in fact, urged by his staff to reconsider and rejected that advice and told the staff, "No, I want to focus on drugs." The Attorney General denied that in a hearing of our committee, but in fact, my office had been leaked the documents by his own agency that showed exactly what he had done in that meeting.

Then, after we were hit by anthrax, I called BILL YOUNG, who was then the chairman of the full committee, and suggested that since we could not get into our offices, we talk to the security agencies to see what they felt they needed in order to respond to the threat represented by 9/11.

We talked to the FBI, the NSA, CIA, you name it, all of the security agencies. On a bipartisan basis, we put together a listing of action items, and then we cut it and we cut it and then requested to see the President.

We went down to see the President. He came into the room. Before we could say a word, he said, "Well, I understand some of you want to spend more money than I have requested for homeland security." He said, "My good friend Mitch Daniels here from OMB tells us that we have got enough money in our budget, and so I want you to know, if you appropriate a dollar more than I have asked for, I will veto the bill. I have got time for four or five comments and I am out of here."

Senator STEVENS said, "Mr. President, I do not think you understand, we have already agreed. We will knock off any item you do not want. We are not trying to have an argument. We just want something done."

Senator BYRD made the same point, and then I asked the President, I said, "Mr. President, I have been coming down here for 30 years, this is the first time any President has ever told me his mind was closed before the subject was even open." I said, "I want to ask you four questions about Federal installations, which we have been told by your own people, your own security people, are gravely at risk of terrorist attack, their words, not mine." I asked him about them. It was clear he had not been briefed on them. I did not expect him to. He is a busy man.

But we walked out of there after being told by the President that he would veto any additional efforts to provide funds for homeland security. Despite that fact, we went back up to Capitol Hill and eventually added more than $2 billion to the President's request, and he signed the bill.

The following year, the President held a press conference bragging about the fact that the Customs agency had this new port security arrangement, new inspection of cargo coming into this country, and he had a press conference bragging about it, and then pocket vetoed the money to make it happen. I felt that that was enough to give hypocrisy a bad name.

So that is very basically the early history of what the President's record is in terms of resisting bipartisan efforts to strengthen homeland security funding.

I remember going out to the CIA and watching in real-time as we could see what the Predators flying over in Afghanistan were seeing when they were looking for bin Laden, and I know what the CIA people thought about the President's decision to divert a significant portion of our resources from the job of nailing bin Laden to preparing for the war in Iraq. They were not very happy about it, and we were not either.

Since that time, on seven different occasions on this side of the aisle, we have tried to add funding to the President's budget for homeland security and to the committee budget.

I want to make clear I think the subcommittee has done the best it could, given the allocation that it was given under the Republican budget; but that does not mean that the allocation was adequate. The record is clear that the President on numerous occasions offered inadequate budgets which had to be augmented by this committee on a bipartisan basis.

So I think it comes with considerable ill grace and with considerable reinventing of history for the President to suggest that there is any difference of opinion between the two parties with respect to our dedication to protecting the homeland. He knows it is not so, but campaign rhetoric is getting in the way of the facts as far as he is concerned.

So I just want to make the point that I do not question the President's patriotism because he chose to put tax cuts as a higher priority than even additional funding for homeland security. That is a judgment he made, and that is a judgment he will have to defend. I do not question his patriotism. I question his judgment. I think that it comes with considerably ill grace from a man who has the track record of refusing efforts of this Congress to strengthen homeland security on various occasions, to have that man question anybody else's dedication to this country, question anybody else's dedication to defending this country.

The record does not bear out his claims, and I think if you check the record, you will find out that every statement I have made today is fully true and accurate.

With that, I thank the gentleman for the time.

The SPEAKER pro tempore. The Chair would advise the gentleman from Minnesota has 8 minutes remaining, and the gentleman from Kentucky has 16 minutes remaining.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. KING), the very distinguished chairman of the authorizing Committee on Homeland Security in the House, whose cooperation on this bill has been fabulous, for the purpose of a colloquy.

Mr. KING of New York. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I rise for the purpose of engaging in a colloquy with Chairman ROGERS and Chairman SENSENBRENNER. I would like to address the meaning of section 546 of the fiscal year 2007 Department of Homeland Security appropriations conference report regarding the Western Hemisphere Traveling Initiative, also known as WHTI.

I would like to establish the fact that the language proposed in the conference report does not require a delay in implementation; in fact, the date change does not prohibit the administration from complying with its original deadline of January 1, 2008.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. KING of New York. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I agree it is important to recognize that paragraph 1(a) requires that the Secretary of Homeland Security develop and implement a plan for appropriate passports or other documents as expeditiously as possible. It then instructs the Secretary to complete implementation of WHTI by no later than the earlier of June 1, 2009, or 3 months from the date the conditions of paragraph 1(b) are met.

Thus, the Secretary may and, indeed must, begin the implementation process earlier than the June 1, 2009, deadline to ensure that he meets this mandate.

Mr. ROGERS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. KING of New York. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, both gentlemen are correct. WHTI is vital to our homeland security, and I am absolutely committed to ensuring it is put in place.

The conference report requires the Departments of Homeland Security and State to implement WHTI no later than 3 months after the security requirements are met or by June 1, 2009, whichever is earlier.

□ 1530

We urge DHS and State to quickly develop the PASS card technology, card readers, and procedures to enable the earliest possible deployment of the system at our sea and land ports of entry.

Again, let me make this clear. The conference report does not force a delay upon WHTI. It is up to DHS and State to make sure the program works securely and is implemented as soon as possible, which can and should be in accordance with the original WHTI deadline of January 1, 2008.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), a very valuable member of this subcommittee, hardworking, and a conferee on the bill.

Mr. WAMP. Mr. Speaker, I thank the chairman for the outstanding job he does.

This $34.8 billion brings the total that we have spent on this Department since September 11, 2001, to $151.7 billion, a significant investment in this new Department.

I want to hail the service of MARTY SABO over the years but specifically on this subcommittee and because of his cooperation specifically in one area where he and Chairman ROGERS have been brilliant. They have used the power of the purse to force this Department to move towards efficiency and accountability, something that was really missing for a long period of time. We have withheld money from them pending reports and accountability over and over again.

I want to report on two areas today where we are making great progress because of our work on this subcommittee. Science and technology was woefully inadequate. It is now moving rapidly. Admiral Cohen has come in, and he is outstanding. We are deploying new technologies, and we are really spending the money much more wisely. Great progress has been made.

Another area is where we created and helped the administration form the DNDO, the Defense Nuclear Detection Organization. Nuclear problems in homeland security are our greatest threats. Mr. EDWARDS, on the Democratic side, and myself and others have really been active here to make sure this new agency is effectively detecting the nuclear threat and advancing those technologies. This funding is $481 million. We forced it up above the administration's request to that figure. It still is not enough. I would rather have had the Senate number of $500 million, but we are making great strides there now as well.

Also, the border is much more secure today than it was a year ago. The gentleman from Minnesota is exactly right. This subcommittee has been securing the border each and every year but dramatically in the last year. We now are sending 99 percent of them back.

Finally, Mr. Speaker, I want to wish happy birthday to Michelle. Thank you for your service.

Mr. SABO. Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore. The gentleman has 8 minutes remaining.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Good luck to you, Martin, and thank you for your service and the great job you have done for America. Both sides working together on this legislation speaks for itself.

The conference report I support. There is real good in this legislation. As the author of the FIRE Act, I am glad to see that the Congress has restored the President's draconian cuts to this successful program. $662 million for FIRE grants, including $115 million for the SAFER Act will allow us to continue to provide for the critical equipment and staffing needs of fire departments nationwide.

I am also heartened by the fact that we kept FEMA in Homeland Security. I think that is very, very important, rather than make it a separate organization. Combining many of the Department's preparedness functions with FEMA and keeping it in DHS is wise and, I think, sound policy.

But there is some missed opportunities here. I cannot let this go by without projecting this and asking everyone in this room to think about it. We have done everything to try to put before the American people and the Congress the necessity for interoperability dollars. We had it in the budget, we came to agreement on both sides, but it is not there anymore.

We said that this was the most difficult task facing our police and our fire, yet we take $3.1 billion out in dedicated interoperability funding. We have had hearings on this in Washington State and hearings in New Jersey, and this is not the way to treat our law enforcement. It is not the way.

Five years after 9/11, the Department still does not have a dedicated interoperability grant program; and, as a result, State and localities are still robbing Peter to pay Paul by using a huge amount of their homeland security grant funding.

I am also concerned that the chemical security provisions within this bill will not facilitate adequate security to an industry that needs it.

Again, I want to thank those who put this legislation, this conference report together.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), a very valuable member of the subcommittee and of the conference.

Mr. LATHAM. Mr. Speaker, I thank the chairman, and I rise in support of this conference agreement and urge my colleagues to also support it. I also want to commend Chairman ROGERS, Mr. SABO, and the subcommittee staffs on both sides for their great work on this bill.

I also want to take note that this is the last time that Congressman MARTY SABO will be on the floor with the Homeland Security appropriations bill. He has been a key member of the subcommittee and a valued member of the full committee, and on behalf of Kathy and myself, we wish you and Sylvia the very, very best for the future. You are great people, and it has been an honor to get to know you. I appreciate your great career here.

The process of putting together this appropriations bill to address the operational needs of the Homeland Security Department has once again been a very difficult one. As I participated in the process on this bill, I have come to the conclusion that our approach to funding homeland security has been well thought out in the face of having to make difficult choices. This year, as in the past, we have worked hard to balance the priorities. While I am not fully satisfied with some of the choices, overall I am pleased with many of the components of this bill.

For example, I am very happy that we put extra funding into enhancement of border security. We added funds for new border patrol personnel and capital infrastructure. This is one more significant step toward the best combination of assets to protect our borders. This is a must, in my view.

I am also pleased that we have included a structural overhaul of FEMA, an issue that had to be addressed. The components of the overall bill set FEMA on a path to better carrying out its mission.

At the end of the day, there are no perfect answers to our homeland security problems, and there is no perfect dollar resource level for any of these homeland functions. We are not going to reach a 100 percent security umbrella no matter what level of funding we allocate to the homeland function. Since we cannot reach security perfection and because our resources are limited, we simply have to allocate resources wisely, and we have done that again this year.

I would ask all Members to support this conference report.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, allow me to thank the distinguished gentleman and pay him a great debt of gratitude for his service and for his fight. MARTIN SABO knows his business, and he gets the job done, and I simply want to thank him very much.

I wish as we proceed in this bill that there were elements of it that really could answer the questions that the American people ask about homeland security. I am disappointed we could not work out the right kind of approach to chemical security, primarily because I live in a region that has a sizable number of chemical plants and, most recently, we have experienced a number of incidents that have impacted the surrounding neighborhoods. So I would have hoped we would have been able to implement a plan that had a great deal more teeth to it than what we now have in this bill.

Also, I would like to mention that, although the Homeland Security Committee looked at and does agree with FEMA remaining in the Homeland Security Department at this time, I am disappointed that the monies, which we really do need to reconstruct FEMA and to make it work, one, are missing; and, two, that the question of the FEMA staffing is a question that has not been answered.

Also, as my good friend from New Jersey indicated, we are still fighting the battle of interoperability, and that is a key element, as reflected in the 9/11 Commission report.

We also determined that the local law enforcement is very, very unhappy with the presence of the UASI grants in FEMA. I wish we had had more time for consultation to work with the Nation's chiefs of police to be able to ensure them that these grants would be distributed fairly.

Much can be said about the improvement of this bill, but, Mr. Speaker, I would hope that we would have the opportunity to ensure that there is full funding for homeland security and full staffing. Without that, it cannot work.

I rise in support of the Conference Report to the Homeland Security Appropriations Act of 2007 to H.R. 5441. Although the compromise is far from perfect, on balance it contains enough good things to warrant my support.

I am pleased that the legislation includes all of the recommendations that the Democrats on the Homeland Security Committee released in February, entitled "Directing FEMA Towards Success: A Democratic Report and Legislative Solution." The legislation combines some of the Department's preparedness functions (Grants and Training, U.S. Fire Administration, and the National Capital Region office) with FEMA and keeps the new entity within the Department. It requires that the Administrator of FEMA possess a demonstrated ability in and knowledge of emergency management and homeland security and have no less than 5 years of executive leadership and management experience. Finally, the legislation designates the Administrator as the principal advisor to the President for all matters pertaining to emergency management and authorizes the President to designate the Administrator to serve as a member of the Cabinet during emergencies.

INTEROPERABILITY FUNDING TO MEET THE NEEDS OF LOCAL RESPONDERS

It is unfortunate that Republicans opposed the inclusion of $3.1 billion dedicated interoperability funding for state and local first responders. Five years after the 9/11 attacks and one year after Hurricane Katrina, the Department still does not have a dedicated interoperability grant program. As a result, states and localities are still robbing Peter to pay Paul by using a huge amount of their homeland security grant funding—in some instances 80%—to purchase communications equipment. States and localities are forced to shortchange first responder training, local terrorism prevention activities and securing the nation's critical infrastructure.

Although the bill shortchanges interoperability, the legislation does include increased authorizations in FY 2008 for a variety of programs that Democrats have championed throughout the process. These include:

A $20 million increase for the Urban Search and Rescue Teams;

A $30 million increase for the Metropolitan Medical Response System;

A $175 million increase in FY 2008 for the Emergency Management Performance Grant program; and

$4 million in grants for the administration of the Emergency Management Assistance Compact, which is used to coordinate assistance between the states during disasters.

FEMA

With respect to the new FEMA's overall funding, the legislation also authorizes a 10% annual increase over the next three years for administration and operations. It remains to be seen whether the Administration will include this crucial funding in their 2008 budget request.

My Democratic colleagues on the Homeland Security Committee, including Ranking Member BENNIE THOMPSON (MS), Representatives JANE HARMAN (CA), NITA LOWEY (NY), BILL PASCRELL (NJ), and I have been outspoken leaders in the effort to solve the problem of interoperability for our Nation's first responders. Although the majority blocked our attempts to provide dedicated funding to address the issue, the legislation does adopt many Democratic provisions related to emergency communications.

The legislation creates an Office of Emergency Communications to support, promote, monitor, and promulgate operable and interoperable communication capabilities, consolidating various offices across the Federal government. Additionally, it requires the development of a National Emergency Communications Plan that would identify ways to expedite the adoption of consensus standards for emergency communications equipment and recommend both short and long-term solutions to overcoming obstacles to achieving nationwide interoperability and operability.

It also mandates the completion of a national baseline study assessing the state of operability and interoperability among Federal, state, tribal, and local governments. Finally, it ensures that recipients of homeland security grants are coordinating and operating consistent with the goals and recommendations of the National Emergency Communications Plan.

Unfortunately, and for no apparent policy reason, this legislation fails to place this new Office of Emergency Communications where it most logically belongs—FEMA. Instead, it is an outlier—grouped in with the office that oversees cybersecurity. By failing to do this, Republicans have perpetuated—and written into law—the very fragmentation of the preparedness and response functions that led to the Administration's failed response to Hurricane Katrina.

While the bill authorizes the existing Chief Medical Officer and gives him primary responsibility for medical preparedness issues in the Department, Republicans rebuffed efforts by Homeland Security Democrats to locate this office where it most logically belongs—within FEMA. In addition, provisions to establish a program to assess, monitor, and study the health and safety of first responders involved in disasters was stripped by the Republicans, as was language to direct the Chief Medical Officer to provide guidance for the Metropolitan Medical Response System and to develop and update guidelines for State, local, and tribal governments for medical response plans for WMD attacks.

Additionally, the legislation authorizes a national training and exercise program for first responders, as well as a comprehensive assessment system and a remedial action program to identify and disseminate lessons learned. However, Republicans stripped out a Democratic proposal—accepted by the Majority in the Homeland Security Committee bill—to authorize an exercise to prepare for pandemic influenza.

Finally, the bill stripped a Democratic provision to create an Office of Public and Community Preparedness, which was proposed to address a lesson learned from Hurricane Katrina—that citizens need to be prepared to protect themselves and their families and cannot rely on assistance for the first few days of a disaster. The office would have consolidated various programs at the Department of Homeland Security into one office with the primary responsibility within the Department for assisting the efforts of State, local, and tribal governments in preparing citizens and communities in the United States for acts of terrorism, natural disasters, and other emergencies.

Notwithstanding these weaknesses, I will support the Conference Report because on balance the weaknesses, which I will work to eliminate next year, are outweighed by the following good provisions:

Prohibits the Secretary from allocating, reallocating, establishing, consolidating, altering, or discontinuing organizational units within FEMA under the authority of section 872 of the Homeland Security Act of 2002.

Creates a national and 10 regional advisory councils (one in each FEMA region) made of up local officials, emergency managers, first responders and the private sector, to advise the Administrator and each of the regional Administrators and ensure coordination.

Creates a Disability Coordinator, a position advocated by Rep. JAMES LANGEVIN (D–RI), to ensure that the needs of individuals with disabilities are being properly addressed in emergency preparedness and disaster relief.

Directs the Administrator, in coordination with the heads of other appropriate agencies, to provide evacuation preparedness technical assistance to state local and tribal governments. Democrats on the Committee had introduced legislation on this issue over a year ago.

Directs the Administrator to collaborate with local and state officials and first responder groups to develop standards for the credentialing of first responders and the typing of resources needed to respond to disasters.

Codifies the national preparedness goal, target capabilities list, national planning scenarios, and creates a national preparedness system to prepare the nation for all hazards. Many of these activities are currently being undertaken by the Department.

Directs the Administrator to develop a "transparent and flexible" logistics system for procurement and delivery of goods and services necessary for an effective and timely response to disasters.

Directs the Administer to develop and submit a strategic human capital plan to shape and improve the agency workforce and authorizes the Administrator to pay a bonus to recruit and retain individuals in positions otherwise hard to fill.

Creates a National Child Reunification Center within the Center for Missing and Exploited Children as well as a National Emergency Family Registry and Locator System.

For these reasons, I will support the Conference Report and I urge my colleagues to join me.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY), another very important member of this subcommittee who has helped us enormously.

Mr. SWEENEY. Mr. Speaker, I have been on this committee since its inception 4 years ago. It is probably my most challenging duty here in Congress. It is one of my greatest honors, and I have to tell you, every year this appropriation measure is probably the steepest climb that we have because we know now that the threats we face, the challenges we face are enormous, and any arbitrary amount of money can't bring us to a place of perfection.

I want to salute the chairman for his great work. This is probably one of the best bills that you have been able to produce, Chairman, and they have all been pretty darn good, and so I really appreciate your leadership.

To Mr. SABO, I wish you well. You have had a great career. It has been an honor, especially in these past 4 years, to serve with you and watch your leadership.

What I would like both of you to know is that our staffs here are some of the unsung heroes and I think the real patriots. They do incredible work. They listen, they study, and then they enact, and they enable us to do some of the good things we are doing here, and they have enabled us to make this Nation more secure.

The American people need to know this committee has served respectfully and greatly in a bipartisan fashion. For example, since 9/11, we have been able to provide almost $40 billion for first responders. In this report is an example: $662 million for the assistance of firefighter grant programs, $7 million more than the 2006 number was and $370 million more than what the President asked for.

We also found that balance by finding minimal security levels throughout the Nation that are satisfactory and, as well, made sure we had targeted money, $770 million, for the Urban Area Security Initiative. We do substantial work on ports, $4.34 billion; and $21 billion on the borders.

Mr. Chairman, I think you have really identified what those priorities are, and we have balanced them very well.

Finally, on WHTI, I just want to say that I think we have worked out a flexible compromise that will allow us to provide security and maintain our economic interests.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. LoBIONDO), chairman of the Coast Guard Subcommittee in the House.

Mr. LoBIONDO. Mr. Speaker, I rise for the purpose of engaging in a colloquy with Chairman ROGERS.

Mr. Speaker, I recognize concerns expressed about the Coast Guard's C4ISR program. This is a critically important program providing a deployable preemptive capability to prevent or stop the movement of terrorists and their weapons before they reach the homeland. I would hope that the Chair would agree that if the C4ISR program is able to adequately address the concerns contained in the conference report that you would look favorably upon this program in the future.

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Mr. ROGERS of Kentucky. If the gentleman will yield, I agree with the gentleman from New Jersey that this is an important program; and I can assure him that, should we receive information that the Coast Guard has addressed our concerns, we will give the program favorable consideration in the future.

Mr. LoBIONDO. Thank you very much, and thank you for your hard work.

Mr. ROGERS of Kentucky. I yield 3 minutes to the gentleman from New York (Mr. KING), the chairman of the authorizing committee.

Mr. KING of New York. Mr. Speaker, I thank the chairman for yielding.

Let me at the outset thank Chairman ROGERS for the extraordinary work he has done and the extraordinary cooperation he has exhibited toward the Homeland Security Committee.

There are two key components of this appropriations bill which are in fact legislation passed by our committee and which Mr. ROGERS has so generously moved forward for us: certainly FEMA reform, and chemical plant security.

On the issue of FEMA reform, let me also commend Chairman REICHERT for the extraordinary work he did at the subcommittee and committee level; and on the chemical plant security legislation, let me commend Chairman LUNGREN for his work.

As someone coming from New York, let me point out the fact that this legislation includes a $30 million increase for the Urban Area Security Initiative, UASI, a grant program particularly important for the New York City and the metropolitan area.

On FEMA reform, this is real reform. This gives FEMA the leverage and the power and the autonomy it needs within the overall perspective of homeland security.

As far as chemical plant security, this is extraordinary legislation because for the first time it gives the Department of Homeland Security rulemaking power over the chemical plant industry.

I could go on for great length about this legislation, but I would like to yield to Sheriff REICHERT.

Mr. REICHERT. Mr. Speaker, I rise today in support of H.R. 5441, the fiscal year 2007 Homeland Security Appropriations Conference Report. I would like to discuss the Post-Katrina Emergency Management Reform Act of 2006, which is included as title VI.

As Chairman of the Subcommittee on Emergency Preparedness, Science, and Technology and as one of title VI's principal authors, I proudly announce today both Chambers and both parties have come together and reached a landmark agreement in reforming FEMA.

Mr. Speaker, when you Google the term "FEMA," over 2 million hits pop up. Fixing FEMA has been on the forefront of the American consciousness since Hurricanes Katrina and Rita last year. Some said it couldn't be done.

Mr. Speaker, we have done it. The important reforms of FEMA are based in large part on H.R. 5351, which I introduced on May 11, 2006, and which passed the Committee on Homeland Security less than 1 week later.

Finally, this legislation addresses emergency communications. Congress has already appropriated billions of dollars for interoperability. However, standards are still not established. Many States do not have plans statewide and are still working on it.

Before spending billions more, there are less expensive but integral reforms that must be implemented. Once these reforms occur, then and only then should we create an additional grant program. I look forward to working in a bipartisan way to create that new grant program.

The American public demanded that Congress fix FEMA. This agreement does that.

Mr. Speaker, I rise today in strong support of H.R. 5441, the "Fiscal Year 2007 Homeland Security Appropriations Conference Report." In particular, I'd like to take a few moments to discuss the "Post-Katrina Emergency Management Reform Act of 2006," which is included in Title VI of H.R. 5441.

As Chairman of the Subcommittee on Emergency Preparedness, Science, and Technology, and as one of Title VI's principal authors, I am especially proud to announce that both Chambers and both parties have reached this landmark agreement to overhaul the Federal Emergency Management Agency (FEMA).

Mr. Speaker, if you Google the term "FEMA Reform," over 2 million hits will pop up. The idea of fixing FEMA has been on the forefront of the American consciousness since Hurricanes Katrina and Rita last year. And some said it couldn't be done—that Congress could not come together in a bipartisan, bicameral way to fix this problem. There were too many obstacles and too much politics. That the problem itself was simply too massive and no one knew where to begin. But Mr. Speaker, we have overcome those obstacles in the interests of the American people. And, to do so, we began by listening to those who know best what the problems are and what the solutions must be—our Nation's first responders and emergency managers.

This landmark agreement will, among other things, reform FEMA by:

Elevating the standing of FEMA within the Department of Homeland Security by promoting the Administrator of FEMA to the level of Deputy Secretary;

Requiring that the Administrator possess a demonstrated ability in executive leadership and management experience;

Directing the Administrator to serve as the principal advisor to the President and others for all matters relating to emergency management;

Restoring the nexus between emergency preparedness and response; and

Elevating the importance of emergency communications within the Department by establishing an Office of Emergency Communications and requiring that Office to draft a National Emergency Communications Plan and conduct a baseline operability and interoperability assessment.

These and the other important reforms of FEMA in Title VI are based, in large part, on H.R. 5351, the "National Emergency Management Reform and Enhancement Act of 2006," which I introduced on May 11, 2006 and which passed the Committee on Homeland Security less than one week later.

As a former law enforcement officer for more than 33 years, I can assure my friends in blue that nothing in this agreement would in any way undermine the terrorism-specific focus of the Department's terrorism preparedness grants and other prevention and protection programs. In fact, my colleagues and I drafted the base text of this legislation with the direct input of our Nation's first responders.

Finally, some have recently brought up the need to immediately create a new multi-billion grant program for interoperability. However, before spending additional billions of Federal dollars on interoperable communications, there are less expensive but integral reforms that must first be implemented. This agreement contains an entire subtitle of such reforms. As a former Cop and Sheriff, I know that first responders need standards in place and that States need to adopt Statewide Interoperable Communication Plans to ensure that Federal money is well spent. It is then, and only then, that we should create an additional interoperability grant program. However, once these reforms have been implemented, I look forward to working in a bipartisan way to create that new grant program.

However, to be clear, Congress has already appropriated billions of dollars for emergency communications. From FY 2003 through FY 2005, recipients of DHS' terrorism preparedness grants have obligated and spent more than $2 billion on interoperability projects—the single largest use of such grant funding. Moreover, the Department of Justice's COPS program has allocated more than $300 million for interoperability to law enforcement agencies during that same period of time. Finally, in the Budget Reconciliation Act of 2005, Congress established a $1 billion interoperability grant program to be administered by the Commerce Department.

Following Hurricanes Katrina and Rita, the American public demanded that Congress fix our Nation's broken emergency management system. This agreement does that and more. It is for that reason that I urge my colleagues to support this landmark, bipartisan legislation.

Mr. SABO. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I have read the chemical bill language, and I do not understand whether that language preempts the ability of a State to adopt more stringent requirements than the Federal standards.

Mr. KING of New York. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from New York.

Mr. KING of New York. Mr. Speaker, it is our understanding, and we had the opinion of committee counsel on this, that it does not preempt States.

Mr. SABO. The intention is not to preempt the ability of the States.

Mr. KING of New York. That is not the intention.

Mr. Speaker, let me just commend the gentleman for his many years of service to this House and wish him the very best in the years to come.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHUSTER), who is Chairman of the Emergency Management Subcommittee of the Committee on Transportation and Infrastructure.

Mr. SHUSTER. Mr. Speaker, I thank Chairman ROGERS for yielding.

Mr. Speaker, I rise today in strong support of this legislation, in particular the FEMA reforms. It was a tremendous effort by many, and I want to extend my personal thanks to Chairman ROGERS, Chairman DON YOUNG, Chairman DAVIS, Chairman KING and Chairman REICHERT. This was truly a collaborative effort, and I think we have some important reforms for FEMA here today.

FEMA was once one of the most well-respected organizations in the Federal Government, but Hurricane Katrina demonstrated how badly FEMA declined in just 3 years at DHS.

I had the privilege to serve on the Katrina Committee that did the investigation and we laid out five principles for reforming FEMA: The President has to be involved in big disasters; there must be a clear chain of command; preparedness must be put back into FEMA; FEMA's capabilities must be restored and enhanced; and, finally, we need an all-hazard approach to disasters.

While I believe that pulling FEMA out of DHS is the best way to embrace these principles, I recognize that it is not the only way. These principles served as a foundation for the compromise we consider today.

This bill fixes and improves FEMA. With the leadership, authority and resources necessary to respond effectively to the next disaster. FEMA can once again be a model Federal agency. The American people deserve nothing less.

Before I close, I would like to thank the Emergency Management Subcommittee staff who worked very long hours on this important legislation: Dan Matthews, Jennifer Hall and Hugh Carroll, and also Liz Megginson from the full committee. They did a great job, and I want to thank them.

Mr. Speaker. I rise today to support this legislation.

Prior to the creation of the Department of Homeland Security (DHS), the Federal Emergency Management Agency (FEMA) was one of the most well respected organizations in the Federal government. Hurricane Katrina illustrated how badly FEMA had declined in less than three short years.

I want to thank Chairman YOUNG for his leadership and his oversight efforts over the years to ensure that FEMA would remain a model Federal agency. Through his leadership on this bill, I believe FEMA will not only return to its former status, but out perform the FEMA we used to know.

I had the honor of serving on the House Katrina Committee under Chairman DAVIS. He deserves tremendous credit for leading the investigation. He made a commitment to follow the facts wherever they took us, and he uncovered a surprising record of actions and neglect that undermined our Nation's disaster preparedness. Without his leadership, we would not be here today.

There have been a lot of complaints that the House has not consolidated jurisdiction over the DHS into one committee. Today, I can tell you that it is a good thing that jurisdiction over DHS does not reside with one committee.

This bill balances the need to prepare for a terrorist attack with all of the other hazards we face. The Transportation Committee has decades of experience with emergency management. The Homeland Security Committee brings real expertise on terrorism matters. Between these two committees, we came up with a good product.

I would like to thank Chairman KING and Chairman REICHERT. This comprehensive reform could not have been possible without their support, vast knowledge of preparedness issues, and strong desire for reform.

After the Katrina Committee Investigation, we laid out 5 principles for reforming FEMA.

First, Presidential involvement and professional disaster advice are essential.

Second, effective response requires a clear chain of command.

Third, the four elements of emergency management need to be closely integrated and managed, particularly preparedness and response functions.

Fourth, FEMA's essential response capabilities must be restored and enhanced.

And fifth, the tension between the nation's all-hazards emergency management system and terrorism preparedness must be resolved.

While my personal opinion is that pulling FEMA out of DHS is the best way to embrace these principles, I recognize that it is not the only way. These five principles served as a foundation for this compromise, which helped us achieve comprehensive reform.

This legislation elevates the Administrator to the Deputy Secretary level and provides that the Administrator will report directly to the Secretary. It directs the Administrator to serve as the principal advisor to the President, the Homeland Security Council, and the Secretary of Homeland Security for all matters relating to emergency management and permits the President to designate the Administrator as a member of the Cabinet in the event of natural disasters, acts of terrorism, and other man-made disasters. Additionally, the Administrator is given explicit responsibility for managing all disasters.

Furthermore, I am proud that this bill clarifies the chain of command during the Federal response to natural disasters, acts of terrorism, and other man-made disasters by providing that the Federal Coordinating Officer (FCO) is in charge. The bill also prohibits the Principal Federal Official (PFO) from directing or replacing the incident command structure at an incident and limits the PFO's authority over Federal and State officials, including the FCO.

Additionally, this legislation returns all grants, training, and preparedness programs to FEMA, restoring the nexus between emergency preparedness and response. These grants and programs include the emergency management performance grant program, fire grants, terrorism preparedness grants, the radiological emergency preparedness program, the chemical stockpile emergency preparedness program, and the metropolitan medical response system.

This bill increases FEMA's response capabilities through a variety of tools. Through this legislation FEMA will establish robust Regional Offices, Regional Advisory Councils, and multi-agency Regional Strike Teams to ensure effective coordination and integration of regional preparedness, protection, response, mitigation, and recovery activities with State, local, and tribal governments, emergency response providers, emergency managers, and other stakeholders. Additionally, the Administrator is provided a number of tools for rebuilding FEMA's professional and reserve workforces through the use of a strategic human capital plan, recruitment and retention bonuses, and professional development and education.

Finally, this bill establishes an all hazard national preparedness goal and system for bringing direction, professional expertise, and accountability to federal, state, and local preparedness activities.

This bill puts FEMA back together again and gives FEMA the tools and authority to do its job. With the leadership, authority, and resources necessary to respond effectively to the next disaster, FEMA can once again be a model agency within the Federal Government.

Mr. SABO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, before I yield back my time, let me simply say to my friend from Minnesota (Mr. GUTKNECHT), thank you for presiding today in a very fair and efficient manner. It is a pleasure working with the gentleman. And on Twins.

Mr. Speaker, I yield back the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this year has been a difficult year for this bill, as they all are. We did not have all of the allocation that we could have used. However, I think we judiciously have spent the moneys that were allocated to us.

There is no more important chore that the Congress has, in my judgment, than to protect the country as best we can from its enemies and from natural disasters. That is what this bill is all about. It is such a huge undertaking. We have got 7,500 miles of borders with our neighbors, we have 12,000 miles of coastline, including the Great Lakes, 440 commercial airports with 600 million passengers a year internally and many millions more from outside the country, rail and subways and tunnels and bridges and cyber structures, and the financial system. Everything we have is subject to attack, and it is a very, very difficult chore for the government, both the executive branch and certainly the legislative branch, to try to get our arms around the mission and to try to find the moneys there to try to finance the effort to defend the country against its enemies.

But I think we have done that within this bill as best we can. We have covered practically every angle that you can think of with plenty of funding. I am especially pleased that we found huge new sums to spend on border security. We can't exist as a country if we can't protect that border, and that is what this bill is all about in its main emphasis.

Again, I want to thank MARTY SABO for his years of service and friendship, he and Sylvia. MARTY, you and Sylvia, we wish you Godspeed.

Mr. BARTON of Texas. Mr. Speaker, today, the House debated the Conference Report for Homeland Security Appropriations Act for Fiscal Year 2007. Section 535 of the conference report included a provision that will allow individuals to import into the U.S. from Canada a 90-day supply of a prescription drug, on their person, for their personal use. The provision specifically exempts controlled substances and biological products.

As the Chairman of the authorizing Committee with jurisdiction over the regulation of drugs and biological products, it is important for me to clarify what the language in this section means in regards to biologic products. The exemption applies to biological products, as that term is defined in Section 351 of the Public Health Service Act. The legislation does not confine the exception of only to those products licensed under Section 351 of the PHSA. This is an important distinction. To be clear, the language exempts biologic products licensed under the Public Health Service Act and those approved under the Federal Food, Drug and Cosmetic Act.

Members have also asked questions and offered various wishful opinions as to whether the chemical security section of the 2007 Homeland Security Appropriations bill preempts state or local law. Perhaps a review of the evolution of this provision would shed some light for Members. The House Committee on Homeland Security considered a bill in July that carried an amendment to explicitly state that the bill would not preempt state law. Why? Because Members recognized correctly that State or local laws that conflict with or frustrate the purpose of Federal laws are preempted by the Federal law in the absence of explicit Federal language to the contrary, and the amendment's proponents wanted to ensure that States would not be so constrained. However, that bill was never considered by either body of Congress. When Senator BYRD initiated the process of using the 2007 Homeland Security Appropriations bill as a vehicle for legislating a Federal chemical security program, and then other Members began to venture suggestions to amend Senator BYRD's language in conference, the Chairmen of the three authorizing Committees, one in the other body and two in this body, were consulted.

During negotiations it was discussed and consciously decided among the authorizing committee negotiators to not include a provision exempting this section from Federal preemption because we do not want a patchwork of chemical security programs, and we do not want chemical facilities that are trying to secure themselves against threats of terrorism caught in a bind of wondering whether their site security complies with all law. It was only upon the agreement of the three authorizing Committee Chairmen that the Appropriations Conferees included the chemical security provision in the Appropriations Conference Report.

During Appropriations Conference deliberations, some Members argued and voted against including the chemical security section, in part because it was silent on preemption. However, they were outvoted. We are fully confident that courts of law, if ever faced with such a question, will examine the State or local provision and decide for themselves whether it conflicts with or frustrates the purpose of Federal law, including the chemical security section of the 2007 Homeland Security Appropriations bill and Section 101(b)(1)(F) of the Homeland Security Act of 2002 which states explicitly that the mission of the Department of Homeland Security includes ensuring "that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland."

Mr. MARKEY. Mr. Speaker, the conference report we are considering today on the House floor fails to close dangerous homeland security loopholes that continue to put Americans at risk more than 5 years after the 9/11 attacks.

This bill fails to include strong chemical security language that had been agreed to, on a bipartisan basis, in the Homeland Security Committee.

But Republicans have caved to the wishes of their allies in the chemical industry by crafting weak provisions that do not provide the security safeguards that are urgently needed to protect Americans.

The fact is, there are nightclubs in New York City that are harder to get into than some of our chemical plants. This bill fails to fix the problem.

This bill also does not contain a mandate that all of the cargo on passenger planes be screened before it is placed onboard.

An amendment I offered to require 100 percent cargo screening on passenger planes passed the House overwhelmingly three years ago as part of the Department of Homeland Security's spending bill. But the Bush administration ensured that the provision was deleted from the final version of the bill, and Republicans have blocked it ever since.

In addition, this bill fails to provide the resources needed to ensure that our airports have the equipment needed to detect explosives that may be hidden in bags bound for airliners.

Earlier this month, a nonpartisan report developed by experts from air carriers, airport operators, the Federal Government and contractors recommended that Congress should "continue Federal appropriations of at least $435 million for purchase and installation of Explosive Detection Systems, escalating annually."

And what have Republicans in Congress decided is the appropriate funding level for the purchase and installation of explosive detection equipment at airports? About $150 million, or roughly one-third the amount recommended by the experts.

This is another example of Republicans nickel-and-diming homeland security while writing a blank check for the War in Iraq.

The foiled London bombing plot last month shined a light on the Bush administration's bungling of the research, development and deployment of systems that can detect liquid explosives at airports.

In its final report card, the 9/11 Commission gave the Federal Government's checked bag screening capabilities a "D" and directed that "The TSA should expedite the installation of advanced (in-line) baggage screening equipment." But almost a year later, we're still far behind where we need to be.

This bill also does not address another aviation security weakness that leaves us vulnerable to a terrorist attack.

Specifically, the bill keeps in place an artificial cap that Republicans have placed on the number of airport screeners that can be hired. This is creating security challenges at our airports, as passenger traffic increases, and workers are expected to be on guard for a growing array of threats.

According to the bipartisan report released earlier this month "without adequate capital investment, screener staffing levels would have to increase significantly to maintain 100% electronic screening."

But we currently have the worst of both worlds: Republicans refuse to invest the needed funds in explosive detection equipment while they also cap the number of screeners regardless of security needs. This is a dangerous, wrong-headed policy that puts Americans at risk.

This bill also fails to sufficiently fund the Metropolitan Medical Response System, a vital program designed to limit casualties in the event of a major emergency, such as a nuclear attack or avian flu outbreak.

Clearly, our country needs a New Direction to ensure that security loopholes are closed and Americans are protected from terrorists determined to inflict another devastating attack on our country.

Republicans continue to ignore glaring loopholes such as porous security safeguards at chemical plants, failure to scan all the cargo on passenger planes, flawed checkpoint screening equipment, and the lack of enough TSA screeners.

As a result, Republicans are providing our nation with homeland insecurity, rather than the real security that Americans deserve.

I urge a "no" vote on this bill.

Mrs. LOWEY. Mr. Speaker, I rise in support of the Fiscal Year 2007 Homeland Security Appropriations Conference Report. It includes several provisions that I authored in the Homeland Security and Appropriations Committees, including much-needed provisions to help first responders communicate.

More than two years ago, I proposed legislation to require the Department of Homeland Security to create a national interoperability strategy. It is time that we give our first responders the tools they need to adequately communicate with one another without having to use many of the same tactics as Paul Revere.

This strategy is long overdue. Ten years ago, the Public Safety Wireless Advisory Committee recommended that "unless immediate measures are taken to promote interoperability, public safety agencies will not be able to adequately discharge their obligation to protect life and property in a safe, efficient, and cost effective manner." Because of inadequate radios, 343 firefighters died while heroically rescuing thousands of workers at the World Trade Center on September 11th. Last year, communications failures exacerbated the poor response to Hurricane Katrina.

Amazingly, the Department has no real plan to solve the communications crisis and has not made the issue a priority. This bill will require it to complete a baseline study to assess current capabilities; create a resource plan; expedite voluntary consensus standards; set goals and time frames; identify obstacles; coordinate planning with other federal as well as state, local, and private sector partners; design backup systems in the event that primary systems fail; and verify manufacturers' claims that equipment meets certain standards.

Unfortunately, the conference report does not include my dedicated communications grant program. While it is imperative that we have a workable strategy, it can only be executed when local public safety agencies have funding to plan, design, implement, and maintain interoperable networks. In addition, the bill cuts funding for the major first responder grant programs, further delaying the progress that state and local governments should be making to increase communications capabilities.

Although the conference report is not perfect, I am pleased that conferees took the first step in adopting my interoperability strategy.

Mr. ROGERS of Alabama. Mr. Speaker, I rise today in support of the pending Conference Report, and thank the Chairman of the Homeland Security Appropriations Subcommittee, Mr. HAL ROGERS, for his work on this legislation.

I appreciate the fact that this bill includes important provisions that consolidate the Noble Training Center with the Center for Domestic Preparedness; establish a Homeland Security Education Program; and ensure financial accountability of the Secure Border Initiative, which is similar to a provision of my bill—H.R. 6162—that the House passed yesterday.

In addition, this bill includes funding to add 1,500 new Border Patrol agents. In 2004, Congress authorized 2,000 new agents be added each year. To date, the Border Patrol has added fewer than 2,000 new agents.

In May, the President announced that the Border Patrol will increase its ranks by 6,000 new agents by FY 2009. At the current pace, we will not meet this goal.

I look forward to working with Members of the Homeland Security Appropriations Subcommittee to ensure that the Border Patrol will be able to make the President's goal a reality.

While I support the overall Conference Report, I am deeply concerned with one provision included by the other body.

This provision would require that all instructors at the Federal Law Enforcement Training Center—referred to as FLETC—be Federal employees.

This is a terrible provision that could prevent Federal law enforcement agencies—not just DHS—from being able to quickly and cost-effectively train their officers and agents. Particularly in emergency circumstances; like we experienced immediately after the 9/11 terrorist attack.

OMB Director Rob Portman wrote to Congress on September 6th regarding DHS Appropriations and expressed his serious concern that this provision is too restrictive.

He wrote that by preventing public-private competition, the provision—quote: "deprives the Department of the operational efficiencies to be gained by competition, and limits its ability to direct Federal resources to support other priorities."

I have reviewed FLETC's course list and find it indefensible that anyone would advocate that only a Federal employee can efficiently and effectively teach some of these courses.

For example why is it that only a Federal employee can teach "7 Habits of Highly Effective People," or "Archeological Resources Protection," or "Self Leadership Through Understanding Human Behavior?"

All of these are courses taught at FLETC facilities. All of these courses could very easily be taught by a State or local government official, a college professor, or a professional from the private sector.

Since the terrorist attacks of September 11th, the need for FLETC training has increased dramatically, and FLETC is under significant strain to meet these needs.

Should an emergency arise tomorrow, I am certain that this provision will make it impossible for the Department to be able to meet any surge in demand for training that might arise.

I urge my colleagues to consider the serious ramifications of this provision, and join me in working to lift this ban in the future to ensure our Federal law enforcement agencies can meet all their training needs.

Mr. SOUDER. Mr. Speaker, I rise today in support of the conference report to H.R. 5441, the fiscal year 2007 Department of Homeland Security Appropriations Act. With this bill, the federal government takes important steps forward on securing our border and reforming the Federal Emergency Management Agency (FEMA).

It is heartening to see that Congress is beginning to wake up to the critical importance of a secure border. Indeed, this bill provides $21.3 billion for border protection and immigration enforcement—nearly an 11 percent increase over last year—including $5.2 billion for the department's Secure Border Initiative, the government's comprehensive multi-year plan to secure America's borders and reduce illegal migration through enhanced technology, infrastructure, and personnel. $2.25 billion is provided for the addition of 1,500 new Border Patrol agents, bringing the total to 14,800, and $1.2 billion for border fencing, vehicle barriers, technology, and other infrastructure improvements.

H.R. 5441 also takes important steps to protect against the growing threat of border tunneling. Penalties for individuals who assist in the construction or financing on border tunnels will be subject to much harsher penalties—fines and imprisonment of up to 20 years. Anyone using a border tunnel to smuggle aliens, weapons, or other goods will be subject to a maximum term of imprisonment that is twice the punishment that would have applied had a tunnel not been used.

In addition, I am extremely pleased that the conference committee provided more than-expected funds to assist in the transfer of the Shadow Wolves from the Bureau of Customs and Border Protection (CBP) back to their logical home in Immigration and Customs Enforcement (ICE). The Shadow Wolves officers are Native Americans who combine modem technology with ancient tracking techniques to play a critical role in our government's counter-narcotics efforts along the 76 miles of border and 2.8 million acres within the Tohono O'odham Nation. When the Department of Homeland Security was originally created, the Shadow Wolves were placed under the control of the CBP. Unfortunately, however, the CBP's mission and methods were found to be notably unsuited to the ways of the Shadow Wolves, whose methods employ tracking smugglers more than merely defending a border line. This bureaucratic misjudgment has significantly hurt the Shadow Wolves' morale, causing their numbers to dwindle. Because of this situation, I appreciate the conferees' decision to provide $3.1 million—a million more than in the House bill—for ICE to pay for the newly-transferred Shadow Wolves' salaries and other needs.

It is also important to note for our friends in Canada and Mexico that nothing in this bill should be misrepresented as changing our commitment to requiring a secure border ID.

As we require more secure IDs to get a driver's license, to vote, and to get a job within the U.S., you can be assured that we certainly will require one at the borders. Working together, we can maintain our important trade and tourism relationships while maintaining the security or our Nation.

Last, I am pleased that this conference report will enact important reforms to FEMA to help ward off some of the blatant examples of mismanagement seen in the aftermath of Hurricane Katrina. For example, this bill creates a smarter FEMA management structure by establishing 10 FEMA regional offices and regional directors with the ability to coordinate and direct the federal response in times of crisis, so that FEMA is not trying to manage future disasters from Washington. By putting FEMA on the ground where the crisis is occurring, regional directors will be able to coordinate more effective and timely responses. Also, each regional office will maintain a multi-agency regional strike team, with the ability to quickly respond to emergencies, and three national emergency response teams will be created in case rapid supplements to the regional teams are needed. Finally, while codifying the FEMA director's status as the principal advisor to the President and Secretary of Homeland Security, this bill refrains from establishing FEMA as an independent, cabinet-level agency—a misguided notion designed more to placate the media than institute meaningful reform.

Mr. Speaker, I commend Chairman ROGERS and the rest of the conferees for their hard work on this bill, and urge my colleagues to support it.

Mr. STARK. Mr. Speaker, I rise in opposition to the Department of Homeland Security (DHS) Appropriations Act (H.R. 5441) because $35 billion is too high a price for failure. Hurricane Katrina provided a vivid and massive example of DHS' incompetence, but additional instances of incompetence are on almost daily display. Just this week, Secretary Chertoff announced with great fanfare a new risk-based port security program. Perhaps he knows something about the terrorists that we don't, because apparently they are more likely to target the ports in Burns Harbor, IN and Duluth, MN than Oakland, CA. Those ports received new funding while Oakland got nothing. The fourth-busiest port in the nation, the gateway to Asia, in the heart of a major metropolitan center and the high-technology headquarters of the country is apparently at no risk of a terrorist attack.

Another recent round of urban security grants cut funding by 40 percent for New York and Washington, DC, but increased it for Louisville and Omaha. The American people might also be interested to know that DHS' "National Asset Database," which is used to determine how to allocate preparedness funding, lists Indiana as the state with the most potential terrorist targets. Supposedly, the Hoosier state has 8,591 targets compared to California's 3,212. The Amish Country Popcorn Factory in Berne, IN is on the list, but the Empire State Building is not. I couldn't make this stuff up.

The more DHS promises to improve and stop wasting money, the worse things get. Last year, more than half of contracts were awarded without a full competitive bidding process, compared to 19 percent in 2003. If it seems to you like the Katrina recovery is going awfully slow for how much money has been spent, perhaps you aren't considering the 2,000 sets of dog booties costing $68,442; three portable shower units for $71,170; 54 iPods worth $7,000; 37 designer rain jackets for a Customs and Border Protection firing range that isn't used when it is raining; and a beer brewing kit for $1,000 purchased by DHS staff.

This Homeland Security Appropriations bill does nothing to require stronger oversight or to stop the hemorrhaging of money to our least-vulnerable areas. The popcorn factory and petting zoo lobby will be happy, but I am disgusted, and I urge my colleagues to join me in voting no.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of the conference report and the provisions dealing with chemical plant security.

I truly regret this issue is being debated in the context of an appropriations bill. As Chairman of one of this Body's two Committees of jurisdiction, I am committed to engaging the policy debate in the future on chemical plant security legislation.

Mr. Speaker, I have been astounded by the lack of real knowledge by some professed experts about the way that chemical plants are already regulated under existing Federal laws. When Congress resumes this debate in the next couple of years, it is essential that all interested persons know what their government and the private sector are already doing before heaping an array of well-intentioned mandates on government and the private sector.

America does not become more secure by piling on more laws, it just become more regulated.

These provisions on chemical plant security are a step forward in making America more secure—and this is the only criterion by which I find myself supporting them. The legislation is far from perfect. However, it does establish, for the first time, an actual, and enforceable chemical plant security program for the whole Nation.

Let me highlight some key provisions:

First, this legislation requires chemical plants to conduct vulnerability assessments and site security plans. Similar steps have been required of other facilities by Congress and have passed without a dissenting vote.

Second, this legislation requires the Department of Homeland Security to develop risk-based, performance-based regulations for securing high risk chemical plants within the next six months. This provision includes a much wider scope of plant coverage than what the Senate spending bill contained and it also makes the critical distinction that not every chemical plant is created or operates equally, has the same risks, or is similarly vulnerable.

Third, this legislation allows the Department to approve chemical plant regimes that other public or private interests develop that meet the criteria in the Department's regulations. This is crucial because it allows parties that have already invested in protecting chemical plants from terrorist attacks to avoid having those costs stranded simply because they had the foresight and initiative to act before this legislation became law.

Fourth, this is legislation protects sensitive information. We must never make security-sensitive information about chemical plants' available to anyone for the asking, including terrorists. Information protections have been included in every homeland security related bill since 9–11 and there is no good policy reason to end that practice right now.

This provision does not shield any chemical plant from FOIA requests for emissions data under existing Federal environmental statutes; it merely covers vulnerability and security information. I hope we all support this necessary protection.

Fifth, this legislation keeps the Department focused on chemical plant security. Some people want to have the Department's mission diluted with extraneous tasks such as regulating chemical plant pollution, chemical plant manufacturing processes, or chemical plant workplace relations.

We must not dismiss the volumes of environmental and manufacturing laws and enforcement expertise at both the Environmental Protection Agency and the Occupational Safety and Health Administration, not to mention their state counterparts, so another Agency of the Federal government can get into the act.

Sixth, under the catch-phrase "inherently safer technologies" some want to vest in the Department of Homeland Security the power to regulate chemical feedstocks, processes, and products. One environmental protection agency is enough, Mr. Speaker. EPA has the authority and expertise it needs under the Safe Drinking Water Act, Toxic Substances Control Act, Clean Air Act, and other laws to protect our environment from harmful chemical exposure.

Let's let the Department of Homeland Security focus on protecting us from the threat of chemical terrorism so that our plants and communities are secure, and manufacturing facilities can continue to meet the needs of the American consumer, the American worker, and the American economy.

Seventh, this legislation distinguishes facilities that are already regulated by Federal law to prevent terrorism consequences. This includes drinking water and Maritime Transportation Security Act (MTSA) facilities. Some misread this distinction as meaning drinking water and maritime transportation facilities do not get protection. On the contrary, the protection from terrorism we've already given them is so good we don't want conflicting regulatory programs to interfere.

We don't want DHS, which is not an environmental or public health agency, setting de facto drinking water standards under the guise of security regulations. Both the Public Health Security and Bioterrorism Preparedness and Response Acts and presidential directives on homeland security place EPA in charge of drinking water facilities. Let's keep it there.

Eighth, this legislation requires DHS to audit and inspect chemical facilities to ensure compliance. Further, any facility not in compliance faces civil penalties and those facilities who do not obey an order to take corrective action face the prospect of being forced to cease operation. Considering its consequences for dedicated workers and its downstream impacts on interstate commerce, I trust this power would be used, if ever, only as a last resort.

Last, this legislation prevents private rights of action against the chemical facility solely as a means of private parties enforcing the security provisions in this section. This bar against third-party suits does not extend to any presently existing right a person might have under any other law. Simply, this provision prevents self-deputized persons from using the courts to enact national security policy.

Mr. Speaker, imperfect as the chemical security section is, it is better than current law and should make us a more secure nation. I urge all my colleagues to support its inclusion in this bill and adoption of the conference report.

Ms. LEE. Mr. Speaker, two years after the bipartisan 9/11 Commission gave the Republican led Congress and this Administration failing grades for their efforts to secure our nation, they are still failing the American public.

Take the issue of port security for example.

The Coast Guard has identified over $7.3 billion in port security needs over the next decade, yet since 2002 we have barely provided $900 million.

Four days ago the Homeland Security Department announced its latest round of port security grants and not one single penny was given to the Port of Oakland in my district, even though it is the fourth busiest container port in the country.

Instead of spending money to secure the Port of Oakland and all our nation's ports, we are spending nearly $2 billion a week—over $321 billion so far—to fight this unnecessary war in Iraq.

A war which our intelligence services are now telling us is spawning a whole new generation of terrorists and making us less safe.

Mr. Speaker, we should be spending taxpayer dollars to secure our nation, not to create new terrorists.

While I support the funding in this bill, I believe we need much more.

Democrats have proposed a new direction for America that delivers on our homeland security needs. It's time for a change, Mr. Speaker.

Mr. ORTIZ. Mr. Speaker, while this bill provides important funding that is very late in coming for our border security, there are still holes in the funding Congress has passed . . . and what the 9/11 Commission said was the least the Congress should do to combat the terrorist threat.

Let us use the Intelligence Reform bill that became law in December, 2004, as a benchmark of what this nation must do to try and control the security of our borders: the bill mandated 10,000 Border Patrol agents over 5 years (2,000 annually) and 40,000 detention beds over 5 years (8,000 annually).

Here is a compilation of all the funding bills the Congress has passed that have become law—including the bill passed today, laying out how many Border Patrol agents and how many detention beds we have actually funded: Emergency Supplemental in 2005 (Passed May 2005), 500 Border Patrol Agents, 1,950 Detention Beds; FY06 Homeland Security Conference Report (Passed October 2005), 1,000 Border Patrol Agents, 1,800 Detention Beds; Emergency Supplemental in 2006 (Passed June 2006), 1,000 Border Patrol Agents, 4,000 Detention Beds;

Add in what we are passing today:

FY07 Homeland Security Appropriations Bill, 1,500 Border Patrol Agents, 4,870 Detention Beds;

Our grand total of what we should have done according to the 9/11 Commission to date is: 4,000 Border Patrol Agents and 16,000 detention beds. While we are finally caught up on paying for the least the 9/11

Commission said we should do for Border Patrol agents, we are still 1,550 short on detention beds.

Never let it be said that we did the least we could do—this Congress is paying for less than what the 9/11 Commission said was the least we should do. And let me add that it took a national guilt trip and backlash to get this Congress to pay for the least amount of Border Patrol agents the 9/11 Commission demanded.

What has appalled so many of us is that DHS is releasing thousands of illegal immigrants into the general population of the U.S. because they simply do not have the detention space to hold them. These illegal immigrants—also referred to as OTMs (other than Mexicans)—are given what they call "walking papers" and are released on their own recognizance with an order to appear at a deportation hearing weeks after their release.

In fact, they are asked where they are traveling to in order to give them a hearing near their final destination. Of course, they rarely return. This is hurting the morale of our U.S. Border Patrol Agents and it is a misguided process.

Because of "catch and release" the number of immigrants who have come across our borders has significantly increased. According to the April 2006 Department of Homeland Security Inspector General report here's what underfunding border security means: 774,112 illegal immigrants were apprehended during the past three years. Of those, 280,987—or 36 pecent—were released largely due to a lack of personnel, bed space and funding.

Our willful neglect of our border security had galled our fellow citizens. As a political gesture, this Administration and this Congress want to build a wall and militarize the border? That's not what we need. We need to keep our promises to the American people and fund the promises we made.

We must send a clear message that when you cross our borders illegally, you will be caught and detained. I get our desperate fiscal situation. But compromising border security is not the way to trim the deficit.

At some point, this Congress must deal with the national security risks that remains with the very large number of OTMs released into the general population who are still unaccounted for. Funding the effort to locate all the released OTMs is going to make paying for the minimum number of agents and beds seem like child's play.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3661. An act to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5122, JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1062 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1062

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

Mr. COLE of Oklahoma. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. COLE of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and attach tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COLE of Oklahoma. Mr. Speaker, today, the Rules Committee met and reported a special rule for consideration of H.R. 5122, the fiscal year 2007 National Defense Authorization Act. The rule waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read.

Mr. Speaker, I rise in support of the rule for H.R. 5122 and the underlying legislation. Today, we are at a critical juncture. The conference report for the fiscal year 2007 National Defense Authorization Act is before us. This legislative companion to the fiscal year 2007 defense appropriations bill authorizes and provides critical legislative language for full implementation of our defense policies.

Let us be clear: This is an excellent piece of legislation, a good bipartisan package that represents the best work of the House Armed Services Committee. Recognizing that, I would like to personally thank both the gentleman from California, Chairman HUNTER, and the gentleman from Missouri, Ranking Member SKELTON, for delivering a package that I am sure almost all of us can support.

Mr. Speaker, having served on the House Armed Services Committee and currently being a member on leave of absence from that committee, I know how closely the members of that committee work together to achieve a bill that is bipartisan, that is good for our servicemen and women and that is good for increasing the security of our country.

Mr. Speaker, this year, the Armed Services Committee produced a bill that contains several major legislative initiatives and funding impacts. Among them are an additional $70 billion in supplemental bridge funding to support the war on terror's operations costs; personnel expenses and procurement of new equipment; additional funding for force protection needs in support of Operation Enduring Freedom and Operation Iraqi Freedom, including up-armored Humvees, Humvee IED protection kits and gunner protection kits, IED jammers and state-of-the-art body armor; a 2.2 percent pay raise for all members of our Armed Forces; and an increase of 30,000 personnel for the Army and 5,000 personnel for the Marine Corps to help them sustain their required missions.

□ 1600

The bill blocks the Department of Defense proposed TRICARE Prime, Standard, and Select Reserve fee increases. The bill authorizes grants and loan guarantees to U.S. shipyards to approve their efficiency, cost effectiveness, and international competitiveness. The bill fully funds the immediate Army and Marine Corps shortfalls for replenishing supplies and replacing equipment in the amount of $17.1 billion for the Army and $5.7 billion for the Marines.

Mr. Speaker, more importantly this legislation directly supports our servicemen and -women in the field and on deployment. Operations in Iraq and Afghanistan are dependent on us passing this legislation that contains so many changes in legislative language.

Mr. Speaker, a bumper sticker we often read says: "I support our troops." Today we have that opportunity and responsibility. We could support our troops and improve the security of our Nation in a way that other Americans cannot. We can offer our vote in support of this legislation as 60 of 61 members of the House Armed Services Committee did when they initially passed the bill.

This is not a controversial proposition. This is something we should be proud to do, regardless of our perspectives and different positions on the war in Iraq. All of us are proud of our troops. All of us are committed to them and commend them for their courage and their professionalism, and all of us will do everything we can to increase their safety and effectiveness.

Mr. Speaker, I would be remiss if I did not also note that the Afghan and the Iraqi people also deserve to be commended for their efforts in our common struggle. During this war, the citizens of both these countries have held elections, written constitutions, and formed permanent governments. Afghan and Iraqi citizens are watching what we do here today. They require and request our continued support as they move forward in their efforts to build new and better countries. The passage of this rule and underlying legislation is an important sign that this country and Congress will keep its commitments. Afghanistan and Iraq are striving to create a future of hope and promise. We can play an important role in helping them do that here today.

Mr. Speaker, many may wish to raise policy issues in this debate. Some may want to discuss issues that, however important, are superfluous to providing for the needs of our men and women in uniform. And I welcome that exchange, if indeed it occurs.

Mr. Speaker, I believe we should focus on what should count. We have committed hundreds of thousands of our service men and -women to fight terrorism and advance the cause of freedom in Iraq and Afghanistan. We owe them our full support in the battles they wage on behalf of the American people and the cause of liberty. This rule and the underlying bill represent the efforts of Congress to keep that solemn commitment to the sons and daughters of America. Mr. Speaker, to that end, I urge support for the rule and the underlying bill.

I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me the customary 30 minutes, and I yield myself such time as I might consume.

Mr. Speaker, the rule before us makes in order a conference report for the fiscal year 2007 defense authorization bill. The underlying agreement has been a long time in the making, and I am happy to report that it is a clean agreement. I applaud the conferees for refraining from adding extraneous provisions. This bill is about our troops, and I appreciate the Members preserving that focus.

I am not unsympathetic to the desire of many Members in this Chamber to do more before we adjourn. As my colleagues and I have been urging all week, Congress should not leave town without allowing for floor debate on the American people's priorities. These include fully implementing the 9/11 Commission recommendations, allowing a clean vote to increase the minimum wage, and restoring the massive cuts in student financial aid passed by this Congress earlier this year. Despite being the waning hours of this Congress, there is still time to conduct the business of the American people. There is certainly time for debate and a vote on these other urgent priorities.

But to return to the rule we now debate, it allows for consideration of a bill of our national defense and it is a good agreement.

When H.R. 5122 was first considered by the House, I discussed that this bill serves two critical roles: first, as a planning blueprint in order to ensure that our military has the resources and tools to meet any threat from abroad; and, second, to provide for the men and women on the front line of our Nation's defense.

I am happy to report that the conferees kept both of these goals in mind in crafting this responsible agreement. It goes far in the support of the most professional and dedicated military in the world.

The agreement does not permit increases in the military's TRICARE prescription drug program, as the House version of this bill would have done. That is a very good thing. Our men and women in uniform should not pay more to access their benefits, particularly in a time of war.

Additionally, the agreement also maintains a critical role of our military chaplains and what they play in the spiritual lives and health of our troops. In a time of war, we cannot afford to change the rules in ways which may degrade readiness and unit cohesion.

Finally, Mr. Speaker, I appreciate that conferees preserve the wisdom in the underlying bill, which preserved the troop strength of our National Guard. The tragedy of Hurricanes Katrina and Rita, the annual wildfires in my home State of California and other parts of the West, as well as many members of the Guard called to duty in Iraq, demonstrate the numerous demands placed on the Guard and the important role they play.

For all that we ask of them, these individuals, be they members of the Army, Navy, Air Force, Marine Corps, Reserves, or National Guard, ask very little of us in return. What they ask is that we provide the equipment they need to get the job done, provide for them, provide for their family. And the agreement we have before us today would do that. I thank the conferees for their efforts to craft this compromise.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I would like to yield such time as he may care to consume to the distinguished chairman of the Rules Committee, the gentleman from California (Mr. DREIER), who does so much to make sure that we operate in an orderly and expeditious fashion in this Congress.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and the conference report. I want to begin by congratulating Mr. COLE and Ms. MATSUI for their management of this rule and to say that this is a great example of bipartisanship.

Our friends DUNCAN HUNTER and IKE SKELTON have worked very closely on this bill, which is, if I recall, $562.8 billion. It includes that $70 billion bridge fund, a 2.2 percent increase which is part of a 40 percent increase over the past 8 years that has been provided for our men and women in uniform. It is a very important thing as we continue to fight this ongoing struggle against terrorism that we are dealing with all over the world.

Only the United States of America can provide the kind of leadership that is being provided today. And, Mr. Speaker, I believe that it is absolutely essential that this Department of Defense authorization bill continue to set the example of bipartisanship in our quest to win that war against terrorism.

The reason that I wanted to take a few minutes here, Mr. Speaker, is that I wanted to underscore the fact that our reforms are working.

Now, why would I be talking about the issue of reform as we bring up the Department of Defense conference report's rule? It is the fact that this is the first time in a conference report that we have actually had a required listing of the so-called earmarks, items that were not included in either the House-passed authorization bill or the Senate-passed authorization bill. We use this term "air dropped."

There are five particular provisions, Mr. Speaker, that have been listed. This list is now made available, and the American people, our colleagues and the American people through the media, and obviously this is online, can see exactly what items were provided. And it enjoyed bipartisan support this reform. We had Democrats, whom I am happy to say joined with us in our quest to reform. Very few, but we had some Democrats joined with us in our quest to ensure that we could have greater transparency, disclosure, and accountability so that the American people will be able to see on these very important items that relate to our Nation's defense capability. They now don't have those hidden; they are in fact open for everyone to see, and that is a reform led by Speaker HASTERT that we have been able to implement. And I want to thank Speaker HASTERT and Majority Leader BOEHNER for, as we were going into the August break, making a commitment.

The three of us introduced the legislation that called for this rule change, and we were able to implement it expeditiously; and it is now in effect, and this conference report is the first time that we have seen it.

So I just want to join in extending congratulations again to Messrs. HUNTER and SKELTON and all of those who have been involved in this process and to say that we look forward to the passage of this rule, of course, and passage of the legislation.

Ms. MATSUI. Mr. Speaker, I yield 5 minutes to my good friend, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in opposition to this rule and to the underlying bill. And I do so because of a ridiculous earmark, despite what the Rules Chairman has just stated, which was added by Chairman HUNTER in order to keep the public out of a national park, which happens to be in my district, the Channel Islands National Park.

This provision monkeys around with a court settlement to end a lucrative privately run trophy hunting operation on Santa Rosa Island.

The owners of the elk and deer herds, the Vail family, were already paid $30 million by taxpayers when they deeded over the island back in 1986. They were supposed to end this hunting operation in 2011. A trophy hunt, which, by the way, costs hunters up to $17,000 per weekend, shuts the island to park visitors for 5 months out of each year. Mr. HUNTER is seeking to allow private hunting in the park to go on indefinitely, and this will result in more lawsuits.

One might wonder why this provision is in a bill which deals with supporting our troops. The proposals and reasons behind it have evolved over time. At one point it was to establish a hunting preserve for the military's top brass and their guests. When that didn't fly, it was quickly changed to making Santa Rosa a place for disabled vets to hunt. But when the paralyzed veterans of America actually went to the island, they told Chairman HUNTER, and I quote, "the Santa Rosa initiatives is not viable."

Then the provision morphed into saving the animals from extinction. That is right. The intention is that we are going to save the animals, though they continue to be hunted indefinitely and on the island. This provision is opposed by the Park Service, the PVA, the Humane Society, and many public lands groups. Even the U.S. Senate unanimously passed a resolution against this proposal.

So why is it in the bill? Who knows. What we do know is that taxpayers who paid $30 million for the island are now being told by our chairman they can't visit it for nearly half the year. This is an insult to our constituents, to all taxpayers. It is also an insult to our troops whose service to this country is being used as a cover for this special interest boondoggle.

Now, I know the underlying bill will pass by a wide margin, and I understand that. I also know that this House has never endorsed this proposal. And given the opportunity for an up-or-down vote, I am sure they would agree with me. And so this is yet another sad day for taxpayers, for our national parks, and for this House.

PVA,
July 26, 2006.

Hon. VIC SNYDER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SNYDER: On behalf of the Paralyzed Veterans of America (PVA), I am responding to your inquiry regarding efforts to provide hunting opportunities for paralyzed and disabled veterans on Santa Rosa Island. While PVA applauds the efforts by Chairman Duncan Hunter to open hunting and outdoor venues for our members, other disabled veterans and current service members we have come to the conclusion that the Santa Rosa Island initiative is not viable. PVA has sent one of our members to the island and we have explored possible solutions to the challenges posed by the site; however, it is our opinion that the numerous obstacles inherent to the island, including ingress and egress, logistics, personal safety and cost, far outweigh the possible, limited benefit it could provide.

It is our hope that the concept of expanded hunting and outdoor opportunities on federal facilities for our members, other disabled veterans and service personnel will continue to receive the attention of Congress. Chairman Hunter's efforts should serve as a starting point for future initiatives to provide accessible venues for both veterans and active duty personnel. We would be happy to work with you and other members to explore alternatives to this issue and identify other opportunities across the country that may afford veterans expanded options.

Sincerely,

DOUGLAS K. VOLLMER,
Associate Executive Director
for Government Relations.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, July 21, 2006.

Hon. DUNCAN HUNTER,
Chairman, Armed Services Committee,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Department of the Interior would like the opportunity to provide its views on section 1036(c) of H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007, as approved by the House of Representatives.

We recommend deletion of section 1036(c) in order to ensure that the National Park Service is able to continue its progress toward the recovery of native species and providing year-round access for other recreational activities on Santa Rosa Island.

Section 1036(c) states that "[t]he Secretary of the Interior shall immediately cease the plan, approved in the settlement agreement for case number 96–7412 WJR and case number 97–4098 WJR, to exterminate the deer and elk on Santa Rosa Island, Channel Islands; California, by helicopter and shall not exterminate or nearly exterminate the deer and elk."

We believe section 1036(c) is intended to overturn this settlement agreement that prescribes a phase-out of the privately-owned deer and elk from Santa Rosa Island, culminating in their complete removal by the owners by December 31, 2011. The National Park Service is party to that settlement agreement and stands by its terms. Fulfillment of the agreement is necessary to accomplish the purposes for which the National Park Service acquired Santa Rosa Island.

The National Park Service purchased Santa Rosa Island for $30 million in taxpayer funds in 1986 after Congress included the 54,000-acre island as part of Channel Islands National Park in 1980. The purpose of this acquisition was to restore the native ecology of the island and open it to the public for hiking, camping, sightseeing, and other recreational activities. Although hunting is usually not allowed in National Parks, a private hunting operation for deer and elk was permitted to continue under a special use permit at the request of the owner, who had retained a 25-year reservation of use and occupancy (through 2011) in 7.6 acres on the island. Subsequently, the settlement agreement provided for the phased elimination of the deer and elk population.

Elimination of the nonnative deer and elk is needed to allow native plant and animal species, including some that are endangered and threatened, to flourish on the island. Also, more visitors will be able to enjoy the island after the closure of the deer and elk hunting operations that currently close about 90 percent of the island to National Park Service visitors engaged in other recreational activities for 4 to 5 months every year.

Section 1036(c) also raises several other issues. It gives direction to the Secretary of the Interior with respect to the settlement agreement, yet the Secretary is not responsible for removing the deer and elk from the island—the former owner of the island, who retains ownership of the deer and elk, is responsible for their removal. Furthermore, 1036(c) suggests that the National Park Service has an approved plan to exterminate the deer and elk by helicopter, yet no such plan exists. In fact, as already noted, the deer and elk are the property of the former owner of the island and, under the terms of the settlement agreement, must be removed by them. Only if the deer and elk become extraordinarily difficult to remove would the National Park Service share the cost of removing the animals, which could include the use of helicopters.

Again, thank you for the opportunity to provide these comments. The Office of Management and Budget has advised that it has no objection to this letter from the standpoint of the Administration's program.

Sincerely,

ACTING ASSISTANT SECRETARY,
Fish and Wildlife and Parks.

THE HUMANE SOCIETY,
August 7, 2006.

Hon. JOHN WARNER,
Chairman, Armed Services Committee,
U.S. Senate, Washington, DC.
Hon. CARL LEVIN,
Ranking Member, Armed Services Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN WARNER & SENATOR LEVIN: On behalf of the more than 9.5 million members and constituents of The Humane Society of the United States (HSUS), the nation's largest animal protection organization, I urge you to reject efforts by House Armed Services Committee Chairman Duncan Hunter to establish a hunting reserve on Santa Rosa Island in California.

The HSUS urges you to follow the guidance provided by S. Res. 468, the Senate resolution that deemed that the Channel Islands should be managed in a manner consistent with the mission of the National Park Service. This would preclude establishing a hunting operation on the Channel Islands, as advocated by Chairman Hunter.

Chairman Hunter's proposal to keep Santa Rosa Island open to guided trophy hunts of deer and elk under the guise of a benefit to disabled veterans is not only inhumane and unsporting, but is also opposed by the Paralyzed Veterans of America and the local community. It is also opposed by Representative Lois Capps, whose district includes the Channel Islands. Trophy hunting on this island is not viable for disabled veterans, and is not consistent with the wishes or the mandate of the National Park Service.

Although a large island, the deer and elk managed for trophy shooting have no opportunity to escape their pursuers. It is effectively a "canned" hunt. Conservation groups, hunters and animal protection organizations have openly agreed in their opposition to canned hunts. Canned hunts are commercial enterprises conducted under circumstances that generally guarantee a kill. Canned hunts can all be identified by the two traits they have in common: (1) they charge their clients a fee to kill an animal; and (2) they violate the generally accepted standards of the hunting community, which are based on the concept of fair chase, by eliminating escape possibilities. Our national park land should be safe havens for animals, not privileged playgrounds for a small group of trophy hunters.

We hope you will omit Rep. Hunter's language to establish a canned hunting operation on a unit of the National Park Service in the final version of the FY07 National Defense Authorization Act.

Sincerely,

WAYNE PACELLE,
President & CEO.

NATIONAL PARKS
CONSERVATION ASSOCIATION,
Washington, DC, September 8, 2006.

Hon. JOHN W. WARNER,
Chairman, Committee on Armed Services,
U.S. Senate.

DEAR MR. CHAIRMAN: On behalf of the 327,000 members of the National Parks Conservation Association, I am writing to express our strong opposition to Section 1036(c) of the House-passed National Defense Authorization Act, which attempts to nullify a court-approved settlement agreement in a lawsuit regarding the management of the Channel Islands National Park. I urge you not to include this harmful provision in the conference report on the DOD bill.

Under the terms of the Settlement Agreement in this proceeding (NPCA v. Kennedy. Civil Action Number 96–7412 WJR) non-native deer and elk are to be removed from the Park's Santa Rosa Island, and the lucrative private hunting operations on the island, which undermine restoration efforts and limit public access to the park, are ended by the year 2011. The onerous language in the House bill attempts to alter that agreement by forestalling removal of the animals.

The ostensible purpose of the language is to create a hunting preserve for among others, disabled veterans, but the Paralyzed Veterans Association has stated unequivocally that Santa Rosa Island is not suitable for that purpose because of its rugged terrain, accessibility, and cost. This altogether worthy idea is in fact addressed in another section of the bill [Section 1036(a)(b)] which would provide increased hunting and fishing opportunities for disabled veterans and other armed service personnel at many existing, suitable DOD owned locations throughout the country.

On August 6th of this year, the Senate passed S. Res. 488, supporting the continued administration of the Channel Islands National Park, including Santa Rosa Island, in accordance with the laws, regulations, and policies of the National Park Service. The Congressional mandated purpose of the park is, "to protect and interpret the internationally significant natural, scenic, wildlife, marine, ecological, historic, archeological, cultural and scientific values of the Channel Islands." The Senate is, therefore, clearly on record in strong support of restoring, managing, and providing public access to all the Channel Islands as required by the terms of the court directed Settlement Agreement.

The National Park Service is strongly opposed to this provision, the Department of the Interior has recommended deleting the provision from the bill, and the Department of Defense has never requested it. This unrelated and non-jurisdictional controversy has no place in an important defense authorization bill. If Section 1036(c) is enacted, as a party to the court's Settlement Agreement, we will have no choice but to pursue every legal means available to preserve the settlement's integrity. I hope that will not be necessary and that you will drop this ill-conceived, unwarranted and damaging provision from the final Defense Bill.

Sincerely,

THOMAS C. KIERNAN,
President, National Parks
Conservation Association.

Mr. COLE of Oklahoma. Mr. Speaker, I yield such time as he may care to consume to the distinguished chairman of the Armed Services Committee, Mr. HUNTER, from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding. And the only reason I am rising is to set straight the record which, sadly, has been not accurate that has just been laid out by my colleague, the gentlewoman from California.

I was taking a bunch of marines who were up hunting up in northern California down the California coastline, and one of them brought up the point that Santa Rosa Island off the coast, which is owned by a private company and which has deer and elk on it, was going to see those deer and elk exterminated, and wouldn't it be a great place for our wounded people returning from Iraq and Afghanistan, rather than exterminating these animals with helicopters in the end, which is in the court order, to allow our people who like to pursue hunting in the Armed Forces who have been wounded to have a place to go and have a great time with their families.

☐ 1615

Taking that under advisement, I put a provision in to allow that to happen. I have never put in a provision that was intended to have the Navy brass or VIPs or Army brass or Marine Corps brass out there hunting. This is for wounded people, and right now it is operated by a private company.

The ranching family, whom I have never met, I will tell the gentlewoman I have never met them. I have never had discussions with them, except one of them called up and asked me to tell the Park Service that I have never met him because my name was an anathematism. We say simply, listen, the island is going to be turned over by the private family to the Park Service in 2011. The court orders that all the animals be wiped out, be exterminated, be killed; the entire herd be killed. All we say is, don't exterminate the animals. Don't shoot them from helicopters, as the court order now directs. Let the herd stay and let us let our disabled veterans hunt.

Now we had the Paralyzed Veterans go over and check out the island. They wrote a letter back saying this is not their cup of tea. It is pretty rough terrain. It is hard to get over to the island. That is why almost nobody from the public comes over. The number of people who visit this 50,000-acre island per day, it is extremely small. There are almost more Park Service people on the island than there are members of the public. And this would only be for a short time during the year.

All we are asking is that they don't shoot the animals, don't exterminate them, and they let the disabled veterans hunt.

Now after the Paralyzed Veterans said this is not our cup of tea, because of the spartan circumstances over there, it is going to be tough for people with spinal cord injuries to really enjoy this island, so the Wound Warriors went over.

That is a great organization that takes wounded GIs and Marines and Navy and Air Force personnel, takes them skiing, takes them on outdoor outings and shows them a good time. They went to the island, and the report I got back, and I will give the letter to the gentlewoman, said they really enjoyed it. They really liked it, and they would like to have this opportunity. All we say is, don't exterminate the herd. That is the real import of this bill.

What I would like to see is a situation in which those people, only those people, only disabled American veterans get to hunt there. Because it is a wonderful outing. They can take their families. Their families can visit the seashore. They can take pictures. They can have a wonderful outdoor time while these people who gave so much to our country have a special place to go.

They don't have to pay any money because this will be when it is turned over to the government by the ranch family. All we are saying to the ranch family is, when you turn it over, don't exterminate the deer and elk. Leave them for the veterans. That is all they have to do. Inaction is what we are asking for.

I would tell the gentlewoman she has my word I will never hunt on that island. The only thing I will do is help the wounded veterans get over and help them in any way to have a good time. I think this is absolutely appropriate. It is not going to push a single member of the public off that island. Almost nobody goes to it right now because it takes a boat ride or plane ride to get to that island. This will bring happiness to many, many military families. I think it is appropriate that we do this.

Mr. Speaker, I look forward to the time when maybe the gentlewoman and I could go over with some of our wounded guys and watch them having a good time over there and agree that this is a good thing.

I thank the gentleman for letting me speak.

Ms. MATSUI. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS) to respond.

Mrs. CAPPS. Mr. Speaker, just in response, because I am happy to accompany the chairman any time he wishes to go to the island. I have been there. There have been many thousands of visitors this year. Yes, it is a rugged place. That is one of the appeals of it. Much of the natural resource that is there, cultural and animal and flora, that have been destroyed in part by first the cattle, now the cattle are gone, and by the deer and elk, it is a prized area for archaeologists and others to understand the history of the geography of our country. That is one of the reasons to remove the elk.

Extermination has been ameliorated by the Park Service's interest, and an invitation has already been extended to offer support to the family in removing without injuring the animals at the appropriate time after the settlement has been arranged.

It is also the case that the park superintendent is looking forward to an opportunity to make this island more accessible to those with disabilities. Veterans are not excluded from the island, nor would they ever be.

Also, hunting has been especially provided for our veterans on all kinds of public lands, including many military bases, as I am sure the chairman already knows. That is why the Paralyzed Veterans said there are many other places we can hunt, and now they would be extended an opportunity with special accommodations to visit the island like the rest of the public has.

There have been many attempts on the part of the Park Service, and this will continue, to reach out to people with special needs to make available the wonderful resources on the island.

I am happy to take the chairman up on his invitation to visit the island.

Mr. COLE of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. That island is over 50 square miles. Can the gentlewoman tell me how many people from the public visit the island per day on a given day?

I yield to the gentlewoman.

Mrs. CAPPS. I don't have those numbers, but I can certainly make them available to you. Even with it being off limits to the public 5 months of the year, it is either 5,000 or 8,000 visitors that were out there last year. Part of the attraction of the island is its remoteness and the fact that it is set apart.

Mr. HUNTER. Reclaiming my time, if there are 5,000 people per year, that means roughly 20 people per day on that entire island. That's 5,000 people. With 365 days a year, 10 people a day, so 3,000 people and if you double that, 20 people a day for 50-square miles. That means there is one visitor from the public per 2 square miles on that island per day.

Now we have many, many places in America where we have mixed use, where you have hunters and fishermen and members of the public. These disabled veterans, they are not going to push anybody off the island. If you compare that to our other parks like Yosemite, with thousands of peole coming per day, 10 or 20 people per day on a 50-square mile is no density whatsoever.

In fact, I bet you that the park employees, the U.S. Government employees, on many days outnumber, because there are more than 20 of them at any time on the island, I bet you they outnumber the number of visitors.

I will tell the gentlewoman, because you have to take a boat trip or an airplane to get to that park, you will never have the type of visitors you get in parks where people can drive up. So that makes it perfect for these wounded people, these great American veterans, to come on over and have a great outdoor experience.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the rule before us makes in order a balanced agreement on the fiscal year 2007 Defense authorization bill. I urge all Members to support its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself the balance of my time.

Today, in closing, I want to reiterate the importance of passing this rule. This rule allows us to move forward and pass necessary legislation and do the business of the American people.

Mr. Speaker, I particularly again want to thank the distinguished chairman of the House Armed Services Committee, the gentleman from California (Mr. HUNTER), and also the ranking member, the distinguished gentleman from Missouri (Mr. SKELTON). They have worked together on this legislation and presented us with a truly model bill and one I think they adjusted during the legislative process to meet the needs of American men and women who are serving under very difficult circumstances to protect this country.

I particularly appreciate the fact that they made sure that these deserving individuals got a pay raise, that they made sure that the people who defended the country in the past were not subjected to unnecessary fee increases in the Tricare system, and they worked hard to shift funds towards force protection and the protection of individual American soldiers. And, at the same time, they addressed the very, very serious and critical needs of the Army and Marine Corps in terms of additional personnel and additional equipment.

I think the chairman and the ranking member can be exceptionally proud of their efforts, and I think all of us can appreciate the bipartisan spirit that the members of the House Armed Services Committee acted in, and I am sure when we vote later today we will have a strong vote in support of the legislation.

Obviously, it comes as no surprise that I intend to vote for the rule and the underlying legislation. I urge my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. MURPHY) laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 29, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Capitol Building, Washington, DC.

DEAR MR. SPEAKER: I hereby resign as the representative of the 16th Congressional District of Florida, effective today.

Sincerely,

MARK FOLEY,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 29, 2006.

Hon. JEB BUSH,
Governor, State of Florida,
Tallahassee, FL.

DEAR GOVERNOR BUSH: I hereby resign as the representative of the 16th Congressional District of Florida, effective today.

Sincerely,

MARK FOLEY,
Member of Congress.

JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. HUNTER. Mr. Speaker, pursuant to House Resolution 1062, I call up the conference report on the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1062, the conference report is considered read.

(For conference report and statement, see proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me start out by saying this is a tough job for a lot of our members of the committee and the subcommittees that make up the Armed Services Committee. It involves a lot of travel to the warfighting theaters. Almost every member on our committee has gone multiple times to Iraq and Afghanistan. It involves a lot of time away from families and a lot of tough work in committees. It involves a lot of analyses to try to figure out how to manage the logistical problems of all of the problems that attend the war fight in two theaters, Iraq and Afghanistan, and the war against terror around the world, and at the same time look over that horizon and try to exercise some vision as to what the next conflict may be and what we have to do to prepare for the future.

Let me tell you, Mr. Speaker, I could have no better partner in that endeavor than the gentleman from Missouri (Mr. SKELTON).

□ 1630

Mr. SKELTON is a tremendous, tremendous guy. And he has got kind of a corporate memory in terms of military history. He has got a recommended reading list for all of us. He analyzes the present situation through the prism of history. We all appreciate that. And today we actually dressed in uniform. That is amazing. And without design, I might say. We simply came in with the same outfits because this is the military and you have got to be in uniform.

Mr. Speaker, this is an immense bill, $532-plus billion. We did something very unusual in this bill and I think unprecedented, and that is that we added to the bill that includes lots of money for force protection, for body armor, for up-armored Humvees, for surveillance capability to fight the IED war in Afghanistan and Iraq, lots of things to support the troops, and, of course, all of the quality-of-life issues for the troops.

This pay raise this year means that over the last 80 years, we will have increased pay by a little more than 40 percent for our men and women in uniform. The base readiness of our forces and military construction and all the things that combine to make America's defense apparatus the strongest in the world, we did all of that, but this year we did something extra. We asked the Army and the Marine Corps to come in and testify to our committee, largely in classified session, as to what shortages they had that they needed to be funded so that they could take the tanks, the trucks, the fixed-wing aircraft, and the helicopters and all the other platforms and pieces of equipment for the Marines and the Army and reset them, that is, repair them as they come off the battlefield so that they can be ready to go again.

A massive analysis. And they came forth and they gave us that analysis. And when we got finished, we funded, we authorized on top of the defense budget $20-plus billion to make up the total reset cost, every dime, that was submitted to us by the United States Marine Corps and the United States Army. And the appropriations committees, God bless them, did the same thing and followed the authorizing committees on that. And that is a tribute, I think, to all of our Members, all of our colleagues who worked on and voted on that very important piece of funding.

So, Mr. Speaker, this is a great bill. I want to mention that we have wonderful members on both sides of the aisle that make up this committee.

And JOEL HEFLEY is leaving after many, many years, a great personal friend and a guy who is kind of architect of privatization of housing so that American military families, many of whom were living in homes that were built 40, 50, 60, and 70 years ago and were under some sort of disrepair, now live in new homes that afford a great quality of life. And many of the developments now that they have come in and built on military bases have community centers. I have been in a number of them, where families can come in and enjoy swimming pools and recreation and moms can come in and work out and have their toddlers in a little room right off the exercise room and keep watch on their kids while they are having a little relaxation and a little rest and where families can get together for social activities.

This new military construction that is springing up all over the United States at our bases is largely a function of Mr. HEFLEY's foresight and vision, and he is leaving us after those many years. I have often said JOEL HEFLEY was the best cowboy in Congress. He used to rodeo with the great Casey Tibbs and a number of other rodeo greats. He is a wonderful guy whose word was his bond and still is, and we wish him the very best.

And along with him now leaving us and running for Governor in Nevada is Mr. JIM GIBBONS. JIM GIBBONS also brought a great deal of background and expertise to our committee. As a fighter pilot who worked the Desert Storm I operation and who understands tactical aircraft as well or better than any member of the Armed Services Committee or the full House, JIM GIBBONS brought a special insight to our committee. He also brought a great love for the National Guard and has been a great and powerful advocate for them. I know he is going to continue to do that in his new role. But JIM GIBBONS, like JOEL HEFLEY, is one of those quality guys that you just enjoy working with and you know when he comes to the job every day, he cares about the service, he cares about the people that wear the uniform.

There is a real joy in working on this committee, Mr. Speaker, and those gentlemen are people that every one in this House likes to work with and understands the value added that they bring every time they walk into this Chamber or into the committee room. So our many, many thanks to them.

With that, Mr. Speaker, I would like to listen to my great colleague, who had a great taste in coats today because we came with exactly the same outfits here. Mr. SKELTON, the fine gentleman from Missouri, has done a wonderful job working on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, let me take this opportunity to thank my friend from California for being such a gentleman and for his courtesy not just this year but through the years. We appreciate it very, very much and also his very thoughtful words a moment ago. Mr. Speaker, we thank DUNCAN HUNTER very much.

Leaving us is LANE EVANS, a gentleman who was a marine and served here and is on the top row of our committee, ranking member for so long for the Veterans' Affairs Committee; and we say a fond farewell to him and thank him for his excellent service to the Nation.

JOEL HEFLEY, who, as the chairman has spoken so well of, has been such a good friend to all through the years. JIM GIBBONS, who is going into other political pursuits, we certainly wish him well. Dr. SCHWARZ, CYNTHIA MCKINNEY also will not be coming back. We wish them Godspeed in the days ahead.

Mr. Speaker, I strongly support the National Defense Authorization Act. It is, as you may know, named in honor of Senator JOHN WARNER, who is for the last time, under the rules of the Senate, chairing the Armed Services Committee. We thank him for his accomplishments with the Armed Services Committee as chairman. He is responsible in large measure for many of the compromises that were allowed under this bill.

This is a good bill. It is good for America. It is good for the troops. It deserves our support. This wartime bill authorizes a total of $462.9 billion and, as was mentioned by the chairman a few moments ago, $70 billion authorization for a bridge fund supplemental, of which $20 billion is for the reset of the equipment lost or damaged in operations overseas.

As many have heard me speak, I am terribly concerned about the readiness of our ground forces, our Army, our Marines; and this bill provides the critically needed downpayment to begin to set things right.

Under the testimony of General Schoomaker, it is not only for the Army, some $17 billion needed this year, but 12 billion reset dollars for over the next several years apiece. And we know the Army and Marine Corps equipment is wearing out, and we do know that some units are coming back to little or no equipment whatsoever. That has a serious readiness challenge, particularly in the Army and the Marines. Our ground forces must be, in the days and years ahead, prepared to deal with sustained deployment not just in Iraq and Afghanistan but who knows what the future will hold.

I have been blessed, Mr. Speaker, to represent the Fourth District of Missouri. This is my 30th year here in Congress. And during that 30 years, there have been 12 engagements in which American forces have been either deployed or used, some minor, some major. And if the future is anything like the past, we will have times when our forces will need to be prepared to be called on, to be used, if nothing else, to deter aggression or adventurism in the years ahead by other countries. And it is a serious matter to make sure that the reset comes to pass and that the readiness is corrected.

Of course, the ongoing wars in Iraq and Afghanistan demand our immediate attention, but we cannot afford to lose sight of other security challenges that loom across the road.

We are getting seven new ships for the Navy and recommend some $400 million for advanced procurement of a second VA-class submarine. We have a multiyear procurement contract for the F-22, and other aircraft is on the books for us to authorize and build.

I am most pleased about what the bill does for our magnificent men and women in the Armed Forces and their families. The end strength for the Army and Marines has increased by 30,000 and 5,000, for the Army and Marines respectively. In addition, this year we are able to enact an initiative first proposed by the gentleman from Mississippi, GENE TAYLOR. This conference report expands the TRICARE Reserve Select to members of the Selected Reserves and terminates the current three-tier eligibility program. I am also particularly glad to note that there is a 1-year moratorium on increases on TRICARE and pharmacy fees. I had offered a similar amendment in committee, and I am pleased that that was included in the final product.

I am proud to say that we are able to provide our servicemembers with a well-deserved 2.2 percent pay raise and a targeted pay raise for those midgrade and senior noncommissioned officers and warrant officers who truly are the backbone of our military.

These are just a few examples of why this is a critical bill at this critical time.

Mr. Speaker, much has been said about Iraq. Much has been said about the fight against terrorism, which has the genesis in Afghanistan. But the bright spot in all of this is the young man and young woman who wear the American uniform. There is no way for us to say as eloquently as we should thank you for your service. And a special note of gratitude for the families of the young men and young women in uniform, to be called on for a year, one, two, three, and in some cases I know some SEALs that have been deployed four times for 7 months at a time. And there is no way really to say thank you well enough to the families that endure this: the spouses; the children; and in some cases, yes, the grandchildren, for which the chairman and I share a mutual interest.

So let this bill be a tribute to their service, a thank you for their service, and a warm note of appreciation to the spouses and children of those magnificent warriors wearing the American uniform.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, at this time I would like to yield 8 minutes to the chairman of the Readiness Subcommittee, Mr. HEFLEY, the gentleman who is departing after 18 years of great service on this committee.

Mr. HEFLEY. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I rise today in strong support of H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007.

And I would like to thank the chairman of this committee and the ranking member of the committee both. You have earned your pay all the way through, but particularly in the last few weeks as we have struggled to get this conference report through and actually bring this bill to the floor; and I appreciate the yeomen effort that both of you have put in.

Mr. HUNTER. Mr. Speaker, will the gentleman yield on that point?

Mr. HEFLEY. I don't know if I should, but I guess I will.

Mr. HUNTER. Mr. HEFLEY, I appreciate that. Let me just say the fact that we were able to bring this bill to the floor and do as much work as we did on it, as big as it is and as comprehensive as it is and with so many people dependent on it and at the same time do the bill that will allow us to prosecute terrorists, do all that, that was largely a product of this tremendous staff, this wonderful bipartisan staff that we have on the Armed Services Committee.

□ 1645

They have done a fabulous job, and that is why we are able to juggle these two important challenges at the same time. They are great, great people, and what professionals, and also people who can work very effectively when they have been up for 24 hours. That has always astounded me, frankly, but they have done a great job, and I think they deserve a lot of thanks from this committee.

Mr. MCHUGH. Mr. Speaker, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from New York.

Mr. MCHUGH. Mr. HEFLEY, I am sure the chairman will yield you some more time.

Let me start off by associating myself, as I know all of us do, with the comments of the esteemed chairman.

But, Mr. Chairman, I know you would agree with me that it is appropriate to recognize that, after so many years of loyal and dedicated service to the House Armed Services Committee, this is Subcommittee Chairman HEFLEY's final authorization bill.

He has been a lion in defense of the men and women in uniform. He has a been a guiding light to more junior 14-year Members such as myself. I just wanted to let the record show how much we are going to miss him and how much we all appreciate the great service he has provided to this committee, to the people of this country, and, most importantly, to the men and women in uniform of the United States of America. Thank you, JOEL.

Mr. HEFLEY. Thank you, Mr. MCHUGH. I appreciate that very much and the kind words Mr. SKELTON said earlier.

You know, there is a lot that I am going to miss about Congress; and more than anything else is my service on this committee. Because you felt every day you were working on this committee that you were doing something worthwhile, something that was important for America. I am so privileged to have done this with the wonderful people that are on the committee and also on the staff. We do have an absolutely outstanding staff that we are very proud of.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from Missouri.

Mr. SKELTON. I really want to say a special personal thanks to you for the tremendous work you have done on our committee and in working with me in particular for helping Whiteman Air Force Base, Ft. Leonard Wood, Missouri, be what it is. I would be remiss if I did not just say a special note of gratitude to you, JOEL HEFLEY.

Mr. HEFLEY. Mr. SKELTON, thank you so much. You have been such a good friend over the years.

And I also would be remiss if I did not thank Mr. ORTIZ, SOLOMON ORTIZ. He and I have been teammates leading the Readiness Committee but before that leading the Military Construction Committee.

I would guess that we have agreed on 95 percent or more of everything we have dealt with during this period of time. In fact, I can't think of anything, SOLOMON, that we have not agreed on, but there might have been something. But, obviously, if we did not agree, we disagreed in a professional, pleasant, friendly way and moved on to try to do what is best for our troops and for the defense of this country. SOLOMON, I cannot tell you how much I appreciate you.

Mr. Speaker, you know, despite 5 years of demanding combat operations, our Nation's military remains the most effective, most powerful, most ready force in the world. However, it comes as no surprise that the wear and tear of the years of wartime activities have resulted in increased funding requirements for training, operations, equipment and maintenance.

Recognizing this, the Readiness Subcommittee has conducted rigorous oversight on military readiness through hearings, classified briefings, and visits with military personnel in the field. Our oversight efforts led the committee to include in this conference report both funding and policy actions intended to further enhance the readiness of our military forces.

The most striking example is the inclusion of nearly $24 billion within the supplemental budget accounts for the repair, modernization, and replacement of equipment damaged or destroyed in Iraq and Afghanistan. This money will satisfy all past and current reset requirements of the Army and Marine Corps.

I suspect, Mr. HUNTER, you have probably already mentioned this, but this is the high point of our bill. This is so important.

The conference report also includes important policy initiatives that will improve readiness and allow Congress to better monitor readiness-related developments within the services, such as:

A requirement that the Secretary of Defense fully fund equipment reset for all of the services, equipment for Army mobility, modality, and Army prepositioned stocks;

A requirement for the Department of Defense to create a uniform strategy policy for the prepositioning of materiel and equipment; and

A mandate for continued capital investment into our depot maintenance facilities.

In addition to such efforts, this conference report also authorizes more than $13 billion for military construction projects, more than $4 billion for family housing, and $5.6 billion for implementation of the 2005 base closure rounds. These funds are critical for both quality of life and military readiness.

I would like to add here that I hope we will not use these base closure moneys to do other things, because it is important if we are going to do base closure procedures that we do it and we get these properties back into some useful use.

In conclusion, this conference report provides the necessary funding and policy changes to improve our Nation's military readiness. I urge my colleagues to support the conference report for this very important bill.

You know, in 20 years that I have been here, Mr. SKELTON, I am not proud of everything we have done. I am proud of some things we have done, but I am not proud of everything we have done. But I can tell you I am very proud of this bill. It is a good bill, as you said and as Mr. HUNTER said. We need to support it.

Mr. SKELTON. Mr. Speaker, I yield 2½ minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. I thank the gentleman for yielding.

Mr. Speaker, I rise to support and to praise the chairman and the ranking member for their efforts in bringing this bill to fruition this fall, rather than Christmas Eve, as was our experience last year.

There may be some questions as to whether or not it is worth it, to have two committees process a bill of this magnitude, an authorization process and an appropriations process. But in addition to having a second scrub of a $462 billion bill, that double, two-part process also leads to some positive provisions from each mark. Let me just highlight a couple to show you some of the valuable features in this bill.

A couple of years ago, we became concerned about the level of Servicemembers' Group Life Insurance. We increased the amount of coverage from $250,000 to $400,000.

I offered an amendment to pay for the full premium for those troops that go into a combat zone and hazardous duty zones. That did not pass, but we did pass a provision that $150,000 of the increased coverage would be paid for. This bill takes it a step further, as it should.

What we are saying in this bill is that the full $400,000 in life insurance coverage in the combat zone will be paid for in full when you enter the combat zone. This is the least we can do for those who put their lives on the line for our country. The least we can do is to make sure that their family and loved ones should be taken care of in this manner if the worst should happen to them.

Second, nonproliferation is a major concern, big defense risk. In this particular bill, we plussed-up the President's budget for the megaports bill by $15 million, and we added $20 million to the Global Threat Initiative. This additional funding will allow for the installation of additional radiation detectors at the world's major border crossings and ports and help secure and dispose of nuclear material in some of the most vulnerable research reactors around the globe.

Finally, one of the things we did not do was to endorse the authorization for space-based missile defense weapons. I have always had great concerns about the efficacy. This bill says to ballistic defense: Before you undertake this program, make sure it works, what its scope is, what its strategic implications are.

And, finally, we right and timely put in this bill $23.7 billion to reset the capital assets of the Marine Corps and the Army. And this is an illustration of a cost that is going to be staring us in the face for years to come as we try also to fund transformation and modernization.

We will have to pay this expense just to keep standing still, another reason we needed a bill of this magnitude, $462 billion, to defend the country. I commend the leadership of this committee for bringing this bill to fruition.

Mr. HEFLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, predatory lending practices have become a major concern in areas surrounding military installations. This is of particular concern in the Second District of Virginia, with a very high number of payday lenders. Interest rates on these loans have been recorded as high as 780 percent.

Many young servicemembers attempt to climb out of debt by adding additional debt on top of debt, which quickly becomes unmanageable. Lenders add to this by encouraging extensions of the loan through refinancing.

This type of predatory lending leads to multiple issues, chief among them the loss of a security clearance. A military member lost in uncontrollable debt could be a security risk, and clearances are often revoked. This represents a national security issue.

Additionally, this represents a morale issue. Individuals have a tendency to concentrate less on their jobs when they are mired in uncontrollable debt. When servicemembers are concentrating less on their mission and more on their debt, it affects readiness.

To safeguard servicemembers, the conference report prohibits creditors from rolling over loan balances, charging annual percentage rates that are higher than 36 percent, including fees, and it prohibits the borrower from prepaying the loan or charging the borrower a fee for prepayment.

This is a fairness issue. It has been a grave concern to our military commanders. I would like to commend our chairman, our ranking member and our committee for their concern for this issue.

Mr. HUNTER. Mr. Speaker, will the gentlewoman yield?

Mrs. DRAKE. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for yielding.

You know, we went into this thing. I thank her for all of the great work that she did and lots of other Members who really worked this hard. I know Mr. DAVIS brought some important elements to this package.

We wanted to have a package that would make the sergeant majors who saw their kids going out and paying massive loan fees trying to pay off their loan, they could not pay it off, having the loan rolled over, and then seeing higher and higher fees stacked on top of that. In fact, I think it was Mr. DAVIS' provision that barred the roll-overs.

We want to see those sergeant majors see a bill come out of our committee and out of conference that, as I said, would make them throw their hats in the air and shout: Hooray, Congress has done what it took for our kids.

And we kept them apprised, as we moved this conference report along, as the gentlewoman knows in working on the team, to protect our people. And when we showed them the product, they threw their hats in the air, and they yelled hooray, and they felt like it was a good product.

You know, the other thing we have got to do is we have got to get these credit unions that are in the base, the guys in the institutions we allow to be inside the perimeter of that base, to reach out and establish short-term loans for our servicemembers so servicemembers go there instead of feeling they have got to go a to a loan shark to get that loan.

I thank the gentlewoman for her leadership and her great work on this.

Mr. SKELTON. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. ORTIZ), the ranking member on Readiness.

□ 1700

Mr. ORTIZ. Mr. Speaker, I rise in support of the bill. I want to thank Chairman HUNTER and Mr. SKELTON for their skills and leadership in addressing the military issues before us today.

I want to thank Chairman HEFLEY for your friendship, for your leadership and for so many years you and I have worked together. I will always remember the good that you have done for this country and for those young men and women who are in harm's way. I know that you are too young to retire, but I wish you the best in whatever you do, and we are going to miss you around here.

This bill provides, in some measure, for the needs of our troops and their families. One of the most important parts of this bill is the attention given to the immediate readiness needs of our men and women in uniform.

The bill takes some action to address the shortfalls in operations, training and maintenance funding that the Department of Defense failed to address in their budget submission.

Now we have taken care of our most immediate readiness need, although we have long-term needs we have not yet begun to address, but I can tell you this is a very, very good beginning.

When we come back to this in the next Congress, again after we recess, we need to particularly address the lack of equipment for the National Guard and for the Reserves. The National Guard and Reserves have been as busy as the active duty military in Iraq and Afghanistan, and they need to be considered equal in status with the other partners in our fighting efforts.

The equipment shortfalls for the National Guard mean we will be unable to respond as we need to do in the next natural disaster, or God forbid, another war.

I thank Chairman HUNTER, Chairman HEFLEY for their outstanding work, but I want to thank my ranking member, IKE SKELTON, the top Democrat on the committee whose outstanding leadership has gone a long way to address the many shortfalls in our defense budget, while balancing the need for our military to remain the world's premier fighting force.

So I ask my friends, my colleagues to support this bill. It includes $130 billion in O&M funding to operate the military, $17 billion funding for the military construction, and an additional $20 billion added to the bridge funding to help offset some of the immediate needs of the Army and the Marine Corps.

This is a good bill. I want to thank the staff as well for doing a great job.

Mr. HEFLEY. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Upstate New York (Mr. MCHUGH), who works absolutely tirelessly as chairman of our Personnel Subcommittee.

Mr. MCHUGH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a great bill and it is a great bill given the times we live in, the challenges that our men and women in uniform and their families face in, frankly, the economic environment in which we find ourselves.

I know my ranking member Vic Snyder with whom I worked so closely, he and I both feel a great deal of pride year after year that when a majority of Members of this House will speak kindly about this bill, which they will, they will refer to many of the provisions in the personnel mark.

We owe thanks to the chairman, DUNCAN HUNTER, and to the ranking member for allowing us to have the opportunity to try to do better by the most important part of a great military, the most important part of the greatest military the world has ever seen, that of the United States of America; and I know, Mr. Speaker, many that have gone before and others that will follow have talked about the terrific things in this bill, the 2.2 percent pay increase that diminishes that gap between military and pay that had existed down to 4 percent from a high of about 14 percent.

We increase end strength, adding tens of thousands of soldiers into the Army and the Marine Corps to lessen the pace of deployments and the operations tempo.

Most importantly, in my judgment, at a time of war, when our men and women in uniform are sacrificing, when we have made commitments to our veterans, we rejected to the tune of $486 million, that the conferees had to find the increases proposed by the Department of Defense to the military health care system in both the TRICARE program, as well as the pharmacy program. None of those increases will occur.

I also want to add my words of thanks, indeed, to the gentlewoman from Virginia (Mrs. DRAKE) and to the gentleman from Kentucky (Mr. DAVIS) for their work in ending the scourge of predatory payday lenders who get rich on the backs of the men and women in uniform and their families.

This is a terrific mark from top to bottom; but we are particularly proud of the personnel marks, and I would hope all of our colleagues would vote in support of this legislation.

Mr. SKELTON. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from El Paso, Texas (Mr. REYES), who is also the ranking member of the Strategic Subcommittee on the Armed Services Committee.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of this conference report on the National Defense Authorization Act for Fiscal Year 2007.

I want to thank our chairman, Chairman HUNTER, and our ranking member, Ike Skelton, the staff on both sides. So many people have put in so much effort and a lot of work on this bill that supports our men and women in uniform.

While I might have preferred a more inclusive process, taken as a whole, the product is worthy of everyone's support in this House. It provides our troops with tools and support that they need to defend our Nation at a time of war.

I am particularly pleased that the final legislation does not include language that linked funding for the Army's Future Combat System with the critical need to replace and repair equipment that has been lost or damaged in Iraq and Afghanistan.

As the ranking member of the Strategic Forces Subcommittee, I am also pleased to report that the final bill before us today contains bipartisan compromises on the issues within our jurisdiction. The Strategic Forces Subcommittee has oversight of numerous complex and contentious programs, including ballistic missile defense, space systems and nuclear weapons.

Mr. Speaker, I want to recognize and thank our subcommittee chairman, my good friend from Alabama, Chairman Everett, for his leadership and the tremendous amount of effort that he put into forging a bipartisan effort to agree on these very complex and controversial issues at times.

In the short time that I have, I want to highlight elements of the conference report on ballistic missile defense systems.

The conferees adopted a Senate provision establishing U.S. policy on ballistic missile defense that clearly reflects our views. It says that we should accord greater priority within the program to effective near-term missile defense capabilities, including the ground-based midcourse defense system, the Aegis ballistic missile defense system, the Patriot PAC–3 system, the Terminal High Altitude Area Defense system, and the sensors necessary to support such systems.

The conferees also adopted the House provision preventing use of funds for testing or deployment of a space-based missile defense interceptor.

Mr. Speaker, while time does not permit me to describe in detail the rest of our subcommittee's accomplishments, I again want to thank Chairman EVERETT and our Senate colleagues for their cooperation in achieving this bipartisan, successful measure; and I want to recommend to all our colleagues that they vote "yes" on this very important legislation to support our troops and their families.

Mr. HEFLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SIMMONS), a great member of our committee and a distinguished Vietnam War veteran.

Mr. SIMMONS. Mr. Speaker, I thank the gentleman, I thank the Chair, and I rise in support of the Defense Authorization Act for Fiscal Year 2007, which is a bill that brings good news to our men and women in uniform and especially good news for the U.S. submarine force and to the American shipbuilding industry.

The conference report before us contains $400 million in spending authorization to begin the construction of two fast attack submarines in the year 2009 and also expresses a sense of the Congress that the attack submarine force should not drop below 48, the stated requirement of the U.S. Navy to meet its critical missions.

Because of submarine shortfalls, the Navy is on track to meet only 54 percent of the submarine mission days requested by the U.S. combatant commanders. We need to do better than 54 percent. This legislation puts us in the right direction of doing better, and we will do better.

My colleagues on the House Armed Services Committee understand this reality, and I would especially like to thank subcommittee chairman, ROSCOE BARTLETT from Maryland, and the ranking member, GENE TAYLOR from Mississippi. These two gentlemen probably have more knowledge about American and global shipbuilding than anyone else in the Congress. I would also like to thank my colleague from Rhode Island (Mr. LANGEVIN), who for the last 4 years has worked with me in a bipartisan fashion on these issues and is the co-chair with me on the Congressional Submarine Caucus.

Finally, I want to thank Ranking Member IKE SKELTON who works in such a fine bipartisan fashion and our chairman, DUNCAN HUNTER, who comes from the city of San Diego with a great shipbuilding tradition and who has also visited my part of Connecticut. We have a shipbuilding tradition as well right in Connecticut, the submarine capital of the world. That is what we call it.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. SIMMONS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank my friend for yielding.

I just want to thank the champion of Groton for his hard work and all the work that he and Mr. LANGEVIN, and as you said, Mr. TAYLOR and Mr. BARTLETT, have done. I want to thank all of them for their great work and also to the gentleman for his hard work on payday lender and trying to make sure that our troops have a good situation now and will not be the victims of loan sharks and what to do on that.

You have brought a real insight to undersea warfare that has been important to us and especially in a Taiwan scenario or another type of scenario in the future which could be very, very critical to American sea power.

I thank the gentleman.

Mr. SIMMONS. Mr. Speaker, I thank the gentleman. In concluding, he referred to his $89 a month and the loan sharks. When I was in as a private, I made $68 a month. The loan sharks were out there. So the legislation to get them off the backs of our soldiers is welcome news.

Mr. SKELTON. Mr. Speaker, I yield 1½ minutes to the hardworking gentleman from Rhode Island (Mr. LANGEVIN), a member of the Projection and Terrorism Subcommittee.

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding.

Before I begin, I just wanted to recognize and commend the great service of my friend and colleague, Congressman HEFLEY, and I have so enjoyed serving with you in a number of capacities, particularly in our work in the Armed Services Committee. We had an opportunity to work on several important issues, and I thank you for being such a gentleman and giving such great service to this Congress.

Mr. Speaker, I rise in support of H.R. 5122 and thank Chairman HUNTER and Ranking Member SKELTON for their hard work.

The bill helps our servicemembers and their families, as well as military retirees. It includes a 2.2 percent pay increase for military personnel and much-needed increases to end-strength numbers. It places a 1-year moratorium on cost increase for the TRICARE pharmacy benefit and expands TRICARE eligibility for Reservists, two very important issues to my constituents.

I am particularly pleased that H.R. 5122 recommends $400 million to expedite the construction schedule for the Virginia-class submarine so that we can start building two per year as early as 2009. I commend the great work of my friend Congressman SIMMONS and his leadership on this issue. He is a great partner in this effort. The Navy's current shipbuilding plan would have our submarine fleet drop to dangerously low levels, and this bill understands we cannot allow that to happen.

I thank the committee for its leadership in its efforts, all of the staff and all of my colleagues on the committee for their efforts to accomplish these important goals, and I encourage my colleagues to support the measure.

Mr. HEFLEY. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Alabama (Mr. EVERETT), who is chairman of our Strategic Forces Subcommittee.

Mr. EVERETT. Mr. Speaker, I thank you very much. We are going to miss Mr. HEFLEY. We still have some unfinished business between us that I am going to hold him to.

I want to recognize also the gentleman from California, my long-time friend, the chairman of the committee. I do not think in the 14 years I have been here that I have had the privilege to serve with anyone who has the patience that he has had. He has a great skill in leading this committee, and he mentioned earlier in his opening remarks about the fact that this committee works so hard, and it does. The members take very seriously what they are doing.

I had the great privilege, along with Mr. McHUGH, of being the first Members of Congress into Baghdad after we invaded, and I just appreciate his outstanding leadership and his dedication to the fighting men and women of our country.

□ 1715

And also the gentleman from Missouri, who has the same type dedication, and who knows that he is welcome back to Dauphin, Alabama, any time he wants to. It has only been about 40 years since he has been there.

I do support the conference committee, the National Defense Authorization Act, H.R. 5122. It supports the administration's objectives, while significantly improving the budget request.

Moreover, our national security investment must continue to develop transformation capabilities of future systems, and this conference report does that.

Finally, let me also say that my subcommittee, the one that I head, Strategic Forces, simply would not have been able to work like it did in a very bipartisan manner if it had not been for my good friend, Mr. REYES of California. Much of what we have been able to do has been on a bipartisan basis, as he had mentioned earlier, on very complex, contentious issues, perhaps some of the most contentious issues in the committee. We were able to reach a consensus that would serve the best interests of the Nation and of our fighting troops, and I again thank him for his efforts as well as the other committee members who oftentimes had different views. But we all came together.

We also have an outstanding staff who has to study these very complex issues to see if we can't come to an accord that is in the best interest of the Nation.

So, again, I recommend supporting the final version of this bill.

Mr. SKELTON. Mr. Speaker, I yield 2½ minutes to the very distinguished gentleman from Arkansas (Mr. SNYDER), the ranking member on the Personnel Subcommittee.

Mr. SNYDER. Mr. Speaker, I thank the gentleman; and I rise in support of this bill. I think this bill has a lot of good things in it for our troops, and I appreciate all the work Members on both sides of the aisle have done.

I want to mention two or three things that I think we need to work on and maybe we can work on in the future.

First of all, Mr. McHUGH and I participated in a joint hearing yesterday with Mr. BOOZMAN, from one of the Veterans Committee's subcommittees, and Ms. HERSETH, the ranking member; and we had a really good hearing on the GI bill.

The GI bill has challenges. We have problems now in that the GI bill program for folks in the Active component is a different program than for those in the Reserve component, the folks in the Army Reserves and the National Guard. What has happened as the years have gone by it has become a really terribly unfair program for our folks in the Reserve component, and for the folks in the Active component, the cost of going to school gets higher and higher.

So we had a good hearing yesterday. I hope that this joint hearing between the Veterans Committee and the Armed Services Committee will continue but with the ultimate result being we make a change in some of the issues in the GI bill.

One provision I wished had been accepted, Senator LINCOLN had inserted on the Senate side, dealt with what I think is just unconscionable, and that is the way we treat members of the Reserve who are activated in the GI bill. The way the system currently works is if they get activated, let's say activated to go to Iraq, 14, 15 months, and then get out. So here they have been in a war zone for a year, their enlistment ends, and once the enlistment ends, they get zero educational benefit. Zero educational benefit.

Now the administration says that helps retention. But the retention numbers are good. That, to me, is terribly unfair, and we need to do a better job on that.

Another provision I wish that we would either do in the defense bill or as a stand-alone provision is what Senator Truman did during World War II. We need something comparable to the Truman Commission to deal with the waste of billions and billions of dollars and the dissatisfaction of American taxpayers with how the dollars have been spent on reconstruction projects in Iraq.

A third point I would make, and I made it before, is I really hope, we have tried it now 10 years without the Subcommittee on Oversight and Investigations, and in my view that has been to the great detriment of the American people, the American taxpayer, and our men and women in uniform. So I hope we will bring back the Subcommittee on Oversight and Investigations to the House Armed Services Committee.

I recommend everyone support this bill, and thank you to Chairman HUNTER and Mr. SKELTON for the work they have done on this bill.

Mr. HEFLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT), who is chairman of the Projection Forces Subcommittee.

Mr. BARTLETT of Maryland. Mr. Speaker, I want to commend Chairman HUNTER and Ranking Member SKELTON for their exemplary leadership in bringing this conference report.

I also want to thank my subcommittee ranking member, Mr. TAYLOR, for his tireless efforts and dedication in the preparation of this important legislation. I am grateful for our strong and cooperative relationship.

In addition, I would like to recognize my fellow colleagues on the subcommittee for their diligence and commitment to a job well done.

The intense work involved in preparing this conference report before us has been accomplished with the assistance of our professional and hard-working staff, and I commend their efforts and the quality of the final product. Staff, thank you very much.

Mr. Speaker, I rise in strong support of this conference report. It strikes an appropriate balance between modernizing and maintaining our existing weapon systems, while investing in replacement capabilities for our future force.

In this bill, we move forward with the development of our future fleet by funding the lead replacement amphibious assault ship and the dual lead DDG–1000 destroyers, while also providing advance procurement funds for the next generation aircraft carrier. The bill also continues to build-out our fleet of *Virginia* class attack submarines, *San Antonio* class amphibious ships and Littoral Combat Ships. This conference report also contains funds for continuing the refueling and complex overhaul of the USS *Carl Vinson* and provides funds for the modernization of the *Arleigh Burke* destroyer and the Air Force's fleet of strategic airlift and bomber aircraft.

We have taken action to provide our future force with the capabilities they need to meet future threats. We have also taken steps to ensure that the current capabilities are not retired prematurely. This conference report mandates the Department of Defense maintain a minimum strategic airlift force structure of 299 aircraft and allows limited retirements of KC–135E aerial refueling aircraft and B–2 bombers.

One point of concern deals with the submarine force for the future. It is destined to go back to 40 submarines. It is the strong sense of this subcommittee that it ought to go no lower than 48 submarines.

I urge my colleagues to join me in supporting our sailors, our airmen, our soldiers and marines by voting "yes" for the fiscal year 2006 National Defense Authorization Act.

Mr. SKELTON. Mr. Speaker, may I make an inquiry as to the time remaining for each side, please?

The SPEAKER pro tempore. The gentleman from Missouri has 10½ minutes remaining, and the gentleman from Colorado has 3½ minutes remaining.

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that Members have the right to revise and extend their remarks this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Speaker, I yield 2½ minutes to the gentleman from Mississippi (Mr. TAYLOR), who is the ranking member of the Projection Subcommittee, a true friend of those who wear the uniform of our country.

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank Chairman SKELTON, the ranking member, and Chairman HUNTER for the great work they have done.

I also want to thank Lieutenant Commander Kevin Aanestad, who the Navy was nice enough to let work in my office for a year. Just a while back Kevin was flying combat missions in Iraq. He has been assigned to this office, as was last year Captain Randy Edwards, and let us not forget that that is what this bill is all about. It is for the Kevins, the Randys and the people serving in Iraq now, the people who have been there, and the people who are going there.

I want to thank Chairman BARTLETT for the great work he has done on the dual-lead strategy for the DDX. I think the DDGs have served our Nation very well, but it is time to move on to another platform, and it is great we are finally getting started on that.

I want to thank Chairman MCHUGH for including TRICARE for guardsmen and reservists in this bill. It was kind of a contentious vote last year. I wish we could have prevailed last year, but the good news is it is going to happen this year. Our guardsmen and reservists are called upon increasingly to serve our Nation.

At the time I made my pitch on the floor, 40 percent of the all people serving in Iraq were guardsmen or reservists. Since I made that pitch, we actually lost, I regret to say, a young National Guardsman by the name of Josh Russell. He died the night of Hurricane Katrina on a search and rescue mission only 30 miles from his home.

They deserve the same benefits as the Active Duty force. If we are going to use them the same as the Active Duty force, then it is a great thing that this bill is going to give them the same health care benefits.

The only disappointment I would like to express, Mr. Speaker, is, number one, I want to thank Chairman HUNTER and thank Ranking Member SKELTON for including language in the bill that would have provided an IED jammer on every vehicle in Iraq. If you look, as I do, at the casualty reports in the paper, you will see on a daily basis that young men and women are dying in Iraq as a result of an improvised explosive device exploding near their vehicle. Over half of all the casualties in Iraq are the result of IEDs, improvised explosive devices.

We can jam that signal most of the time. And it is not a parochial thing. These devices are made nowhere near south Mississippi. But what they will do is save the lives of south Mississippians and Marylanders and people from California and people from Missouri. So I deeply regret that the Senate would not agree with us on this provision.

They did, however, include a provision that every vehicle has some sort of coverage. But, again, in the chaos of combat, I think our Nation would be better served if every single vehicle had this provision; and I want to put my colleagues on notice that it is something we need to work on again next year.

So, again, I want to thank Chairman BARTLETT for his great cooperation. JOEL HEFLEY, you are one of the classiest acts that has ever served in the United States Congress. Thank you for your service. Chairman HUNTER, Ranking Member SKELTON, thank you very much for your help on this bill.

I want to thank Chairman HUNTER and Ranking Member SKELTON, as well as Chairman WARNER and Ranking Member LEVIN, for their work on this Conference Report. They have done an outstanding job making this a truly bipartisan effort. As always, Chairman BARTLETT and the Projection Forces staff have done a tremendous job crafting our Subcommittee's section of the bill. He has gone out of his way to ensure that this is a bipartisan effort, with provisions that make fiscally responsible decisions. I thank the Chairman for his leadership and for his consideration, even on issues on which our views differ. I strongly support the provisions in the Projection Forces portion of this bill.

I would like to thank the Chairman and Ranking Member for the compromise reached on the "dual lead ship" strategy for DDG 1000 this year. Last year we in Congress required the Navy and the shipbuilding industry to use both surface combatant shipyards to build the DD(X), the Navy complied, and this bill follows through on that and allows us to be consistent in our direction to the department. The bill allows work to begin on a total of 7 new ships, with advanced procurement for an eighth—a good start towards reversing the decade long decline of our surface fleet.

The theme of fiscally conservative decision-making while maintaining the robust force structure our military requires is maintained throughout the Projection Forces section of this bill. From maintaining our strategic airlift capability with the addition of 10 more C–17s (for a total of 22), to allowing the retirement of only those KC–135s and B–52s that are the most expensive to maintain. It applies cost caps on future aircraft carriers and amphibious ships, and requires that future proposals for all surface ships include options for alternative propulsion sources such as nuclear power to reduce our dependence on foreign oil. I am extremely pleased to support the Projection Forces section of this bill.

I would like to express my appreciation as well for finally including the expansion of TRICARE coverage to members of the National Guard and Reserve. I want to commend all of my colleagues. In particular, I want to commend and remember a former colleague, the late Sonny Montgomery. I think Sonny would be very pleased that we are providing our Nation's Guardsmen and Reservists with TRICARE benefits. It is long overdue and I want to thank the chairman of the subcommittee, Chairman MCHUGH, and all the other people who helped make this happen. Providing this health coverage recognizes the sacrifices our Guard and Reserve troops are making every day. Insurgents in Iraq don't differentiate between reserve soldiers and active duty soldiers.

Lastly, I would like to express my disappointment in a compromise that weakened my provision to require IED jammers on all of our wheeled military vehicles at risk in Iraq and Afghanistan. This threat is responsible for over half of the casualties in the war. I realize jammers are not a 100 percent solution, but they are proven and known to be effective. This is not the last conflict in which our military personnel will face this threat, every potential enemy in the world is watching and learning from our current conflict. Our British and Australian allies require and provide a jammer on every vehicle; we should be ashamed that we don't do the same.

Mr. Chairman, Ranking Member SKELTON, I thank you and your staff again for the work you've done on this bill, and for your thoughtful insight and leadership in creating an overall extremely balanced measure that I am proud to support.

Mr. HEFLEY. Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, good things happen and we Members, of course, often take the credit, but truthfully the staff does so much work. We would be at a loss without them, so a special thanks to all of our staff.

And it is special to note that Betty Gray of the Armed Services staff is now completing 30 years of service on our Armed Services staff. So a special thanks to her for her dedication.

Mr. Speaker, at this time I yield 2½ minutes to the gentleman from Long Island, New York (Mr. ISRAEL), who belongs to the Tactical Air and Projection Subcommittee and who has taken a great interest in professional military education.

Mr. ISRAEL. I thank the gentleman.

Mr. Speaker, all of us can celebrate this conference report and the support that it provides to our troops. It is a good product, and we have had some hard-fought differences on various issues.

For me, we have been grappling with the proper balance between religious expression and tolerance in the military. I am very pleased that this conference report struck language that in my view would have made it easier to engage in certain practices by overturning existing DOD standards on tolerance of all faiths. And I thank my ranking member, Mr. SKELTON, and I thank Senators WARNER and LEVIN of the other body, the Department of Defense, and many, many different religious organizations, from the National Conference on Ministry to the Armed Forces, to the U.S. Conference of Catholic Bishops, to the American Jewish Committee and so many others. They understand this is not just an issue of tolerance, Mr. Speaker, it is an issue of good order and discipline and unit cohesion.

We maintain the overall language requiring respect of all religious faiths, but this language does reopen a loophole, a loophole that allowed commanders and chaplains at the Air Force Academy to chastise cadets for not attending certain religious services, a loophole that allowed one chaplain to tell cadets of all faiths that some of them would burn in the eternal flames of hell for not following his faith. So we still have some work to do, and we still have some good-faith discussions ahead of us.

And I want to take this opportunity to say something to my friends on the other side of the aisle and on the other side of this issue, people who I respect and admire a great deal. I want to continue working with them. I have been troubled by the occasional rhetorical excess that has suggested, because I am opposed to proselytizing of any specific religion on any military base, I am somehow trying to stop people from invoking the name of Jesus in their prayers.

Nothing could be further from the truth. People should be able to pray how they want, when they want, where they want, and to whom they want. They just can't compel others to join them.

For those of you who truly believe that the chaplain who told cadets willing to die in the defense of freedom that after they died they would burn in the eternal flames of hell, well, you and I have some profound differences on that issue. So profound that I don't think the issue should be decided in 3 weeks of discussion in a House-Senate conference. It ought to be put before the American people in hearings.

And I want to close, Mr. Speaker, by suggesting that, as we move forward in trying to resolve this issue, we all rededicate ourselves to the spirit of openness, sensitivity, tolerance, and respect. And don't take my word for it, Mr. Speaker, because behind me, carved into this wood dais on the floor of the United States House of Representatives, is the word "tolerance," right in the center. That word must remain with us. My speech will come and go. This word will always stay. That is what makes our military great. That is what makes our country worth fighting for.

□ 1730

Mr. HEFLEY. Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I want my colleagues here to know that my comments have nothing to do with a lack of appreciation for your efforts on this bill, but rather relate to some institutional and historic concerns that I have.

The U.S. can spend tens of billions of dollars less and do a far better job of protecting our Nation. The defense-industrial complex follows a misguided strategy of buying weapons that provide Americans with no increased safety; buying ever more expensive fighter jets, massive naval ships, and a missile defense system that provides no additional protection for our Nation. There are no fighter jets or naval ships that can challenge our Air Force or our Navy.

Furthermore, the claimed ballistic missile threat is grossly overexaggerated. Terrorists do not possess ballistic missiles and the few nation states that do have no desire to face the understood retaliation of our ballistic missiles.

This defense-industrial complex wrongly believes that the $270 million F–22 fighter is an important new weapon system. However, the current F–15 remains unchallenged and inexpensive upgrades can keep our Air Force supreme. The F–22 cannot bomb away the beliefs of a small number of radical fighters.

The advocates of advanced weapons systems fail to understand these new systems do not match up an effective defense capability with the terrorist threats. Only a new approach to foreign policy can effectively mitigate the terrorist threat.

We need to provide for the traditional sense of security by first ensuring economic security, health security, and job security for all. The roots of terrorism begin not in hatred, but in desperation. All people, no matter their ethnicity, seek the basic necessities such as food, clothes, shelter, good health, and the ability to earn a decent living. If you can level this playing field, there is no desperation that may potentially evolve into radical hatred.

I will support a defense budget that matches real threats to our security with appropriate defensive measures. In the long term, the federal budget needs a fresh look at our foreign policy, that promotes an economic stability worldwide, thereby eliminating the true roots of terrorism, desperation.

IRAQ

The ever-rising cost of our military is not sustainable. This year Congress has handed over to the Pentagon over $400 billion, including $70 billion in "bridge funding" to support ongoing operations in Iraq and Afghanistan. But don't be fooled by this massive number. The Administration will be back before the end of the fiscal year seeking more funding for continuing operation in Iraq and Afghanistan.

Of the numerous reasons to vote against this bill, the continued funding for the war in Iraq is especially absurd. If the U.S. were to withdrawn as soon as possible out of Iraq, we'd save $1.5 billion each week in Iraq, $6 billion a month and $72 billion annually. For every $1 spent on war costs, we are taking $1 away from U.S. entitlement programs.

It is increasingly clear that this Administration's occupation and reconstruction of Iraq has failed.

After three and half years, Iraq is less safe, not more; Al Qaeda, which prior to the U.S. invasion had no influence, has now grown in influence and number of recruits. The fact is, Mr. Speaker, this Administration's policies has turned Iraq into a breeding and training grounds for terrorists, and created the greatest recruiting tool ever for al Qaeda. Even the National Intelligence Estimate suggests the invasion of Iraq has evolved into our largest terrorist threat.

But, Mr. Speaker, the greatest tragedy of this war is the 2,669 American soldiers that have been irrevocably lost, and tens of thousands more injured. Between 100,000 and 200,000 innocent Iraqis have died as a result of the U.S. invasion. Everyday, 120 more Iraqis die at the hands of execution-style death squads, kidnappings, murders, IEDs, and sectarian violence.

The war in Iraq has been a grave and tragic mistake. It has cost us in blood and treasure. It has damaged our once unchallenged reputation in the world. It has squandered the good will rained upon this nation after 9/11 and has been a distraction from our efforts to root out terrorism worldwide and bring to justice for those responsible for 9/11.

The President's promise that we would not leave Iraq until after his Presidency will only compound past failures and make our nation less safe.

Our continued occupation of Iraq is not only counterproductive, but fuels the civil war.

Mr. Speaker, I believe it is time we end this grave misadventure in Iraq and bring our troops home with the honor and dignity they deserve.

Mr. HEFLEY. Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member, I thank the chairman, and I wish best wishes to the distinguished gentleman from Colorado for his service.

Everyone, though, knows that Texas has given the full measure in the war in Iraq and Afghanistan, as have our soldiers across the Nation. But to our soldiers in Texas, I pay great tribute.

I rise to simply applaud this conference on its emphasis on military quality of life, military health care that has been improved, and certainly military pay and bonuses.

I also want to acknowledge a very important project that speaks to the partnership between institutions of higher learning, like Historically Black Colleges, and a Center For Human Materials Resources that will occur at Texas Southern University that addresses testing of uniforms and equipment. What a new and exciting opportunity for new partners.

Lastly, I would hope that in the future we will be able to address the question I have raised, which is the ability of individuals who are receiving their loved ones who have fallen in battle at Dover Air Force Base to be able to have a public display if they so desire. It is an executive order that there are no cameras there for families who desire that. I hope we will be able to address that.

Mr. Speaker, I ask my colleagues to a support this legislation.

Mr. HEFLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON), the chairman of our Terrorism Subcommittee.

Mr. SAXTON. Mr. Speaker, let me just begin by recognizing the true bipartisan nature of this bill. The bipartisan nature of this bill is due in no small part to our great chairman and my friend, DUNCAN HUNTER, and the person that he often refers to as his partner, Congressman IKE SKELTON, and their respective staffs. IKE, thank you very much for your great cooperation, and for working through the summer as conferees with our colleagues in the Senate to fine tune this measure to provide the maximum benefit to our troops in every possible area, from pay to health care to equipment to armor and to advanced weapons systems for now and those contemplated far into the future.

We funded 11 of the top unfunded requirements for the U.S. Special Operations Command, adding almost $200 million to the command's acquisition budget. We also funded technology initiatives within each of the services and in DARPA, ensuring the continued future supremacy of U.S. weapons systems and equipment. Cutting-edge medical research was also addressed.

Seeing a continued greater need for modernization airlift, one the Air Force clearly needed but could not afford, we authorized 12 C–17 aircraft requested by DOD and added 10 more, for a total of 22 C–17 aircraft. I see this as a good start and hope we can continue to fund the C–17 line in future years. The best Army and Marine Corps in the world, which is that which we have, must be able to get to the fight to be effective.

We haven't forgotten our oversight responsibilities, providing for a number of initiatives in the acquisition, information technology and chemical demilitarization areas.

Mr. Speaker, this is a time of great stress for our Nation for we are in a war which has been referred to in many different terms, but most soberingly, the long war. This is a bill that every American can be proud of. Republicans and Democrats have come together to build a measure that helps soldiers and their families across the board.

Mr. Speaker, I urge a "yes" vote on this bill.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the great Roman orator, Cicero, once said that the greatest of all virtues is gratitude, and I am filled with gratitude at this moment, Mr. Speaker, for our chairman DUNCAN HUNTER, for the members of this committee, the ranking members, subcommittee chairmen, every member, as well as our hardworking and dedicated staff.

I think it is also a moment like this when we are getting ready to pass a defense bill which fulfills the first duty of Members of Congress and of our government to protect the citizens of our country.

A special note of gratitude and appreciation should go to those who wear the uniform of our country, to those who have worn the uniform of our country, to those who have sacrificed, and especially to those tremendously supportive families of those who serve in our various services.

With that, a great moment of reflection and gratitude, Mr. Speaker, I say thank you.

Mr. Speaker, I yield back the balance of my time.

Mr. HEFLEY. Mr. Speaker, it is a great pleasure to yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON), a friend who came to Congress at the same time I did and who does such an enormously important job on our committee.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise in strong support of this legislation and congratulate our distinguished chairman and ranking member for their outstanding work.

We take great pride on this committee in doing our defense work in a bipartisan manner. In our subcommittee we had no disagreements. Our markup lasted for 5 minutes, which is typical for us. NEIL ABERCROMBIE and I came to terms on every issue. Whether it was the F–22, tactical aviation, Army modernization, you name it, we were able to find a common ground. I think the reason we can do that is because of the tone set by our leadership on both sides of the aisle.

It is especially sad, though, for me, Mr. Speaker, because my good friend is leaving. JOEL is the president of our class. We came together with the Speaker, and JOEL will no longer be sitting alongside of us.

Mr. HEFLEY has been an outstanding Member, along with the other Members who are not returning. I just want to pay my respects to my good friend and let him know that America is better because of his service to the country.

Mr. HEFLEY. Mr. Speaker, I yield myself the balance of my time.

Mr. WELDON, thank you very much. I thank all of you for the kind words that you said about my service on this committee. But it is really my great pleasure and honor to have been able to serve with all of you, both staff and Members.

CURT has been as tireless as anybody. As I introduced people going through this exercise here, each one I wanted to say so much more about, because I have been there with them through the late nights and long hearings and so forth as we struggle. Sometimes we disagree about details between ourselves. Even on the Democrat side or the Republican side, there is some disagreement sometimes, but our hearts are all together and our focus is all together, and that is the defense of this Nation, and our hearts are with the troops.

I want to particularly thank our chairman, DUNCAN HUNTER. Golly, I couldn't have served with a better chairman than DUNCAN HUNTER. DUNCAN came to my district when he didn't know me, when I was running. CURT, as you were in the summer of 1987, and he came and helped me in my election effort. Little did I know that these 20 years later, we would be serving together in this very important job.

Mr. HUNTER, you are a great chairman, and I appreciate it so much.

Mr. SKELTON, of course, you and I have been friends for a long time. I kid you that I have named everything in your part of Missouri after you. I probably haven't gotten everything done, but whatever we have gotten done, you deserve it. I appreciate your work too.

Isn't it something to see how bipartisan this effort is when we get to this stage? It is nice to see that here. You don't see that very much. It is because we all have the same goals and the same purpose. Sometimes we have different roads to get there, but the same purpose.

Mr. Speaker, I encourage strong support for this bill.

Mr. ABERCROMBIE. Mr. Speaker, I am pleased to support this year's National Defense Authorization Act. It includes many provisions that are vital to giving our military the tools it needs to defend the nation, although it also leaves much work undone that will have to be addressed in the future.

The bill addresses one issue in particular that merits attention. Despite the Pentagon's repeated denials of a military readiness crisis, this bill authorizes an additional $23 billion in funding as a downpayment on the damage to the U.S. Army and Marine Corps from repeated and sustained deployments to Iraq, and the Bush Administration's decision to fund the wars in Iraq and Afghanistan through a parade of emergency supplemental appropriations. The wars themselves are wearing down our equipment at a tremendous rate. Further damage is done by supplemental appropriations because the military services are denied the funding they need in a timely and predictable fashion. These two factors are doing serious and longterm damage to the nation's military readiness, and the Congress must address them.

During Armed Services Committee deliberations on this bill in March 2006, I offered an amendment to add $42 billion for this reason. Sadly, that amendment was voted down on a party-line vote. I offered the amendment because we had a growing readiness problem and because I thought putting as much of the funding for the wars in Iraq and Afghanistan as possible into the base budget was the most honest and effective way to proceed. My approach ended up in the final version of this bill. The $23 billion in this year's bill is a good start, but this funding will have to be sustained in many subsequent bills to address the readiness crisis we continue to face.

I am also pleased that this bill includes many important legislative provisions that directly improve the lives of the people of my district and my state. First, it takes the first step toward dealing with the chemical munitions dumped off the coast of Hawaii in the 1940s. These weapons could still pose a serious health and environmental risk, and Section 314 of this bill requires a comprehensive research effort by the military to identify, analyze, and assess the potential threat these sites may pose.

Section 2843 of this bill addresses a major land transfer issue in Hawaii regarding the former Barbers Point Naval Air Station. Affordable housing for the people of Hawaii and a new public transit system are critical local issues. This language requires the Navy to turn over an important parcel of land that will allow both new housing and transit development. Balancing the needs of the military and the local population in Hawaii is a challenge, but in this case, I think an arrangement was reached that helps both sides accomplish their goals. I want to thank Chairman HUNTER and Chairman HEFLEY for working with me on this language.

Lastly, Section 343 of the bill requires an analysis by the Army of its future live-fire training infrastructure needs in Hawaii. The Army's presence in Hawaii is undergoing tremendous change. A new Stryker Brigade is due to be activated this coming year, and thousands more troops will be coming to Hawaii as part of the larger changes in the military's Pacific region basing posture. Supporting these growing needs while accommodating the cultural, environmental and quality of life concerns of the people of Hawaii is essential. This report will help Congress understand where the Army wants to go in Hawaii with its training infrastructure, and how to get there. In particular, it will address the sensitive issue of the Army's long-term future in the Makua Valley, an area of Hawaii owned by the people of Hawaii and on temporary loan to the military. Eventually, this land must be returned, so the report requires the Army to look beyond its current use of the Makua Valley toward the eventual return of this historic and environmentally sensitive treasure to the people of Hawaii.

There are critical quality of life issues that were not resolved. Specifically, it does not do enough to help military families who need the Survivor Benefit Program and Dependency and Indemnity Compensation offset repealed. For me, this is a basic issue of fairness that must be addressed at some point in the future. The bill does not do enough to protect TRICARE health insurance patients from skyrocketing prescription drug prices. The Department of Defense asked for legislative authority to negotiate lower prices with major drug companies. The majority was unwilling to let this provision into the final bill. Finally, the bill before us only provides a 2.2 percent pay raise for the military in 2007. This is meager thanks for our men and women in uniform in a time of war; for those who are experiencing sustained and repeated deployments and absences from their families.

As well, this raise is simply too small to help our military families keep up with rising cost of living expenses at many bases around the nation, and especially in Hawaii. We have asked a lot from these men and women. We owe them more in return.

I want to now turn to the portion of the bill that falls under the jurisdiction of the Tactical Air and Land Forces Subcommittee, on which I am proud to serve as the ranking minority member. This year, the subcommittee had a daunting task: to reconcile a budget submission that was simply unrealistic in some respects when compared to the needs of the military both today and in the future.

Our military is clearly being pulled in many directions at once. Today our forces are fighting unconventional wars in Iraq and Afghanistan, the demands of which, in terms of equipment, are very different from possible future conventional conflicts. The U.S. military has to be able to fight and win both types of wars, but there is clearly not enough funding for doing everything the services want to do.

This bill authorizes critical short-term needs such as modernization of Army equipment in combat today and increased production of aircraft like the C–17 that are absolutely vital to current military operations. The bill also looks to the future in continuing successful aviation and ground systems. Finally, it takes funding from a few programs that are off-track or not working and moves that funding to more pressing needs, ensuring that taxpayer dollars are not wasted.

It also demands additional analysis and testing of systems in development that the subcommittee has concerns about. These provisions may discomfort some people at the Pentagon, but it is Congress' duty to oversee these programs and ensure that the troops get what they need.

Overall, this year I think the subcommittee did an excellent job. I especially want to commend Chairman WELDON on his leadership of the Tactical Air and Land Forces Subcommittee. His willingness to work in an open and nonpartisan manner greatly facilitates the subcommittee's work and produces a better product for our troops and the civilians who serve the nation at the Department of Defense.

Finally, another member of this committee deserves special recognition. I worked for many years with JOEL HEFLEY on the Armed Services Committee. He is a both a valued colleague and a close friend. Among his many accomplishments during his distinguished career on this committee, he helped shepherd through one of the most important changes in military housing construction in decades. His vision for leveraging private investment dollars into a massive new program to rebuild and rehabilitate military family housing is now a reality. In my state alone almost ten thousand military homes will be upgraded in the next few years. This housing is a vital part of keeping an all-volunteer military ready, and Joel Hefley was a leader in this revolutionary program. I was and am grateful for the opportunity afforded to me to partner with him in accomplishing passage and implementation of this key legislation enhancing the quality of life of our fighting men and women.

Ms. BORDALLO. Mr. Speaker, I rise today in support of the conference agreement on H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007. I am pleased that we have completed this Act before the onset of the new fiscal year because it contains provisions vital to the operation of our Department of Defense and to the men and women of our armed forces who are fighting the war against terrorism around the world today.

Several provisions within this Act are particularly important to my district and the people of Guam. Among these provisions is Section 1014, which closes a legal loophole that had previously been utilized by the Department of the Navy to permit repair of U.S. Navy vessels in foreign shipyards at the expense of U.S. shipyards, including the shipyard on Guam. By making clear that Guam, and in particular Guam's Apra Harbor, is a U.S. location, Section 1014 of this Act make clears to the Navy that its reliance on legal minutia to enable foreign repair of ships that are homeported on Guam or that make a port call on Guam is both unacceptable and now illegal. Congress expects the Navy to adhere both to the written word of 10 U.S.C. Section 7310, as amended by this Act, and to Congress's clear intent that Navy vessels will be repaired in U.S. shipyards except when those vessels are homeported overseas, when voyage repairs are necessary or where operational demands dictate. The Navy should not and cannot use excessively liberal definitions of voyage repairs or an overseas homeport to enable foreign repair.

Further, many vessels operating in the Pacific frequently make port calls on Guam. Section 1014 of this Act, when read in concert with related instructions from the Commander, Military Sealift Command and in particular the instruction identified as COMSCINST 4700.14A, also makes clear that vessels that make such port calls on Guam should no longer be considered eligible for repair in foreign shipyards such as the shipyard in Singapore. Paragraph 6(b)(5) of COMSCINST 4700.15A states, "If an overseas homeported ship returns to the United States at any time during its overseas assignment, the policy governing U.S. homeported ships will apply, and the homeport status will be reevaluated." Ships that visit Guam regularly should not be included on the Assistant Secretary of the Navy's annual memorandum designating ships as homeported overseas and therefore made eligible for overseas repair. Ships that visit Guam must be returned to Guam, Hawaii or another U.S. location for repair, thereby being worked on by U.S. industry and our domestic skilled ship repair workforce.

Adherence to this refined and reemphasized policy is important to the vitality of the U.S. ship repair industrial base which is critical to our national security. Further, strict adherence to this policy will ensure that U.S. Navy vessels are repaired in safe harbors by U.S. citizens, thereby protecting our fleet and Navy personnel from risks such as attack, subterfuge, espionage or otherwise hostile actions. Section 1014 is a reaffirmation of Congressional intent on "repair American" policies applicable to the U.S. Navy. Section 1014 is an expression of this Congress's strong intent to safeguard the vital U.S. ship repair workforce and industry, one that faces significant workload reductions in coming years but one that must be maintained, even at greater cost, in order to maintain a ship repair industrial base capable of meeting any potential war time demand in the future. Congress will apply foresight if the Navy will not through the exercise of our oversight responsibilities.

It should be noted that the Section 1014 of the H.R. 5122 as passed by the House has been significantly streamlined.. As a result of negotiations with the Senate and with the U.S. Navy, it was determined that Section 1014 did not need to be as robustly written as initially passed by the House. It should, however, also be noted that the Armed Services Committees will evaluate Navy compliance in light of the current revision to U.S. law and Congress's concern with the Navy's growing practice of sending U.S. Navy vessels to foreign shipyards for repair.

In addition to the revisions made to 10 U.S.C. 7310 is a provision agreed to by the conference committee, Section 1015, which provides for a comprehensive report on the operation of the Guam Shipyard and the Navy's intent for future utilization of the facility. It would be shortsighted of Congress to require greater utilization of such a facility without providing for appropriate study of the facility's current capabilities and of future needs for the facility in light of expected increased military utilization of the bases on Guam. I note that Guam will soon be home to 8,000 U.S. Marines who will be relocating from Okinawa and who will have points of embarkation in Apra Harbor. Guam will also soon become home to a third fast-attack nuclear-powered submarine and is expected to host an almost continuous presence of SSGN submarines. Further, military development plans call for the homeporting of three Littoral Combat Ships in Apra Harbor as well as significantly increased utilization of Apra Harbor by Navy aircraft carriers.

The Navy must evaluate what capability it desires from the Guam Shipyard and begin preparations for an increase in the shipyard's utilization so that the shipyard can handle the anticipated additional repair requirements. The invaluable forward and strategic location of the Guam Shipyard cannot and should not be taken for granted and preparations must begin for growing its capability and capacity because it is clear that the yard will play an increased role in Navy ship repair in the Pacific as well as provide a vital capability to the U.S. Navy in the U.S.'s most strategic location in the Pacific. Training and growing a skilled U.S. ship repair workforce is not easy work. The Navy should begin enabling steady growth at the Guam Shipyard now so that the yard is prepared for future missions.

I would like to extend my thanks to Chairman JOEL HEFLEY and Ranking Member SOLOMON ORTIZ of the Readiness Subcommittee and to Chairman DUNCAN HUNTER and Ranking Member IKE SKELTON of the full committee for their steadfast subpart in adresses these ship repair and workforce issues. I would like to particularly thank the efforts of their respective staffs, especially the efforts of House Armed Services Committee Professional Staff Members Joe Fengler and Paul Arcangeli. Mr. Fengler has recently left the committee staff but I would like to acknowledge his professionalism, expertise and work ethic in representing his Chairman and in facilitating robust oversight by the House Armed Services Committee and its Members. I know that Mr. Fengler will have a bright future and I thank him for his dedication and service to Chairman HUNTER, to the committee and to our country.

This Act also includes a provision, Section 2810, to repeal Section 2864 of Title 10 in the United States Code which prohibits H2–B skilled foreign laborers, or nonimmigrant aliens, from working on military construction (MILCON) projects on Guam. Many community and industry stakeholders recognized that the restriction on labor contracts for military construction projects on Guam does not apply to other military construction projects elsewhere. Stakeholders felt that the Guam specific restrictions could negatively impact the ability to execute the planned military growth on Guam in the required timeframe. Because completing the movement of Marines from Okinawa to Guam in a timely manner is a major component of an international agreement, it was considered important to enable the Department of Defense to complete military construction projects associated with this move without undue obstacles and in accordance with the timeframe set out by the governments of Japan and the United States. At my urging, all parties agreed that the priority for hiring labor for military construction projects on Guam will continue to go to the local workforce. Many observed, however, that the amount of work expected on Guam will likely exceed local capacity and require additional labor, as have other large construction booms in Guam's past. Nonetheless, a principal part of my focus in representing the people of Guam remains preparing and training the local Guam workforce so that Guam's workers can receive maximum benefit from the military buildup. This provision ultimately enables Guam to prepare to meet the demands of future construction while also enabling the United States Government to meet its international obligations and thereby maintain its credibility and reputation with important allies.

I am pleased that this Act also authorizes a major increase in military construction funding for Guam. The military construction funding for Guam is a continued reflection of the Department of Defense's renewed interest in utilizing Guam's first-class and strategically located bases. Guam provides a capability to our Nation to project stability into the Pacific and, if ever necessary, to project force to protect our Nation, our allies and our values. I note that the Senate had previously marked against two military construction projects scheduled for Guam. I commend the Senate Armed Services Committee leadership for working with me and with my House colleagues to retain one of these two projects. Authorizing the first phase of construction at Andersen Air Force Base's Northwest Field is a critical step to completing the already begun relocation of the Air Force's Red Horse School from Osan, Korea to Guam. This relocation is an important part of the Air Force's realignment of forces in the Pacific and its increased utilization of Andersen Air Force Base on Guam. While I am disappointed the Senate did not recede to the House authorization for the new commercial gate at Andersen Air Force Base, I join the Senate in expressing my strong intent to evaluate military construction projects scheduled for Guam to ensure that they fit within the overall plans for growth on the island and are consistent with the needs not just of the military but of the civilian community on Guam. While I believe the commercial gate already fit well within the plans for overall development on Guam, the concerns expressed by the Senate are shared in general and I look forward to working with my House and Senate colleagues to provide robust oversight of military development on Guam to ensure it is properly executed in the interests of all parties.

The $193.446 million in military construction funding for projects on Guam authorized this year represents continued growth in military activity on the island and provides assistance to Guam in preparing incrementally for the periods of military construction on the island which will soon be far more robust.

It is unfortunate that the conferees did not include in the conference agreement Section 632 of the House passed authorization bill. This provision would have authorized servicemembers assigned to and from non-foreign overseas locations to ship a second personally owned vehicle at government expense to the new assigned duty station consistent with the authorization for assignments within the continental United States. This change in law is still needed. This is an important quality of life issue for servicemen and women and their families who receive orders to serve on bases located outside the 48 contiguous States. Supported by The Military Coalition and by the Congressional delegations from Hawaii, Alaska, Puerto Rico and Guam, it is my hope that the committee will once again consider this provision next year and that its passage will ultimately be won. Our men and women in uniform deserve the enactment of this provision.

Finally, I am pleased that conferees retained language in this Act requiring the Department of Defense to study reestablishing a Military Entrance Processing Center on Guam. This study authorization is contained in Section 582 of the Act. The great number of patriotic men and women who enlist in our Armed Services from Guam and from the region deserve and need an entrance processing center on Guam. I encourage the Department of Defense to expeditiously undertake and complete this study. I trust it will find that the value of establishing a center on Guam is high and that such establishment will yield important results for recruitment goals. I look forward to the establishment of such a center and stand prepared to assist the Department in any way necessary to facilitate such an endeavor.

The decision by conferees to include numerous provisions important to our Nation's veterans is also to be commended. In particular, I fully support the provision which places a one-year moratorium on any increases in retail pharmaceutical prices under the TRICARE system. I join my colleagues in reiterating the principle that we must fulfill our promises to the veterans who have served our Nation. Increasing pharmaceutical fees under the TRICARE system is simply unacceptable. I also fully support the many other provisions in this Act related to protecting our veterans, our active duty personnel and our reserve personnel. I note particular support for the provision to curb predatory lending activity around military bases and the provisions to improve health care services for servicemembers suffering from post traumatic stress disorder or other combat related injuries. Our Nation remains committed to caring for those who fight and have fought to protect our way of life and our values.

This Act also contains language directing the Department of Defense to study cases of reported off shore disposal of munitions by the Department of Defense. I encourage the Department to study any cases of potential off shore disposal in the waters off of Guam. Should the Department determine that any dumping of munitions took place in the waters off of Guam, I urge the Department to take action to remedy any potential harm of such dumping. I further urge the Department to be not just comprehensive but transparent in its conduct of these studies and its findings. It is vital that the communities connected to any past disposal actions be kept fully informed as to Department findings and actions.

I also support provisions in this Act that direct the Secretary of Defense to prepare a plan that would enable the Department of Defense Education Activity (DODEA) to assist local educational agencies that are affected by force structure changes in their communities. I plan to continue to work closely with the Department of Defense regarding the impacts that the movement of 8,000 Marines to Guam will have on Guam's local education system. The 8,000 Marines are expected to be accompanied by 9,000 dependents and perhaps several thousand civilian employees. While the dependents of the Marines are expected to attend DODEA schools, it is not unreasonable to believe that some Marine children as well as the children of civilian employees will enter the Guam Public School System. We must begin planning now to prepare Guam for any such impact.

I am a strong supporter of our Nation's National Guard and especially of the National Guard and Reserve servicemembers who reside on Guam. I remain a strong supporter of H.R. 5200, the National Guard Empowerment Act. I believe that the time has come to change the way we think about our Guard and Reserve because in this war on terror we have changed the way we use them. No longer can the Guard and Reserve come second in funding, equipping or anything else.

So while I am pleased that H.R. 5122 substantially increases authorized funding for Guard and Reserve equipment, I believe this bill should have also included the provisions of H.R. 5200 to ensure that the Guard would receive a Chief with a fourth star that sits on the Joint Chiefs of Staff and could advocate for and protect Guard interests. I also believe it is time to give the Guard independent budget authority from the parent services because history has told us that the parent services care for themselves first and the reserve component second. In an era when the Guard is completing the same mission as its active duty counterparts, it should have the same leadership and authorities as its active duty counterparts. I will continue to advocate for reform and increased empowerment of the Guard and Reserve. I look forward to the study of H.R. 5200 by the Commission on the National Guard and Reserves and trust that the Commission will recommend adoption of many of the provisions contained within the legislation. I also note that conferees removed authority included in the House passed authorization bill that would have enabled the President to mobilize Guard members without the consent of a state or territorial governor in the event of a natural disaster. Granting such an authority would remove a fundamental and constitutional control granted to state governors regarding their state militias. I am pleased that the provision has been stricken from the bill.

Finally, I am encouraged that the conferees retained in the final bill language proposed by the Senate that requires the President to appoint a senior presidential coordinator of U.S. policy on North Korea and to submit to Congress a semi-annual report on the nuclear and missile programs of North Korea (Section 1211). While I remain a strong supporter of the Six-Party Talks, North Korea's testing of a Taepodong II missile earlier this year indicates that current policy toward North Korea is not proving a sufficiently effective deterrent against the unstable regime currently in Pyongyang. More must be done to secure our country and to assure allies in the Pacific of their safety from a North Korean regime that appears determined to develop additional nuclear weapons and to develop the means to deliver them. I also support the $10.4 billion in funding authorized in this Act for missile defense including the increase of $100 million for the ship based Aegis ballistic missile defense system, a system vital to protecting islands in the Pacific, including Guam, from any North Korean threat.

Mr. Speaker, I have addressed only a few of the many provisions within this Act. I commend my colleagues for their work in finalizing the defense authorization bill. The legislation provides for measures ranging from a well deserved pay raise for our uniformed servicemembers to construction funding for ships vital to our Navy's future. I am in support of this legislation and urge my colleagues to pass H.R. 5122.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this conference report.

As a relatively new Member of the Armed Services Committee, I appreciate having had the opportunity to work with my colleagues, especially Chairman HUNTER and Ranking Member SKELTON, on a number of provisions of particular importance to Colorado.

I want to express my particular thanks to JOEL HEFLEY, the dean of our Colorado delegation, who I am proud to call my colleague and friend. He and I have joined forces on a wide variety of matters, including steps to respond to the danger to our state's communities from wildfires, and I have benefited greatly from the opportunity to work with him both before and especially after I became a member of the Armed Services Committee.

The Senate bill included language to name a housing facility at Fort Carson in honor of Representative HEFLEY, who is retiring at the end of the year. I thought it was appropriate, and while the conference report does not include that provision, I am glad to note that it does include a section (Section 2002) that accurately states that since his election in 1986, Representative HEFLEY "has served in the House of Representatives with distinction, class, integrity, and honor."

The same section goes on to note that Representative HEFLEY'S efforts on our committee have benefited the military value of installations in Colorado and the quality of life of the men and women stationed there. It also reminds us that he was a leader in efforts to retain and expand Fort Carson and was a leader in efforts to eliminate inadequate housing on military installations, beginning with a pilot program at that Colorado base, an effort which has "brought meaningful improvements to living conditions for thousands of members of the Armed Forces and their spouses and children at installations throughout the United States.

And it concludes by saying that "Congress recognizes and commends Representative JOEL HEFLEY for his 20 years of service to benefit the people of Colorado, members of the Armed Forces and their families, veterans, and the United States"—a well-earned commendation in which I completely concur.

Looking ahead, I anticipate receipt of two reports on matters of particular importance to Colorado.

Part of the report of our House Armed Forces Committee accompanying this authorization bill reflected our recognition of the importance of the High Altitude Aviation Training Site (HAATS) based at the Eagle, Colorado Regional Airport and its need for enough aircraft to fulfill its mission.

HAATS is the primary site for training military aviators on operations in hostile, high altitude, and power-limited environments under all seasonal weather conditions, such as Afghanistan. Responding to language I had included in the Defense Authorization bill last year, the Army National Guard pledged to provide two Blackhawks to HAATS. However, I'm told HAATS needs five Blackhawks in order to sustain training requirements.

To lay the foundation for possible future action to meet that need, our committee's report included a request for the Secretary of the Army to provide a report on high altitude aviation training to the congressional defense committees by December 15, 2006. The report is to include: (1) The current location and type of high altitude training, to include the percentage of pilots who receive such training on an annual basis at each location and the types of aircraft used in such training; (2) the number and type of helicopters required to provide the high altitude aviation training needed to sustain the war strategies contained in the 2006 Quadrennial Defense Review, assuming that priority for such training is given to commanders, instructor pilots, aviation safety officers, and deploying units; and (3) a thorough evaluation of the accident rates for deployed

Army helicopter pilots who received high altitude training and deployed helicopter pilots who did not receive such training, including the number of accidents related to power management, using high and low estimates and the number of accidents involving combat and non-combat environments. I expect that this report will make clear the importance of HAATS' critical mission and the need for its having more aircraft.

And this conference report includes a section (section 2827) requiring a report by November 30th of this year analyzing of any potential expansion of the Pinon Canyon Maneuver Site, which is associated with Fort Carson. As a member of the Armed Service Committee and the Colorado delegation, I will be very interested in the information presented in this report.

The conference report provides funds for important projects in Colorado, including $10 million for work at Buckley Air Force Base, $4.9 million for construction at Peterson Air Force Base, $21 million for work at Schreiver Air Force Base, and $26.1 million to be used at Fort Carson.

And, at the national level, it includes many provisions that will improve our overall military readiness and provide for our troops and retirees.

Among other things, it authorizes a 2.2 percent pay raise, effective January 1, 2007, and includes a provision, developed through the leadership of our colleague Representative JOHN SPRATT, to provide targeted pay raises for mid-grade and senior NCOs and warrant officers, effective April 1, 2007. It also expands TRICARE Reserve Select to members of the Selected Reserves, and terminates the current three-tier eligibility program while putting a one-year moratorium on any increases in retail pharmaceutical prices under the TRICARE system.

The conference report also establishes additional financial protections for service members, prohibiting creditors from charging service members and their dependents annual interest rates for loans higher than the legal limit for state residents, or no more than 36 percent in any case.

And, of course, it authorizes a $70 billion supplemental for operations in Iraq and Afghanistan, including $23.7 billion to replace and reset equipment lost or damaged in operations.

I opposed President Bush's decision to invade Iraq and my concerns about this poorly managed and badly planned war have been realized. I believe it was a strategic mistake to make nationbuilding in Iraq the centerpiece of our war against Islamic terrorism—a belief that has been strengthened by the April 2006 National Intelligence Estimate entitled "Trends in Global Terrorism: Implication for the United States," portions of which were recently declassified. But now that our troops are there and Iraq is struggling to avoid a slide into civil war, we cannot withdraw them immediately, and we must continue to provide the funds necessary to maintain and re-equip them.

I urge approval of the conference report.

Mr. HOLT. Mr. Speaker, I reluctantly rise today to oppose the Conference Report for The National Defense Authorization Act, H.R. 5122.

The National Defense Authorization Act is Congress' only opportunity each year to seriously debate the defense polices of our Nation. Yet, when the House debated this legislation in earlier this year, the Republican Majority prevented any debate about the most important national defense issue we face: the war in Iraq. More than 2,700 American service members have lost their lives fighting in Iraq. American taxpayers have paid more than $400 billion to fund the effort. Yet, despite authorizing an additional $70 billion for the war, we have had no debate on this floor about our policy or needed strategy changes. This is an unconscionable failure of the House.

The House previously made a mockery of Congress' responsibilities to guide policy by shamefully politicizing Representative JOHN MURTHA's thoughtful proposal for a phased redeployment of American troops in Iraq. Regardless of one's opinion on the best course of action in the war, the failure of Congress to entertain debate or exercise real oversight is a dereliction of our duty.

Just this week, news reports revealed that a National Intelligence Estimate (NIE) written in April comes to the conclusion that the war in Iraq is making America less safe. I have been telling my constituents for months that this war is endangering the lives of our service members, fueling the terrorist insurgency, and failing to make us safer. The NIE confirms this.

On another important subject, Congress is also long overdue for a serious examination of our nuclear weapons policy. Fifteen years after the collapse of the Soviet Union, we behave as if the Cold War never ended, maintaining a stockpile of thousands of nuclear weapons, many on hair-trigger missiles—far more than we need to assure our continued military dominance. It is time we honor the commitment we made when we signed the Nuclear Non-Proliferation Treaty and begin to phase out our nuclear stockpile. This bill fails to make any changes to our nuclear posture and it is my hope that the committee will work with me to get the United States to honor our NPT pledge.

I am also disappointed that this bill authorizes $9.4 billion for the missile defense programs within the Missile Defense Agency (MDA). Since its inception during the Reagan administration, MDA has spent nearly $100 billion for missile defense programs that have repeatedly failed flight tests. This money would have been more wisely spent on other national security priorities, such as jamming devices for improvised explosive devices (IEDs), up-armoring Humvees, and radiological detection at our ports and borders. One of the craziest ideas I have ever heard is that we should deploy this missile defense system as a way to test it. Simple strategic analysis tells us that a provocative yet permeable defense is destabilizing and weakens the security of all Americans.

This authorization bill fails to address and make needed changes to U.S. policy in any one of these three areas, which is why I oppose this bill.

Ms. LEE. Mr. Speaker, I rise in opposition to this $533 billion Defense authorization bill.

But, Mr. Speaker, the bill before us today does have a very important provision in it: language preventing the establishment of permanent military bases in Iraq.

This is an important first step in taking the targets off the backs of our troops in Iraq by showing the world that we have no designs to stay in Iraq permanently.

However, this provision will only apply to funds for FY07. We need to make the policy of the United States not to have permanent military bases in Iraq.

Futhermore, it's unfortunate that this bill is the vehicle for this critical policy.

Mr. Speaker, I believe that our Nation is best defended by funding priorities that make our Nation and world safer.

This bill, I'm sorry to say, does not do that.

Mr. Speaker, what does it say about our priorities when Congress authorizes nearly $70 billion more for the wars in Iraq and Afghanistan without any direction, or exit strategy?

Mr. Speaker, what does it say about our priorities when this bill authorizes a $10.4 billion for a missile defense program that has consistently failed, will never protect us from terrorists?

What it is says, Mr. Speaker is the priorities of the Bush administration are grossly misplaced. When it comes to making our Nation safe, they are spending almost $2 billion a week on a war in Iraq, but can't spare a dime for the security of the Port of Oakland, our Nation's fourth largest container port.

That's why, Mr. Speaker, I urge my colleagues to reject this bill and offer Americans a real bill that protects America and truly reflects our nation's security priorities.

Mr. HEFLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HEFLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: adoption of conference report on H.R. 5441; adoption of conference report on H.R. 5122; and passage of H.R. 4772, in each case by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

CONFERENCE REPORT ON H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. The pending business is the question of adoption of the conference report on the bill, H.R. 5441, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

The vote was taken by electronic device, and there were—yeas 412, nays 6, not voting 14, as follows:

[Roll No. 509]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

Flake
Hostettler
Markey
McDermott
Paul
Stark

NOT VOTING—14

Burgess
Case
Castle
Evans
Foley
Ford
Jenkins
Jones (NC)
Lewis (GA)
Meehan
Ney
Obey
Strickland
Wilson (SC)

□ 1810

Mr. McDERMOTT changed his vote from "yea" to "nay."

Ms. DeLAURO and Mr. WALSH changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker and my colleagues, just to give everyone as much information as I have, after this series of votes we will move to a series of suspension votes. We are expecting to have a port security conference report available some time this evening.

I wish I could give you a more exact time. I expect that we could see this at 9 to 10 o'clock in the Rules Committee, or somewhere in that vicinity, and have it on the floor and hopefully be finished by midnight.

I would be happy to yield to my colleague from Maryland.

Mr. HOYER. Is it therefore safe to assume that the port security bill would be the last bill on which Members would be required to vote, or would there possibly be other business following that?

Mr. BOEHNER. I would expect that the port security vote around midnight would be the last vote for the day.

I do expect that will be our last vote, we will complete our work, and I will have met my commitment to all of you.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Leader, if you would, can you clarify for the Members what you contemplate the schedule to be from now until we get to the port security bill?

I yield to my friend.

Mr. BOEHNER. I thank my colleague for yielding.

After this series of votes, we have a series of suspensions. Any votes that may be called, we will roll and take at the time of the vote on the rule for the port security bill.

Mr. HOYER. So that will be some time after 9 o'clock?

Mr. BOEHNER. It will be sometime closer to 10:30 or 11 o'clock.

Mr. HOYER. So after this series of votes, Members could be confident there will be no votes prior to, say, 9:30?

Mr. BOEHNER. There will be no votes until probably closer to 11.

Mr. HOYER. I thank the gentleman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

CONFERENCE REPORT ON H.R. 5122, JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The SPEAKER pro tempore. The pending business is the question of adoption of the conference report on the bill, H.R. 5122, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 23, not voting 12, as follows:

[Roll No. 510]

YEAS—398

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—23

Baldwin
Capps
Conyers
Filner
Frank (MA)
Holt
Inslee
Jackson (IL)
Kucinich
Lee
McDermott
McKinney
Michaud
Miller, George
Owens
Pallone
Paul
Payne
Schakowsky
Serrano
Stark
Velázquez
Woolsey

NOT VOTING—12

Burgess
Case
Castle
Evans
Foley
Ford
Jones (NC)
Lewis (GA)
Meehan
Ney
Strickland
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1823

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on passage of H.R. 4772, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 231, nays 181, not voting 20, as follows:

[Roll No. 511]

YEAS—231

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Etheridge
Everett
Feeney
Filner
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Kaptur
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Young (AK)
Young (FL)

NAYS—181

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bass
Becerra
Berkley
Berman
Biggert
Bishop (NY)

Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Farr
Fattah
Ferguson
Fitzpatrick (PA)
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Platts
Price (NC)
Rangel
Regula
Reichert
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn

NOT VOTING—20

Boehner
Burgess
Burton (IN)
Case
Castle
Evans
Foley
Ford
Fossella
Jones (NC)
Lewis (GA)
McCaul (TX)
Meehan
Meek (FL)
Ney
Oxley
Pomeroy
Sabo
Strickland
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that they have 2 minutes in which to vote.

☐ 1831

Mr. KIRK changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JONES of North Carolina. Mr. Speaker, due to a pre-existing commitment in my district, I missed three rollcall votes this afternoon. I ask that the CONGRESSIONAL RECORD show that had I been present:

For rollcall No. 509—Adoption of the Conference Report on H.R. 5441, the Department of Homeland Security Appropriations Act for Fiscal Year 2007—I would have voted "aye";

For rollcall No. 510—Adoption of the Conference Report on H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007—I would have voted "aye";

For rollcall No. 511—Final Passage on H.R. 4772, the Private Property Rights Implementation Act—I would have voted "aye."

PERSONAL EXPLANATION

Mr. LEWIS of Georgia. Mr. Speaker, I was unable to cast rollcall votes 474 through 503 from September 26 through September 29, 2006, because I was attending to a family emergency. Had I been present, I would have cast the following votes:

On rollcall 474, I would have voted "no."
On rollcall 475, I would have voted "no."
On rollcall 476, I would have voted "no."
On rollcall 477, I would have voted "no."
On rollcall 478, I would have voted "yes."
On rollcall 479, I would have voted "no."
On rollcall 480, I would have voted "no."
On rollcall 481, I would have voted "yes."
On rollcall 482, I would have voted "yes."
On rollcall 483, I would have voted "yes."
On rollcall 484, I would have voted "yes."
On rollcall 485, I would have voted "yes."
On rollcall 486, I would have voted "no."
On rollcall 487, I would have voted "no."
On rollcall 488, I would have voted "no."
On rollcall 489, I would have voted "no."
On rollcall 490, I would have voted "yes."
On rollcall 491, I would have voted "no."
On rollcall 492, I would have voted "yes."
On rollcall 493, I would have voted "yes."
On rollcall 494, I would have voted "yes."
On rollcall 495, I would have voted "no."
On rollcall 496, I would have voted "no."
On rollcall 497, I would have voted "no."
On rollcall 498, I would have voted "no."
On rollcall 499, I would have voted "no."
On rollcall 500, I would have voted "yes."
On rollcall 501, I would have voted "yes."
On rollcall 502, I would have voted "no."
On rollcall 503, I would have voted "yes."
On rollcall 504, I would have voted "no."
On rollcall 505, I would have voted "no."
On rollcall 506, I would have voted "no."
On rollcall 507, I would have voted "no."
On rollcall 508, I would have voted "no."
On rollcall 509, I would have voted "yes."
On rollcall 510, I would have voted "no."
On rollcall 511, I would have voted "no."

PERSONAL EXPLANATION

Mr. OBEY. Mr. Speaker, on the vote on H.R. 5441, the voting bells in my office malfunctioned, did not go off, causing me to miss the vote.

I would have voted "aye."

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Wanda Evans, one of his secretaries.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills and concurrent resolution of the House of the following titles:

H.R. 233. An act to designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

H.R. 318. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

H.R. 326. An act to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area, and for other purposes.

H.R. 562. An act to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the man-made famine that occurred in Ukraine in 1932–1933.

H.R. 1728. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating portions of Ste. Genevieve County in the State of Missouri as a unit of the National Park System, and for other purposes.

H.R. 2107. An act to amend Public Law 104-329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes.

H.R. 2720. An act to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

H.R. 3443. An act to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

H.R. 4841. An act to amend the Ojito Wilderness Act to make a technical correction.

H. Con. Res. 456. Concurrent resolution providing for a correction to the enrollment of the bill, S. 203.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested. bills of the House of the following titles:

H.R. 409. An act to provide for the exchange of land within the Sierra National Forest, California, and for other purposes.

H.R. 1129. An act to authorize the exchange of certain land in the State of Colorado.

H.R. 3085. An act to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 476. An act to authorize the Boy Scouts of America to exchange certain land in the

State of Utah acquired under the Recreation and Public Purposes Act.

S. 1131. An act to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes.

S. 1288. An act to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System.

S. 1346. An act to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.

S. 1378. An act to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

S. 1829. An act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands.

S. 1830. An act to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

S. 1913. An act to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

S. 4001. An act to designate certain land in New England as wilderness for inclusion in the National Wilderness Preservation system and certain land as a National Recreation Area, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

SAFETEA-LU AMENDMENTS ACT

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6233) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

The Clerk read as follows:

H.R. 6233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—HIGHWAY PROVISIONS

SECTION 101. SURFACE TRANSPORTATION TECHNICAL CORRECTIONS.

(a) Correction of Internal References in Disadvantaged Business Enterprises.—Paragraphs (3)(A) and (5) of section 1101(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1156) are amended by striking "paragraph (1)" each place it appears and inserting "paragraph (2)".

(b) Correction of Distribution of Obligation Authority.—Section 1102(c)(5) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1158) is amended by striking "among the States".

(c) Correction of Federal Lands Highways.—Section 1119 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1190) is amended by striking subsection (m) and inserting the following:

"(m) Forest Highways.—Of the amounts made available for public lands highways under section 1101—

"(1) not more than $20,000,000 for each fiscal year may be used for the maintenance of forest highways;

"(2) not more than $1,000,000 for each fiscal year may be used for signage identifying public hunting and fishing access; and

"(3) not more than $10,000,000 for each fiscal year shall be used by the Secretary of Agriculture to pay the costs of facilitating the passage of aquatic species beneath forest roads (as defined in section 101(a) of title 23, United States Code), including the costs of constructing, maintaining, replacing, and removing culverts and bridges, as appropriate.".

(d) Correction of Description of National Corridor Infrastructure Improvement Project.—Item number 1 of the table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in the State column by inserting "LA," after "TX,".

(e) Correction of Interstate Route 376 High Priority Designation.—

(1) In general.—Section 1105(c)(79) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1213) is amended by striking "and on United States Route 422".

(2) Conforming amendment.—Section 1105(e)(5)(B)(i)(I) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033; 119 Stat. 1213) is amended by striking "and United States Route 422".

(f) Correction of Infrastructure Finance Section.—Section 1602(d)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1247) is amended by striking "through 189 as sections 601 through 609, respectively" and inserting "through 190 as sections 601 through 610, respectively".

(g) Correction of Project Federal Share.—Section 1964(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1519) is amended by striking "section 120(b)" and inserting "section 120".

(h) Transportation Systems Management and Operations Defined.—Section 101(a) of title 23, United States Code, is amended by adding at the end the following:

"(39) Transportation systems management and operations.—

"(A) In general.—The term 'transportation systems management and operations' means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system.

"(B) Inclusions.—The term 'transportation systems management and operations' includes—

"(i) regional operations collaboration and coordination activities between transportation and public safety agencies; and

"(ii) improvements to the transportation system, such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic incident management, roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.".

(i) Correction of Reference in Apportionment of Highway Safety Improvement Program Funds.—Effective October 1, 2006, section 104(b)(5)(A)(iii) of title 23, United States Code, is amended by striking "the Federal-aid system" each place it appears and inserting "Federal-aid highways".

(j) Correction of Amendment to Advance Construction.—Section 115 of title 23, United States Code, is amended by redesignating subsection (d) as subsection (c).

(k) Correction of High Priority Projects.—Section 117 of title 23, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively;

(2) by redesignating the second subsection (c) (relating to Federal share) as subsection (d);

(3) in subsection (a)(2)(A) by inserting "(112 Stat. 257)" after "21st Century"; and

(4) in subsection (a)(2)(B)—

(A) by striking "subsection (b)" and inserting "subsection (c)"; and

(B) by striking "SAFETEA-LU" and inserting "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256)".

(l) Correction of Transfer of Unused Protective-Device Funds to Other Highway Safety Improvement Program Projects.—Section 130(e)(2) of title 23, United States Code, is amended by striking "purposes under this subsection" and inserting "highway safety improvement program purposes".

(m) Correction of Highway Bridge Program.—

(1) In general.—Section 144 of title 23, United States Code, is amended—

(A) in the section heading by striking "**REPLACEMENT AND REHABILITATION**";

(B) in subsections (b), (c)(1), and (e) by striking "Federal-aid system" each place it appears and inserting "Federal-aid highway";

(C) in subsections (c)(2) and (o) by striking "the Federal-aid system" each place it appears and inserting "Federal-aid highways";

(D) in the heading to paragraph (4) of subsection (d) by inserting "SYSTEMATIC" before "PREVENTIVE";

(E) in subsection (e) by striking "off-system bridges" each place it appears and inserting "bridges not on Federal-aid highways";

(F) by striking subsection (f);

(G) by redesignating subsections (g) through (s) as subsections (f) through (r), respectively;

(H) in paragraph (2) of subsection (f) (as redesignated by subparagraph (G)) by striking the paragraph heading and inserting "BRIDGES NOT ON FEDERAL-AID HIGHWAYS";

(I) in subsection (m) (as redesignated by subparagraph (G)) by striking the subsection heading and inserting "Program for Bridges Not on Federal-Aid Highways"; and

(J) in subsection (n)(4)(B) (as redesignated by subparagraph (G)) by striking "State highway agency" and inserting "State transportation department".

(2) Conforming amendments.—

(A) Equity bonus program.—Subsections (a)(2)(C) and (b)(2)(C) of section 105 of title 23, United States Code, are amended by striking "replacement and rehabilitation" each place it appears.

(B) ANALYSIS.—The analysis for chapter 1 of title 23, United States Code, is amended in the item relating to section 144 by striking "replacement and rehabilitation".

(n) CORRECTION OF NATIONAL SCENIC BYWAYS PROGRAM COVERAGE.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)(3)(B) by striking "a National Scenic Byway under subparagraph (A)" and inserting "a National Scenic Byway, an All-American Road, or one of America's Byways under paragraph (1)"; and

(2) in subsection (c)(3) by striking "or All-American Road" each place it appears and inserting "All-American Road, or one of America's Byways".

(o) CORRECTION OF REFERENCE IN TOLL PROVISION.—Section 166(b)(5)(C) of title 23, United States Code, is amended by striking "paragraph (3)" and inserting "paragraph (4)"..

(p) CORRECTION OF RECREATIONAL TRAILS PROGRAM APPORTIONMENT EXCEPTIONS.—Section 206(d)(3)(A) of title 23, United States Code, is amended by striking "(B), (C), and (D)" and inserting "(B) and (C)".

(q) CORRECTION OF INFRASTRUCTURE FINANCE.—Section 601(a)(3) of title 23, United States Code, is amended by inserting "bbb minus, BBB (low)," after "Baa3,".

(r) CORRECTION OF MISCELLANEOUS TYPOGRAPHICAL ERRORS.—

(1) Section 1401 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1226) is amended by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(2) Section 1404(e) of such Act (119 Stat. 1229) is amended by inserting "tribal," after "local,".

(3) Section 10211(b)(2) of such Act (119 Stat. 1937) is amended by striking "plan administer" and inserting "plan and administer".

(4) Section 10212(a) of such Act (119 Stat. 1937) is amended—

(A) by inserting "equity bonus," after "minimum guarantee,";

(B) by striking "freight intermodal connectors" and inserting "railway-highway crossings";

(C) by striking "high risk rural road,"; and

(D) by inserting after "highway safety improvement programs" the following: "(and separately the set aside for the high risk rural road program)".

SEC. 102. MAGLEV.

(a) FUNDING.—Section 1101(a)(18) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1155) is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) $20,000,000 for fiscal year 2007; and

"(B) $35,000,000 for each of fiscal years 2008 and 2009.".

(b) CONTRACT AUTHORITY.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by adding at the end the following:

"(e) CONTRACT AUTHORITY.—Funds authorized under section 1101(a)(18) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project to be carried out with such funds shall be 80 percent.".

SEC. 103. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE.

Item number 22 of the table contained in section 1301(m) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1204) is amended by striking "Improvements to I–80, Monroe County, PA" and inserting "Redesign and reconstruction of interchanges 298 and 299 of I–80 and accompanying improvements to any other public roads in the vicinity, Monroe County".

SEC. 104. NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECTS.

The table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in item number 23 by striking the project description and inserting "Improvements to State Road 312, Hammond".

SEC. 105. PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended—

(1) in item number 34 by striking the project description and inserting "Removal and Reconfiguration of Interstate ramps, I-40, Memphis";

(2) by striking item number 61;

(3) in item number 87 by striking the project description and inserting "M–291 highway outer road improvement project";

(4) in item number 128 by striking "$2,400,000" and inserting "$4,800,000";

(5) in item number 154 by striking "Virginia" and inserting "Eveleth";

(6) in item number 193 by striking the project description and inserting "Improvements to or access to Route 108 to enhance access to the business park near Rumford";

(7) in item number 240 by striking "$800,000" and inserting "$2,400,000";

(8) by striking item number 248;

(9) in item number 259 by striking the project description and inserting "Corridor study, EIS, and ROW acquisition for a bridge from east of the Crow Wing Highway 3 bridge crossing the Mississippi River in Brainerd to west of the Minnesota State Highway 6 bridge crossing the Mississippi River north of Crosby";

(10) in item number 274 by striking the project description and inserting "Intersection improvements at Belleville and Ecorse Roads and approach roadways, and widen Belleville Road from Ecorse to Tyler, Van Buren Township, Michigan";

(11) in item number 277 by striking the project description and inserting "Construct connector road from Rushing Drive North to Grand Ave., Williamson County";

(12) in item number 395 by striking the project description and inserting "Plan and construct interchange at I–65, from existing SR–109 to I–65";

(13) in item number 463 by striking "Cookeville" and inserting "Putnam County";

(14) in item number 576 by striking the project description and inserting "Design, right-of-way, and construction of Nebraska Highway 35 between Norfolk and South Sioux City, including an interchange at Milepost 1 on I–129";

(15) in item number 590 by inserting ", including" after "Safety";

(16) in item number 595 by striking "Street Closure at" and inserting "Transportation improvement project near";

(17) in item number 649 by striking the project description and inserting "Construction and enhancement of the Fillmore Avenue Corridor, Buffalo";

(18) in item number 655 by inserting ", safety improvement construction," after "Environmental studies";

(19) in item number 676 by striking the project description and inserting "St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County";

(20) in item number 770 by striking the project description and inserting "Improve existing Horns Hill Road in North Newark, Ohio, from Waterworks Road to Licking Springs Road";

(21) in item number 777 by striking the project description and inserting "Construct access from airport in Akutan";

(22) in item number 829 by striking the project description and inserting "$400,000 to conduct New Bedford/Fairhaven Bridge modernization study; $1,000,000 to design and build New Bedford Business Park access road";

(23) in item number 881 by striking the project description and inserting "Pedestrian safety improvements near North Atlantic Boulevard, Monterey Park";

(24) in item number 923 by striking the project description and inserting "Improve safety of a horizontal curve on Clarksville St. 0.25 miles north of 275th Rd. in Grandview Township, Edgar County";

(25) in item number 947 by striking the project description and inserting "Third East/West River Crossing, St. Lucie River";

(26) in item numbers 959 and 3327 by striking "Northern Section," each place it appears;

(27) in item number 963 by striking the project description and inserting "For engineering, right-of-way acquisition, and reconstruction of 2 existing lanes on Manhattan Road from Baseline Road to Route 53";

(28) in item number 983 by striking the project description and inserting "Land acquisition for highway mitigation in Cecil, Kent, Queen Annes, and Worcester Counties";

(29) in item number 1039 by striking the project description and inserting "Widen State Route 98, including storm drain developments, from D. Navarro Avenue to State Route 111";

(30) in item number 1047 by striking the project description and inserting "Bridge and road work at Little Susitna River Access road in Matanuska-Susitna Borough";

(31) in item number 1124 by striking "bridge over Stillwater River, Orono" and by inserting "routes";

(32) in item number 1206 by striking "Pleasantville" and inserting "Briarcliff Manor";

(33) in item number 1210 by striking the project description and inserting "Town of New Windsor Riley Road and Shore Drive";

(34) in item number 1281 by striking the project description and inserting "Upgrade roads in Attala County District 4 (Roads 4211 and 4204), Kosciusko, Ward 2, and Ethel, Attala County";

(35) in item number 1487 by striking "$800,000" and inserting "$1,600,000";

(36) in item number 1575 by striking the project description and inserting "Highway and road signage, and traffic signal synchronization and upgrades, in Shippensburg Boro, Shippensburg Township, and surrounding municipalities";

(37) in item number 1661 by striking the project description and inserting "Sheldon West Extension in Matanuska-Susitna Borough;"

(38) in item number 1810 by striking the project description and inserting "Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch";

(39) in item number 1852 by striking "Milepost 9.3" and inserting "Milepost 24.3";

(40) in item numbers 1926 and 2893 by striking the project descriptions and inserting "Grading, paving roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, Ohio";

(41) in item number 1933 by striking the project description and inserting "Enhance Byzantine Latino Quarter transit plazas at Normandie and Pico, and Hoover and Pico, Los Angeles, by improving streetscapes, including expanding concrete and paving";

(42) in item number 1975 by striking the project description and inserting "Point MacKenzie Access Road improvements in Matanuska-Susitna Borough";

(43) in item number 2015 by striking the project description and inserting "Heidelberg Borough/Scott Township/Carnegie Borough for design, engineering, acquisition, and construction of streetscaping enhancements, paving, lighting and safety upgrades, and parking improvements";

(44) by striking item number 2031;

(45) in item number 2087 by striking the project description and inserting "Railroad crossing improvement on Illinois Route 82 in Geneseo";

(46) in item number 2211 by striking the project description and inserting "Construct road projects and transportation enhancements as part of or connected to RiverScape Phase III, Montgomery County, Ohio";

(47) in item number 2234 by striking the project description and inserting "North Atherton Signal Coordination Project in Centre County";

(48) in item number 2316 by striking the project description and inserting "Construct a new bridge at Indian Street, Martin County";

(49) in item number 2375 by inserting ", including streets" after "Astoria";

(50) in item number 2420 by striking the project description and inserting "Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia";

(51) in item number 2482 by striking "Country" and inserting "County";

(52) in item number 2663 by striking the project description and inserting "Rosemead Boulevard safety enhancement and beautification, Temple City";

(53) in item numbers 2671 and 5032 by striking "from 2 to 5 lanes and improve alignment within rights-of-way in St. George" each place it appears and inserting ", St. George";

(54) in item number 2698 by striking the project description and inserting "I-95/Ellis Road and between Grant Road and Micco Road, Interchange Justification Reports, Brevard";

(55) in item number 2743 by striking the project description and inserting "Improve safety of culvert replacement on 250th Rd. between 460th St. and Cty Hwy 20 in Grandview Township, Edgar County";

(56) by striking item number 2800;

(57) in item number 2826 by striking "State Street and Cajon Boulevard" and inserting "Palm Avenue";

(58) in item number 2931 by striking "Frazho Road" and inserting "Martin Road";

(59) in item number 3014 by inserting ", including" after "Safety";

(60) in item numbers 3047 and 5027 by inserting "and roadway improvements" after "safety project" each place it appears;

(61) in item number 3078 by striking the project description and inserting "U.S. 2/Sultan Basin Road improvements in Sultan";

(62) in item number 3174 by striking the project description and inserting "Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor";

(63) in item number 3219 by striking "Forest" and inserting "Warren";

(64) in item number 3254 by striking the project description and inserting "Reconstruct PA Route 274/34 Corridor, Perry County";

(65) in item number 3255 by striking the project description and inserting "Facility acquisition, .road construction, and other transportation enhancement related improvements in the Northwest Triangle Redevelopment Area in the city of York";

(66) in item number 3260 by striking "Lake Shore Drive" and inserting "Lakeshore Drive and parking facility/entrance improvements serving the Museum of Science and Industry";

(67) in item number 3327 by striking "$1,600,000" and inserting "$2,400,000";

(68) in item number 3368 by striking the project description and inserting "Plan, design, and engineering, Ludlam Trail, Miami";

(69) in item number 3397 by striking the project description and inserting "Cathodic bridge protection: allow the Virginia Department of Transportation (VDOT) to select the bridge or bridges that VDOT considers appropriate for cathodic bridge protection modification";

(70) in item number 3410 by striking the project description and inserting "Construct eligible sound walls on I–65 between Old Hickory Blvd. and Harding Place in Davidson County";

(71) in item number 3456 by striking the project description and by inserting "Phase II/part I project–Elizabeth Ave. in Coleraine to 0.2 miles west of CSAH 15 (2.9 miles)";

(72) in item number 3537 by inserting "and the study of alternatives along the North South Corridor," after "Valley";

(73) in item number 3582 by striking the project description and inserting "Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor";

(74) in item numbers 3604 and 5008 by inserting "and Kane Creek Boulevard" after "500 West" each place it appears;

(75) in item number 3631 by striking the project description and inserting "Reconstruct or modify the existing 5th Street Bridge and railroad trestle to provide a 4-lane crossing of the Feather River between Yuba City and Marysville and improvements to connector roads from east and west";

(76) in item number 3632 by striking the State, project description, and amount and inserting "FL", "Pine Island Road pedestrian overpass, city of Tamarac", and "$610,000", respectively;

(77) in item number 3634 by striking the State, project description, and amount and inserting "FL", "West Avenue Bridge, city of Miami Beach", and "$620,000", respectively;

(78) in item number 3673 by striking the project description and inserting "Improve marine dry-dock and facilities in Ketchikan";

(79) in item number 3688 by striking "road" and inserting "trail";

(80) in item number 3691 by striking the project description and inserting "Port facilities in Hoonah";

(81) in item number 3695 by striking "in Soldotna" and inserting "in the Kenai River corridor";

(82) in item number 3700 by inserting "and ferry facilities" after "a ferry";

(83) in item number 3703 by inserting "or another road" after "Cape Blossom Road";

(84) in item number 3704 by striking "Fairbanks" and inserting "Alaska Highway";

(85) in item number 3890 by striking the project description and inserting "Replacement of fixed route transit buses";

(86) in item number 3911 by striking the project description and inserting "Construct a new bridge at Indian Street, Martin County";

(87) in item number 3916 by striking the project description and inserting "City of Hollywood to purchase buses and bus facilities";

(88) in item number 3937 by striking the project description and inserting "Kingsland bypass from CR 61 to I–95, Camden County";

(89) in item number 3965 by striking "transportation projects" and inserting "and air quality projects";

(90) in item number 3981 by striking the project description and inserting "Atlanta Multi-Use Trail from Spring Street/Concord Road to Ridge Road";

(91) in item number 4043 by striking "MP 9.3, Segment I, II, and III" and inserting "Milepost 24.3";

(92) in item number 4050 by striking the project description and inserting "Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia";

(93) in item number 4058 by striking the project description and inserting "For improvements to the road between Brighton and Bunker Hill in Macoupin County";

(94) in item numbers 4062 and 4084 by striking the project descriptions and inserting "Preconstruction, construction, and related research and studies of I-290 Cap the Ike project in the village of Oak Park";

(95) in item number 4089 by inserting "and parking facility/entrance improvements serving the Museum of Science and Industry" after "Lakeshore Drive";

(96) in item number 4103 by inserting "and adjacent to the" before "Shawnee";

(97) in item number 4110 by striking the project description and inserting "For improvements to the road between Brighton and Bunker Hill in Macoupin County";

(98) in item number 4125 by striking "$250,000" and inserting "$950,000";

(99) in item number 4129 by striking "$128,000" and inserting "$828,000";

(100) by striking item number 4179;

(101) in item number 4292 by striking "BW Parkway" and inserting "Baltimore Washington Parkway";

(102) in item number 4299 by striking the project description and inserting "Highway improvements in the vicinity of Aberdeen Proving Ground to support BRAC-related growth";

(103) in item number 4313 by striking "Maryland Avenue" and all that follows

through "Rd. corridor" and inserting "intermodal access and pedestrian safety improvements";

(104) in item number 4323 by striking the project description and inserting "Maine DOT Acadia intermodal passenger and maintenance facility";

(105) in item number 4333 by striking the project description and inserting "Detroit Riverfront Conservancy, Riverfront Walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas MacArthur Bridge to Riverside Park at the Ambassador Bridge, Detroit";

(106) in item number 4338 by striking the project description and inserting "Construct 1 or more grade-separated crossings of I–75, and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282";

(107) in item number 4428 by striking the project description and inserting "U.S. 76 improvements";

(108) in item numbered 4457 by striking the project description and inserting "Construct an interchange at an existing grade separation at SR 1602 (Old Stantonsburg Rd.) and U.S. 264";

(109) in item numbered 4555 by inserting "Canal Street and" after "Reconstruction of";

(110) in item number 4588 by inserting "Private Parking and" before "Transportation";

(111) in item number 4596 by striking the project description and inserting "Transportation center, Corning";

(112) in item number 4649 by striking the project description and inserting "Fairfield County, OH U.S. 33 and old U.S. 33 safety improvements and related construction, city of Lancaster and surrounding areas";

(113) in item number 4651 by striking the project description and inserting "Grading, paving roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, Ohio";

(114) in item number 4691 by striking the project description and inserting "Transportation improvements to Idabel Industrial Park Rail Spur, Idabel";

(115) in item number 4749 by striking "study" and inserting "improvements";

(116) in item number 4821 by striking "highway grade crossing project, Clearfield and Clinton Counties" and inserting "Project for highway grade crossings and other purposes relating to the Project in Cambria, Clearfield, and Clinton Counties";

(117) in item number 4838 by striking "study" and inserting "improvements";

(118) in item number 4839 by striking "fuel-celled" and inserting "fueled";

(119) in item number 4866 by striking "$11,000,000" and inserting "$9,900,000";

(120) by inserting after item number 4866 the following:

"4866A	RI	Repair and restore railroad bridge in Westerly.	$1,100,000";

(121) in item number 4915 by striking the project description and inserting "For projects of highest priority, as determined by the South Dakota DOT";

(122) in item number 4916 by striking "$1,000,000" and inserting "$328,000";

(123) in item number 4924 by striking "$3,450,000" and inserting "$4,122,000";

(124) in item number 4974 by striking ", Sevier County";

(125) in item numbers 5011 and 5033 by striking "200 South Interchange" each place it appears and inserting "400 South Interchange";

(126) in item number 5132 by striking the project description and inserting "St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County";

(127) in item number 2942 by striking the project description and inserting "Redesigning the intersection of Business U.S. 322/High Street and Rosedale Avenue and constructing a new East Campus Drive between High Street (U.S. 322) and Matlock Street at West Chester University, West Chester, Pennsylvania";

(128) in item number 2781 by striking the project description and inserting "Highway and road signage, road construction, and other transportation improvement and enhancement projects on or near Highway 26, in Riverton and surrounding areas";

(129) in item number 2430 by striking "200 South Interchange" and inserting "400 South Interchange";

(130) by striking item number 20;

(131) in item number 424 by striking "$264,600" and inserting "$644,000";

(132) in item number 1210 by striking the project description and inserting "Riley Road, Shore Drive, and area road improvements";

(133) by striking item numbers 68, 905, and 1742;

(134) in item number 1059 by striking "$240,000" and inserting "$420,000";

(135) in item number 2974 by striking "$120,000" and inserting "$220,000";

(136) by striking item numbers 841, 960, and 2030;

(137) in item number 1278 by striking "$740,000" and inserting "$989,600";

(138) in item number 207 by striking "$13,600,000" and inserting "$13,200,000";

(139) in item number 2656 by striking "$12,228,000" and inserting "$8,970,000";

(140) in item number 1983 by striking "$1,600,000" and inserting "$1,000,000";

(141) in item number 753 by striking "$2,700,000" and inserting "$3,200,000";

(142) in item number 64 by striking "$6,560,000" and inserting "$7,760,000";

(143) in item number 2338 by striking "$1,600,000" and inserting "$1,800,000";

(144) in item number 1533 by striking "$392,000" and inserting "$490,000";

(145) in item number 1354 by striking "$40,000" and inserting "$50,000";

(146) in item number 3106 by striking "$400,000" and inserting "$500,000";

(147) in item number 799 by striking "$1,600,000" and inserting "$2,000,000";

(148) in item number 68—

(A) by striking "NY" and inserting "PA";

(B) by striking the project description and inserting "UPMC Heliport in Bedford"; and

(C) by striking "$64,000" and inserting "$750,000";

(149) in item number 905—

(A) by striking "NY" and inserting "PA";

(B) by striking the project description and inserting "Construct 2 flyover ramps and S. Lindent Street exit for access to industrial sites in the cities of McKeesport and Duquesne"; and

(C) by striking "$160,000" and inserting "$500,000";

(150) in item number 159—

(A) by striking "Construct interchange for 146th St. and I–69" and inserting "Upgrade 146th St. to I–69 Access"; and

(B) by striking "$2,400,000" and inserting "$3,200,000";

(151) by striking item number 2936;

(152) in item number 3138 by striking the project description and inserting "Elimination of highway-railway crossing along the KO railroad from Salina to Osborne to increase safety and reduce congestion"; and

(153) in item number 2316 by striking the project description and inserting "Construct bridge at Indian Street, Martin County";

(154) in item number 2274 by striking "between Farmington and Merriman" and inserting "between Hines Drive and Inkster, Flamingo Street between Ann Arbor Trail and Joy Road, and the intersection of Warren Road and Newburgh Road";

(155) in item number 52 by striking the project description and inserting "Pontiac Trail between E. Liberty and McHattie Street";

(156) in item number 1544 by striking "connector";

(157) in item number 2573 by striking the project description and inserting "Rehabilitation of Sugar Hill Road in North Salem, NY";

(158) in item number 746 by inserting ", and any expansion of the Greenway Corridor," after "Interchange";

(159) in item number 1450 by striking "III-VI" and inserting "III-VII";

(160) in item number 2219 by inserting "Center Valley Parkway and" after "Improvements to";

(161) in item number 2302 by striking the project description and inserting "Planning and construction of Safford Road in Madison Village, OH";

(162) in item number 2637 by striking the project description and inserting "Traffic and safety improvements to county roadways in Geauga County, OH";

(163) in item number 2342 by inserting ", and planning and construction to Heisley Road," after "Interchange";

(164) in item number 161 by striking the project description and inserting "Construct False Pass causeway and road to the terminus of the south arm breakwater project";

(165) in item number 2002 by striking the project description and inserting "Providence Hospital public access road and enhancements, including access connections between the proposed Providence Regional Administration Building and Piper Street, to improve access and circulation in the Providence Southwest Campus";

(166) in item number 777 by striking the project description and inserting "Construct access from airport in Akutan";

(167) in item number 2023 by striking the project description and inserting "Biking and pedestrian trail construction, Kentland";

(168) in item number 2035 by striking "Replace" and inserting "Repair";

(169) in item number 2511 by striking "Replace" and inserting "Rehabilitate";

(170) in item numbers 2981 and 5028 by striking the project description and inserting "Roadway improvements on Highway 262 on the Navajo Nation in Aneth";

(171) in item numbers 2068 and 5026 by inserting "and approaches" after "capacity";

(172) in item number 98 by striking the project description and inserting "Right-of-way and construction for the 77th Street reconstruction project, including the Lyndale Avenue Bridge over I–494, Richfield";

(173) in item number 1783 by striking the project description and inserting "Clark Road access improvements, Jacksonville";

(174) in item number 2711 by striking the project description and inserting "Main

Street Road Improvements through Springfield, Jacksonville";

(175) in item number 3485 by striking the project description and inserting "Improve SR 105 (Hecksher Drive) from Drummond Point to August Road, including bridges across the Broward River and Dunns Creek, Jacksonville";

(176) in item number 3486 by striking the project description and inserting "Construct improvements to NE 19th Street/NE 19th Terrace from NE 3rd Avenue to NE 8th Avenue, Gainesville";

(177) in item number 3487 by striking the project description and inserting "Construct improvements to NE 25th Street from SR 26 (University Blvd) to NE 8th Avenue, Gainesville";

(178) in item number 803 by striking "St. Clair County" and inserting "city of Madison";

(179) in item number 615 by striking the project description and inserting "Roadway improvements to Jackson Avenue between Jericho Turnpike and Teibrook Avenue";

(180) in item number 889 by striking the project description and inserting "U.S. 160, State Highway 3 to east of the Florida River";

(181) in item number 676 by striking the project description and inserting "St. Croix River crossing project, Wisconsin State Highway 64, St. Croix Co., Wisconsin to Minnesota State Highway 36, Washington Co.";

(182) in item number 324 by striking the project description and inserting "Paving a portion of H-58 from Buck Hill to 4,000 feet east of Hurricane River";

(183) in item number 301 by striking the project description and inserting "Improvements for St. Georges Avenue between East Baltimore Avenue on the southwest and Chandler Avenue on the northeast";

(184) in item number 2429 by striking the project description and inserting "Construct parking facility and undertake streetscaping and pedestrian walkways, Oak Lawn";

(185) in item number 1519 by inserting "at the intersection of Quincy/West Drinker/Electric Streets near the Dunmore School complex" after "roadway redesign";

(186) in item number 2604 by inserting "on Coolidge, Bridge (from Main to Monroe), Skytop (from Gedding to Skytop), Atwell (from Bear Creek Rd. to Pittston Township), Wood (to Bear Creek Rd.), Pine, Oak (from Penn Avenue to Lackawanna Avenue), McLean, Second, and Lolli Lane" after "roadway redesign";

(187) in item number 2168 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of street improvements, streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign, including right-of-way acquisition, structure demolition, and intersection safety improvements in the vicinity of the intersection of Main and William Streets in Pittston";

(188) in item number 1157 by inserting "on Mill Street from Prince Street to Roberts Street, John Street from Roberts Street to end, Thomas Street from Roberts Street to end, Williams Street from Roberts Street to end, Charles Street from Roberts Street to end, Fair Street from Roberts Street to end, Newport Avenue from East Kirmar Avenue to end" after "roadway redesign";

(189) in item number 805 by inserting "on Oak Street from Stark Street to the township line at Mayock Street and on East Mountain Boulevard" after "roadway redesign";

(190) in item number 2704 by inserting "on West Cemetery Street and Frederick Courts" after "roadway redesign";

(191) in item number 3136 by inserting "on Walden Drive and Greenwood Hills Drive" after "roadway redesign";

(192) in item number 1363 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, handicap access ramps, parking, and roadway redesign on Bilbow Street from Church Street to Pugh Street, on Pugh Street from Swallow Street to Main Street, Jones Lane from Main Street to Hoblak Street, Cherry Street from Green Street to Church Street, and Hillside Avenue in Edwardsville Borough, Luzerne County";

(193) in item number 883 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, parking, roadway redesign, and safety improvements (including curbing, stop signs, crosswalks, and pedestrian sidewalks) at and around the 3-way intersection involving Susquehanna Avenue, Erie Street, and Second Street in West Pittston, Luzerne County";

(194) in item number 625 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Sampson Street, Dunn Avenue, Powell Street, Josephine Street, Pittston Avenue, Railroad Street, McClure Avenue, and Baker Street in Old Forge Borough, Lackawanna County";

(195) in item number 372 by inserting ", replacement of the Nesbitt Street Bridge, and placement of a guard rail adjacent to St. Vladimir's Cemetery on Mountain Road (S.R. 1007)" after "roadway redesign";

(196) in item number 2308 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign, including a project to establish emergency access to Catherino Drive from South Valley Avenue in Throop Borough, Lackawanna County";

(197) in item number 967 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and catch basin restoration and replacement on Cherry Street, Willow Street, Eno Street, Flat Road, Krispin Street, Parrish Street, Carver Street, Church Street, Franklin Street, Carolina Street, East Main Street, and Rear Shawnee Avenue in Plymouth Borough, Luzerne County";

(198) in item number 989 by inserting "on Old Ashley Road, Ashley Street, Phillips Street, First Street, Ferry Road, and Division Street" after "roadway redesign";

(199) in item number 342 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and cross pipe and catch basin restoration and replacement on Northgate, Mandy Court, Vine Street, and 36th Street in Milnesville West, and on Hillside Drive (including the widening of the bridge on Hillside Drive), Club 40 Road, Sunburst and Venisa Drives, and Stockton #7 Road in Hazle Township, Luzerne County";

(200) in item number 2332 by striking "Monroe County" and inserting "Carbon, Monroe, Pike, and Wayne Counties";

(201) in item number 2436 by striking the project description and the amount and inserting "For Wilkes-Barre to design, acquire land, and construct a parking garage or parkade, streetscaping enhancements, paving, lighting, safety improvements, and roadway redesign at and around the Sterling Hotel in Wilkes-Barre, including on River Street, Market Street, or Franklin Street (or any combination thereof) to the vicinity of the Irem Temple", and "$3,000,000", respectively;

(202) in item number 2560 by striking the project description and inserting "To study the I-285 highway crossing in Sandy Springs, GA";

(203) in item number 2723 by striking the State, the project description, and the amount and inserting "AL", "Grade crossing improvements along Conecuh Valley RR at Henderson Highway (CR-21) in Troy, AL", and "$300,000", respectively;

(204) in item number 61 by striking the State, the project description, and the amount and inserting "AL", "Grade crossing improvements along Wiregrass Central RR at Boll Weevil Bypass in Enterprise, AL", and "$250,000", respectively;

(205) in item number 2936 by striking the State, the project description, and the amount and inserting "AL", "Grade crossing improvements along Luxapalila Valley RR in Lamar and Fayette Counties, AL (Crossings at CR-6, CR-20, SH-7, James Street, and College Drive)", and "$300,000", respectively;

(206) in item number 1742 by striking the State, the project description, and the amount and inserting "PA", "Road improvements and upgrades related to the Pennsylvania State Baseball Stadium", and "$500,000", respectively;

(207) in item number 314 by striking the project description and the amount and inserting "Streetscape enhancements to the transit and pedestrian corridor, Fort Lauderdale, Downtown Development Authority" and "$610,000", respectively;

(208) in item number 1639 by striking the project description and inserting "Operational and highway safety improvements on Hwy 94 between the 20 mile marker post in Jamul and Hwy 188 in Tecate";

(209) in item numbers 2860 and 5029 by striking the project description and inserting "Roadway improvements from Halchita to Mexican Hat on the Navajo Nation";

(210) in item number 170 by striking "facility" and inserting "garage";

(211) in item number 826 by striking the project description and the amount and inserting "For the city of Wilkes-Barre and the city of Scranton to jointly study, analyze, assess, and implement the development of a regional intermodal transportation system, including associated improvements and enhancements to existing infrastructure and application of new technologies, in the counties of Luzerne, Lackawanna, and Monroe in Northeastern Pennsylvania" and "$2,800,000", respectively;

(212) in item number 2549 by striking "on Navy Pier";

(213) in item number 2804 by striking "on Navy Pier";

(214) in item number 1328 by striking the project description and inserting "Construct public access roadways and pedestrian safety improvements in and around Montclair State University in Clifton";

(215) in item number 2559 by striking the project description and inserting "Construct

sound walls on Route 164 at and near the Maersk interchange";

(216) in item 3665—

(A) by inserting "AL" in the State column;

(B) by inserting "Construction of Sulphur Springs Road Bypass in city of Hoover, Alabama" in the project description column; and

(C) by striking "$0" and inserting "$3,150,000";

(217) in item number 1849 by striking the project description and inserting "Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh"; and

(218) in item number 697 by striking the project description and inserting "Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh".

(b) TRANSFER OF PROJECT FUNDS.—The Secretary of Transportation shall transfer to the Commandant of the Coast Guard amounts made available to carry out the project described in item number 4985 of the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1447) to carry out that project, in accordance with the Act of June 21, 1940 (commonly known as the "Truman-Hobbs Act") (33 U.S.C. 511 et seq.).

(c) UNUSED OBLIGATION AUTHORITY.—Notwithstanding any other provision of law, unused obligation authority made available for an item in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) that is repealed, or authorized funding for such an item that is reduced, by this section shall be made available—

(1) for an item in section 1702 of that Act that is added or increased by this section and that is in the same State as the item for which obligation authority or funding is repealed or reduced;

(2) in an amount proportional to the amount of obligation authority or funding that is so repealed or reduced; and

(3) individually for projects numbered 1 through 3676 pursuant to section 1102(c)(4)(A) of that Act (119 Stat. 1158).

(d) ADDITIONAL DISCRETIONARY USE OF SURFACE TRANSPORTATION PROGRAM FUNDS.—Of the funds apportioned to each State under section 104(b)(3) of title 23, United States Code, a State may expend for each of fiscal years 2007 through 2009 not more than $1,000,000 for the following activities:

(1) Participation in the Joint Operation Center for Fuel Compliance established under section 143(b)(4)(H) of title 23, United States Code, within the Department of the Treasury, including the funding of additional positions for motor fuel tax enforcement officers and other staff dedicated on a full-time basis to participation in the activities of the Center.

(2) Development, operation, and maintenance of electronic filing systems to coordinate data exchange with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(3) Development, operation, and maintenance of electronic single point of filing in conjunction with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(4) Development, operation, and maintenance of a certification system by a State of any fuel sold to a State or local government (as defined in section 4221(d)(4) of the Internal Revenue Code of 1986) for the exclusive use of the State or local government or sold to a qualified volunteer fire department (as defined in section 150(e)(2) of such Code) for its exclusive use.

(5) Development, operation, and maintenance of a certification system by a State of any fuel sold to a nonprofit educational organization (as defined in section 4221(d)(5) of such Code) that includes verification of the good standing of the organization in the State in which the organization is providing educational services.

SEC. 106. NONMOTORIZED TRANSPORTATION PILOT PROGRAM.

Section 1807(a)(3) of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (119 Stat. 1460) is amended by striking "Minneapolis-St. Paul, Minnesota" and inserting "Minneapolis, Minnesota".

SEC. 107. CORRECTION OF INTERSTATE AND NHS DESIGNATIONS.

(a) TREATMENT.—Section 1908(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1469) is amended by striking paragraph (3).

(b) NATIONAL HIGHWAY SYSTEM.—Section 1908(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1470) is amended by striking "from the Arkansas State line" and inserting "from Interstate Route 540".

SEC. 108. FUTURE OF SURFACE TRANSPORTATION SYSTEM.

Section 1909(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1471) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (9) by striking "July 1, 2007" and inserting "December 31, 2007";

(2) in paragraph (11)(C) by striking "the Administrator of the Federal Highway Administration" and inserting "the Secretary";

(3) in paragraph (11)(D)(i) by striking ", on a reimbursable basis,"; and

(4) in paragraph (15) by striking "$1,400,000 for each of fiscal years 2006 and 2007" and inserting "$1,400,000 for fiscal year 2006 and $3,400,000 for fiscal year 2007".

SEC. 109. BUY AMERICA.

Section 1928 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1484) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) the current application by the Federal Highway Administration of the Buy America test is only applied to components or parts of a bridge project and not the entire bridge project and this is inconsistent with this sense of Congress;".

SEC. 110. TRANSPORTATION IMPROVEMENTS.

The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1486) is amended—

(1) in item number 12 by striking "Yukon River" and inserting "Kuskokwim River";

(2) in item number 57 by striking the project description and inserting "Kingsland bypass from CR 61 to I–95, Camden County";

(3) in item number 130 by striking the project description and inserting "Improvements and rehabilitation to rail and bridges on the Appanoose County Community Railroad";

(4) in item number 138 by striking the project description and inserting "West Spencer Beltway Project";

(5) in item number 142 by striking "MP 9.3, Segment I, II, and III" and inserting "Milepost 24.3";

(6) in item number 161 by striking "Bridge replacement on Johnson Drive and Nall Ave." and inserting "Construction improvements";

(7) in item number 181 by striking "BW Parkway" and inserting "Baltimore Washington Parkway";

(8) in item number 182 by striking the project description and inserting "Highway improvements in the vicinity of Aberdeen Proving Ground to support BRAC-related growth";

(9) in item number 196 by striking the project description and inserting "Detroit Riverfront Conservancy, Riverfront Walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas MacArthur Bridge to Riverside Park at the Ambassador Bridge, Detroit";

(10) in item number 198 by striking the project description and inserting "Construct 1 or more grade separated crossings of I–75 and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282";

(11) in item number 201 by striking the project description and inserting "Paving a portion of H–58 from Buck Hill to the point located 4,000 feet east of the Hurricane River";

(12) in item number 238 by striking the project description and inserting "Develop and construct the St. Mary water project road and bridge infrastructure, including a new bridge and approaches across St. Mary River, stabilization and improvements to United States Route 89, and road/canal from Siphon Bridge to Spider Lake, on the condition that $2,500,000 of the amount made available to carry out this item may be made available to the Bureau of Reclamation for use for the Swift Current Creek and Boulder Creek bank and bed stabilization project in the Lower St. Mary Lake drainage.";

(13) in item number 329 by inserting ", Tulsa" after "technology";

(14) in item number 358 by striking "fuel-celled" and inserting "fueled";

(15) in item number 378 by inserting ", including any related real estate acquisition" after "expansion";

(16) in item number 402 by striking "from 2 to 5 lanes and improve alignment within rights-of-way in St. George" and inserting ", St. George";

(17) in item number 436 by inserting ", Saole," after "Sua";

(18) in item number 442 by striking "$12,000,000" and inserting "$8,600,000";

(19) by adding at the end—

(A) in the number column "467";

(B) in the State column "AZ";

(C) the project description column "Pinal Avenue/Main Street right-of-way acquisition—Pinal County, Casa Grande, AZ—To reconstruct Main St. to include a bypass for commercial traffic"; and

(D) in the amount column "$200,000";

(20) by adding at the end—

(A) in the number column "468";

(B) in the State column "AZ";

(C) the project description column "Navajo Route 20/Navajo Nation, Coconino County, AZ/To Conduct a 2-lane road design for 28 miles of dirt road between the communities of Le Chee, Coppermine, and Gap"; and

(D) in the amount column "$200,000"; and

(21) by adding at the end—

(A) in the number column "469";

(B) in the State column "AL";

(C) the project description column "Construction of Patton Island Bridge Corridor" and

(D) in the amount column "$3,000,000".

SEC. 111. HIGHWAY RESEARCH FUNDING.

(a) F-SHRP Funding.—Notwithstanding any other provision of law, for each of fiscal years 2007 through 2009, at any time at which an apportionment is made of the sums authorized to be appropriated for the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, or the highway safety improvement program, the Secretary of Transportation shall—

(1) deduct from each apportionment an amount not to exceed 0.205 percent of the apportionment; and

(2) transfer or otherwise make that amount available to carry out section 510 of title 23, United States Code.

(b) Conforming Amendments.—

(1) Funding.—Section 5101 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779) is amended—

(A) in subsection (a)(1) by striking "509, and 510" and inserting "and 509";

(B) in subsection (a)(4) by striking "$69,700,000" and all that follows through "2009" and inserting "$40,400,000 for fiscal year 2005, $69,700,000 for fiscal year 2006, $76,400,000 for each of fiscal years 2007 and 2008, and $78,900,000 for fiscal year 2009"; and

(C) in subsection (b) by inserting after "50 percent" the following "or, in the case of funds appropriated by subsection (a) to carry out section 5201, 5202, or 5203 of this Act, 80 percent".

(2) Future Strategic Highway Research Program.—Section 5210 of such Act (119 Stat. 1804) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(c) Contract Authority.—Funds made available under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be determined under section 510(f) of that title.

(d) Applicability of Obligation Limitation.—Funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs under section 1102 the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; 119 Stat. 1157) or any other Act.

(e) Equity Bonus Formula.—Notwithstanding any other provision of law, in allocating funds for the equity bonus program under section 105 of title 23, United States Code, for each of fiscal years 2007 through 2009, the Secretary of Transportation shall make the required calculations under that section as if this section had not been enacted.

(f) Funding for Research Activities.—Of the amount made available by section 5101(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779)—

(1) at least $1,000,000 shall be made available for each of fiscal years 2007 through 2009 to carry out section 502(h) of title 23, United States Code; and

(2) at least $4,900,000 shall be made available for each of fiscal years 2007 through 2009 to carry out section 502(i) of that title.

(g) Technical Amendments.—

(1) Surface transportation research.—Section 502 of title 23, United States Code, is amended by striking the first subsection (h), relating to infrastructure investment needs reports beginning with the report for January 31, 1999.

(2) Advanced travel forecasting procedures program.—Section 5512(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1829) is amended by striking "Program appreciation.—" and inserting "Program application.—".

(3) University transportation research.—Section 5506 of title 49, United States Code, is amended—

(A) in subsection (i)—

(i) by striking "In order to" and inserting the following:

"(1) In general.—In order to"; and

(ii) by adding at the end the following:

"(2) Special rule.—Nothing in paragraph (1) requires a nonprofit institution of higher learning designated as a Tier II university transportation center to maintain total expenditures as described in paragraph (1) in excess of the amount of the grant awarded to the institution."; and

(B) in subsection (k)(3) by striking "The Secretary" and all that follows through "to carry out this section" and inserting "For each of fiscal years 2007 through 2009, the Secretary shall expend not more than 1.5 percent of amounts made available to carry out this section".

SEC. 112. RESCISSION.

Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (as amended by section 1302 of the Pension Protection Act of 2006 (Public Law 109-280)) (119 Stat. 1937; 120 Stat. 780) is amended by striking "$8,593,000,000" each place it appears and inserting $8,710,000,000.

SEC. 113. TEA-21 TECHNICAL CORRECTIONS.

(a) Surface Transportation Program.—Section 1108(f)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 133 note; 112 Stat. 141) is amended by striking "2003" and inserting "2009".

(b) Project Authorizations.—The table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 257) is amended—

(1) in item number 567 by striking the project description and inserting "Design and construction of scenic overlook and pedestrian-bicycle trail along Rt. 5 in the Town of Hamburg";

(2) in item number 585 by striking the project description and inserting "Improvements for Heth's Run Bridge and other transportation projects eligible under title 23, United States Code, in Allegheny County, Pennsylvania, as identified by the Commonwealth of Pennsylvania";

(3) in item number 815 by striking the project description and inserting "34th St. Alignment and Interchange and other transportation improvements for city of Moorhead SE MAIN GSI, 34th St., and I-94 Interchange, including reconstruction and retention of the SE Main Avenue Ramps at I-94, and Moorhead Comprehensive Rail Safety Program in Moorhead, MN";

(4) in item number 1039 by striking "transportation and maintenance facility in Union City in order to replace the NJ Transit depot" and inserting "Hoboken Terminal improvements";

(5) in item number 1096 (as amended by section 1703(a)(11) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1454)), by inserting ", and planning and construction to Heisley Road," before "in Mentor, Ohio";

(6) in item number 1257 by striking the project description and inserting "$3,278,000 to construct Eastern Long Island Scenic Byway in Suffolk County; street improvements in Suffolk County with the amounts provided as follows: $1,500,000 for street improvements to Maple Avenue in Smithtown; $500,000 for street improvements in Southampton; $1,500,000 for County Road 39 in Suffolk County; and $4,472,000 for street improvements and scenic byway construction in East Hampton"; and

(7) in item number 1349 by inserting ", and improvements to streets and roads providing access to," after "along".

SEC. 114. HIGH PRIORITY CORRIDORS TECHNICAL CORRECTIONS.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1212) is amended—

(1) in paragraph (63) by striking "and United States Routes 1, 3, 9, 17, and 46," and inserting "United States Routes 1, 9, and 46, and State Routes 3 and 17,"; and

(2) in paragraph (64)—

(A) by striking "United States Route 42" and inserting "State Route 42"; and

(B) by striking "Interstate Route 676" and inserting "Interstate Routes 76 and 676".

SEC. 115. DEFINITION OF REPEAT INTOXICATED DRIVER LAW.

Section 164(a)(5) of title 23, United States Code, is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) receive—

"(i) a driver's license suspension for not less than 1 year; or

"(ii) a combination of suspension of all driving privileges for the first 45 days of the suspension period followed by a reinstatement of limited driving privileges for the purpose of getting to and from work, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual;

"(B) be subject to the impoundment or immobilization of, or the installation of an ignition interlock system on, each motor vehicle owned or operated by the individual;".

SEC. 116. RESEARCH TECHNICAL CORRECTION.

Section 5506(e)(5)(C) of title 49, United States Code, is amended by striking "$2,225,000" and inserting "$2,250,000".

SEC. 117. EFFECTIVE DATE.

(a) In General.—Except as otherwise provided in this Act (including subsection (b)), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) Exception.—

(1) In general.—The amendments made by this Act (other than the amendments made by sections 101(g), 103, 104, 105, 110, and 201(m)) to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) shall—

(A) take effect as of the date of enactment of that Act; and

(B) be treated as being included in that Act as of that date.

(2) Effect of amendments.—Each provision of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) (including the amendments made by that Act) (as in effect on the day before the date

of enactment of this Act) that is amended by this Act (other than sections 101(g), 103, 104, 105, 110, and 201(m)) shall be treated as not being enacted.

TITLE II—TRANSIT PROVISIONS

SEC. 201. TRANSIT TECHNICAL CORRECTIONS.

(a) SECTION 5302.—Section 5302(a)(10) of title 49, United States Code, is amended by striking "charter," and inserting "charter, sightseeing,".

(b) SECTION 5307.—Section 5307(b) of such title is amended—

(1) in paragraph (2)(A) by striking "mass transportation" and inserting "public transportation"; and

(2) in paragraph (3) by striking "section 5305(a)" and inserting "section 5303(k)".

(c) SECTION 5309.—Section 5309(m) of such title is amended—

(1) in the heading for paragraph (2)(A) by striking "MAJOR CAPITAL" and inserting "CAPITAL"; and

(2) in paragraph (7)(B) by striking "section 3039" and inserting "section 3045".

(d) SECTION 5311.—Section 5311 of such title is amended—

(1) in subsection (g)(1)(A) by striking "for any purpose other than operating assistance" and inserting "for a capital project or project administrative expenses";

(2) in subsections (g)(1)(A) and (g)(1)(B) by striking "capital" after "net"; and

(3) in subsection (i)(1) by striking "Sections 5323(a)(1)(D) and 5333(b) of this title apply" and inserting "Section 5333(b) applies".

(e) SECTION 5312.—The heading for section 5312(c) of such title is amended by striking "MASS TRANSPORTATION" and inserting "PUBLIC TRANSPORTATION".

(f) SECTION 5314.—Section 5314(a)(3) is amended by striking "section 5323(a)(1)(D)" and inserting "section 5333(b)".

(g) SECTION 5319.—Section 5319 of such title is amended by striking "section 5307(k)" and inserting "section 5307(d)(1)(K)".

(h) SECTION 5320.—Section 5320 of such title is amended—

(1) in subsection (a)(1)(A) by striking "intra—agency" and inserting "intraagency";

(2) in subsection (b)(5)(A) by striking "5302(a)(1)(A)" and inserting "5302(a)(1)" ;

(3) in subsection (d)(1) by inserting "to administer this section and" after "5338(b)(2)(J)"; and

(4) by adding at the end of subsection (d) the following:

"(4) TRANSFERS TO LAND MANAGEMENT AGENCIES.—The Secretary may transfer amounts available under paragraph (1) to the appropriate Federal land management agency to pay necessary costs of the agency for such activities described in paragraph (1) in connection with activities being carried out under this section.".

(i) SECTION 5323.—Section 5323(n) of such title is amended by striking "section 5336(e)(2)" and inserting "section 5336(d)(2)".

(j) SECTION 5336.—

(1) APPORTIONMENTS OF FORMULA GRANTS.—Section 5336 of such title is amended—

(A) in subsection (a) by striking "Of the amount" and all that follows before paragraph (1) and inserting "Of the amount apportioned under subsection (i)(2) to carry out section 5307—";

(B) in subsection (d)(1) by striking "subsections (a) and (h)(2) of section 5338" and inserting "subsections (a)(1)(C)(vi) and (b)(2)(B) of section 5338"; and

(C) by redesignating subsection (c), as added by section 3034(c) of Public Law 109–59 (119 Stat. 1628), as subsection (k).

(2) TECHNICAL AMENDMENTS.—Section 3034(d)(2) of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (119 Stat. 1629), is amended by striking "paragraph (2)" and inserting "subsection (a)(2)".

(k) SECTION 5337.—Section 5337(a) of title 49, United States Code, is amended by striking "for each of fiscal years 1998 through 2003" and inserting "for each of fiscal years 2005 through 2009".

(l) SECTION 5338.—Section 5338(d)(1)(B) of such title is amended by striking "section 5315(a)(16)" and inserting "section 5315(b)(2)(P)".

(m) SAFETEA-LU.—

(1) SECTION 3037.—Section 3037(c)(3) of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (119 Stat. 1636) is amended by striking "Phase II".

(2) SECTION 3040.—Section 3040(4) of such Act (119 Stat. 1639) is amended by striking "$7,871,895,000" and inserting "$7,872,893,000".

(3) SECTION 3043.—

(A) SAN DIEGO.—Section 3043(c)(105) of such Act (119 Stat. 1645) is amended by striking "LOSSAN Del Mar-San Diego Rail—Corridor Improvements" and inserting "LOSSAN Rail Corridor Improvements" .

(B) SAN DIEGO.—Section 3043(c)(217) of such Act (119 Stat. 1648) is amended by striking "San Diego" and inserting "San Diego Transit".

(C) LOS ANGELES.—

(i) PHASE 2.—Section 3043(c) of such Act (119 Stat. 1645) is amended by inserting after paragraph (104) the following:

"(104A) Los Angeles—Exposition LRT (Phase 2).".

(ii) PHASE 1.—Section 3043(b)(13) of such Act (119 Stat. 1642) is amended to read as follows:

"(13) Los Angeles—Exposition LRT (Phase 1).".

(D) LIVERMORE.—Section 3043(c) of such Act (119 Stat. 1645) is amended by inserting after paragraph (102) the following:

"(102A) Livermore, California—Amador Valley Transit Authority BRT.".

(E) BOSTON.—Section 3043(d)(6) of such Act (119 Stat. 1649) is amended to read as follows:

"(6) Boston—Silver Line Phase III, $20,000,000.".

(4) SECTION 3044.—

(A) PROJECTS.—The table contained in section 3044(a) of such Act (119 Stat. 1652) is amended—

(i) in item number 36 by striking the project description and inserting "36. Los Angeles County Metropolitan Transportation Authority (LACMTA) for bus and bus-related facilities in the LACMTA's service area";

(ii) in item number 94 by striking the project description and inserting "94. Pacific Transit, WA Vehicle Replacement";

(iii) in item number 416 by striking "Improve marine intermodal" and inserting "Improve marine dry-dock and";

(iv) in item number 487 by striking "Central Arkansas Transit Authority Facility Upgrades" and inserting "Central Arkansas Transit Authority Bus Acquisition";

(v) in item number 512 by striking "Corning, NY, Phase II Corning Preserve Transportation Enhancement Project" and inserting "Transportation Center Enhancements, Corning, NY";

(vi) in item number 516 by striking "Dayton Wright Stop Plaza" and inserting "Downtown Dayton Transit Enhancements";

(vii) in item number 541 by striking "Hoonah, AK-Intermodal Ferry Dock" and inserting "Hoonah, AK-Marine Passenger Dock and Bus Transfer Facility"; and

(viii) in item number 570 by striking "Maine Department of Transportation-Acadia Intermodal Facility" and inserting "Maine DOT Acadia Intermodal Passenger and Maintenance Facility".

(B) SPECIAL RULE.—Section 3044(c) of such Act (119 Stat. 1705) is amended—

(i) by inserting ", or other entity," after "State or local government authority"; and

(ii) by striking "projects numbered 258 and 347" and inserting "projects numbered 258, 347, and 411".

(5) SECTION 3046.—Section 3046(a)(7) of such Act (119 Stat. 1708) is amended—

(A) by striking "hydrogen fuel cell vehicles" and inserting "hydrogen fueled vehicles";

(B) by striking "hydrogen fuel cell employee shuttle vans" and inserting "hydrogen fueled employee shuttle vans"; and

(C) by striking "in Allentown, Pennsylvania" and inserting "to the DaVinci Center in Allentown, Pennsylvania".

TITLE III—OTHER PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS RELATING TO MOTOR CARRIER SAFETY.

(a) CONFORMING AMENDMENT RELATING TO HIGH-PRIORITY ACTIVITIES.—Section 31104(f) of title 49, United States Code, is amended by striking the designation and heading for paragraph (1) and by striking paragraph (2).

(b) NEW ENTRANT AUDITS.—

(1) CORRECTIONS OF REFERENCES.—Section 4107(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1720) is amended—

(A) by striking "Section 31104" and inserting "Section 31144"; and

(B) in paragraph (2) by inserting "(c)" after "the second subsection".

(2) CONFORMING AMENDMENT.—Section 7112 of such Act (119 Stat. 1899) is amended by striking subsection (c).

(c) PROHIBITED TRANSPORTATION.—Section 4114(c)(1) of the such Act (119 Stat. 1726) is amended by striking "the second subsection (c)" and inserting "(f)".

(d) EFFECTIVE DATE RELATING TO MEDICAL EXAMINERS.—Section 4116(f) of such Act (119 Stat. 1728) is amended by striking "amendment made by subsection (a)" and inserting "amendments made by subsections (a) and (b)".

(e) ROADABILITY TECHNICAL CORRECTION.—Section 31151(a)(3)(E)(ii) of title 49, United States Code, is amended by striking "Act" and inserting "section".

(f) CORRECTION OF SUBSECTION REFERENCE.—Section 4121 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1734) is amended by striking "31139(f)(5)" and inserting "31139(g)(5)".

(g) CDL LEARNER'S PERMIT PROGRAM TECHNICAL CORRECTION.—Section 4122(2)(A) of such Act (119 Stat. 1734) is amended by striking "license" and inserting "licenses".

(h) CDL INFORMATION SYSTEM FUNDING REFERENCE.—Section 31309(f) of title 49, United States Code, is amended by striking "31318" and inserting "31313".

(i) CLARIFICATION OF REFERENCE.—Section 229(a)(1) of the Federal Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note; 119 Stat. 1743) is amended by inserting "of title 49, United States Code," after "31502".

(j) REGISTRATION OF BROKERS.—Section 4142(c)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1747) is amended by inserting "each place it appears" before the semicolon.

(k) Redesignation of Section.—The second section 39 of chapter 2 of title 18, United States Code, relating to commercial motor vehicles required to stop for inspections, and the item relating to such section in the analysis for such chapter, are redesignated as section 40.

(l) Office of Intermodalism.—Section 5503 of title 49, United States Code, is amended—

(1) in subsection (f)(2) by striking "Surface Transportation Safety Improvement Act of 2005", and inserting "Motor Carrier Safety Reauthorization Act of 2005"; and

(2) by redesignating the first subsection (h), relating to authorization of appropriations, as subsection (i) and moving it after the second subsection (h).

(m) Use of Fees for Unified Carrier Registration System.—Section 13908 of title 49, United States Code, is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) Use of Fees for Unified Carrier Registration System.—Fees collected under this section may be credited to the Department of Transportation appropriations account for purposes for which such fees are collected and shall be available for expenditure for such purposes until expended.".

(n) Commercial Motor Vehicle Definition.—Section 14504a(a)(1)(B) of title 49, United States Code, is amended by striking "a motor carrier required to make any filing or pay any fee to a State with respect to the motor carrier's authority or insurance related to operation within such State, the motor carrier" and inserting "determining the size of a motor carrier or motor private carrier's fleet in calculating the fee to be paid by a motor carrier or motor private carrier pursuant to subsection (f)(1), the motor carrier or motor private carrier".

(o) Clarification of Unreasonable Burden.—Section 14504a(c)(2) of title 49, United States Code, is amended by striking "interstate" the last place it appears and inserting "intrastate".

(p) Contents of Agreement Typo.—Section 14504a(f)(1)(A)(ii) of title 49, United States Code, is amended by striking "or" the last place it appears.

(q) Other Unified Carrier Registration System Technical Corrections.—Section 14504a of title 49, United States Code, is amended—

(1) in subsection (c)(1)(B) by striking "the a" and inserting "a"; and

(2) in subsection (f)(1)(i) by striking "in connection with the filing of proof of financial responsibility".

(r) Termination of Registration Provisions.—Section 4305(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1764) is amended by striking "12 months" and inserting "24 months".

(s) Identification of Vehicles.—Section 14506(b)(2) of title 49, United States Code, is amended by inserting before the semicolon at the end the following: "or under an applicable State law if, on October 1, 2006, the State has a form of highway use taxation not subject to collection through the International Fuel Tax Agreement".

SEC. 302. TECHNICAL AMENDMENTS RELATING TO HAZARDOUS MATERIALS TRANSPORTATION.

(a) Definition of Hazmat Employees.—Section 7102(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1982) is amended—

(1) by striking "(3)(A)" and inserting "(3)";

(2) in subparagraph (A) by striking "clause (i)" and inserting "clause (i) of subparagraph (A)"; and

(3) in subparagraph (B) by striking "clause (ii)" and inserting "subparagraph (A)(ii)".

(b) Technical Correction.—Section 5103a(g)(1)(B)(ii) of title 49, United States Code, is amended by striking "Act" and inserting "subsection".

(c) Relationship to Other Laws.—Section 7124(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1908) is amended by inserting "the first place it appears" before "and inserting".

(d) Hazardous Materials Transportation.—Section 5121(h) of title 49, United States Code, is amended—

(1) in paragraph (2) by striking "exemptions" and inserting "special permits"; and

(2) in paragraph (3) by striking "exemption" and inserting "special permit".

(e) Section Heading.—Section 5128 of title 49, United States Code, is amended by striking the section designation and heading and inserting the following:

"§ 5128. Authorization of appropriations".

(f) Chapter Analysis.—The analysis for chapter 57 of title 49, United States Code, is amended in the item relating to section 5701 by striking "Transportation" and inserting "transportation".

(g) Norman Y. Mineta Research and Special Programs Improvement Act.—Section 5(b) of the Norman Y. Mineta Research and Special Programs Improvement Act (49 U.S.C. 108 note; 118 Stat. 2427) is amended by inserting "(including delegations by the Secretary of Transportation)" after "All orders".

SEC. 303. HIGHWAY SAFETY.

(a) State Minimum Apportionments for Highway Safety Programs.—Effective October 1, 2006, section 402(c) of the title 23, United States Code, is amended by striking "The annual apportionment to each State shall not be less than one-half of 1 per centum" and inserting "The annual apportionment to each State shall not be less than three-quarters of 1 percent".

(b) Technical Corrections.—

(1) Section 2002(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1521) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as (2) and (3), respectively.

(2) Section 2007(b)(1) of such Act (119 Stat. 1529) is amended—

(A) by inserting "and" after the semicolon at the end of subparagraph (A);

(B) by striking "and" at the end of subparagraph (B); and

(C) by striking subparagraph (C).

(3) Effective August 10, 2005, section 410(c)(7)(B) of title 23, United States Code, is amended by striking "clause (i)" and inserting "clauses (i) and (ii)".

(4) Section 411 of title 23, United States Code, is amended by redesignating the second subsection (c), relating to administration expenses, and subsection (d) as subsections (d) and (e), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. Petri) and the gentleman from Oregon (Mr. DeFazio) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6233.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Mr. Speaker, I yield myself.such time as I may consume.

Mr. Speaker, the bill before us amends the Safe, Accountable, Flexible, Efficiency Transportation Equity Act: A Legacy for Users, or SAFETEA-LU, to make technical corrections.

The bill was introduced by Chairman Don Young of Alaska, Mr. Jim Oberstar of Minnesota, Peter DeFazio of Oregon and me, who worked together on the development and passage of the SAFETEA-LU authorization bill last year.

In June, the House passed the technical corrections bill to SAFETEA-LU, H.R. 5689. Since then, we have been working with our Senate colleagues to identify and correct any other outstanding issue from the original bill. This bill, H.R. 6233, is the product of those negotiations and will make the necessary changes to SAFETEA-LU.

The technical corrections included in the bill have been identified by the Department of Transportation and are mostly of a conforming nature or correct drafting errors. The most important correction we are making is to strengthen the Federal highway research program by ensuring the continuation of the legacy research programs carried out by the Department of Transportation. The bill has been scored by the Congressional Budget Office and has no budgetary impact.

I support this legislation and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. DeFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6233, a bill to make technical corrections to the Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, SAFETEA-LU.

I want to thank my colleagues on the committee and particularly the leadership on the committee, Chairman Young; subcommittee chairman, Mr. Petri; the ranking member, Mr. Oberstar: the staff who did tremendous work on this bill which became law just a little over a year ago.

It is a tremendous investment in the future of our Nation in terms of improving the infrastructure to mitigate for congestion, dealing with ongoing problems with maintenance of the existing structure. In particular in my State, a substantial amount of funds will be applied to fix cracked bridges on the Interstate 5 system, a life-blood system which serves the entire west coast of the United States.

The bill had, as any major bill does, a few inadvertent drafting errors, probably due to the Senate, and some legislative language that needed some minor change.

In particular, there was a problem with funding for the Service Transportation Research Development and Deployment Account, that the funding was oversubscribed. It meant that the Federal Highway Administration would not have been able to continue its legacy research program, which is an extraordinarily important program that looks at activities, including the Biannual Conditions and Performance Report, an objective appraisal of highway bridge, transit finance, physical condition, operational performance and future investment requirements, information that will be absolutely critical as we move forward toward the next major Surface Transportation Act in the not-too-distant future.

So the bill is otherwise a straightforward technical correction, without additions. I would recommend it to my colleagues.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman for yielding.

I am relieved that we are that point in the process on this technical corrections bill. This has had a longer gestation period than the technical corrections bill for the previous reauthorization, TEA–21, when we had well over 1,000 technical corrections. We have many fewer this time, but it seems more contentious, particularly with the other body.

It has just taken seemingly endless hours of discussion and meetings among committee staff, and discussions. And I particularly appreciate the patience of the chairman, the gentleman from Alaska (Mr. YOUNG), who, on occasion, his impatience has moved the process along.

We should not have to do that. We should have been able to come together, look at the problems, just little oversights, misprintings, misstatements of what Members agreed upon in the conference and in the two versions of the bill that went to conference. We should have been able to do that in a matter of a couple of months.

But here we are almost a year later, well over a year later, and we are getting these items ironed out. Meanwhile, of course, a number of Members changed their mind about projects that they had, and circumstances changed in the various districts across the country.

So we have come back, and again with great bipartisan cooperation and an enormous effort on the part of the majority and minority staff, who have given tremendous hours of their time, Saturdays and Sundays, working, attempting to work through the August recess, when the other body went off and was not willing to cooperate with us.

But here we are. The SAFETEA–LU bill has proven to be enormously successful and effective. The policies that we set forth in that bill are being carried out by the States and with the practitioners of transportation across this country, and the bill has been received with great acclaim.

The technical corrections that we bring are, the gentleman from Wisconsin, the chairman of the subcommittee has spelled out some of them, Ranking Member DEFAZIO has spelled out others.

I want to particularly address the recapture of critical research funds for the future strategic highway research program, which is a long-term research initiative addressing the most significant problems of highway safety, reliability, capacity, and renewal.

The University Transportation Center Program, which has been very, very successful in offering new initiatives to deal with problems of transportation through the application of technology in education research, and innovative technological approaches to our transportation needs.

The development of publication of DOT's Conditions and Performance Report. That is so important. That is a little-understood item that is paid little attention, but it is the basis upon which we will move to the next authorization of transportation which will guide the practitioners, the State Departments of Transportation, the Federal Highway Administration in applying SAFETEA–LU. It gives us an objective appraisal of highway conditions, bridge conditions, financing of our transit and highway programs, performance of our highway, bridge and transit systems, and the needs for future investment.

This Conditions and Performance Report is a critical matter. I am glad we were able to get it straightened out.

The bill also modifies the Repeat Intoxicated Driver Law, to allow for the use of ignition interlock devices.

We were making a lot of progress against highway fatalities, but suddenly in the last 2 years the number has been going on up, somewhere around 44–45,000 fatalities a year. Should be going in the other direction. Half of those, nearly half of those, 40 percent of those fatalities are alcohol-related. It is not the bad road conditions. It is not bad bridges. It is alcohol related.

The interlock provision was included in both House and Senate bills, but it was not included in the conference report by simply an oversight. So the technical correction incorporates the change of giving States flexibility to continue with the 1-year license suspension requirement, or a 45-day license suspension. That is an important initiative if we are going to continue to save lives.

I am talking about just the fatalities. There are 1,300,000 people injured in accidents nationally. The repeat offenders are just a part of the U.S. drunk driving problem. They represent one-third of all DUI, driving under the influence, arrests every year. Fifty to 75 percent of repeat offenders whose licenses have been suspended continue to drive illegally.

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So an ignition interlock will prevent those offenders who have imbibed too much from operating their vehicle. They will be able to drive to work, drive to school or go to an alcohol treatment program, but we want to keep those bad drivers, repeat bad drivers off the road and save lives, and this initiative will help do that.

The technical corrections bill also corrects and states in much clearer language an intention that was written in to permit the construction of a bridge over Interstate 35 near North Branch in the southern tier of my congressional district, and how the State and the Federal Highway Administration could have misunderstood the language we wrote in that bill is beyond me.

We authorized $7.5 million for design, engineering and construction of a bridge, and the Federal Highway Administration and the State said, oh, no, the way you wrote it, we interpret it to be only for design and engineering. Well, I tell you, you do not spend $7.5 million to design and engineer a $7.5 million bridge. We have made that very clear in this technical corrections.

So with those adjustments, I offer my heartfelt thanks to Chairman YOUNG for his patience, for his perseverance; Chairman PETRI, for a partnership that we have continually had and his leadership; and the gentleman from Oregon, who has invested an enormous amount of time; but especially to staff on both sides whose continued creativity has made it possible for us to bring this bill to this point. Now let us hope that the other body passes it with alacrity.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the Transportation and Infrastructure Committee.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding, and I want to thank Mr. DEFAZIO and Mr. PETRI, and especially Mr. OBERSTAR, the ranking member. This is a good team. We wrote a good bill, but the bill was quite large, and there were some errors in printing and errors in judgment in the sense that somebody had misinterpreted what we wrote, and this bill is truly a technical corrections bill.

The reasons it take a little time. As the gentleman from Minnesota mentioned, is because this is a two-body form of government, and there was some difference of opinion in the other body on what I will not mention, and it has taken us a long time to try to arrive at this technical corrections bill that gets done what we tried to do and intended to do and will do now in SAFETEA–LU.

I would like at this time, again it has already been said, but to thank the staff, minority and majority, Graham Hill, Ward, and Jim Tymon, and everybody that has worked on this legislation, along with the other body.

We now are at a point in the last days of this session that we will be able to get this bill done so we can go forth and implement what we did in SAFETEA–LU and that is getting transportation built within this country as it should.

The gentleman from Minnesota also mentioned about the foundation, and I have to say this because I know we are on this TV or C–SPAN and I will say that right now the institution of knowledge about previous law is crucially important for the next step in building infrastructure in this country. Much of SAFETEA–LU was based upon what was done in the previous transportation act and the next one, 4 years from now, will be based upon SAFETEA–LU, and that is crucially important to understand where we were before we can go forward from where we should be.

So for Members that say, well, this is an important institution, it is not important. If you want transportation to be built adequately and justifiably, then you go back through history and go forward on the blocks of building which we established in this legislation.

I just want that it is a good technical correction bill. It will be done, I believe, tonight; and the other body has agreed to accept this, even though I cannot speak for them, but in doing so we will get the roads built, the bridges built and all the other programs the gentleman from Minnesota and the gentleman from Oregon and the gentleman from Wisconsin mentioned and that are in this SAFETEA–LU.

So I congratulate those that worked so hard and took the time. I congratulate you for taking the effort, and I do think we ought to step forward and strongly support the passage of this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I insert this exchange of letters between DON YOUNG and SHERWOOD BOEHLERT for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, September 29, 2006.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Science Committee in matters being considered in H.R. 6233—To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes. The bill amends research portions of H.R. 3, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (P.L. 109–59), which are within the Science Committee's jurisdiction. The Science Committee acknowledges the importance of H.R. 6233 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and of your response will be included in the Congressional Record when the bill is considered on the House floor.

The Science Committee also asks that you support our request to be conferees on any provisions over which we have jurisdiction during House-Senate conference on this legislation.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 29, 2006.

Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of September 29, 2006, regarding H.R. 6233, making technical corrections to SAFETEA: LU, and for your willingness to waive consideration of provisions in the bill that fall within your Committee's jurisdiction under House Rules.

I agree that your waiving consideration of relevant provisions of H.R. 6233 does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-Senate conference on H.R. 6233 or similar legislation, and will support your request for conferees on such provisions.

As you request, your letter and this response will be included in the Congressional Record during consideration on the House floor.

Thank you for your cooperation in moving this important legislation.

Sincerely,

DON YOUNG,
Chairman.

Mr. DEFAZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 6233.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WRIGHT AMENDMENT REFORM ACT OF 2006

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3661) to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas.

The Clerk read as follows:

S. 3661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wright Amendment Reform Act of 2006".

SEC. 2. MODIFICATION OF PROVISIONS REGARDING FLIGHTS TO AND FROM LOVE FIELD, TEXAS.

(a) EXPANDED SERVICE.—Section 29(c) of the International Air Transportation Competition Act of 1979 (Public Law 96–192; 94 Stat. 35) is amended by striking "carrier, if (1)" and all that follows and inserting the following: "carrier. Air carriers and, with regard to foreign air transportation, foreign air carriers, may offer for sale and provide through service and ticketing to or from Love Field, Texas, and any United States or foreign destination through any point within Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, or Alabama.".

(b) REPEAL.—Section 29 of the International Air Transportation Competition Act of 1979 (94 Stat. 35), as amended by subsection (a), is repealed on the date that is 8 years after the date of enactment of this Act.

SEC. 3. TREATMENT OF INTERNATIONAL NONSTOP FLIGHTS TO AND FROM LOVE FIELD, TEXAS.

No person shall provide, or offer to provide, air transportation of passengers for compensation or hire between Love Field, Texas, and any point or points outside the 50 States or the District of Columbia on a nonstop basis, and no official or employee of the Federal Government may take any action to make or designate Love Field as an initial point of entry into the United States or a last point of departure from the United States.

SEC. 4. CHARTER FLIGHTS AT LOVE FIELD, TEXAS.

(a) IN GENERAL.—Charter flights (as defined in section 212.2 of title 14, Code of Federal Regulations) at Love Field, Texas, shall be limited to—

(1) destinations within the 50 States and the District of Columbia; and

(2) no more than 10 per month per air carrier for charter flights beyond the States of Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, and Alabama.

(b) CARRIERS WHO LEASE GATES.—All flights operated to or from Love Field by air carriers that lease terminal gate space at Love Field shall depart from and arrive at one of those leased gates; except for—

(1) flights operated by an agency of the Federal Government or by an air carrier under contract with an agency of the Federal Government; and

(2) irregular operations.

(c) CARRIERS WHO DO NOT LEASE GATES.—Charter flights from Love Field, Texas, operated by air carriers that do not lease terminal space at Love Field may operate from nonterminal facilities or one of the terminal gates at Love Field.

SEC. 5. LOVE FIELD GATES.

(a) IN GENERAL.—The city of Dallas, Texas, shall reduce as soon as practicable, the number of gates available for passenger air service at Love Field to no more than 20 gates. Thereafter, the number of gates available for such service shall not exceed a maximum of 20 gates. The city of Dallas, pursuant to its authority to operate and regulate the airport as granted under chapter 22 of the Texas Transportation Code and this Act, shall determine the allocation of leased gates and manage Love Field in accordance with contractual rights and obligations existing as of the effective date of this Act for certificated air carriers providing scheduled passenger service at Love Field on July 11, 2006. To accommodate new entrant air carriers, the city of Dallas shall honor the scarce resource provision of the existing Love Field leases.

(b) REMOVAL OF GATES AT LOVE FIELD.—No Federal funds or passenger facility charges may be used to remove gates at the Lemmon Avenue facility, Love Field, in reducing the number of gates as required under this Act, but Federal funds or passenger facility charges may be used for other airport facilities under chapter 471 of title 49, United States Code.

(c) GENERAL AVIATION.—Nothing in this Act shall affect general aviation service at Love Field, including flights to or from Love Field by general aviation aircraft for air taxi service, private or sport flying, aerial photography, crop dusting, corporate aviation, medical evacuation, flight training, police or fire fighting, and similar general aviation purposes, or by aircraft operated by any agency of the Federal Government or by any air carrier under contract to any agency of the Federal Government.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation and the Administrator of the Federal Aviation Administration may not make findings or determinations, issue orders or rules, withhold airport improvement grants or approvals thereof, deny passenger facility charge applications, or take any other actions, either self-initiated or on behalf of third parties—

(A) that are inconsistent with the contract dated July 11, 2006, entered into by the city of Dallas, the city of Fort Worth, the DFW International Airport Board, and others regarding the resolution of the Wright Amendment issues, unless actions by the parties to the contract are not reasonably necessary to implement such contract; or

(B) that challenge the legality of any provision of such contract.

(2) COMPLIANCE WITH TITLE 49 REQUIREMENTS.—A contract described in paragraph (1)(A) of this subsection, and any actions taken by the parties to such contract that are reasonably necessary to implement its provisions, shall be deemed to comply in all respects with the parties' obligations under title 49, United States Code.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this Act shall be construed—

(A) to limit the obligations of the parties under the programs of the Department of Transportation and the Federal Aviation Administration relating to aviation safety, labor, environmental, national historic preservation, civil rights, small business concerns (including disadvantaged business enterprise), veteran's preference, disability access, and revenue diversion;

(B) to limit the authority of the Department of Transportation or the Federal Aviation Administration to enforce the obligations of the parties under the programs described in subparagraph (A);

(C) to limit the obligations of the parties under the security programs of the Department of Homeland Security, including the Transportation Security Administration, at Love Field, Texas;

(D) to authorize the parties to offer marketing incentives that are in violation of Federal law, rules, orders, agreements, and other requirements; or

(E) to limit the authority of the Federal Aviation Administration or any other Federal agency to enforce requirements of law and grant assurances (including subsections (a)(1), (a)(4), and (s) of section 47107 of title 49, United States Code) that impose obligations on Love Field to make its facilities available on a reasonable and nondiscriminatory basis to air carriers seeking to use such facilities, or to withhold grants or deny applications to applicants violating such obligations with respect to Love Field.

(2) FACILITIES.—Paragraph (1)(E)—

(A) shall only apply with respect to facilities that remain at Love Field after the city of Dallas has reduced the number of gates at Love Field as required by subsection (a); and

(B) shall not be construed to require the city of Dallas, Texas—

(i) to construct additional gates beyond the 20 gates referred to in subsection (a); or

(ii) to modify or eliminate preferential gate leases with air carriers in order to allocate gate capacity to new entrants or to create common use gates, unless such modification or elimination is implemented on a nationwide basis.

SEC. 6. APPLICABILITY.

The provisions of this Act shall apply to actions taken with respect to Love Field, Texas, or air transportation to or from Love Field, Texas, and shall have no application to any other airport (other than an airport owned or operated by the city of Dallas or the city of Fort Worth, or both).

SEC. 7. EFFECTIVE DATE.

Sections 1 through 6, including the amendments made by such sections, shall take effect on the date that the Administrator of the Federal Aviation Administration notifies Congress that aviation operations in the airspace serving Love Field and the Dallas-Fort Worth area which are likely to be conducted after enactment of this Act can be accommodated in full compliance with Federal Aviation Administration safety standards in accordance with section 40101 of title 49, United States Code, and, based on current expectations, without adverse effect on use of airspace in such area.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

Mr. SENSENBRENNER. Mr. Speaker, is the gentlewoman from Texas opposed to the motion? If not, I demand the time in opposition.

The SPEAKER pro tempore. Does the gentlewoman from Texas favor the motion?

Ms. EDDIE BERNICE JOHNSON of Texas. Yes.

The SPEAKER pro tempore. On that basis, the gentleman from Wisconsin (Mr. SENSENBRENNER) will control the 20 minutes in opposition.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on S. 3661.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3661, which is known as the Wright Amendment Reform Act of 2006. This bill passed the Senate just a few hours ago by unanimous consent.

This legislation is exactly identical to H.R. 6228 which was introduced by the House Transportation and Infrastructure chairman, the Honorable Don Young, and ranking member, the Honorable James Oberstar, and by several Members of the Texas delegation, including Representatives EDDIE BERNICE JOHNSON, KENNY MARCHANT, KAY GRANGER, JOE BARTON, MIKE BURGESS, CHET EDWARDS, RALPH HALL, SAM JOHNSON and also PETE SESSIONS.

First, I want to commend my colleagues from the Texas delegation for working together to help foster this amendment that is the basis for this legislation.

This legislation, Senate bill 3661, would implement a locally initiated and locally approved agreement that seeks to change and eventually eliminate what has been commonly known as the Wright amendment which, in fact, has restricted commercial air passenger service out of Dallas Love Field for over three decades.

This is an anticompetitive law, and it has resulted in higher air fares and fewer service options for consumers for some decades now. It seems that the only beneficiary of the Wright amendment has been the small army of lawyers hired by the affected cities and airlines to litigate almost every aspect of this poorly conceived law.

Earlier this year, members of the congressional delegation, along with the mayors, the airlines and others came together and reached a consensus agreement on July 11, 2006.

This bill crafts a number of important provisions that will open service again and some of the wrong restrictions imposed by the Wright amendment.

Mr. Speaker, I would like to see the Wright amendment repealed immediately. However, in my opinion, this is our best option.

The political reality is that without this legislation, the 35-year-old "Cold War" waged by the affected cities, airlines and communities will continue indefinitely.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1972, Justice Thurgood Marshall wrote the following in the case of United States v. Topco Associates, Inc.: "Antitrust laws in general, and the Sherman Act in particular, are the Magna Carta of free enterprise. They are as important to the preservation of economic freedom and our free enterprise system as the Bill of Rights is to the protection of our fundamental personal freedoms. And the freedom guaranteed each and every business, no matter how small, is the freedom to compete, to assert with vigor, imagination, devotion, and ingenuity whatever economic muscle it can muster."

Mr. Speaker, I rise in opposition to this legislation. The Wright amendment is anticompetitive, there is no doubt about it, and it has increased the cost of long-distance travel to people who live in the Dallas-Fort Worth area by as much as a third as compared to other markets with other airlines.

What this legislation does is continue vestiges of the Wright amendment and its anticompetition policy on until at least the year 2025. If we think the Wright amendment is bad, we should get rid of it once and for all, and remember, Congress imposed the Wright amendment back over 15 years ago.

Now, what this bill does is it codifies an agreement among private and local government parties that constitute per se violations of the antitrust laws. With limited exceptions, the Wright amendment expressly insulates Dallas-Fort Worth from interstate international air passenger competition from Dallas Love Field.

Now, let us stop and think about this because this bill would provide a congressional approval, requiring the demolition of existing gates at Love Field, some of which are privately owned and utilized by airlines to offer additional air passenger service to points across the United States.

The agreement also prohibits Southwest Airlines from offering service from the DFW Airport until 2025 and limits the ability of all airlines to offer service from Love Field and maintains a ban on most interstate flights from Love Field to 42 States. Now, that means if you live in the 42 States that this bill seeks to protect, you are going to pay more to come to Dallas-Ft. Worth, no two ways about it.

There was a memo leaked out of the Justice Department that says that this agreement, which allows Southwest to stay out of DFW for 19 years, would be a hard core per se violation of the Sherman Act.

Now, proponents of this bill will claim that the antitrust laws are unaffected by it and do not be fooled. Why? According to 54 American Jurisprudence 2nd, Monopolies and Restraints of Trade, No. 243, the Hornbook on antitrust law, says: "In determining whether subsequent Federal legislation has granted immunity from the antitrust laws, a court should reconcile the operation of both statutory schemes, where this is possible."

A court looking to this legislation will be forced to ignore the antitrust laws because the legislation contains mandatory obligations that the parties engage in contact that violates the per se violations of the antitrust laws.

So this compromise is a compromise in name only, and the result is exactly the same, creating implied antitrust immunity by eliminating a cause of action for conduct that presents a clear violation of the antitrust laws.

Now, we are going to hear that the Wright amendment is a local issue, and they are right. It is a local issue for the Members of Congress who represent the 42 States whose residents are held captive by the anticompetitive output restriction/cartel that this legislation perpetuates.

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We have got to have the courage to stand up for consumers, our constituents who vote for us, and adopt the procompetitive goals of the Airline Deregulation Act by defeating this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, may I inquire as to how much time the gentleman has remaining and also how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Florida has 17 minutes remaining, and the gentleman from Wisconsin has 15 minutes remaining.

Mr. MICA. Mr. Speaker, I am pleased to yield 10 minutes to the gentlewoman from Texas, and I ask unanimous consent that she be able to control those 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of Senate bill 3661. The bill passed by the Senate earlier today mirrors House bill 6228 previously scheduled for consideration today.

At the outset, I want to extend my thanks to Chairman YOUNG and Ranking Member OBERSTAR, Subcommittee Chairman MICA and Ranking Member COSTELLO for their cooperation and support throughout this process. Each of you, in addition to the committee staff, has been extremely helpful in accommodating the requests of myself and north Texas colleagues, and I am truly appreciative.

The road leading to this point has been long and arduous, but I am delighted that the bill before us today represents a bipartisan piece of sound legislation. The bill's fundamental objective is to open the north Texas market to more competition in air transportation, not to further restrict it, despite the claims of some.

This bill phases out the Wright amendment completely in 8 years, offers immediate thru-ticketing in and out of Love Field, saving consumers an estimated $259 million annually. It will generate over $2 billion annually in spending and related economic activity for north Texas and for many communities outside the current Wright amendment parameter.

It opens Love Field in a responsible way, ensuring resolution of Love Field-area residents' concerns over noise, traffic, and safety for the area.

It protects safety by prohibiting the legislation from taking effect until the Federal Aviation Administration notifies Congress that the additional aviation operations in the Dallas/Fort Worth/Love Field airspace expected as a result of this Act can be conducted safely and without adverse effect on airspace use.

It protects competition by preserving the FAA's authority to enforce airport rules that obligate Love Field to make its facilities available on a reasonable and nondiscriminatory basis to new entrant carriers, and stimulates competition and travel commerce throughout the United States.

This bill is important to north Texas, the aviation community at large, and particularly my constituents, as Dallas Love Field Airport is located within the heart of my congressional district.

Two months ago, the city of Dallas, the city of Fort Worth, Southwest Airlines, American Airlines, and Dallas/Fort Worth International Airport reached a compromise to resolve long-standing issues regarding the Wright amendment.

As many of you know, the three-decade-old legislation imposes long-haul flight restrictions to and from Dallas Love Field Airport. The agreement marks an important milestone, as efforts to repeal the restrictions over the past decades have served as a major point of contention among north Texas stakeholders and the aviation community at large.

To have all the aforementioned entities in solidarity behind this compromise that ultimately lifts long-haul flight restrictions at Dallas Love Field is nothing short of amazing.

I would like to impress the following upon my colleagues: It is important to note that the Wright amendment was a direct result of a community-crafted compromise between the cities of Dallas and Fort Worth, Texas, regarding two north Texas airports.

Thirty years ago, north Texas, upon the recommendation of the Civil Aeronautics Board, decided that DFW Airport would be the region's primary air travel investment. This decision is captured in the 1968 Regional Airport Concurrent Bond Ordinance, which I will enter into the RECORD.

In lieu of closing Love Field, the Wright amendment was crafted to protect the interests of the Dallas/Fort Worth Airport as well as those of Southwest Airlines. As the agreement said, that commercial traffic would close at the time that D/FW opened. The balance between our two airports as a result of the Wright amendment has served this region well.

These airports are eight miles apart. Dallas/Fort Worth International Airport and Love Field Airport are vital components to the overall health and success of the regional economy. Respectively, they rank third and fifty-fifth nationally in terms of total traffic enplanements. As such, I have felt quite strongly that any policy decision regarding the Wright amendment that could have implications for future aviation in north Texas should not be carried out without the input of the localities directly involved; and I have asked over and over again for the last 20 years to have the local entities to come to an agreement.

My position has not always gone over well within certain segments of my constituency, but, for the record, I would like to reiterate that I am not anti-competitive, I am not anti-lower fares, I would be stupid to do that, nor am I anti-free enterprise. I am, however, pro principle. And it has always been my belief that the Wright amendment exists as a principled agreement between these two cities.

Each time the subject of repeal of the Wright amendment has arisen, it has placed the cities of Dallas and Fort Worth, 27 miles apart, on guard against each other because it violates the agreement. Over the past decades, this issue has created much grief, litigation, and oftentimes flat-out distrust among the cities of Dallas and Fort Worth. This type of back and forth over the past 30 years has not been healthy for north Texas, as we have many pressing challenges that require us to work together in good faith if we are to be successful as a region.

Mr. Speaker, I support the compromise. The compromise outlined within Senate Bill 3661 requires give and take of all vested stakeholders. But, most importantly, Mr. Speaker, the measure represents a unified local consensus of which I am most proud.

Further, many homeowners and constituent groups that live and work within the Love Field area also support this compromise.

As I close, I want to commend the cities of Dallas and Fort Worth for coming to the table and acting in good faith to bring forth a compromise that I hope will allow us to once and for all bring an end to one of aviation's most storied standoffs.

Is the compromise perfect? No. But I do feel it represents one of the best chances we as a region have to finally bring resolution to a long-standing dispute. I want to urge my colleagues to join me in voting "yes" on this bill.

Congressional leaders have long urged the cities of Fort Worth and Dallas to come together and work toward a local compromise. This not only was instructed by two Secretaries of Transportation, the last two under the last two Presidents, but others as well to resolve the long-standing and divisive controversy over the Wright amendment. The communities have responded, and they are deserving of this body's support.

1968 Regional Airport Concurrent Bond Ordinance

Authorizing the Issuance of Dallas-Fort Worth Regional Airport Joint Revenue Bonds Initial Issues—$35,000,000

Adopted by The City Councils of The City of Dallas, Texas and The City of Fort Worth, Texas

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Effective as of November 12, 1968

City of Dallas Ordinance, No. 12352

City of Fort Worth Ordinance, No. 6021

An Ordinance adopted concurrently by the City Councils, respectively, of the Cities of Dallas and Fort Worth, authorizing the issuance of Dallas-Fort Worth Regional Airport Joint Revenue Bonds, Series 1968, in the aggregate principal amount of $35,000,000 for the purpose of defraying in part the cost of constructing, equipping and otherwise improving the jointly owned Dallas-Fort Worth Regional Airport of the Cities; providing for the security and payment of said bonds from the revenues derived from the operation of said Airport and in certain instances from other airport revenues of the Cities; providing that the same shall not be payable from taxation; providing the form, terms and conditions of such bonds and the manner of their execution; providing covenants and commitments regarding the payment of said bonds, the construction of said Regional Airport, and the maintenance and operation thereof when constructed including the pledge to such operation and maintenance purposes of the tax authorized by law; containing covenants against competition; and covenants regarding transfers of airport properties; providing other details concerning such bonds and such Airport, including the reserved power to issue additional joint revenue bonds, and the subordination thereof to the lien and pledge securing other outstanding and future issues of airport revenue bonds of the Cities: providing for the deposit of the proceeds of such bonds into the Construction Fund of the Joint Airport Fund under and subject to the control of the Dallas-Fort Worth Regional Airport Board; authorizing said Board to see to the delivery of said bonds as herein directed and directing that due observance of the covenants herein contained be made by the Board to the extent such covenants are performable by it; providing and describing events of default and the consequences thereof; providing a method of amending this ordinance; ordaining other matters incident and relating to the subject and purpose hereof; and declaring an emergency.

Whereas, the Cities of Dallas and Fort Worth have heretofore determined that the present commercial aviation and airport facilities of the Cities, specifically Love Field Airport (hereinafter called and defined as "Love Field") of the City of Dallas and Greater Southwest International Airport (hereinafter called and defined as "GSLA") of the City of Fort Worth, are wholly inadequate to meet the foreseeable commercial aviation needs of the citizens of the Cities and the residents and citizens of the entire North Central Texas Region; and

Whereas, the Cities have further found and determined that the most effective, economic and efficient means of providing needed airport facilities is the construction and equipment of a centrally located airport for the Cities and to that end by an agreement entitled and hereinafter defined as the "Contract and Agreement," the Cities continued, expanded and further defined the powers and duties of the Dallas-Fort Worth Regional Airport Board (hereinafter defined as the "Board" or "Regional Airport Board") theretofore created; created the Joint Airport Fund of the Cities; and provided for the construction and operation of an airport to be known as the "Dallas-Fort Worth Regional Airport"; and

Whereas, in accordance with the requirements of the Contract and Agreement, the Board has submitted to the City Councils of the Cities a report containing its over-all preliminary plan for the construction of said Regional Airport which plan preliminarily defines and sets forth the estimated, partial cost thereof, together with statements of its projected size, scope and location; and

Whereas, the City Councils have each, by duly adopted resolution, approved said plan within the context of the Contract and Agreement, and accordingly the Cities, having been requested so to do by the Board in the manner contemplated by the Contract and Agreement, propose to proceed with the financing of the Regional Airport through the issuance of the joint revenue bonds contemplated by the Contract and Agreement, all in accordance with Article 1269j-5, Article 1269j-5.1, Article 1269j-5.2, Article 46d, and other applicable provisions of Texas Revised Civil Statutes, as amended; and

Whereas, the City Councils have each found and determined as to each that the matters to which this Ordinance relates are matters of imperative public need and necessity in the protection of the health, safety and morals of the citizens of each of the Cities and, as such, that this Ordinance is an emergency measure and shall be effective as to each City respectively upon its adoption by its City Council;

Now, Therefore, Be It Ordained by the City Council of The City of Dallas, Texas:

Now, Therefore, Be It Ordained by the City Council of The City of Fort Worth, Texas.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from Texas (Mr. BARTON), who is also Chairman of the Energy and Commerce Committee.

Mr. BARTON of Texas. Mr. Speaker, I am told that the gentlewoman from Dallas (Ms. EDDIE BERNICE JOHNSON) will also yield me 1 minute. If that is true, could she yield it at this time so I can do my speech at one time?

Mr. SENSENBRENNER. Mr. Speaker, the big-hearted gentleman from Wisconsin yields an additional 1 minute to my friend from Texas.

Mr. BARTON of Texas. Thank you, Chairman SENSENBRENNER.

The SPEAKER pro tempore. The gentleman is recognized for 2½ minutes.

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished chairman of the Judiciary Committee for his gracious offer; and I rise today in strong support of Senate 3661, the Wright amendment compromise of 2006. I want to use the brief time that I have to explain what the compromise is all about.

Back in the 1960s, the two cities of Dallas and Fort Worth could not agree on anything, including where to locate their two respective airports. The Civil Aeronautics Administration said we will fund one Federal Aviation airport in the D/FW area but not two. That brought the two cities together to create what is now known as Dallas/Fort Worth Airport.

When a struggling airline called Southwest decided to fly their one plane out of Love Field to Houston and to San Antonio, they went to court and won the right to fly commercial air service out of Love Field, which had been suspended when D/FW came into existence. Hence, we got what is called the Wright compromise, which restricted flights from Love Field to an area within Texas or States contiguous to Texas.

Today, D/FW Airport is one of the five largest commercial aviation airports in the country. Love Field is a regional airport that currently has in use, I believe, 13 gates and several hundred flights per day. The compromise before us would repeal the Wright amendment over an 8-year period. It would allow thru-ticketing immediately from Love Field, and it would create what I call a super-regional airport, where the majority of the gates, over 100 gates, would be at D/FW, and no more than 20 gates would be at Love Field, which, as Congressman JOHNSON pointed out, is only eight miles from the eastern-most runway at D/FW.

There are currently only in use at Love Field 13 gates. So this limitation, so-called, of 20 gates, would actually allow an expansion of gates in actual use at Love Field. There are more empty gates at D/FW right now today than there are total gates at Love Field.

This compromise is supported by almost every member of the Texas delegation and may yet be supported by every member of the delegation. It would put to bed an issue that has been vexatious for a number of years, in fact, you could say a number of decades.

I know my good friend from the Judiciary Committee has some antitrust exemptions, but again I will point out there are more empty gates at D/FW than there are total gates at Love. This would be pro-competitive.

Mr. Speaker, I rise today in strong support of S. 3661, "The Wright Amendment Reform Act." This is a very timely bill that will help resolve, once and for all, a local dispute stemming from the Wright amendment. What we are doing here today is important to my constituents and the north Texas region.

I want to thank the Speaker and the majority leader for their willingness to schedule this legislation. I also want to give special thanks to Chairman DON YOUNG; Ranking Member OBERSTAR; and Subcommittee Chairman MICA for their leadership and excellent contributions in crafting this responsible and beneficial compromise into legislation. Their committee staff members also deserve a big, Texas "Thank You" for all of their hard work and support in this effort. I also want to thank my staff director, Theresa Lavery, for her tireless work on this issue.

As you may know, I have long supported the covenant between the cities of Dallas and Fort Worth because I believe the best public policy for the north Texas market is to have competing airlines, not competing airports. Today's legislation embodies a compromise intended to firmly cement the role of Dallas-Fort Worth International Airport and Love Field Airport, and put to rest calls for immediate repeal of the Wright amendment.

This bill, once signed into law, will give our region and the traveling public resolution on this issue and leave time for public and private stakeholders to plan for final repeal in eight years. In the interim, consumers across the Nation will reap the benefits of immediate thru-ticketing at Love Field.

The compromise was hammered out in a deliberative fashion, considering valid concerns and unique factors of operation that have benefited the growth of the Dallas-Fort Worth metroplex since enactment of the Wright amendment. This bill is a balanced compromise that has the support of Dallas and Fort Worth, as co-owners of DFW Airport.

Finally, this agreement ensures that Love Field will continue to offer an important alternative for consumers while not diminishing the capacity for competition available at DFW Airport. Growth at Love Field is restricted, as it is a land-locked airport and therefore should not be reconstituted for greater traffic with repeal of the Wright amendment. Love Field will be reduced to 20 gates over time, and this will allow the residents of the area peace of mind concerning pollution, noise, traffic, and safety concerns.

I view this agreement as facilitating a "super" airport, where the terminals at DFW Airport serve national and international destinations, and Love Field's gates provide a regional function with select national routes offering direct competition via thru-ticketing. Importantly, after 8 years the Wright amendment as it exists today will be repealed. This is truly the best of both worlds for consumers in Texas and throughout the country.

Mr. Speaker, local leaders have negotiated a thoughtful, viable alternative to the status quo that should be supported. I commend everyone involved for their efforts. I urge my colleagues to support S. 3661.

My fellow north Texas colleague, Congressman BURGESS, has traveled to Texas today for the funeral of his friend, Byron Nelson, but he would like me to express his support for S. 3661. As a representative of DFW International Airport, he feels strongly in protecting the economic engine of north Texas. While he believes in the integrity of the original Wright Amendment, he is pleased that the local entities' constructed a compromise that met the needs and wishes of all parties. Not only will the airports and airlines benefit from the compromise but also the tens of thousands of employees and residents of north Texas.

Mr. Speaker, I certainly hope we will get a two-thirds vote, and I again thank Mr. SENSENBRENNER for yielding me 1 minute.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker and members of the various committees that are on the floor, before I begin my comments it is my observation that this may be the last bill that the House Judiciary Committee may be involved in until we adjourn, and so it becomes my responsibility as the ranking member to commend Chairman JAMES SENSENBRENNER for his efforts as chairman over almost the last 6 years.

He has been on the Committee of Judiciary for many years, and I have had the honor to serve and work with him throughout his career on the House Judiciary Committee. He has worked hard all the way up to the title of chairman.

☐ 1915

It has than been my pleasure and honor to join with him, and I would like to just take a moment to tell you why I am making this statement.

The first thing that comes to my mind is the fact that he has done a stellar job in protecting the jurisdiction of the Judiciary Committee. In doing so, he has brought us more work than anybody ever has. We handled more bills than almost any but one committee. And he has been willing to stand up to special interests wherever his convictions lead him.

Secondly, I commend this chairman for his willingness to protect the integrity of our antitrust laws and fight for competition. Time and time again, whether it was in sports, transportation or telecommunication, I have been proud to work with him together to ensure that America's consumers were protected from unfair competition.

Finally, I will never forget the unstinting work that he has put in voter rights legislation, starting back in 1982 when we reauthorized it, and certainly in 2006 where, without his strong leadership, we would not have been able to forge a bipartisan coalition to pass the bill, stronger and with greater ease in both bodies, than we have ever been able to do before. There is no doubt in my mind that he has been a leading, stalwart supporter of voting rights and its enforcement for all Americans throughout his career.

I salute the chairman of the House Judiciary Committee for his many years of service, particularly his leadership as chairman.

Now, Mr. Speaker, if I may return to the measure before us, because I am impressed with the argument that has been propounded by all my friends here, particularly the gentlewoman from Dallas, that there is no intent in this bill's language to provide antitrust immunity.

I take everyone at their word, of course, and if that is so, I am disappointed that the antitrust savings clause drafted by the House Judiciary Committee has been eliminated. It has disappeared. We voted this measure out with an antitrust provision. It has come back to us today, just hot off the press from the other body, and there is no antitrust provision. There has not been a sufficient amount of discussion about that.

Now, we are all "anti" a lot of things, but I want you to know I am not anti-consumer. These things called "consumers," you know, are the people in every district that are the ones called upon to vote and expend their resources on everything, including air travel.

Mr. Speaker, I love Dallas, Texas. I don't know much about Fort Worth, but I even get invited there from time to time, and I enjoy it very much.

By the way, I want to mention the former Speaker of the House for whom this amendment is named is someone who is remembered for his great work, not only as a leader in the Congress from Texas but as the Speaker of the House himself.

So, Mr. Speaker, to me, we have got a bit of difficulty here that may be resolved by restoring the antitrust exemption. We put it in before. Most of the Members that I am looking at have never expressed any hostility toward the antitrust exemption itself. This agreement between private parties missing the antitrust exemption is a very questionable act that we are about to do in the closing hours of this session.

We, with the chairman of the Judiciary Committee's leadership, amended the original bill to include the anti-savings clause, but this so-called new bill, hot off the press, doesn't contain such protections. It has never been considered by either the Transportation Committee or the Judiciary Committee. It was drafted, and just recently, I don't know what hour of the day or night, something happened in the other body, but it has not been considered by any committee on either side of the Capitol.

This new bill and the agreement preserves the Wright amendment for 8 more years, restricts the number of gates: and, if it weren't for this antitrust scrutiny, it seems to me that we would all be able to agree on supporting this measure.

So I rise very reluctantly, but nevertheless I have to do it. As I have said, I am not anti-consumer. The Consumers Union has guided some of my views in this matter.

Mr. Speaker, I include for the record a letter from the Consumers Union, Gene Kimmelman, vice president, as well as an article from the Washington Post, "Low-Fare, and Now No-Fair."

CONSUMER FEDERATION OF AMERICA,
September 29, 2006.

DEAR MEMBER OF CONGRESS: We are writing to urge you to stand with American consumers by voting "No" today on H.R. 6228, the "Wright Amendment" legislation. This bill codifies a private agreement between American Airlines and Southwest Airlines, along with the cities of Dallas, Ft. Worth and Dallas/Fort Worth Airport, to divide up the airline market for Dallas at the expense of the flying public. The Antitrust Division of the U.S. Department of Justice has called the bill a "per se" violation of the antitrust laws.

The proponents of H.R. 6228 are employing extraordinary tactics to bring this anti-consumer and anticompetitive legislation to a vote in the final hours prior to adjournment. In fact, the language of H.R. 6228 has never been considered by the Transportation and Infrastructure Committee, nor the Judiciary Committee. Even more objectionable, however, is the fact that H.R. 6228 completely ignores the vital work of the Judiciary Committee to strike the "deal's" antitrust immunity provisions.

The Judiciary Committee approved an amendment by Chairman Sensenbrenner and Ranking Member Conyers that would at least ensure that the bill comply with the nation's antitrust laws—laws enacted to protect consumers from this very type of special interest legislation. Instead of honoring these important amendments, the bill's proponents now bring this unacceptable version to the House floor under suspension of the rules. Erasing the important work of the committee charged with protecting consumers from anticompetitive behavior would constitute a breakdown of rational governance in the House of Representatives.

Passage of H.R. 6228 would not only harm consumers and competition in the Southeast and Southwest, it would be an affront to citizens across the nation. We agree with the attached column from The Washington Post which states, "The loser (in this deal), of course, was the only party with no seat at the negotiating table—namely, consumers. Any consumer representative would have immediately recognized the deal for what it is—collusion between two dominant competitors to limit supply, carve up a market and keep out other competitors. In other words, a flagrant violation of the antitrust laws."

As you and your colleagues work to conclude your business before the November elections, please don't forget about American consumers. With this assault on the anti-trust laws, a bad bill that affects an important part of the country has become one of national significance. We urge you to vote "No" today on H.R. 6228.

Thank you for considering our views.

Sincerely,

GENE KIMMELMAN,
Vice President, Federal and International Relations, Consumers Union.
MARK COOPER,
Research Director, Consumer Federation of America.

[From The Washington Post, July 28, 2006]

LOW-FARE, AND NOW NO-FAIR

(By Steven Pearlstein)

It's been one of the longest-running David and Goliath stories in American business.

Back in 1971, a scrappy, low-fare airline named Southwest started service from Dallas's Love Field, challenging American Airlines on its home turf and turning its back on the big new Dallas-Fort Worth International Airport, the pet project of the region's political and business establishment. Years of litigation ensued as American and DFW tried in vain to use the courts to deny Southwest access to Love Field. Then Jim Wright, a Texas congressman and the House majority leader at the time, attached a tiny little rider to an unrelated piece of legislation that limited flights from Love Field to destinations in Texas and four surrounding states.

Southwest soldiered on anyway, growing from its Dallas roots to revolutionize American commercial aviation with cheap airfares from other "secondary" airports.

But the Wright amendment always stuck in the craw of Southwest's Herb Kelleher. So two years ago, the airline's chairman launched an advertising and lobbying blitz to get it repealed—"Wright is wrong" was the catchy slogan. The public began to get behind it, and some members of Congress took notice—among them Sen. Kit Bond of Missouri, who pushed through a little rider of his own adding St. Louis to the list of approved Love Field destinations. Fares between the two cities plunged and traffic soared.

Sensing the ground was shifting, American and the mayors of Dallas and Fort Worth opened discussions with Southwest. Last month, they announced they had finally struck a deal.

The agreement is premised on Congress repealing the Wright amendment in 2014. Under the deal, Love Field would be reduced from 32 to 20 gates, with 16 going to Southwest, the others to American and Continental. In the meantime, Southwest could offer one-stop flights and fares from Love to anywhere it wanted. And to top it off, both American and Southwest agreed, in effect, that they wouldn't add to the total number of gates in the Dallas region.

It was, certainly, a good deal for American, which managed to put off the biggest threat to its fortress hub at DFW since the Justice Department took it to court in 1999, accusing it of using predatory practices to crush competition there. (That case got thrown out, alas.)

It was also a sweet deal for Southwest, which could add significantly to its Dallas traffic while keeping JetBlue or some new upstart from challenging its domination at Love Field.

Perhaps the biggest winner of all, however, was DFW, which was already reeling from Delta Air Lines' decision to close its Dallas hub and was desperate not to lose more traffic to Love.

The loser, of course, was the only party with no seat at the negotiating table—namely, consumers. They would have to wait another eight years for full repeal of the Wright amendment, and even then, there would not be the kind of robust competition that has produced airfares elsewhere that are half of what they are in and out of DFW.

Any consumer representative would have immediately recognized the deal for what it was—collusion between two dominant competitors to limit supply, carve up a market and keep out other competitors. In other words, a flagrant violation of antitrust laws. That's why, when legislation was introduced this month by Texas Sen. Kay Bailey Hutchison to codify the deal, it contained a blanket antitrust exemption.

Normally a free-market Republican, Hutchison defends this deal as a local solution to a seemingly endless local dispute, preferable to anything Washington might come up with. And from a competition standpoint, it's certainly better than the status quo.

How much better, however, is open to debate. An unnamed staff attorney at the Justice Department's antitrust division wrote in a review of the legislation that it "narrowly benefits the area's two dominant airlines at the expense of everyone who would benefit from real competition."

Meanwhile, several airlines voiced opposition. "We are concerned when any number of carriers get together to decide how big an airport should be and who should operate at that airport," said Ed Faberman, executive director of the Air Carrier Association of America.

All of this flak has set back Hutchison's plans to fast-track the legislation through Congress. Rep. James Sensenbrenner, chairman of the House Judiciary Committee, demanded this week that the legislation be referred to his committee rather than brought up on voice vote as uncontroversial. And in the Senate, Vermont Democrat Patrick Leahy promised a parliamentary challenge to Hutchison's plan to tack it onto an appropriations bill.

Back in Dallas, meanwhile, Southwest is struggling to square its starring role in "Wright Redux" with its image as an evangelist for "unfettered airline competition." Company officials adamantly reject the idea that the agreement will make it harder for other low-cost carriers to enter the market.

"Any airline that wants to serve the [region] can go to DFW today and fly anywhere they want," spokesman Ed Stewart explained to the Fort Worth Star-Telegram.

Funny. That's almost word for word what American used to say in defending the Wright amendment against criticism from Southwest.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I had two concerns about the agreement that came from the two cities. The first was safety.

Years ago, I held hearings when I chaired the Aviation Subcommittee on Safety at Love Field, between Love Field and Dallas. There are only 2 miles of air space in the approach and departure patterns of those two airports. I was concerned that removing the limitations on operations at Love Field would create greater safety concerns than they did at the time. Since then, the FAA has fixed the safety issue with an innovative departure and arrival arrangement that will assure safety, provided there is no increase in operations.

That leads us to the second issue, and that is competition. The agreement limits the number of gates to 20. That is something that local citizens are concerned about, noise, safety, congestion. Congress has a right to act on safety and on noise and to limit operations in the interests of safety and of noise, without infringing upon the antitrust issue. In fact, the language that we have before us is an improvement over the agreement of the two cities that in fact would have had antitrust implications.

So the antitrust exemption has been removed, but the bill directs action and closing of gates, which is an authority Congress has, in the interest of safety and congestion.

Mr. Speaker, I rise in support of H.R. 6228, The Wright Amendment Reform Act, which would implement the agreement reached by the Cities of Dallas and Fort Worth, the Dallas/Fort Worth International Airport Board, American Airlines and Southwest Airlines to reform the so-called "Wright Amendment."

The Wright Amendment was an effort by our former colleague, Jim Wright, then Majority Leader, later, Speaker Wright, to codify an agreement reached in 1979 among the Dallas and Fort Worth business and political communities, and Southwest Airlines, which resisted efforts to move its operations to the newly opened Dallas/Fort Worth (DFW) Airport. This agreement ensured that DFW would be the primary airport for the DFW metropolitan region, and that Love Field would remain a limited, short haul airport.

Recently, the Dallas and Fort Worth communities, along with American Airlines and Southwest Airlines, came forward with a new agreement that would, in their view, make repealing the Wright Amendment acceptable.

The Transportation & Infrastructure Committee has chosen to deal with the issues surrounding the Wright Amendment legislatively, rather than allow it to erode piecemeal as it has over the years, without a view to the larger national aviation context. The "stakeholders" in this process are not just the Cities of Dallas and Fort Worth, the airlines, nor the airport authorities. The "stakeholders" are all Americans.

If you approve a law for an additional highway on the East Coast, it does not do much for traffic on the West Coast. However, if you approve a law for additional feet of runway at an airport on the East Coast, it does make traffic from the West Coast more accessible to the East Coast because of the nature of air travel. Similarly, dealing with DFW and Love Field is a national matter.

H.R. 6228, would implement three core provisions of the parties' contract: to repeal the Wright Amendment 8 years after enactment of this Act; eliminate the restrictions on through-ticketing from Love Field; and to cap the Love Field gates at 20 in perpetuity.

Importantly, the bill addresses two very significant issues that I raised in Committee: safety and new entrant access.

Love Field is approximately 8 miles from DFW. In 1991, when I served as Chairman of the Aviation Subcommittee, I held a hearing during which significant safety concerns were raised regarding the potential expansion of flights at Love Field. Many witnesses attending that hearing expressed concern that the proximity of approach and departure procedures to and from both DFW and Love Field, along with conflicting flight patterns, could decrease the margin of safety.

While I have the utmost confidence in our nation's air traffic controllers, I want to ensure that by adding more flights at Love Field, we are not reducing the cushion of safety. Controllers should not need to slow air traffic to accommodate the safety margin, nor should they be compelled to operate at the outside of the power curve to avoid delays in and around the Dallas-Fort Worth area.

H.R. 6228 addresses this very significant issue by including a provision that prohibits the legislation from taking effect until the Federal Aviation Administration (FAA) notifies Congress that additional aviation operations in the airspace serving Love Field and the Dallas-Fort Worth area, which are likely to be conducted after the enactment of this Act, can be accommodated in full compliance with FAA safety standards, in accordance with the FAA's mandate to maintain safety at the highest possible level, and without adverse effect on airspace use in the area.

The second issue is competition. The agreement would change the gate availability at Love Field to greatly increase the difficulty of any carrier other than Southwest or American to serve Love Field. Currently, there are 32 gates at Love Field, with 19 in use, and 13 available for new entrants. The agreement would reduce the gates to 20, and allocate all of these gates to American, Southwest, and Continental. To ensure that a prospective new carrier would have reasonable access to these 20 gates at Love Field, H.R. 6228 preserves the FAA's authority to enforce grant assurances that obligate Love Field to make its facilities available on a reasonable and non-discriminatory basis.

Further, Love Field continues to be subject to all federal requirements relating to safety, security, labor, environmental, civil rights, small business concerns, veteran's preference, disability access and revenue diversion that are applicable to all airports.

As to antitrust issues, this legislation does not implicitly or explicitly provide antitrust immunity to the parties. However, the legislation directs the City of Dallas to reduce the number of operational gates to no more than 20, which includes the removal of the 6 so-called Lemmon Avenue gates, and allows the City to allocate the use of the remaining gates based on existing leases and obligations. These directives could be advanced as a defense in an antitrust case.

Accordingly, I want to thank the Chairman YOUNG and the Texas delegation for working with me on this legislation to ensure that my concerns on safety and new entrant access are addressed and I urge my colleagues to support H.R. 6228.

WRIGHT AMENDMENT REFORM ACT ANTITRUST BULLETS

The Judiciary Committee opposed the original bill reported by the Transportation Committee because our bill included an exemption from the antitrust laws. To meet this concern the bill has been modified to remove the exemption. This change met the antitrust concerns of the Chairman of Senate Judiciary who now supports the bill.

The House Judiciary Committee Chair argues that even though the antitrust exemption has been removed, the bill still directs actions, such as the closing of gates, which would violate the antitrust laws if done by agreement of private parties. This is not a valid argument. Congress has the authority to direct the closing of gates for safety, environmental or economic reasons, even if private parties would not be allowed to do this under the anti-trust laws. The antitrust laws are only Congressional legislation, and Congress can pass subsequent legislation creating exceptions.

Mr. MICA. Mr. Speaker, I am pleased to yield 1½ minutes to the gentlewoman from Texas (Ms. GRANGER), one of the prime crafters and initiators of this compromise agreement.

Ms. GRANGER. Mr. Speaker, I would first like to thank the House Transportation Committee for their work on this bill and the leadership of Chairman DON YOUNG, Ranking Member OBERSTAR and Aviation Subcommittee Chairman MICA.

Also, I want to thank the Speaker and Majority Leader for working so hard to get this bill done and on the floor.

All of the Texas delegation, including our two Senators, have played a part in making this bill possible; and the five stakeholders, the cities of Dallas and Fort Worth, American and Southwest Airlines and Dallas-Fort Worth International Airport, have all come together in really an unprecedented way to forge an agreement and get this issue behind us.

The Mayors of Fort Worth and Dallas and community leaders met from both cities for months putting this agreement together, and they deserve much credit. Everyone gave up something for the better good, and then they gave their product to us to put into law, as is required for this to work.

Having worked and struggled with this issue for 15 years, first as Mayor and then as Congresswoman, I am more than ready to move on to something else and proudly support this legislation and urge a yes vote for its passage.

I also extend to Mr. CONYERS an invitation to come to Fort Worth. You will love it, and they will love you for helping with this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the chairman of the Judiciary Committee.

Mr. Speaker, I have heard the best arguments presented about why this is a good measure: Safety is increased, noise is decreased, congestion is mitigated, competition is increased. Is there anybody on any of the committees that wants to say something about the consumers? Is that something that hasn't been contemplated up until now?

Come on, guys. Give me a break. Consumers consist of everybody in America. They are not just in Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I rise to urge all of my colleagues to support S. 3661. This is a fair and pro-consumer compromise that is in the public's best interests and was passed by unanimous consent this afternoon by the Senate.

Local communities should have input to limit airport size in order to deal with the issues of noise, congestion and safety. Accordingly, this bill respects the desire of the community to make sure that the more urban of its two airports does not become overbearing. Failure to do so will send a signal that the Federal Government is prepared to override every other community that wants to limit the size of its airport facilities to protect the environment for safety reasons.

I urge my colleagues to vote "yes" on S. 3661.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, to my brother from New York, Brother Meeks, this is a pro-consumer compromise that all the consumer organizations that I have consulted and that have consulted me are strenuously opposed to. Can anyone can explain to me how this is a pro-consumer bill?

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Mr. MICA. I am pleased at this time to yield to one of the most distinguished Members, not only of the Texas delegation but of the entire Congress, a real hero, SAM JOHNSON, for 2 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I appreciate that. And I thank the gentleman for his opposition. The fact is that you have the whole Lone Star State delegation backing a bill to repeal that outdated Wright amendment.

Back in 1979, Congress created that law. Look at there. That is what those stewardesses were wearing in those days. That is where we were from, and today is a victory for freedom and free enterprise. That was 1979. People had mood rings, Rubik's cubes, smiley face stickers, and pet rocks. Just like this picture, so much has changed since 1979; but the Wright amendment never did.

I want to commend officials in north Texas who worked tirelessly to craft a local compromise that works for all parties involved. For Texans, the traveling public, we are making history. It is not perfect. In my opinion, it doesn't do the job fast enough. But there is one thing I have learned in the people's House: you have got to give a little to get a little.

Here, compromise can save the day, and it gives me great pleasure to come into the 21 century and cast my vote to end the outdated Wright amendment once and for all.

Mr. MICA. Mr. Speaker, I have one additional speaker at this time, another great Texan, a wonderful representative from the State, Mr. SESSIONS. I yield to him 1 minute.

Mr. SESSIONS. Mr. Speaker, I thank all the gentlemen and ladies who are here on the floor tonight talking about the Wright amendment, that we are going to pass this amendment tonight.

But to answer the gentleman's question from Michigan, the reason why this is a pro-consumer bill is that effective immediately, when the President signs this, every single person that takes off from Love Field will be able to ticket through wherever they want to go. Today, they have to ticket through to an adjacent State that is close to them, they have to get off the airplane, they have to get their bags, and they have to reticket through.

This is a pro-consumer bill. This is the right thing to do. We have come together as a delegation. I am asking for all the Members of the United States Congress to please support the bipartisan attempt between the cities of Dallas and Fort Worth, between the airlines to do something favorable for consumers tonight.

Our majority leader, JOHN BOEHNER, was aware of this issue. It has been a continuing, simmering, boiling issue for the Texas delegation. We have asked that it be brought here. I am asking for everybody's vote. Vote tonight "aye."

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of time.

Mr. Speaker, some nights when I drive out of here and go home, I follow some of my Texas friends out of the garage that have a big bumper sticker that says: "Don't Mess With Texas." Tonight is one of the nights where I think we ought to mess with Texas, because what is being proposed here is going to increase the fares of anybody who goes to Texas or decides to go out of the Dallas-Fort Worth area by a significant amount, because it protects monopoly status until 2025. This is the most anticonsumer, antifree enterprise legislation that has come before this House in a long time.

At Dallas-Fort Worth, approximately 85 percent of all passengers board an American or American Air regional carrier flight. This keeps American's near monopoly at DFW. And at Love Field, Southwest has a 95 percent market share.

Now, without the Wright amendment, both of those market shares are monopolistic. And despite what you hear about how this does away with the Wright amendment, it keeps these monopolies in place until the year 2025.

There has been a lawsuit that has been filed against Love Field by people who are standing up for consumers. This legislation extinguishes that lawsuit. The people who filed their lawsuit won't have a day in court to be able to get a fair determination by the judge, because what it does is it provides a backdoor antitrust exemption.

Now, we have to ask ourselves as elected representatives of the people whether we are going to allow a private group of local officials and business people in any community to come to Congress to get themselves exempted effectively from an antitrust law. What this bill does is it effectively delegates that power on this issue to the people who came to Congress, and they asked us to ratify this agreement. We shouldn't be delegating antitrust immunity to anybody. That should be determined by the court.

So if you believe in the operation of the law and letting people have their day in court, this bill ought to be voted down, particularly if you represent the 42 States that aren't covered by the Wright amendment.

Mr. Speaker, I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I submit for printing in the RECORD a statement relating to the Wright Amendment Reform Act and the antitrust issues that have been raised, and information relating to how S. 3661 will enhance airline competition and benefit consumers, in response to questions that have been raised in regard to those items.

WRIGHT AMENDMENT REFORM ACT—ANTITRUST ISSUES

The Judiciary Committee opposed the original Wright amendment bill (H.R. 5830), which was reported by the Transportation and Infrastructure Committee, because our bill included an exemption from antitrust laws.

To meet the concerns expressed by the Judiciary Committee, S. 3661 has been modified to remove the exemption.

Chairman Sensenbrenner argues that even though the antitrust exemption has been removed, S. 3661 still directs actions, such as the closing of gates, which would violate the antitrust laws if carried out through an agreement of private parties.

This is not a valid argument. Congress has the authority to direct the closing of gates for safety, environmental or economic reasons, even if private parties would not be allowed to do this under the antitrust laws.

S. 3661 WILL ENHANCE AIRLINE COMPETITION AND BENEFIT CONSUMERS

CONGRESS MUST FIX MESS THAT IT CREATED BY ENACTING AMENDMENT

The Wright amendment was intended to protect the then-new Dallas-Fort Worth International Airport, DFW.

Since DFW is now the third-largest airport in the U.S. in terms of annual passenger enplanements, the Wright amendment is no longer needed.

By restricting commercial air service out of Dallas Love Field to cities in Texas and eight surrounding states, the Wright amendment has resulted in higher fares and fewer service options for consumers in the Dallas-Fort Worth market.

IMMEDIATE REPEAL OF WRIGHT AMENDMENT NO VIABLE OPTION

Due to complex and long-standing political, economic and environmental concerns, the ideal solution—immediate repeal of the Wright Amendment—was not supported by the Cities of Dallas and Fort Worth, local communities and affected airlines.

Consequently, S. 3661 represents a locally-generated, bipartisan compromise that balances carefully the interests of the local parties.

CONSUMERS WILL BENEFIT IMMEDIATELY UNDER S. 3661

S. 3661 will intensify competition in the entire Dallas-Ft. Worth market by lifting all existing geographic restrictions on commercial air service at Dallas Love Field in eight years.

Two independent studies found that S. 3661 will increase traffic to and from North Texas by 2 million passengers annually and produce $259 million per year in fare savings immediately.

Airlines serving Dallas Love Field could immediately begin marketing connecting commercial air service from Love Field to cities outside the Wright Amendment's geographic area.

20-GATE LIMITATION AT LOVE FIELD WILL NOT HINDER COMPETITION

Due to safety and environmental concerns raised by local communities, S. 3661 would limit capacity at Dallas Love Field to 20 gates for commercial service.

S. 3661 would not reduce existing capacity at Dallas Love Field, where fewer than 20 gates are currently being used by airlines for commercial air service.

S. 3661 protects existing procedures that ensure any airline seeking to provide new commercial passenger service at Love Field may do so.

In addition to utilizing Dallas Love Field, airlines that wish to provide new commercial service to the Dallas-Fort Worth area can operate at DFW Airport, which is located just eight miles from Love Field and currently has 20 unused gates.

I am pleased now to yield 1 minute to a very distinguished member of the Transportation and Infrastructure Committee, a newer member on the team but has also heard this issue, KENNY MARCHANT, the gentleman from Texas.

Mr. MARCHANT. Mr. Speaker, the Wright amendment is the number one business issue in my district, District 24. American Airlines headquarters and Dallas-Fort Worth International Airport are both based in District 24.

The job statistics speak for themselves: American Airlines has 7,300 employees in my district, and DFW Airport itself has 16,000 jobs. The airport itself is responsible for almost 260,000 jobs in the metroplex. Therefore, it is obvious that the people of my district have a lot riding on this bill.

Mr. Speaker, the Wright amendment was a unique law created for a unique circumstance; therefore, its repeal calls for a unique solution. I think the bill before us today provides just that, and I urge the House to suspend the rules and pass the bill.

Mr. MICA. Mr. Speaker, I am very pleased to yield to the distinguished Chair of the full Transportation and Infrastructure Committee, a gentleman who has helped craft this historic agreement and codify it today, Mr. YOUNG.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding. I want to thank the Texas delegation for working together to bring forth this bill and solving a problem. My job is to solve problems, and this bill does solve a problem. It takes two cities and puts them together, and allows the State to go forward and we won't have this problem before us anymore.

A lot of times we lose sight of solving problems in this body by hanging up on jurisdiction or hanging up on a small clause. But we are the people that write the laws, we create the laws, and we try to make them work.

This is a bill that will take and rectify a mistake, I believe, in the past, and bring both parties together, both cities together, all airlines together, and provide for the service of the people of Texas and this Nation. I urge the passage of this bill.

Mr. COSTELLO. Mr. Speaker, I rise today to support S. 3661, the Wright Amendment Reform Act of 2006.

I'd like to thank Chairman YOUNG, Mr. MICA, Mr. OBERSTAR, and Mr. JOHNSON for their hard work on gettingOlegislative agreement on repealing the Wright amendment. I know there was a lot of "give and take" on both sides to reach this legislative agreement.

In particular, Ms. JOHNSON has been a leader on this matter and she should be commended for her hard work. Without her persistence, we would not be here today.

This legislation seeks to fully repeal the Wright amendment, with several conditions.

In 1979, the cities of Dallas and Fort Worth came together and reached an agreement to have one regional airport—Dallas/Fort Worth International Airport, DFW—thus restricting service at other local airports. This local agreement was codified by congressional action known as the Wright amendment.

The Wright amendment was a logical step when enacted in 1979. It brought stability to the north Texas air market.

As a result, I have supported the Wright amendment as a way to enhance DFW's growth and development. The airport has done its part by fueling the region's economy.

However, today, DFW is far from a small regional airport. As an international airport, its influence is far-reaching and has become a major player in markets that other airlines could not serve from Love Field.

In response, some have sought to repeal the Wright amendment through a piecemeal approach, an approach that is ineffective and very poor policy.

On June 15, 2006, it was announced that American, Southwest, DFW Airport, and the cities of Dallas and Fort Worth worked out a local agreement.

The Aviation Subcommittee held a hearing July 12, 2006, on this historic agreement where many questions, concerns, and issues were addressed.

While S. 3661 addresses many of those concerns, I must say that I have reservations that by accepting this agreement, we are restricting the aviation capacity at Love Field.

Congress, in part, will be making it harder for new airlines to enter the market—5 years, 10 years, or even 20 years from now—by allowing the infrastructure that a new competitor will need at Love Field to be destroyed.

I question the idea of restricting and destroying infrastructure that could be used in the future in order to address a problem today.

I hope the Transportation and Infrastructure Committee and the FAA will closely monitor the implementation of this legislation to ensure consumer protection, economic growth, and competition.

Mr. Speaker, that said, I will support S. 3661.

Mr. BURGESS. Mr. Speaker, I rise today in strong support of S. 3661, the Wright Amendment Reform Act of 2006. As a representative of D/FW International Airport, I have always felt strongly in protecting the economic engine of north Texas. To this day, I still believe in the integrity of the original Wright amendment; however, I am pleased that the local entities' constructed a compromise that met the needs and wishes of all parties. It was long in coming, but thorough in its mission. Not only will the airports and airlines benefit from the compromise but also the tens of thousands of employees and residents of north Texas.

I commend all the parties associated with this historic compromise. At the urging of Congress, Mayor Moncrief of Fort Worth and Mayor Miller of Dallas spent endless hours working on the best deal possible for the region. Together with DFW International Airport, American Airlines, and Southwest Airlines, they brought to Congress an agreement that will protect and benefit my constituents and allow for better service at Love Field. I sincerely thank the mayors for their commitment and dedication to this delicate and complicated task.

Also, the north Texas delegation has worked endlessly on this matter, and the passage of this legislation today is a testament to the determination and dedication of my colleagues. We have all had to make concessions, but at the end of the day, the enactment of this legislation is crucial for our districts.

I ask for my colleagues to support the north Texas delegation and as we try to solve a unique problem with this unique and important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. 3661, the Wright Amendment Reform Act. This legislation implements a locally achieved compromise resolving the longstanding controversy over the 1979 Wright amendment, which imposed Federal restrictions on commercial airline service to and from Dallas Love Field.

I note Mr. Speaker that all of the key stakeholders—Southwest Airlines, Fort Worth, DFW Airport, American Airlines, and the city of Dallas—support the locally achieved Wright amendment compromise and urge Congress to approve this legislation. But as Southwest CEO, Herb Kelleher, states: "The only victor, the only sure fire winner from this locally achieved agreement, is the public—the public citizens who will find it easier and far less expensive to travel to and from North Texas for business and personal reasons; the citizens who will reap vast economic benefits in their communities from enhanced travel and tourism, at a lower cost."

A key component of the compromise is the change in Federal law embodied in the legislation allowing Southwest Airlines to immediately begin selling "through tickets" for travel to and from Dallas Love Field. This change will enable Love Field customers to travel on a one-stop basis to and from cities within our nationwide system which are outside the limited number of States Southwest currently is allowed to serve under the terms of the Wright amendment.

A recent study indicates that through ticketing at Dallas Love Field will increase passengers traveling to and from north Texas by 2 million annually and produce $259 million per year in fare savings. Additionally, the study found that through ticketing will generate over $2 billion annually in spending and related economic activity for north Texas and for many communities outside the current Wright amendment perimeter.

Because of through ticketing, the local compromise will have a very significant and widespread economic impact from the beginning. Further, the local compromise calls for the Wright amendment to be repealed in its entirety in 8 years, allowing airlines serving Love Field to fly nonstop to any domestic destination—generating substantial additional economic benefits for consumers nationwide.

Approval of this legislation by the Congress will bring to a close a dispute that preoccupied the Dallas Metroplex for nearly 30 years all the while negatively impacting the rest of the Nation. I applaud Congresswoman EDDIE BERNICE JOHNSON and other members of the Texas congressional delegation for their yeoman work in bringing this saga to a happy conclusion. I ask my colleagues to join me in supporting this legislation. I ask you to vote for S. 3661.

Mr. HENSARLING. Mr. Speaker, as many know, last year, I authored the Right to Fly Act which would completely and immediately repeal the Wright Amendment. The legislation ignited quite a debate in the metroplex.

Within a year the cities of Dallas and Fort Worth as well as D/FW Airport, American Airlines and Southwest Airlines reached an historic consensus among them. I saluted Mayors Miller and Moncrief for their tenacity and leadership in forging that consensus. Although disappointed, I certainly was not surprised to learn that their plan did not mirror my own. Still, I stood ready to compromise and support a congressional plan that provided immediate "through-ticketing" and full repeal of Wright 8 years later. Then I read the fine print.

Although I respect my Congressional colleagues with differing opinions, in my view, the Wright Amendment is not really repealed under this plan. It is simply repackaged. As a fervent supporter of free markets, I simply believe that the U.S. Congress should not interfere in the market competition between airports.

Still, I have always maintained a willingness to support Wright Amendment repeal plans aside from my own as long as they met a two-fold test: (1) the plan clearly benefits consumers and (2) the plan removes Congress from the business of airport protectionism, which costs us greatly. According to the Department of Transportation, we pay about ⅓ more for long distance airfares.

With respect to consumers, I am concerned that the agreement essentially constitutes an 8 year extension of the current Wright Amendment as opposed to a gradual phase-out. One study indicated that consumers annually pay almost $700 million extra in airfares due to the Wright Amendment. An 8-year extension would cost consumers an additional $5 billion—which, even by Washington standards, is a big number and a huge burden to American families.

On the other hand, I believe immediate "through-ticketing" can positively impact competition and airfares. American Airlines and Southwest Airlines commissioned a study—the findings of which I announced at a recent Congressional Hearing on the Wright Amendment—that concluded that through-ticketing can produce $259 million in fare savings annually. I find it encouraging that consumers could recoup some of their losses from this part of the local agreement.

My main concern is that the agreement does not get Congress out of the business of interfering with airport competition. That is the essence of the Wright Amendment, not the specific interference of perimeter restrictions. For example, in the local agreement, the City of Dallas agrees to reduce the number of gates at Love Field from 32 to 20. Though I might not like it, I respect their right to contractually bind themselves and decide whether Love Field is limited to 20 gates, 10 gates or even shut down. It is their airport.

But I believe it is wrong for the parties to ask Congress to establish into Federal law their private contractual obligations. Those are enforceable in court. By including these privately made agreements in a new federal law, Congress would be replacing one complex set of anti-competitive rules with another. Terminating today's version of the Wright Amendment, whereby Congress imposes distance limitations on an airport, only to replace it with a new version of the Wright Amendment whereby Congress imposes gate limitations on an airport, does not constitute repeal—today, in 8 years or ever. Additionally, the unusual anti-trust exemption language is troubling.

For far too long the Wright Amendment has been a burden on both consumers and the national economy. In the spirit of compromise, I again would support a simple federal law that would enact immediate through-ticketing, fully repeal of Wright in 8 years while respecting the rights of American Airlines, Southwest Airlines, D/FW and the cities of Fort Worth and Dallas to otherwise enter into lawful contracts to mutually bind themselves as they choose.

Try as I may, I cannot in good faith support the current bill, which I fear simply replaces one version of the Wright Amendment with another.

Should this legislation become law, I hope it proves to be of significant benefit to the air traveling public. If it does, I will take some satisfaction knowing I helped play a small role as its catalyst.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the Senate bill, S. 3661.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ALTERNATIVE ENERGY RESEARCH AND DEVELOPMENT ACT

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6203) to provide for Federal energy research, development, demonstration, and commercial application activities, and for other purposes.

The Clerk read as follows:

H.R. 6203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alternative Energy Research and Development Act".

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) the term "biomass" has the meaning given that term in section 932(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16232(a)(1));

(2) the term "cellulosic feedstock" has the meaning given the term "lignocellulosic feedstock" in section 932(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16232(a)(2));

(3) the term "Department" means the Department of Energy;

(4) the term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

(5) the term "National Laboratory" has the meaning given the term "nonmilitary energy laboratory" in section 903(3) of the Energy Policy Act of 2005 (42 U.S.C. 16182(3)); and

(6) the term "Secretary" means the Secretary of Energy.

SEC. 3. ADVANCED BIOFUEL TECHNOLOGIES.

(a) In General.—The Secretary shall carry out a program of research, development, demonstration, and commercial application for production of motor and other fuels from biomass.

(b) Objectives.—The Secretary shall design the program under this section to—

(1) develop technologies that would make ethanol produced from cellulosic feedstocks cost competitive with ethanol produced from corn by 2012;

(2) conduct research and development on how to apply advanced genetic engineering and bioengineering techniques to increase the efficiency and lower the cost of industrial-scale production of liquid fuels from cellulosic feedstocks; and

(3) conduct research and development on the production of hydrocarbons other than ethanol from biomass.

(c) Institution of Higher Education Grants.—The Secretary shall designate not less than 10 percent of the funds appropriated under subsection (d) for each fiscal year to carry out the program for grants to competitively selected institutions of higher education around the country focused on meeting the objectives stated in subsection (b).

(d) Authorization of Appropriations.—From amounts authorized to be appropriated under section 931(c) of the Energy Policy Act of 2005 (42 U.S.C. 16231(c)), there are authorized to be appropriated to the Secretary to carry out this section—

(1) $150,000,000 for fiscal year 2007; and

(2) such sums as may be necessary for each of the fiscal years 2008 and 2009.

SEC. 4. ADVANCED HYDROGEN STORAGE TECHNOLOGIES.

(a) In General.—The Secretary shall carry out a program of research, development, demonstration, and commercial application for technologies to enable practical onboard storage of hydrogen for use as a fuel for light-duty motor vehicles.

(b) Objective.—The Secretary shall design the program under this section to develop practical hydrogen storage technologies that would enable a hydrogen-fueled light-duty motor vehicle to travel 300 miles before refueling.

SEC. 5. ADVANCED SOLAR PHOTOVOLTAIC TECHNOLOGIES.

(a) In General.—The Secretary shall carry out a program of research, development, demonstration, and commercial application for advanced solar photovoltaic technologies.

(b) Objectives.—The Secretary shall design the program under this section to develop technologies that would—

(1) make electricity generated by solar photovoltaic power cost-competitive by 2015; and

(2) enable the widespread use of solar photovoltaic power.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $148,000,000 for fiscal year 2007; and

(2) such sums as may be necessary for each of the fiscal years 2008 through 2011.

SEC. 6. ADVANCED WIND ENERGY TECHNOLOGIES.

(a) In General.—The Secretary shall carry out a program of research, development, demonstration, and commercial application for advanced wind energy technologies.

(b) Objectives.—The Secretary shall design the program under this section to—

(1) improve the efficiency and lower the cost of wind turbines;

(2) minimize adverse environmental impacts; and

(3) develop new small-scale wind energy technologies for use in low wind speed environments.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $44,000,000 for fiscal year 2007; and

(2) such sums as may be necessary for each of the fiscal years 2008 through 2011.

SEC. 7. CONTINUING PROGRAMS.

The Secretary shall continue to carry out the research, development, demonstration, and commercial application activities authorized in sections 921(b)(1) (for distributed energy), 923 (for micro-cogeneration technology), and 931(a)(2)(C), (D),and (E)(i) (for geothermal energy, hydropower, and ocean energy) of the Energy Policy Act of 2005.

SEC. 8. PLUG-IN HYBRID ELECTRIC VEHICLE TECHNOLOGY PROGRAM.

(a) Short Title.—This section may be cited as the "Plug-In Hybrid Electric Vehicle Act of 2006".

(b) Definitions.—In this section:

(1) Battery.—The term "battery" means a device or system for the electrochemical storage of energy.

(2) E85.—The term "E85" means a fuel blend containing 85 percent ethanol and 15 percent gasoline by volume.

(3) Electric drive transportation technology.—The term "electric drive transportation technology" means—

(A) vehicles that use an electric motor for all or part of their motive power and that may or may not use offboard electricity, including battery electric vehicles, hybrid electric vehicles, plug-in hybrid electric vehicles, flexible fuel plug-in hybrid electric vehicles, and electric rail; and

(B) related equipment, including electric equipment necessary to recharge a plug-in hybrid electric vehicle.

(4) Flexible fuel plug-in hybrid electric vehicle.—The term "flexible fuel plug-in hybrid electric vehicle" means a plug-in hybrid electric vehicle warranted by its manufacturer as capable of operating on any combination of gasoline or E85 for its onboard internal combustion or heat engine.

(5) Hybrid electric vehicle.—The term "hybrid electric vehicle" means a vehicle that—

(A) can be propelled using liquid combustible fuel and electric power provided by an onboard battery; and

(B) utilizes regenerative power capture technology to recover energy expended in braking the vehicle for use in recharging the battery.

(6) Plug-in hybrid electric vehicle.—The term "plug-in hybrid electric vehicle" means a hybrid electric onroad light-duty vehicle that can be propelled solely on electric power for a minimum of 20 miles under city driving conditions, and that is capable of recharging its battery from an offboard electricity source.

(c) Program.—The Secretary shall conduct a program of research, development, demonstration, and commercial application on technologies needed for the development of plug-in hybrid electric vehicles and electric drive transportation, including—

(1) high capacity, high efficiency batteries, to—

(A) improve battery life, energy storage capacity, and power delivery capacity, and lower cost; and

(B) minimize waste and hazardous material production in the entire value chain, including after the end of the useful life of the batteries;

(2) high efficiency onboard and offboard charging components;

(3) high power drive train systems for passenger and commercial vehicles and for supporting equipment;

(4) onboard energy management systems, power trains, and systems integration for plug-in hybrid electric vehicles, flexible fuel plug-in hybrid electric vehicles, and hybrid electric vehicles, including efficient cooling systems and systems that minimize the emissions profile of such vehicles; and

(5) lightweight materials, including research, development, demonstration, and commercial application to reduce the cost of materials such as steel alloys and carbon fibers.

(d) Plug-In Hybrid Electric Vehicle Demonstration Program.—

(1) Establishment.—The Secretary shall establish a competitive grant pilot demonstration program to provide not more than 25 grants annually to State governments, local governments and public entities, metropolitan transportation authorities, or combinations thereof to carry out a project or projects for demonstration of plug-in hybrid electric vehicles.

(2) Applications.—

(A) Requirements.—The Secretary shall issue requirements for applying for grants under the demonstration pilot program. The Secretary shall require that applications, at a minimum, include a description of how data will be—

(i) collected on the—

(I) performance of the vehicle or vehicles and the components, including the battery, energy management, and charging systems, under various driving speeds, trip ranges, traffic, and other driving conditions;

(II) costs of the vehicle or vehicles, including acquisition, operating, and maintenance costs, and how the project or projects will be self-sustaining after Federal assistance is completed; and

(III) emissions of the vehicle or vehicles, including greenhouse gases, and the amount of petroleum displaced as a result of the project or projects; and

(ii) summarized for dissemination to the Department, other grantees, and the public.

(B) PARTNERS.—An applicant under subparagraph (A) may carry out a project or projects under the pilot program in partnership with one or more private or nonprofit entities, which may include institutions of higher education, including Historically Black Colleges and Universities, Hispanic Serving Institutions, and other minority-serving institutions.

(3) SELECTION CRITERIA.—

(A) PREFERENCE.—When making awards under this subsection, the Secretary shall consider each applicant's previous experience involving plug-in hybrid electric vehicles and shall give preference to proposals that—

(i) provide the greatest demonstration per award dollar, with preference increasing as the number of miles that a plug-in hybrid electric vehicle can be propelled solely on electric power under city driving conditions increases; and

(ii) maximize the non-Federal share of project funding and demonstrate the greatest likelihood that each project proposed in the application will be maintained or expanded after Federal assistance under this subsection is completed.

(B) BREADTH OF DEMONSTRATIONS.—In awarding grants under this subsection, the Secretary shall ensure the program will demonstrate plug-in hybrid electric vehicles under various circumstances, including—

(i) driving speeds;

(ii) trip ranges;

(iii) driving conditions;

(iv) climate conditions; and

(v) topography,

to optimize understanding and function of plug-in hybrid electric vehicles.

(4) PILOT PROJECT REQUIREMENTS.—

(A) SUBSEQUENT FUNDING.—An applicant that has received a grant in one year may apply for additional funds in subsequent years, but the Secretary shall not provide more than $10,000,000 in Federal assistance under the pilot program to any applicant for the period encompassing fiscal years 2007 through fiscal year 2011.

(B) INFORMATION.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are shared among the pilot program participants and are available to other interested parties, including other applicants.

(5) AWARD AMOUNTS.—The Secretary shall determine grant amounts, but the maximum size of grants shall decline as the cost of producing plug-in hybrid electric vehicles declines or the cost of converting a hybrid electric vehicle to a plug-in hybrid electric vehicle declines.

(e) COST SHARING.—The Secretary shall carry out the program under this section in compliance with section 988(a) through (d) and section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16352(a) through (d) and 16353).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(1) for carrying out subsection (c), $100,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 through 2011; and

(2) for carrying out subsection (d), $50,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 through 2011.

SEC. 9. PHOTOVOLTAIC DEMONSTRATION PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "Solar Utilization Now Demonstration Act of 2006" or the "SUN Act of 2006".

(b) IN GENERAL.—The Secretary shall establish a program of grants to States to demonstrate advanced photovoltaic technology.

(c) REQUIREMENTS.—

(1) ABILITY TO MEET REQUIREMENTS.—To receive funding under the program under this section, a State must submit a proposal that demonstrates, to the satisfaction of the Secretary, that the State will meet the requirements of subsection (g).

(2) COMPLIANCE WITH REQUIREMENTS.—If a State has received funding under this section for the preceding year, the State must demonstrate, to the satisfaction of the Secretary, that it complied with the requirements of subsection (g) in carrying out the program during that preceding year, and that it will do so in the future, before it can receive further funding under this section.

(3) FUNDING ALLOCATION.—Except as provided in subsection (d), each State submitting a proposal that meets the requirements under subsection (c) shall receive funding under the program based on the proportion of United States population in the State according to the 2000 census. In each fiscal year, the portion of funds attributable under this paragraph to States that have not submitted proposals that meet the requirements under subsection (c) in the time and manner specified by the Secretary shall be distributed pro rata to the States that have submitted proposals that meet the requirements under subsection (c) in the specified time and manner.

(d) COMPETITION.—If more than $80,000,000 is available for the program under this section for any fiscal year, the Secretary shall allocate 75 percent of the total amount of funds available according to subsection (c)(3), and shall award the remaining 25 percent on a competitive basis to the States with the proposals the Secretary considers most likely to encourage the widespread adoption of photovoltaic technologies. In awarding funds under this subsection, the Secretary may give preference to proposals that would demonstrate the use of newer materials or technologies.

(e) PROPOSALS.—Not later than 6 months after the date of enactment of this Act, and in each subsequent fiscal year for the life of the program, the Secretary shall solicit proposals from the States to participate in the program under this section.

(f) COMPETITIVE CRITERIA.—In awarding funds in a competitive allocation under subsection (d), the Secretary shall consider—

(1) the likelihood of a proposal to encourage the demonstration of, or lower the costs of, advanced photovoltaic technologies; and

(2) the extent to which a proposal is likely to—

(A) maximize the amount of photovoltaics demonstrated;

(B) maximize the proportion of non-Federal cost share; and

(C) limit State administrative costs.

(g) STATE PROGRAM.—A program operated by a State with funding under this section shall provide competitive awards for the demonstration of advanced photovoltaic technologies. Each State program shall—

(1) require a contribution of at least 60 percent per award from non-Federal sources, which may include any combination of State, local, and private funds, except that at least 10 percent of the funding must be supplied by the State;

(2) limit awards for any single project to a maximum of $1,000,000;

(3) prohibit any nongovernmental recipient from receiving more than $1,000,000 per year;

(4) endeavor to fund recipients in the commercial, industrial, institutional, governmental, and residential sectors;

(5) limit State administrative costs to no more than 10 percent of the grant;

(6) report annually to the Secretary on—

(A) the amount of funds disbursed;

(B) the amount of photovoltaics purchased; and

(C) the results of the monitoring under paragraph (7);

(7) provide for measurement and verification of the output of a representative sample of the photovoltaics systems demonstrated throughout the average working life of the systems, or at least 20 years;

(8) require that applicant buildings must have received an independent energy efficiency audit during the 6-month period preceding the filing of the application; and

(9) encourage Historically Black Colleges and Universities, Hispanic Serving Institutions, and other minority-serving institutions to apply for grants under this program.

(h) UNEXPENDED FUNDS.—If a State fails to expend any funds received under subsection (c) or (d) within 3 years of receipt, such remaining funds shall be returned to the Treasury.

(i) REPORTS.—The Secretary shall report to Congress 5 years after funds are first distributed to the States under this section—

(1) the amount of photovoltaics demonstrated;

(2) the number of projects undertaken;

(3) the administrative costs of the program;

(4) the amount of funds that each State has not received because of a failure to submit a qualifying proposal, as described in subsection (c)(3);

(5) the results of the monitoring under subsection (g)(7); and

(6) the total amount of funds distributed, including a breakdown by State.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the purposes of carrying out this section—

(1) $50,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for each of the fiscal years 2009 through 2011.

SEC. 10. ENERGY EFFICIENT BUILDING GRANT PROGRAM.

(a) ENERGY EFFICIENT BUILDING PILOT GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish a pilot program to award grants to businesses and organizations for new construction of energy efficient buildings, or major renovations of buildings that will result in energy efficient buildings, to demonstrate innovative energy efficiency technologies, especially those sponsored by the Department.

(2) AWARDS.—The Secretary shall award grants under this subsection competitively to those applicants whose proposals—

(A) best demonstrate—

(i) likelihood to meet or exceed the standards referred to in subsection (b)(2);

(ii) likelihood to maximize cost-effective energy efficiency opportunities; and

(iii) advanced energy efficiency technologies; and

(B) maximize the leverage of private investment for costs related to increasing the energy efficiency of the building.

(3) CONSIDERATION.—The Secretary shall give due consideration to proposals for buildings that are likely to serve low and moderate income populations.

(4) AMOUNT OF GRANTS.—Grants under this subsection shall be for up to 50 percent of design and energy modeling costs, not to exceed $50,000 per building. No single grantee may be eligible for more than 3 grants per year under this program.

(5) GRANT PAYMENTS.—

(A) INITIAL PAYMENT.—The Secretary shall pay 50 percent of the total amount of the grant to grant recipients upon selection.

(B) REMAINDER OF PAYMENT.—The Secretary shall pay the remaining 50 percent of the grant only after independent certification, by a professional engineer or other qualified professional, that operational buildings are energy efficient buildings as defined in subsection (b).

(C) FAILURE TO COMPLY.—The Secretary shall not provide the remainder of the payment unless the building is certified within 6 months after operation of the completed building to meet the requirements described in subparagraph (B), or in the case of major renovations the building is certified within 6 months of the completion of the renovations.

(6) REPORT TO CONGRESS.—Not later than 3 years after awarding the first grant under this subsection, the Secretary shall transmit to Congress a report containing—

(A) the total number and dollar amount of grants awarded under this subsection; and

(B) an estimate of aggregate cost and energy savings enabled by the pilot program under this subsection.

(7) ADMINISTRATIVE EXPENSES.—Administrative expenses for the program under this subsection shall not exceed 10 percent of appropriated funds.

(b) DEFINITION OF ENERGY EFFICIENT BUILDING.—For purposes of this section the term "energy efficient building" means a building that—

(1) achieves a reduction in energy consumption of—

(A) at least 30 percent for new construction, compared to the energy standards set by the 2004 International Energy Conservation Code (in the case of residential buildings) or ASHRAE Standard 90.1–2004; or

(B) at least 20 percent for major renovations, compared to energy consumption before renovations are begun;

(2) is constructed or renovated in accordance with the most current, appropriate, and applicable voluntary consensus standards, as determined by the Secretary, such as those listed in the assessment under section 914(b), or revised or developed under section 914(c), of the Energy Policy Act of 2005; and

(3) after construction or renovation—

(A) uses heating, ventilating, and air conditioning systems that perform at no less than Energy Star standards; or

(B) if Energy Star standards are not applicable, uses Federal Energy Management Program recommended heating, ventilating, and air conditioning products.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section—

(1) $10,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for each of the fiscal years 2009 through 2011.

SEC. 11. ENERGY TECHNOLOGY TRANSFER.

Section 917 of the Energy Policy Act of 2005 (42 U.S.C. 16197) is amended to read as follows:

"SEC. 917. ADVANCED ENERGY TECHNOLOGY TRANSFER CENTERS.

"(a) GRANTS.—Not later than 18 months after the date of enactment of the Alternative Energy Research and Development Act, the Secretary shall make grants to nonprofit institutions, State and local governments, cooperative extension services, or universities (or consortia thereof), to establish a geographically dispersed network of Advanced Energy Technology Transfer Centers, to be located in areas the Secretary determines have the greatest need of the services of such Centers. In establishing the network, the Secretary shall consider the special needs and opportunities for increased energy efficiency for manufactured and site-built housing, including construction, renovation, and retrofit. In making awards under this section, the Secretary shall—

"(1) give priority to applicants already operating or partnered with an outreach program capable of transferring knowledge and information about advanced energy efficiency methods and technologies;

"(2) ensure that, to the extent practicable, the program enables the transfer of knowledge and information—

"(A) about a variety of technologies and

"(B) in a variety of geographic areas; and

"(3) give preference to applicants that would significantly expand on or fill a gap in existing programs in a geographical region.

"(b) ACTIVITIES.—Each Center shall operate a program to encourage demonstration and commercial application of advanced energy methods and technologies through education and outreach to building and industrial professionals, and to other individuals and organizations with an interest in efficient energy use. Funds awarded under this section may be used for the following activities:

"(1) Developing and distributing informational materials on technologies that could use energy more efficiently.

"(2) Carrying out demonstrations of advanced energy methods and technologies.

"(3) Developing and conducting seminars, workshops, long-distance learning sessions, and other activities to aid in the dissemination of knowledge and information on technologies that could use energy more efficiently.

"(4) Providing or coordinating onsite energy evaluations, including instruction on the commissioning of building heating and cooling systems, for a wide range of energy end-users.

"(5) Examining the energy efficiency needs of energy end-users to develop recommended research projects for the Department.

"(6) Hiring experts in energy efficient technologies to carry out activities described in paragraphs (1) through (5).

"(c) APPLICATION.—A person seeking a grant under this section shall submit to the Secretary an application in such form and containing such information as the Secretary may require. The Secretary may award a grant under this section to an entity already in existence if the entity is otherwise eligible under this section. The application shall include, at a minimum—

"(1) a description of the applicant's outreach program, and the geographic region it would serve, and of why the program would be capable of transferring knowledge and information about advanced energy technologies that increase efficiency of energy use;

"(2) a description of the activities the applicant would carry out, of the technologies that would be transferred, and of any other organizations that will help facilitate a regional approach to carrying out those activities;

"(3) a description of how the proposed activities would be appropriate to the specific energy needs of the geographic region to be served;

"(4) an estimate of the number and types of energy end-users expected to be reached through such activities; and

"(5) a description of how the applicant will assess the success of the program.

"(d) SELECTION CRITERIA.—The Secretary shall award grants under this section on the basis of the following criteria, at a minimum:

"(1) The ability of the applicant to carry out the proposed activities.

"(2) The extent to which the applicant will coordinate the activities of the Center with other entities as appropriate, such as State and local governments, utilities, universities, and National Laboratories.

"(3) The appropriateness of the applicant's outreach program for carrying out the program described in this section.

"(4) The likelihood that proposed activities could be expanded or used as a model for other areas.

"(e) COST-SHARING.—In carrying out this section, the Secretary shall require cost-sharing in accordance with the requirements of section 988 for commercial application activities.

"(f) DURATION.—

"(1) INITIAL GRANT PERIOD.—A grant awarded under this section shall be for a period of 5 years.

"(2) INITIAL EVALUATION.—Each grantee under this section shall be evaluated during its third year of operation under procedures established by the Secretary to determine if the grantee is accomplishing the purposes of this section described in subsection (a). The Secretary shall terminate any grant that does not receive a positive evaluation. If an evaluation is positive, the Secretary may extend the grant for 3 additional years beyond the original term of the grant.

"(3) ADDITIONAL EXTENSION.—If a grantee receives an extension under paragraph (2), the grantee shall be evaluated again during the second year of the extension. The Secretary shall terminate any grant that does not receive a positive evaluation. If an evaluation is positive, the Secretary may extend the grant for a final additional period of 3 additional years beyond the original extension.

"(4) LIMITATION.—No grantee may receive more than 11 years of support under this section without reapplying for support and competing against all other applicants seeking a grant at that time.

"(g) PROHIBITION.—None of the funds awarded under this section may be used for the construction of facilities.

"(h) DEFINITIONS.—For purposes of this section:

"(1) ADVANCED ENERGY METHODS AND TECHNOLOGIES.—The term 'advanced energy methods and technologies' means all methods and technologies that promote energy efficiency and conservation, including distributed generation technologies, and life-cycle analysis of energy use.

"(2) CENTER.—The term 'Center' means an Advanced Energy Technology Transfer Center established pursuant to this section.

"(3) DISTRIBUTED GENERATION.—The term 'distributed generation' means an electric power generation technology, including photovoltaic, small wind and micro-combined heat and power, that is designed to serve retail electric consumers on-site.

"(4) COOPERATIVE EXTENSION.—The term 'Cooperative Extension' means the extension services established at the land-grant colleges and universities under the Smith-Lever Act of May 8, 1914.

"(5) LAND-GRANT COLLEGES AND UNIVERSITIES.—The term 'land-grant colleges and universities' means—

"(A) 1862 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601));

"(B) 1890 Institutions (as defined in section 2 of that Act); and

"(C) 1994 Institutions (as defined in section 2 of that Act).

"(i) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated in section 911, there are authorized to be appropriated for the program under this section such sums as may be appropriated.".

SEC. 12. GREEN ENERGY EDUCATION.

(a) DEFINITION.—For the purposes of this section:

(1) DIRECTOR.—The term "Director" means the Director of the National Science Foundation.

(2) HIGH PERFORMANCE BUILDING.—The term "high performance building" has the meaning given that term in section 914(a) of the Energy Policy Act of 2005 (42 U.S.C. 16194(a)).

(b) GRADUATE TRAINING IN ENERGY RESEARCH AND DEVELOPMENT.—

(1) FUNDING.—In carrying out research, development, demonstration, and commercial application activities authorized for the Department, the Secretary may contribute funds to the National Science Foundation for the Integrative Graduate Education and Research Traineeship program to support projects that enable graduate education related to such activities.

(2) CONSULTATION.—The Director shall consult with the Secretary when preparing solicitations and awarding grants for projects described in paragraph (1).

(c) CURRICULUM DEVELOPMENT FOR HIGH PERFORMANCE BUILDING DESIGN.—

(1) FUNDING.—In carrying out advanced energy technology research, development, demonstration, and commercial application activities authorized for the Department related to high performance buildings, the Secretary may contribute funds to curriculum development activities at the National Science Foundation for the purpose of improving undergraduate or graduate interdisciplinary engineering and architecture education related to the design and construction of high performance buildings, including development of curricula, of laboratory activities, of training practicums, or of design projects. A primary goal of curriculum development activities supported under this section shall be to improve the ability of engineers, architects, and planners to work together on the incorporation of advanced energy technologies during the design and construction of high performance buildings.

(2) CONSULTATION.—The Director shall consult with the Secretary when preparing solicitations and awarding grants for projects described in paragraph (1).

(3) PRIORITY.—In awarding grants with respect to which the Secretary has contributed funds under this subsection, the Director shall give priority to applications from departments, programs, or centers of a school of engineering that are partnered with schools, departments, or programs of design, architecture, and city, regional, or urban planning, and due consideration to applications from Historically Black Colleges and Universities and other minority serving institutions.

SEC. 13. ARPA-E STUDY.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a detailed study of, and make further recommendations on, the October 2005 National Academy of Sciences recommendation to establish an Advanced Research Projects Agency-Energy (in this section referred to as ARPA-E).

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall transmit to Congress the study described in subsection (a) and the Secretary's response to the findings, conclusions, and recommendations of that study.

(c) TERMS OF REFERENCE.—The Secretary shall ensure that the study described in subsection (a) addresses the following questions:

(1) What basic research related to new energy technologies is occurring now, what entities are funding it, and what is preventing the results of that research from reaching the market?

(2) What economic evidence indicates that the limiting factor in the market penetration of new energy technologies is a lack of basic research on pathbreaking new technologies? What barriers do those trying to develop new energy technologies face during later stages of research and development?

(3) To what extent is the Defense Advanced Research Projects Agency an appropriate model for an energy research agency, given that the Federal Government would not be the primary customer for its technology and where cost is an important concern?

(4) How would research and development sponsored by ARPA-E differ from research and development conducted by the National Laboratories or sponsored by the Department through the Office of Science, the Office of Energy Efficiency and Renewable Energy, the Office of Fossil Energy, the Office of Electricity Delivery and Energy Reliability, and the Office of Nuclear Energy?

(5) Should industry or National Laboratories be recipients of ARPA-E grants? What institutional or organizational arrangements would be required to ensure that ARPA-E sponsors transformational, rather than incremental, research and development?

SEC. 14. COAL METHANATION.

(a) PROGRAM.—The Secretary shall establish a program of research, development, demonstration, and commercial application of coal gasification facilities that convert coal into pipeline quality gaseous fuels for direct use or subsequent chemical or physical conversion.

(b) PROCEDURES.—The program established under subsection (a) shall be carried out using procedures described in title XVII of the Energy Policy Act of 2005.

SEC. 15. ALTERNATIVE BIOBASED FUELS AND ULTRA LOW SULFUR DIESEL.

(a) ALTERNATIVE FUEL AND ULSD INFRASTRUCTURE AND ADDITIVES RESEARCH AND DEVELOPMENT.—The Secretary, in consultation with the National Institute of Standards and Technology, shall carry out a program of research, development, demonstration, and commercial application of materials to be added to alternative biobased fuels and Ultra Low Sulfur Diesel fuels to make them more compatible with existing infrastructure used to store and deliver petroleum-based fuels to the point of final sale. The program shall address—

(1) materials to prevent or mitigate—

(A) corrosion of metal, plastic, rubber, cork, fiberglass, glues, or any other material used in pipes and storage tanks;

(B) dissolving of storage tank sediments;

(C) clogging of filters;

(D) contamination from water or other adulterants or pollutants;

(E) poor flow properties related to low temperatures;

(F) oxidative and thermal instability in long-term storage and use;

(G) increased volatile emissions;

(H) microbial contamination;

(I) problems associated with electrical conductivity; and

(J) increased nitrogen oxide emissions;

(2) alternatives to conventional methods for refurbishment and cleaning of gasoline and diesel tanks, including tank lining applications; and

(3) other problems as identified by the Secretary in consultation with the National Institute of Standards and Technology.

(b) SULFUR TESTING FOR DIESEL FUELS.—

(1) PROGRAM.—The Secretary, in consultation with the National Institute of Standards and Technology, shall carry out a research, development, and demonstration program on portable, low-cost, and accurate methods and technologies for testing of sulfur content in fuel, including Ultra Low Sulfur Diesel and Low Sulfur Diesel.

(2) SCHEDULE OF DEMONSTRATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall begin demonstrations of technologies under paragraph (1).

(c) STANDARD REFERENCE MATERIALS AND DATA BASE DEVELOPMENT.—Not later than 6 months after the date of enactment of this Act, the National Institute of Standards and Technology shall develop a physical properties data base and standard reference materials for alternative fuels. Such data base and standard reference materials shall be maintained and updated as appropriate as additional alternative fuels become available.

SEC. 16. BIOENERGY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 931 of the Energy Policy Act of 2005 (42 U.S.C. 16231) is amended—

(1) in subsection (c)(1), by inserting ", including $25,000,000 for section 932(d)(1)(B)(v)" after "section 932(d)";

(2) in subsection (c)(2), by inserting ", including $25,000,000 for section 932(d)(1)(B)(v)" after "section 932(d)"; and

(3) in subsection (c)(3), by inserting ", including $25,000,000 for section 932(d)(1)(B)(v)" after "section 932(d)".

(b) BIOENERGY PROGRAM.—Section 932(d)(1)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16232(d)(1)(B)) is amended—

(1) by striking "and" at the end of clause (iii); and

(2) by adding after clause (iv) the following new clause:

"(v) biodegradable natural plastics from biomass; and".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 6203, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 6203, the Alternative Energy and Research Development Act.

As its title suggests, this bill is designed to advance development of a number of alternative energy technologies by establishing policy goals and focusing research on key technical challenges.

Building on the excellent R&D provisions the Science Committee included in the Energy Policy Act of 2005, or EPACT, H.R. 6203 supports the development of biofuels from cellulose, meaning feedstocks other than corn; biodegradable natural plastics from biomass; technologies for hydrogen storage onboard vehicles; advanced solar technologies that are economical and make solar power cost competitive in a decade; technologies that minimize the cost and environmental impact and maximize the efficiency of harnessing the power of the wind; and advanced battery technologies specifically for plug-in hybrid electric vehicles.

In addition to requiring the DOE to continue carrying out the geothermal energy, hydropower distributor and cogeneration research authorized in EPACT, H.R. 6203 supports research to convert coal into pipeline quality gaseous fuels.

The bill also promotes energy conservation in three important ways. First, it provides incentives for the construction of energy efficient buildings. Today's buildings consume 50 percent of the Nation's supply of natural gas and 70 percent of its electricity, more energy than any other sector of the economy, including industry and transportation.

Second, the bill offers grants to States who deploy solar cells and purchase plug-in hybrid electric vehicles.

Finally, it establishes a cooperative extension program to encourage the use of advanced energy technologies patterned after the successful agricultural extension programs that aided farmers in incorporating advanced technologies and food production.

H.R. 6203 is a modified version of H.R. 5656, which was approved by the Science Committee in July. Like most bills that emerge from the Science Committee, H.R. 6203 represents a compilation of great ideas from a number of members of the committee, including my colleagues from Texas, Lamar Smith and Mike McCaul. And I would especially like to thank the ranking member, Mr. Gordon, for his leadership and his additions to the bill. The bill was further perfected in committee by Representatives Ralph Hall, Doris Matsui, Lynn Woolsey, Sheila Jackson-Lee, Eddie Bernice Johnson, Ken Calvert, Al Green, Brian Baird, and Brad Miller. I want to thank my colleagues on the committee for their contributions. H.R. 6203 is the product of a truly bipartisan effort.

Mr. Speaker, high natural gas prices and the summer spike in gasoline prices serve as a stark reminder that the path to energy independence is a long and arduous one.

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To make significant progress down this path requires a steadfast commitment from Congress and the Federal Government to support the development of advanced energy technologies and alternative fuels that will help end our addiction to oil and gasoline.

The bill we are considering today would do just that in a fiscally responsible way. In some cases, it gives new direction to research funding authorized in EPACT. In others, the House already has appropriated funds for the programs.

I urge my colleagues to support H.R. 6203.

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6203. This bill is very similar to Mrs. Biggert's H.R. 5656 which the Science Committee passed favorably in June. We support the changes that were made and believe they express some of the concerns our Members had with H.R. 5656.

The original bill contained a number of important provisions from Democratic Members, and I want to thank Chairwoman Biggert for working with us to include them in this most recent version. I am especially pleased to see my bill, H.R. 5658, included as section 15 of this bill.

If our country is serious about reducing our dependency on foreign oil, we need to get serious about mobilizing the infrastructure necessary to distribute and dispense the next generation of fuels.

The bill instructs the Department of Energy and the National Institute of Standards and Technology to research fuel additives and other technologies that would make biodiesel fuels more compatible with the country's petroleum-based infrastructure.

My bill, contained in section 15, also addresses potential challenges as fuel suppliers transition to ultra-low sulfur diesel, a fuel significantly cleaner than traditional diesel.

This section instructs the Department of Energy and NIST to develop portable, low-cost, and accurate methods suppliers can use to test sulfur content in fuels. It should be noted that in no way is this meant to interfere with the authority or activities of the EPA to continue the successful transition to ultra-low sulfur diesel or other fuels programs. It is intended to assist companies that are complying with EPA's programs, and I encourage DOE and NIST to coordinate these activities with EPA.

While I support Mrs. Biggert's bill, I personally believe the committee should be sending a stronger message regarding the future of high-risk, high-payoff energy R&D.

Specifically, we should move towards the establishment of an Advanced Research Projects Agency for Energy, or ARPA–E, as directed in my bill, H.R. 4435.

There is a need for an organization capable of finding and promoting research breakthroughs and converting those findings into potentially transformational energy technologies that will make this country more energy self-sufficient.

Mr. Speaker, all in all, I believe this is a good bill with some strong energy research programs. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I recognize a valuable member of the Science Committee, the gentleman from Texas (Mr. Smith) for 3 minutes.

Mr. SMITH of Texas. Mr. Speaker, first of all, I would like to thank the gentlewoman from Illinois, who is the chairman of the Science Committee's Subcommittee on Energy for yielding to me; and I want to express my appreciation to Mrs. Biggert for assembling this legislation, which will contribute mightily to our energy independence.

H.R. 6203, the Alternative Energy Research and Development Act, incorporates two pieces of legislation that I introduced: the Plug-in Hybrid Electric Vehicle Act of 2006 and the Solar Utilization Now, or SUN Act, of 2006. They will reduce our Nation's dependence on foreign sources of oil by promoting plug-in hybrid vehicles and the use of solar power.

The Plug-in Hybrid Electric Vehicle Act establishes a partnership between public and private entities and requires the Secretary of Energy to carry out a program of research and development for plug-in hybrid electric vehicles and electric drive transportation technology. The goal is to develop a plug-in vehicle that can travel up to 40 miles on battery power alone.

The bill also establishes a pilot program of grants to State and local governments and metropolitan transportation authorities.

Congress has a responsibility to help promote this new technology.

I introduced the SUN Act of 2006 because the answer to much of our energy needs in fact comes up every morning. The goal of this legislation is to make electricity from solar power cost-competitive by 2015. The SUN Act encourages State governments and private industry to team up to apply for Federal grants. Solar power is clean, plentiful, and it generates zero emissions and zero waste.

The Federal Government needs to ensure that the research and development of alternative energy technologies continues. Americans are concerned about high gas prices, our dependence on foreign oil and global warming. This bill addresses those concerns and is good for our energy security, national security and environmental security.

Mr. Speaker, I want to thank Congresswoman BIGGERT for taking the lead on these issues and for getting this package to the House floor.

Mr. GORDON. Mr. Speaker, we have no other requests for time, and I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I recognize another member of the Science Committee who has worked hard in this area, the gentleman from Texas (Mr. MCCALL), for 2 minutes.

Mr. MCCALL of Texas. Mr. Speaker, I want to first thank Congresswoman BIGGERT for her leadership on this bill. We have worked very hard to get to this point to get this bill on the floor. I was very proud to be a part of it. I thank you again for your leadership. And I thank Congressman KIRK for helping us in this effort and my colleague from Texas, Mr. SMITH, for his hard work.

This alternative energy legislation is crucial for America. But it isn't just an alternative energy issue. It is also very much a national security issue. For some time now, we in the Congress have been pushing towards reducing America's addiction to foreign sources of oil. This is a giant step in the right direction. This bill will provide research and development for energy independence, for clean energy technologies, for plug-in hybrid vehicles, solar power, wind, biofuels, clean coal technologies, and hydrogen.

If passed, this visionary legislation will put us on the track to provide cheaper and more reliable alternatives to fossil fuels and will work to provide a cleaner environment for our children and our grandchildren.

I want to thank our colleagues on the other side of the aisle for their strong support of this legislation as well. It is an important bill for America's energy future.

Mrs. BIGGERT. Mr. Speaker, I recognize the gentleman from Tennessee (Mr. WAMP), who is not a member of the Science Committee but has been so helpful as a member of the Policy Committee and of the Appropriations Committee, and I yield 3 minutes.

Mr. WAMP. Mr. Speaker, I thank Mrs. BIGGERT and Mr. GORDON for their leadership.

For 6 years, I have had the privilege of serving as the co-Chair in the House of the Renewable Energy Efficiency Caucus with MARK UDALL of Colorado, which is over half of the House. They have a similar caucus in the Senate. There is widespread bipartisan support for these programs. I think it is so important that we do this.

I want to say that one of the underreported stories of the last 2 years is the impact of last year's energy bill, the final agreement. I didn't support the House bill, but I supported the final bill because the Senate made it so much better, advanced especially the production of ethanol. There are at least 41 new ethanol plants under construction across America today because alternative fuels is what we need to advance.

Leadership cries out for us to do what we need to do for the next generation with respect to energy, regardless of what energy costs today. Some people think if it is $4 a gallon you have to make changes, but if it is $2 a gallon you don't need to. No, we need to. And leadership cries out for us to be aggressive.

And I am a conservative. Sometimes conservatives forget we are supposed to conserve, to save, to be efficient. Plus our dependence on other sources of energy is causing our country to not be independent and to really be vulnerable. So this is a security issue.

I think, frankly, if we don't do things like this we are being penny-wise and pound-foolish. These initiatives are real. They are substantive. This is a great first step.

It is really a second step. I think EPACT was the first step. This is the second step. I would even argue next year we need to do a third step and continue to advance this cause.

We didn't balance the budget for 3 years by cutting spending. We did slow the rate of growth of spending, but we balanced the budget because the economy grew because we led the world in information. EARL BLUMENAUER, from out on your side of this country. The Microsoft explosion was a robust, U.S. manufacturing export-driven economy where revenues surpassed expenses and we balanced the budget.

We can do that again, solving the world's energy problems because we are the smartest people in the world. A dynamic, export-driven economy if we will invest in energy solutions for the world, and you can't just expect it to happen. The government plays a role. We have to lead on this issue.

This is a double negative, but I with close with this: We cannot afford not to do this. That is what the House needs to understand. We cannot afford not to do this. Please support this bill, move it forward, and then let's go further in the 110th Congress.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. WAMP. I yield to the gentleman from Tennessee.

Mr. GORDON. Let me just add my voice to my friend and colleague from Tennessee to say he has been a strong, consistent leader in this area, and I want to thank you for that. It has made this Congress better for your efforts.

Mr. WAMP. Reclaiming my time, thank you for your leadership, and thank you, Mrs. BIGGERT.

Mrs. BIGGERT. Mr. Speaker, I recognize the gentleman from Illinois (Mr. KIRK). He has been the chairman of the Suburban Caucus, and this bill has been on the Suburban Caucus list for those bills that are important to not only suburban areas but all over the country, and I yield 2 minutes.

Mr. KIRK. Mr. Speaker, I thank my colleague from Illinois who put together this legislation as a leader in Congress. Along with Congressman MCCALL of Texas, you have outlined an alternative energy and renewable fuels future for the country in a bipartisan way, along with the gentleman from Tennessee.

The U.S. imports nearly 5 billion barrels of oil a year. And there has been a recent decline in the price of gas across the United States, but we need oil independence to protect us from a volatile world of oil markets, increasing global pollution, and unstable leaders in Iran and Venezuela. We know that alternative energy and renewable fuels equals national security for the United States.

This legislation will accelerate the development of advanced and clean technologies. It promotes the implementation of solar photovoltaic, wind, geothermal and hydropower. It establishes a research and development program for the conversion of coal into pipeline-quality fuel.

In my State of Illinois, we have a 250-year American supply of coal, one of the largest supplies in the United States; and with the development of clean coal technology we can better utilize a vast resource to help out the energy independence of the United States.

The grants, incentives and programs established in this bipartisan bill have the potential to save American consumers billions of dollars, create thousands of new jobs and dramatically decrease energy consumption and pollution. In achieving the goals set forth in this bipartisan bill, we end our addiction to foreign oil and enhance our national security.

Mr. Speaker, on a day in which we look at the loss of a colleague in this House, in which we see vigorous foreign policy debate, what is being missed without a single reporter in the gallery is bipartisan legislation working on an alternative-energy future for the Nation. It is a story that should not be missed, both parties joining together to make sure that we enhance renewable and alternative fuels and that we make sure that America leads.

Mrs. BIGGERT. Mr. Speaker, I recognize the gentleman from Maryland (Mr. BARTLETT), a long-time member of the Science Committee, for 3 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, there have been in the last couple of years two major government-sponsored studies on energy. One was a big SAIC report, commonly called the Hirsch Report. The other was a more recent report by the Corps of Engineers, and both of them reached essentially the same conclusion.

□ 2000

The world has either peaked in oil production, conventional oil production, or it will shortly peak in oil production with potentially devastating consequences. The Hirsch report said that the world has never faced a problem like this, that mitigation consequences will be unprecedented.

Today I got across my desk a flyer from a group here on the Hill that said that we ought to be cautious about this suspension vote because some new programs were suggested here. I hope, Mr. Speaker, that some new programs are suggested here because the reality is the Hirsch report said if you didn't anticipate the peaking of oil, in 20 years there were going to be economic consequences.

We knew 25 years ago that this was a reality. By 1980, 1981, we absolutely knew that M. King Huppert was right. The United States had peaked in 1970. We are well down that slope now. He predicted the world would be peaking about now.

I hope, Mr. Speaker, that there are a lot of new programs in here because we don't have 10 years. We don't have 20 years. I think we have essentially run out of time. We have run out of energy.

And don't be lulled into complacency by this find of oil in the gulf. Instead of our responding, saying here is some energy and we can invest in alternatives, what we have said is, I don't need to buy that hybrid now; I can now buy an SUV. We have exactly the wrong response to this.

Please, this is a great bill. I hope there are new programs in it. My only complaint with the bill is it doesn't have enough new programs in it.

Thank you very much for a great bill. Everybody should vote "yes" on this.

Mr. GORDON. Mr. Speaker, I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me rise in support of this legislation and ask my colleagues to support it and thank the gentlewoman from Illinois and the gentleman from Tennessee for their leadership and to comment on how the Science Committee provides such a contribution in a bipartisan way of looking at the next generation of alternative fuels.

Representing what has been called the "energy capital of the world," I know the use of fossil fuels, oil, gas, coal. And, frankly, I believe that energy connotes opportunity, new energy alternatives, and our companies are called "energy companies." So this gives us the opportunity in a bipartisan way to take this country forward.

I will drop tonight legislation that deals with cellulose research on ethanol to encourage the production of ethanol in a different manner. And I hope that as we are dependent at this time on oil, gas, and coal that we will also look to the research opportunities that have been created by this legislation and the forward-thinking aspects that this legislation generates. Research, investment in research, generates value for the consumers, efficiency for the consumers, and low cost for the consumers.

And, frankly, all of the dialogue that we have had, whether we are for or against wars that are raging around the world, all of us have discussed the question of dependency on foreign energy resources. This legislation allows us in a thoughtful manner to create a pathway of independence for America.

And I want to thank the gentleman for yielding and thank the gentlewoman and ask my colleagues to support this legislation. And I hope in the Science Committee in the 110th Congress we will be in the forefront of alternative energies because I would be delighted to have those same energy companies in Houston, Texas, of which I know may be listening and certainly not fearful because we are using oil and we are using gas, but in any event to diversify and utilize alternative fuels, and I think we will be the better for it.

I ask my colleagues to support it.

Mr. GORDON. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentlewoman and the gentleman for yielding.

I just think there ought to be somebody who stands and says that research like this is going on in the private sector, continually, as it should be. That is where it ought to be. I hope that we can reach more energy independence. But when we look at the situation that we have now with a massive deficit and a huge debt, I think it is too much to ask, particularly given the oil prices where they are and the fact that there are huge profits being made by oil companies who have plenty of room to actually fund a lot of this research on their own, and it is a little too much to ask taxpayers, in my view, to come in. And I have heard the price tag to be somewhere around $400 million. That would seem to me to be a bit steep.

So I for one do not support the legislation. I know that it has overwhelming broad bipartisan support, and I am not hopeful that my views will prevail. But I just want to add that I think that this, for the taxpayers at this time, is not a wise move.

Mrs. BIGGERT. Mr. Speaker, I yield 1 minute to Mr. BARTLETT from Maryland.

Mr. BARTLETT of Maryland. Mr. Speaker, we have 2 percent of the nonreserves of oil. We use 25 percent of the world's oil. We import almost two-thirds of what we use. Ten years from now when we look back, our regret is going to be that there wasn't ten times as much money in this bill for these programs.

This is desperately needed. The market is neither omniscient nor omnipotent. It will not solve this problem. If this government does not solve it, it won't be solved because the private sector cannot do it. We need real leadership in this area, and that is a major responsibility of government.

And again I say mark it down. Ten years from now you will look back and say why wasn't there ten times as much money in that bill because we really needed it?

This falls far short of what we ought to be doing, but at least it is something. Please vote for it.

Mrs. BIGGERT. Before I close, Mr. Speaker, I would like to insert in the RECORD an exchange of letters between the Committees on Science and Education and the Workforce.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, 2181 RAYBURN HOUSE OFFICE BUILDING,
Washington, DC, September 29, 2006.

Hon. SHERWOOD BOEHLERT,
Chairman, Committee on Science, 2320 Rayburn HOB, Washington, DC.

DEAR CHAIRMAN BOEHLERT: I am writing to confirm our mutual understanding with respect to consideration of H.R. 6203, to provide for Federal energy research, development, demonstration, and commercial application, activities, and for other purposes. Education provisions in Section 12 of the bill as introduced are within the jurisdiction of the Committee on Education and the Workforce.

Given the importance of moving this bill forward promptly, I will not request the referral of H.R. 6203 to the Committee on Education and the Workforce. However, I do so only with the understanding that this procedural route should not be construed to prejudice the Committee on Education and the Workforce's jurisdictional interest and prerogative on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

Finally, I ask that you include a copy of our exchange of letters in the Congressional Record during the consideration of H.R. 6203.

If you have questions regarding this matter, please do not hesitate to contact me.

Sincerely,

HOWARD P. "BUCK" MCKEON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, September 29, 2006.

Hon. HOWARD P. "BUCK" MCKEON,
Chairman, Committee on Education and the Workforce, 2181 Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the consideration of H.R. 6203, the Alternative Energy Research and Development Act. I appreciate your waiving your Committee's right to a referral on this bill so that it can move expeditiously to the floor.

I recognize your Committee's jurisdiction over education provisions in Section 12 of the bill and will support any request you may make to have conferees on H.R. 6203 or similar legislation. The exchange of letters between our two committees will be included in the Congressional Record when the bill is considered on the floor.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

Mr. Speaker, yesterday's headlines announced that the national average price of gasoline dropped another 12 cents in the last week, the seventh straight week that gasoline prices have fallen. That is certainly good news for the American consumer in the U.S., and businesses.

However, we cannot allow ourselves to be lulled into a sense of complacency whenever the price of gasoline drops. We have to face the fact that we cannot meet today's energy needs, much less tomorrow's, with yesterday's energy infrastructure and technology. We must reduce our reliance on expensive natural gas and Mid-Eastern oil and instead encourage the use of clean, efficient alternatives like solar, wind, hydrogen, and biofuels. These advanced energy technologies offer the best hope for diversifying energy supplies. They can improve efficiency. They can promote conservation. And perhaps most importantly, they can bring us ever closer to ending our reliance on Mid-Eastern oil.

I want to thank the staff who worked so hard to bring this bill to the floor today, including Bill Koetzle in the Speaker's office and Michael Ference in the majority whip's office. And I want to thank the staff of the Science Committee for all their hard work on this bill and the many others we have worked on together over the past years. And particularly I want to commend David Goldston for his tireless efforts on behalf of the committee and its chairman. Both he and my good friend, Chairman BOEHLERT, will be missed.

Again, I urge my colleagues to support H.R. 6203.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of this bill, but I rise mostly to praise the Members who have contributed to it: Chairman JUDY BIGGERT, and Congressmen LAMAR SMITH and MIKE MCCAUL not only wrote the excellent provisions of this bill, but it's been their persistence that has enabled it to come to the floor today. I also want to recognize my ranking Member, Mr. GORDON, and his colleagues, who have also contributed provisions to this bill.

This bill should be one of the easiest votes we cast this Congress and certainly today. The bill commits our Nation to conducting more research and development on the technologies that will reduce our dependence on foreign oil. That includes biomass, solar, wind, hydrogen, and hybrid vehicle technologies. It's a non-controversial list; indeed, it's a must-do list.

Many of the provisions in the bill originated with the President's Advanced Energy Initiative.

This bill is quite frankly the bare minimum we can do; it establishes the R&D foundation we need to build from. I urge my colleagues to support this valuable measure.

Mr. HONDA. Mr. Speaker, I rise in support of H.R. 6203, which is very similar to a bill we marked up earlier this year in the Science Committee, with some of the more expensive and contentious elements taken out.

I'm pleased that this bill, which enjoys bipartisan support, contains amendments offered by a number of my colleagues in committee, including Mr. BAIRD, Ms. EDDIE BERNICE JOHNSON, Mr. BRAD MILLER, Ranking Member GORDON, Ms. MATSUI, Mr. AL GREEN, Ms. WOOLSEY, Ms. JACKSON-LEE.

The bill addresses research on a wide range of important energy technologies, including advanced biofuels, hydrogen storage, wind energy, plug in hybrid vehicles, energy efficient buildings, and alternative biobased fuels and ultra low sulfur diesel.

The bill also establishes programs for energy technology transfer and green energy education, and calls for a study of an advanced Research Projects Agency for Energy.

I'm particularly pleased that the bill includes research on advanced solar photovoltaic technologies and a photovoltaic demonstration program. In August, Chairwoman BIGGERT and I held a field hearing in my district that focused on photovoltaics.

At the hearing, the witnesses, and let me just note there were 2 Nobel Prize winners on the panel, described how the relatively high cost current supply constraints associated with currently available solar technologies are limiting adoption. But they also outlined several research directions that will help reduce costs and ease manufacturing, which will expand availability.

So I'm glad that this bill will help move that research along and establish a demonstration program to speed adoption, with the goal of making electricity generated by solar photovoltaic power cost-competitive by 2015.

I have some concerns about the ramifications of the coal methanation section in the area of greenhouse gas emissions. While I want to reduce America's dependence on foreign oil as much as anyone, in doing so we need to be mindful of the harmful effects of global climate change.

Converting coal to liquid or gaseous fuels results in much greater carbon dioxide emissions than for conventional crude oil derived hydrocarbon fuels. I hope that any plants built using such an approach will incorporate carbon capture and storage, in order to keep those gases out of our atmosphere.

The rapid development of alternative energy sources is essential to our nation's security, and while I wish we could do more, I'm happy to support the efforts included in H.R. 6203 and ask my colleagues to vote for it.

Mrs. BIGGERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 6203.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on Senate 3661.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

SUPPORTING THE GOALS AND IDEALS OF RED RIBBON WEEK

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1028) supporting the goals and ideals of Red Ribbon Week.

The Clerk read as follows:

H. Res. 1028

Whereas the purpose of the Red Ribbon Campaign is to commemorate the service of Enrique "Kiki" Camarena, a Drug Enforcement Administration Special Agent who died in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign is nationally recognized and is in its twenty-first year of celebration, helping to preserve Special Agent Camarena's memory and further the cause for which he gave his life;

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually cosponsor Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug and alcohol abuse contributes to domestic violence and sexual assaults, and places the lives of children at risk;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for families and children;

Whereas although public awareness of illicit drug abuse is increasing, the silent abuse of prescription medication, with over 6,000,000 such abusers, has gone almost unnoticed and demands attention; and

Whereas parents, youth, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during this weeklong celebration: Now therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Red Ribbon Week;

(2) encourages children and teens to choose to live a drug-free life; and

(3) encourages the people of the United States to promote drug-free communities and to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from New York (Mr. TOWNS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1028, a resolution supporting the goals and ideals of Red Ribbon Week and to commemorate the life and service of DEA Special Agent Enrique "Kiki" Camarena, who died in the line of duty in 1985 while engaged in a battle against illicit drugs.

As my colleagues are aware, Red Ribbon Week, which will take place during the week of October 23 this year, encourages children and teens to choose a drug-free life. The resolution before us today encourages all people of the United States to promote drug-free communities and to participate in drug-free prevention activities in support of healthy, productive, drug-free lifestyles.

We know that ultimately education is the answer to preventing drugs among our children. What Red Ribbon Week does is nationally recognize the importance of keeping our youths off drugs, and I am particularly pleased that we are also commemorating Special Agent Enrique "Kiki" Camarena with this resolution. The agents of the Drug Enforcement Agent serve the public to make our communities a safer place to live and work. Our gratitude to them for doing their part in our communities and to keep them drug free should certainly be recognized.

Mr. Speaker, I think this is a great resolution, and I would like to commend my good friend from Indiana, Mr. SOUDER, for sponsoring this legislation and for his leadership on this issue. I would also like to commend my colleague on the Energy and Commerce Committee, Mr. TERRY from Nebraska, for serving as an original cosponsor of the legislation.

I urge my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 1028, a resolution that recognizes and supports the concept of Red Ribbon Week.

The Red Ribbon campaign began in 1985 after drug traffickers in Mexico City murdered Kiki Camarena, a United States Drug Enforcement agent.

Red Ribbon Week is sponsored by the National Family Partnership. Each year more than 80 million people show their commitment to a healthy, drug-free life by wearing a red ribbon. During the last 8 days of October, those who wear the red ribbon are saying that we will not tolerate the use or sale of illicit drugs in our Nation.

Substance abuse, and the sale of illegal drugs, is a serious problem in this country. That is why it is so important that as we approach the month of October that we remember Kiki Camarena by wearing a red ribbon. Preventing substance abuse and the associated violence that took Kiki's life is of great concern to me. Let us celebrate the life and work of Kiki Camarena by passing H. Res. 1028.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Indiana (Mr. SOUDER), who is the sponsor of this resolution.

Mr. SOUDER. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, Red Ribbon Week is a national week celebrated at the end of October that honors the sacrifice made by DEA Special Agent Enrique "Kiki" Camarena. It brings together local communities all over America for anti-drug abuse education and other prevention efforts.

I would like to thank all the Members who cosponsored this resolution, as well as Speaker HASTERT, Chairman JOE BARTON of the Energy and Commerce Committee, and Chairman NATHAN. DEAL of the Health Subcommittee, for their assistance in bringing this resolution to the floor this evening. I would also like to thank Congressman ELIJAH CUMMINGS, the ranking Democrat on our Drug Policy Subcommittee; and Congressman LEE TERRY of Nebraska for their consistent efforts in the anti-narcotics arena.

As you have already heard, 21 years ago in March, 1985, Special Agent Enrique Camarena of the DEA was kidnapped, tortured, and murdered by drug dealers in Mexico.

□ 2015

Red Ribbon Week began as a local commemorative effort in Special Agent Camarena's hometown of Calexico, California, when Congressman DUNCAN HUNTER and Camerena's high school friend, Henry Lozano, created Camarena Clubs to preserve the agent's legacy. The National Family Partnership later formalized Red Ribbon Week as a national campaign, an 8-day event proclaimed by the U.S. Congress and chaired by then President and Mrs. Ronald Reagan.

Red Ribbon Week is dedicated to helping preserve Agent Camarena's memory and further the cause for which he gave his life, the fight against violence of drug crime and the misery of addition. By gathering together in special events and wearing a red ribbon during the last week in October, Americans from all walks of life demonstrate their opposition to illegal narcotics. Such events include organizing drug prevention events in schools, distributing educational materials to young people about the dangers of drug abuse, and other activities designed to promote healthy choices. Approximately 80 million people participate in Red Ribbon events every year.

Red Ribbon Week is also a tribute to the men and women of the Drug Enforcement Administration who daily leave their families to stand on the front lines of this Nation's counter drug efforts. Those efforts extend to Afghanistan, where DEA Special Agents operate in an increasingly hazardous environment to aid the fledgling and almost overwhelmingly anti-drug efforts in that country.

It is regrettable that the work of these agents frequently lacks the necessary assistance from the Department of Defense to complete their perilous mission. I call on the Department of Defense to increase its level of support so that the memory and sacrifices made by Kiki Camerena and others continue to have meaning and value. Drugs and terror are inexorably linked, and the fight against them should be a seamless, unified campaign, where Government agency assets complement each other so more agents do not die.

Since 1985, we have made substantial progress in the fight against drug abuse, but even today it remains our number one health problem in America, claiming well over 20,000 lives a year. Each day all over America a new person and new people are tempted and fall to narcotics abuse.

We must never slacken our efforts. We will never completely win drug war, because new people are tempted every day. But we can make progress. And when we stay at it in prevention, in treatment, interdiction, eradication and enforcement, we do, in fact, reduce the level of drug abuse in the United States, as has been the last few years.

Mr. Speaker, once again, I thank the House for joining with me in supporting this resolution recognizing the vital work of drug abuse prevention, recognizing the DEA for their leadership, and encouraging all Americans to participate in Red Ribbon Week.

Mr. TOWNS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this red ribbon is saying to people across this country, don't get involved with drugs. Young people, stay in school. That is what it is saying, and stay away from drugs.

So every time you see this red ribbon, especially you young people, understand that it is saying, do not get involved in drugs.

Camerena gave his life trying to make this world a better place for us to live. We should never forget that. So we should wear the red ribbon, saying to people everywhere that we will not tolerate the use of drugs in this country, illegal drugs.

Also, let me just conclude by saying that we have an obligation and a responsibility to keep the work of Camerena alive; and we need to do that by demonstrating everywhere that we go that we have this red ribbon on, and that is what it means. The red ribbon says no to drugs. Stay in school, young people.

Mr. TERRY. Mr. Speaker, I rise in strong support of H. Res. 1028 to support the goals and ideals of Red Ribbon Week.

Red Ribbon Week was established 21 years ago to honor the life of Drug Enforcement Administration Special Agent Enrique "Kiki" Camarena, who died in the line of duty while fighting illicit drugs. More than 100 organizations across the United States, including the Nation's Governors and community organizations such as Boys and Girls Clubs of America, have joined in this effort to promote drug-free communities.

As a Representative of the great State of Nebraska, I recognize the importance of such efforts to prevent abuse of dangerous drugs such as methamphetamine. The war against the rising tide of meth in the Mid-West and on the West Coast—and now even in some parts of the East Coast—can only be effectively fought through partnerships with law enforcement, government, social service agencies, communities, schools, parents and children.

The meth problem affects all aspects of our communities and requires comprehensive solutions at all levels of government and in partnership with private charities and volunteer organizations.

We need effective drug prevention and education programs; greater parental involvement and public awareness; and law enforcement and social services coordination in order to rescue our communities from the ruination and devastation of meth.

The recent survey of 500 county law enforcement officials found that meth abuse is still the number 1 drug problem nationwide. Many States, including Nebraska, have enacted laws to control access to Sudafed and other drugs that act as the basis for "cooking" meth. The number of Mom and Pop meth labs dropped by an astounding 70 percent in Nebraska and other states. However, 85 percent of law enforcement officials report the meth problem is still growing due to drug trafficking from "superlabs" in Mexico.

This Congress can best honor the memory of Agent Camarena by continuing a strong battle in the "new front" of the war against drugs: methamphetamine.

I urge my colleagues to join me today in not only supporting our law enforcement officers who risk their lives each day to keep our communities safe, but to join me and other Members of the Congressional Caucus to Fight and Control Methamphetamine by pledging to stop the scourge of meth across our Nation.

Mr. TOWNS. Mr. Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the resolution, H. Res. 1028.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA'S 2007 BUDGET REQUEST ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109-136)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

Pursuant to my constitutional authority and consistent with section 446 of The District of Columbia Self-Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's 2007 Budget Request Act.

The proposed 2007 Budget Request Act reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For 2007, the District estimates total revenues and expenditures of $7.61 billion.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 29, 2006*.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 2130

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RYAN of Wisconsin) at 9 o'clock and 30 minutes p.m.

COMMUNICATION FROM THE HON. JOE BACA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOE BACA, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 28, 2006.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a civil subpoena duces tecum, issued by the Superior Court of Los Angeles, California, which seeks personnel records relating to a former employee.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOE BACA,
Congressman, 43rd CD.

CONFERENCE REPORT ON H.R. 4954, SAFE PORT ACT

Mr. KING of New York submitted the following conference report and statement on the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes:

CONFERENCE REPORT (H. REPT. 109-711)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4954), to improve maritime and cargo security through enhanced layered defenses, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Security and Accountability For Every Port Act of 2006" or the "SAFE Port Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—SECURITY OF UNITED STATES SEAPORTS

Subtitle A—General Provisions

Sec. 101. Area Maritime Transportation Security Plan to include salvage response plan.
Sec. 102. Requirements relating to maritime facility security plans.
Sec. 103. Unannounced inspections of maritime facilities.
Sec. 104. Transportation security card.
Sec. 105. Study to identify redundant background records checks.
Sec. 106. Prohibition of issuance of transportation security cards to persons convicted of certain felonies.
Sec. 107. Long-range vessel tracking.
Sec. 108. Establishment of interagency operational centers for port security.
Sec. 109. Notice of arrival for foreign vessels on the Outer Continental Shelf.
Sec. 110. Enhanced crewmember identification.

Subtitle B—Port Security Grants; Training and Exercise Programs

Sec. 111. Risk assessment tool.
Sec. 112. Port security grants.
Sec. 113. Port Security Training Program.
Sec. 114. Port Security Exercise Program.
Sec. 115. Facility exercise requirements.

Subtitle C—Port Operations

Sec. 121. Domestic radiation detection and imaging.
Sec. 122. Inspection of car ferries entering from abroad.
Sec. 123. Random searches of containers.
Sec. 124. Work stoppages and employee-employer disputes.
Sec. 125. Threat assessment screening of port truck drivers.
Sec. 126. Border Patrol unit for United States Virgin Islands.
Sec. 127. Report on arrival and departure manifests for certain commercial vessels in the United States Virgin Islands.
Sec. 128. Center of Excellence for Maritime Domain Awareness.

TITLE II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

Subtitle A—General Provisions

Sec. 201. Strategic plan to enhance the security of the international supply chain.
Sec. 202. Post-incident resumption of trade.
Sec. 203. Automated Targeting System.
Sec. 204. Container security standards and procedures.
Sec. 205. Container Security Initiative.

Subtitle B—Customs-Trade Partnership Against Terrorism

Sec. 211. Establishment.
Sec. 212. Eligible entities.
Sec. 213. Minimum requirements.
Sec. 214. Tier 1 participants in C–TPAT.
Sec. 215. Tier 2 participants in C–TPAT.
Sec. 216. Tier 3 participants in C–TPAT.
Sec. 217. Consequences for lack of compliance.
Sec. 218. Third party validations.
Sec. 219. Revalidation.
Sec. 220. Noncontainerized cargo.
Sec. 221. C–TPAT program management.
Sec. 222. Additional personnel.
Sec. 223. Authorization of appropriations.

Subtitle C—Miscellaneous Provisions

Sec. 231. Pilot integrated scanning system.
Sec. 232. Screening and scanning of cargo containers.
Sec. 233. International cooperation and coordination.
Sec. 234. Foreign port assessments.
Sec. 235. Pilot program to improve the security of empty containers.
Sec. 236. Information sharing relating to supply chain security cooperation.

TITLE III—ADMINISTRATION

Sec. 301. Office of Cargo Security Policy.
Sec. 302. Reauthorization of Homeland Security Science and Technology Advisory Committee.
Sec. 303. Research, development, test, and evaluation efforts in furtherance of maritime and cargo security.

TITLE IV—AGENCY RESOURCES AND OVERSIGHT

Sec. 401. Trade and customs revenue functions of the department.
Sec. 402. Office of international trade; oversight.
Sec. 403. Resources.
Sec. 404. Negotiations.
Sec. 405. International Trade Data System.
Sec. 406. In-bond cargo.
Sec. 407. Sense of the Senate.

TITLE V—DOMESTIC NUCLEAR DETECTION OFFICE

Sec. 501. Establishment of Domestic Nuclear Detection Office.
Sec. 502. Technology research and development investment strategy for nuclear and radiological detection.

TITLE VI—COMMERCIAL MOBILE SERVICE ALERTS

Sec. 601. Short title.
Sec. 602. Federal Communications Commission duties.
Sec. 603. Commercial Mobile Service Alert Advisory Committee.
Sec. 604. Research and development.
Sec. 605. Grant program for remote community alert systems.
Sec. 606. Funding.
Sec. 607. Essential services disaster assistance.
Sec. 608. Community disaster loans.
Sec. 609. Public facilities.
Sec. 610. Expedited payments.
Sec. 611. Use of local contracting.
Sec. 612. FEMA programs.
Sec. 613. Homeland security definition.

TITLE VII—OTHER MATTERS

Sec. 701. Security plan for essential air service and small community airports.
Sec. 702. Disclosures regarding homeland security grants.
Sec. 703. Trucking security.
Sec. 704. Air and Marine Operations of the Northern Border Air Wing.
Sec. 705. Phaseout of vessels supporting oil and gas development.
Sec. 706. Coast Guard property in Portland, Maine.
Sec. 707. Methamphetamine and methamphetamine precursor chemicals.
Sec. 708. Aircraft charter customer and lessee prescreening program.
Sec. 709. Protection of health and safety during disasters.

TITLE VIII—UNLAWFUL INTERNET GAMBLING ENFORCEMENT

Sec. 801. Short title.
Sec. 802. Prohibition on acceptance of any payment instrument for unlawful Internet gambling.
Sec. 803. Internet gambling in or through foreign jurisdictions.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided, the term "appropriate congressional committees" means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Finance of the Senate;

(D) the Committee on Homeland Security and Governmental Affairs of the Senate;

(E) the Committee on Appropriations of the House of Representatives;

(F) the Committee on Homeland Security of the House of Representatives;

(G) the Committee on Transportation and Infrastructure of the House of Representatives;

(H) the Committee on Ways and Means of the House of Representatives; and

(I) other congressional committees, as appropriate.

(2) COMMERCIAL OPERATIONS ADVISORY COMMITTEE.—The term "Commercial Operations Advisory Committee" means the Advisory Committee established pursuant to section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) or any successor committee.

(3) COMMERCIAL SEAPORT PERSONNEL.—The term "commercial seaport personnel" includes any person engaged in an activity relating to the loading or unloading of cargo or passengers, the movement or tracking of cargo, the maintenance and repair of intermodal equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go in the United States.

(4) COMMISSIONER.—The term "Commissioner" means the Commissioner responsible for the United States Customs and Border Protection of the Department of Homeland Security.

(5) CONTAINER.—The term "container" has the meaning given the term in the International Convention for Safe Containers, with annexes, done at Geneva, December 2, 1972 (29 UST 3707).

(6) CONTAINER SECURITY DEVICE.—The term "container security device" means a device, or system, designed, at a minimum, to identify positively a container, to detect and record the unauthorized intrusion of a container, and to secure a container against tampering throughout the supply chain. Such a device, or system, shall have a low false alarm rate as determined by the Secretary.

(7) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(8) EXAMINATION.—The term "examination" means an inspection of cargo to detect the presence of misdeclared, restricted, or prohibited items that utilizes nonintrusive imaging and detection technology.

(9) INSPECTION.—The term "inspection" means the comprehensive process used by the United States Customs and Border Protection to assess goods entering the United States to appraise them for duty purposes, to detect the presence of restricted or prohibited items, and to ensure compliance with all applicable laws. The process may include screening, conducting an examination, or conducting a search.

(10) INTERNATIONAL SUPPLY CHAIN.—The term "international supply chain" means the end-to-end process for shipping goods to or from the United States beginning at the point of origin (including manufacturer, supplier, or vendor) through a point of distribution to the destination.

(11) RADIATION DETECTION EQUIPMENT.—The term "radiation detection equipment" means any technology that is capable of detecting or identifying nuclear and radiological material or nuclear and radiological explosive devices.

(12) SCAN.—The term "scan" means utilizing nonintrusive imaging equipment, radiation detection equipment, or both, to capture data, including images of a container.

(13) SCREENING.—The term "screening" means a visual or automated review of information about goods, including manifest or entry documentation accompanying a shipment being imported into the United States, to determine the presence of misdeclared, restricted, or prohibited

items and assess the level of threat posed by such cargo.

(14) SEARCH.—The term "search" means an intrusive examination in which a container is opened and its contents are devanned and visually inspected for the presence of misdeclared, restricted, or prohibited items.

(15) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(16) TRANSPORTATION DISRUPTION.—The term "transportation disruption" means any significant delay, interruption, or stoppage in the flow of trade caused by a natural disaster, heightened threat level, an act of terrorism, or any transportation security incident (as defined in section 70101(6) of title 46, United States Code).

(17) TRANSPORTATION SECURITY INCIDENT.—The term "transportation security incident" has the meaning given the term in section 70101(6) of title 46, United States Code.

TITLE I—SECURITY OF UNITED STATES SEAPORTS

Subtitle A—General Provisions

SEC. 101. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (E), by striking "and" after the semicolon;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) include a salvage response plan—

"(i) to identify salvage equipment capable of restoring operational trade capacity; and

"(ii) to ensure that the waterways are cleared and the flow of commerce through United States ports is reestablished as efficiently and quickly as possible after a maritime transportation security incident; and".

SEC. 102. REQUIREMENTS RELATING TO MARITIME FACILITY SECURITY PLANS.

Section 70103(c) of title 46, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (C)(ii), by striking "facility" and inserting "facility, including access by persons engaged in the surface transportation of intermodal containers in or out of a port facility";

(B) in subparagraph (F), by striking "and" at the end;

(C) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(H) in the case of a security plan for a facility, be resubmitted for approval of each change in the ownership or operator of the facility that may substantially affect the security of the facility."; and

(2) by adding at the end the following:

"(8)(A) The Secretary shall require that the qualified individual having full authority to implement security actions for a facility described in paragraph (2) shall be a citizen of the United States.

"(B) The Secretary may waive the requirement of subparagraph (A) with respect to an individual if the Secretary determines that it is appropriate to do so based on a complete background check of the individual and a review of all terrorist watch lists to ensure that the individual is not identified on any such terrorist watch list.".

SEC. 103. UNANNOUNCED INSPECTIONS OF MARITIME FACILITIES.

Section 70103(c)(4)(D) of title 46, United States Code, is amended to read as follows:

"(D) subject to the availability of appropriations, verify the effectiveness of each such facility security plan periodically, but not less than 2 times per year, at least 1 of which shall be an inspection of the facility that is conducted without notice to the facility.".

SEC. 104. TRANSPORTATION SECURITY CARD.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended by adding at the end the following:

"(g) APPLICATIONS FOR MERCHANT MARINERS' DOCUMENTS.—The Assistant Secretary of Homeland Security for the Transportation Security Administration and the Commandant of the Coast Guard shall concurrently process an application from an individual for merchant mariner's documents under chapter 73 of title 46, United States Code, and an application from that individual for a transportation security card under this section.

"(h) FEES.—The Secretary shall ensure that the fees charged each individual applying for a transportation security card under this section who has passed a background check under section 5103a(d) of title 49, United States Code, and who has a current hazardous materials endorsement in accordance with section 1572 of title 49, Code of Federal Regulations, and each individual with a current merchant mariners' document who has passed a criminal background check under section 7302(d)—

"(1) are for costs associated with the issuance, production, and management of the transportation security card, as determined by the Secretary; and

"(2) do not include costs associated with performing a background check for that individual, except for any incremental costs in the event that the scope of such background checks diverge.

"(i) IMPLEMENTATION SCHEDULE.—In implementing the transportation security card program under this section, the Secretary shall—

"(1) establish a priority for each United States port based on risk, including vulnerabilities assessed under section 70102; and

"(2) implement the program, based upon such risk and other factors as determined by the Secretary, at all facilities regulated under this chapter at—

"(A) the 10 United States ports that the Secretary designates top priority not later than July 1, 2007;

"(B) the 40 United States ports that are next in order of priority to the ports described in subparagraph (A) not later than January 1, 2008; and

"(C) all other United States ports not later than January 1, 2009.

"(j) TRANSPORTATION SECURITY CARD PROCESSING DEADLINE.—Not later than January 1, 2009, the Secretary shall process and issue or deny each application for a transportation security card under this section for individuals with current and valid merchant mariners' documents on the date of the enactment of the SAFE Port Act.

"(k) DEPLOYMENT OF TRANSPORTATION SECURITY CARD READERS.—

"(1) PILOT PROGRAM.—

"(A) IN GENERAL.—The Secretary shall conduct a pilot program to test the business processes, technology, and operational impacts required to deploy transportation security card readers at secure areas of the marine transportation system.

"(B) GEOGRAPHIC LOCATIONS.—The pilot program shall take place at not fewer than 5 distinct geographic locations, to include vessels and facilities in a variety of environmental settings.

"(C) COMMENCEMENT.—The pilot program shall commence not later than 180 days after the date of the enactment of the SAFE Port Act.

"(2) CORRELATION WITH TRANSPORTATION SECURITY CARDS.—

"(A) IN GENERAL.—The pilot program described in paragraph (1) shall be conducted concurrently with the issuance of the transportation security cards described in subsection (b) to ensure card and card reader interoperability.

"(B) FEE.—An individual charged a fee for a transportation security card issued under this section may not be charged an additional fee if the Secretary determines different transportation security cards are needed based on the results of the pilot program described in paragraph (1) or for other reasons related to the technology requirements for the transportation security card program.

"(3) REGULATIONS.—Not later than 2 years after the commencement of the pilot program under paragraph (1)(C), the Secretary, after a notice and comment period that includes at least 1 public hearing, shall promulgate final regulations that require the deployment of transportation security card readers that are consistent with the findings of the pilot program and build upon the regulations prescribed under subsection (a).

"(4) REPORT.—Not later than 120 days before the promulgation of regulations under paragraph (3), the Secretary shall submit a comprehensive report to the appropriate congressional committees (as defined in section 2(1) of SAFE Port Act) that includes—

"(A) the findings of the pilot program with respect to technical and operational impacts of implementing a transportation security card reader system;

"(B) any actions that may be necessary to ensure that all vessels and facilities to which this section applies are able to comply with such regulations; and

"(C) an analysis of the viability of equipment under the extreme weather conditions of the marine environment.

"(l) PROGRESS REPORTS.—Not later than 6 months after the date of the enactment of the SAFE Port Act, and every 6 months thereafter until the requirements under this section are fully implemented, the Secretary shall submit a report on progress being made in implementing such requirements to the appropriate congressional committees (as defined in section 2(1) of the SAFE Port Act).

"(m) LIMITATION.—The Secretary may not require the placement of an electronic reader for transportation security cards on a vessel unless—

"(1) the vessel has more individuals on the crew that are required to have a transportation security card than the number the Secretary determines, by regulation issued under subsection (k)(3), warrants such a reader; or

"(2) the Secretary determines that the vessel is at risk of a severe transportation security incident.".

(b) CLARIFICATION OF ELIGIBILITY FOR TRANSPORTATION SECURITY CARDS.—Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (E), by striking "and" at the end;

(B) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(G) other individuals as determined appropriate by the Secretary including individuals employed at a port not otherwise covered by this subsection."; and

(2) in subsection (c)(2), by inserting "subparagraph (A), (B), or (D)" before "paragraph (1)".

(c) DEADLINE FOR SECTION 70105 REGULATIONS.—Not later than January 1, 2007, the Secretary shall promulgate final regulations implementing the requirements for issuing transportation security cards under section 70105 of title 46, United States Code. The regulations shall include a background check process to enable newly hired workers to begin working unless the Secretary makes an initial determination that

the worker poses a security risk. Such process shall include a check against the consolidated and integrated terrorist watch list maintained by the Federal Government.

SEC. 105. STUDY TO IDENTIFY REDUNDANT BACKGROUND RECORDS CHECKS.

(a) Study.—The Comptroller General of the United States shall conduct a study of background records checks carried out for the Department that are similar to the background records check required under section 5103a of title 49, United States Code, to identify redundancies and inefficiencies in connection with such checks.

(b) Report.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the results of the study, including—

(1) an identification of redundancies and inefficiencies referred to in subsection (a); and

(2) recommendations for eliminating such redundancies and inefficiencies.

SEC. 106. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO PERSONS CONVICTED OF CERTAIN FELONIES.

The Secretary, in issuing a final rule pursuant to section 70105 of title 46, United States Code, shall provide for the disqualification of individuals who have been found guilty or have been found not guilty by reason of insanity of a felony, involving—

(1) treason, or conspiracy to commit treason;

(2) espionage, or conspiracy to commit espionage;

(3) sedition, or conspiracy to commit sedition; or

(4) a crime listed in chapter 113B of title 18, United States Code, a comparable State law, or conspiracy to commit such crime.

SEC. 107. LONG-RANGE VESSEL TRACKING.

(a) Regulations.—Section 70115 of title 46, United States Code, is amended in the first sentence by striking "The Secretary" and inserting "Not later than April 1, 2007, the Secretary".

(b) Voluntary Program.—The Secretary may issue regulations to establish a voluntary long-range automated vessel tracking system for vessels described in section 70115 of title 46, United States Code, during the period before regulations are issued under such section.

SEC. 108. ESTABLISHMENT OF INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) In General.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70107 the following:

"§ 70107A. Interagency operational centers for port security

"(a) In General.—The Secretary shall establish interagency operational centers for port security at all high-priority ports not later than 3 years after the date of the enactment of the SAFE Port Act.

"(b) Characteristics.—The interagency operational centers established under this section shall—

"(1) utilize, as appropriate, the compositional and operational characteristics of existing centers, including—

"(A) the pilot project interagency operational centers for port security in Miami, Florida; Norfolk/Hampton Roads, Virginia; Charleston, South Carolina; and San Diego, California; and

"(B) the virtual operation center of the Port of New York and New Jersey;

"(2) be organized to fit the security needs, requirements, and resources of the individual port area at which each is operating;

"(3) in addition to the Coast Guard, provide, as the Secretary determines appropriate, for participation by representatives of the United States Customs and Border Protection, the United States Immigration and Customs Enforcement, the Transportation Security Administration, the Department of Justice, the Department of Defense, and other Federal agencies, State and local law enforcement or port security personnel, members of the Area Maritime Security Committee, and other public and private sector stakeholders adversely affected by a transportation security incident or transportation disruption; and

"(4) be incorporated in the implementation and administration of—

"(A) maritime transportation security plans developed under section 70103;

"(B) maritime intelligence activities under section 70113 and information sharing activities consistent with section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 485) and the Homeland Security Information Sharing Act (6 U.S.C. 481 et seq.);

"(C) short- and long-range vessel tracking under sections 70114 and 70115;

"(D) protocols under section 201(b)(10) of the SAFE Port Act;

"(E) the transportation security incident response plans required by section 70104; and

"(F) other activities, as determined by the Secretary.

"(c) Security Clearances.—The Secretary shall sponsor and expedite individuals participating in interagency operational centers in gaining or maintaining their security clearances. Through the Captain of the Port, the Secretary may identify key individuals who should participate. The port or other entities may appeal to the Captain of the Port for sponsorship.

"(d) Security Incidents.—During a transportation security incident on or adjacent to waters subject to the jurisdiction of the United States, the Coast Guard Captain of the Port designated by the Commandant of the Coast Guard in a maritime security command center described in subsection (a) shall act as the incident commander, unless otherwise directed by the President.

"(e) Rule of Construction.—Nothing in this section shall be construed to affect the normal command and control procedures for operational entities in the Department, unless so directed by the Secretary.

"(f) Authorization of Appropriations.—There are authorized to be appropriated $60,000,000 for each of the fiscal years 2007 through 2012 to carry out this section.".

(b) Report Requirement.—Nothing in this section or the amendments made by this section relieves the Commandant of the Coast Guard from complying with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1082). The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(c) Budget and Cost-Sharing Analysis.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the appropriate congressional committees a proposed budget analysis for implementing section 70107A of title 46, United States Code, as added by subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the interagency operation of the centers to be established under such section.

(d) Clerical Amendment.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to section 70107 the following:

"70107A. Interagency operational centers for port security".

SEC. 109. NOTICE OF ARRIVAL FOR FOREIGN VESSELS ON THE OUTER CONTINENTAL SHELF.

(a) Notice of Arrival.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall update and finalize the rulemaking on notice of arrival for foreign vessels on the Outer Continental Shelf.

(b) Content of Regulations.—The regulations promulgated pursuant to subsection (a) shall be consistent with information required under the Notice of Arrival under section 160.206 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

SEC. 110. ENHANCED CREWMEMBER IDENTIFICATION.

Section 70111 of title 46, United States Code, is amended—

(1) in subsection (a) by striking "The" and inserting "Not later than 1 year after the date of enactment of the SAFE Port Act, the"; and

(2) in subsection (b) by striking "The" and inserting "Not later than 1 year after the date of enactment of the SAFE Port Act, the".

Subtitle B—Port Security Grants; Training and Exercise Programs

SEC. 111. RISK ASSESSMENT TOOL.

In updating Area Maritime Security Plans required under section 70103(b)(2)(F) of title 46, United States Code, and in applying for grants under section 70107 of such title, the Secretary of the Department in which the Coast Guard is operating shall make available, and Area Maritime Security Committees may use a risk assessment tool that uses standardized risk criteria, such as the Maritime Security Risk Assessment Tool used by the Coast Guard.

SEC. 112. PORT SECURITY GRANTS.

(a) Basis for Grants.—Section 70107(a) of title 46, United States Code, is amended by striking "for making a fair and equitable allocation of funds" and inserting "for the allocation of funds based on risk".

(b) Eligible Uses.—Section 70107(b) of title 46, United States Code, is amended—

(1) in paragraph (2), by inserting after "crewmembers." the following: "Grants awarded under this section may not be used to construct buildings or other physical facilities, except those which are constructed under terms and conditions consistent with the requirements under section 611(j)(8) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121(j)(8)), including those facilities in support of this paragraph, and specifically approved by the Secretary. Costs eligible for funding under this paragraph may not exceed the greater of—

"(A) $1,000,000 per project; or

"(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the grant."; and

(2) by adding at the end the following:

"(5) The cost of conducting exercises or training for prevention and detection of, preparedness for, response to, or recovery from terrorist attacks.

"(6) The cost of establishing or enhancing mechanisms for sharing terrorism threat information and ensuring that the mechanisms are interoperable with Federal, State, and local agencies.

"(7) The cost of equipment (including software) required to receive, transmit, handle, and store classified information.".

(c) Multiple-Year Projects, etc.—Section 70107 of title 46, United States Code, is amended—

(1) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (i), (j), (k), (l), and (m), respectively, and by inserting after subsection (d) the following:

"(e) Multiple-Year Projects.—

"(1) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to such authorities, operators, and agencies.

"(2) LIMITATION.—Not more than 20 percent of the grant funds awarded under this subsection in any fiscal year may be awarded for projects that span multiple years.

"(f) CONSISTENCY WITH PLANS.—The Secretary shall ensure that each grant awarded under subsection (e)—

"(1) is used to supplement and support, in a consistent and coordinated manner, the applicable Area Maritime Transportation Security Plan; and

"(2) is coordinated with any applicable State or Urban Area Homeland Security Plan.

"(g) APPLICATIONS.—Any entity subject to an Area Maritime Transportation Security Plan may submit an application for a grant under this section, at such time, in such form, and containing such information and assurances as the Secretary may require.

"(h) REPORTS.—Not later than 180 days after the date of the enactment of the SAFE Port Act, the Secretary, acting through the Commandant of the Coast Guard, shall submit a report to Congress, in a secure format, describing the methodology used to allocate port security grant funds on the basis of risk."; and

(2) in subsection (i)(1), as redesignated, by striking "program" and inserting "Secretary".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 70107(l) of title 46, United States Code, as redesignated, is amended to read as follows:

"(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.".

(e) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking "national economic and strategic defense concerns" and inserting "national economic, energy, and strategic defense concerns based upon the most current risk assessments available".

SEC. 113. PORT SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Preparedness and in coordination with the Commandant of the Coast Guard, shall establish a Port Security Training Program (referred to in this section as the "Training Program") for the purpose of enhancing the capabilities of each facility required to submit a plan under section 70103(c) of title 46, United States Code, to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

(b) REQUIREMENTS.—The Training Program shall provide validated training that—

(1) reaches multiple disciplines, including Federal, State, and local government officials, commercial seaport personnel and management, and governmental and nongovernmental emergency response praviders;

(2) provides training at the awareness, performance, and management and planning levels;

(3) utilizes multiple training mediums and methods;

(4) addresses port security topics, including—

(A) facility security plans and procedures, including how security plans and procedures are adjusted when threat levels increase;

(B) facility security force operations and management;

(C) physical security and access control at facilities;

(D) methods of security for preventing and countering cargo theft;

(E) container security;

(F) recognition and detection of weapons, dangerous substances, and devices;

(G) operation and maintenance of security equipment and systems;

(H) security threats and patterns;

(I) security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers; and

(J) evacuation procedures;

(5) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(6) is evaluated against clear and consistent performance measures;

(7) addresses security requirements under facility security plans; and

(8) educates, trains, and involves individuals in neighborhoods around facilities required to submit a plan under section 70103(c) of title 46, United States Code, on how to observe and report security risks.

(c) VESSEL AND FACILITY SECURITY PLANS.—Section 70103(c)(3) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (F), (G), and (H) (as added by section 102(1)(D)) as subparagraphs (G), (H), and (I), respectively; and

(2) by inserting after subparagraph (E) the following:

"(F) provide a strategy and timeline for conducting training and periodic unannounced drills;".

(d) CONSULTATION.—The Secretary shall ensure that, in carrying out the Program, the Office of Grants and Training shall consult with commercial seaport personnel and management.

(e) TRAINING PARTNERS.—In developing and delivering training under the Training Program, the Secretary, in coordination with the Maritime Administration of the Department of Transportation, and consistent with section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note), shall—

(1) work with government training facilities, academic institutions, private organizations, employee organizations, and other entities that provide specialized, state-of-the-art training for governmental and nongovernmental emergency responder providers or commercial seaport personnel and management; and

(2) utilize, as appropriate, government training facilities, courses provided by community colleges, public safety academies, State and private universities, and other facilities.

SEC. 114. PORT SECURITY EXERCISE PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Preparedness and in coordination with the Commandant of the Coast Guard, shall establish a Port Security Exercise Program (referred to in this section as the "Exercise Program") for the purpose of testing and evaluating the capabilities of Federal, State, local, and foreign governments, commercial seaport personnel and management, governmental and nongovernmental emergency response providers, the private sector, or any other organization or entity, as the Secretary determines to be appropriate, to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies at facilities required to submit a plan under section 70103(c) of title 46, United States Code.

(b) REQUIREMENTS.—The Secretary shall ensure that the Exercise Program—

(1) conducts, on a periodic basis, port security exercises at such facilities that are—

(A) scaled and tailored to the needs of each facility;

(B) live, in the case of the most at-risk facilities;

(C) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(D) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(E) evaluated against clear and consistent performance measures;

(F) assessed to learn best practices, which shall be shared with appropriate Federal, State, and local officials, commercial seaport personnel and management, governmental and nongovernmental emergency response providers, and the private sector; and

(G) followed by remedial action in response to lessons learned; and

(2) assists State and local governments and facilities in designing, implementing, and evaluating exercises that—

(A) conform to the requirements of paragraph (1); and

(B) are consistent with any applicable Area Maritime Transportation Security Plan and State or Urban Area Homeland Security Plan.

(c) IMPROVEMENT PLAN.—The Secretary shall establish a port security exercise improvement plan process to—

(1) identify and analyze each port security exercise for lessons learned and best practices;

(2) disseminate lessons learned and best practices to participants in the Exercise Program;

(3) monitor the implementation of lessons learned and best practices by participants in the Exercise Program; and

(4) conduct remedial action tracking and long-term trend analysis.

SEC. 115. FACILITY EXERCISE REQUIREMENTS.

The Secretary of the Department in which the Coast Guard is operating shall require each high risk facility to conduct live or full-scale exercises described in section 105.220(c) of title 33, Code of Federal Regulations, not less frequently than once every 2 years, in accordance with the facility security plan required under section 70103(c) of title 46, United States Code.

Subtitle C—Port Operations

SEC. 121. DOMESTIC RADIATION DETECTION AND IMAGING.

(a) SCANNING CONTAINERS.—Subject to section 1318 of title 19, United States Code, not later than December 31, 2007, all containers entering the United States through the 22 ports through which the greatest volume of containers enter the United States by vessel shall be scanned for radiation. To the extent practicable, the Secretary shall deploy next generation radiation detection technology.

(b) STRATEGY.—The Secretary shall develop a strategy for the deployment of radiation detection capabilities that includes—

(1) a risk-based prioritization of ports of entry at which radiation detection equipment will be deployed;

(2) a proposed timeline of when radiation detection equipment will be deployed at each port of entry identified under paragraph (1);

(3) the type of equipment to be used at each port of entry identified under paragraph (1), including the joint deployment and utilization of radiation detection equipment and nonintrusive imaging equipment;

(4) standard operating procedures for examining containers with such equipment, including sensor alarming, networking, and communications and response protocols;

(5) operator training plans;

(6) an evaluation of the environmental health and safety impacts of nonintrusive imaging technology and a radiation risk reduction plan, in consultation with the Nuclear Regulatory Commission, the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health, that

seeks to minimize radiation exposure of workers and the public to levels as low as reasonably achievable;

(7) the policy of the Department for using nonintrusive imaging equipment in tandem with radiation detection equipment; and

(8) a classified annex that—

(A) details plans for covert testing; and

(B) outlines the risk-based prioritization of ports of entry identified under paragraph (1).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit the strategy developed under subsection (b) to the appropriate congressional committees.

(d) UPDATE.—Not later than 180 days after the date of the submission of the report under subsection (c), the Secretary shall provide a more complete evaluation under subsection (b)(6).

(e) OTHER WEAPONS OF MASS DESTRUCTION THREATS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the feasibility of, and a strategy for, the development of equipment to detect and prevent shielded nuclear and radiological threat material and chemical, biological, and other weapons of mass destruction from entering the United States.

(f) STANDARDS.—The Secretary, acting through the Director for Domestic Nuclear Detection and in collaboration with the National Institute of Standards and Technology, shall publish technical capability standards and recommended standard operating procedures for the use of nonintrusive imaging and radiation detection equipment in the United States. Such standards and procedures—

(1) should take into account relevant standards and procedures utilized by other Federal departments or agencies as well as those developed by international bodies; and

(2) shall not be designed so as to endorse specific companies or create sovereignty conflicts with participating countries.

(g) IMPLEMENTATION.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall fully implement the strategy developed under subsection (b).

(h) EXPANSION TO OTHER UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—As soon as practicable after—

(A) implementation of the program for the examination of containers for radiation at ports of entry described in subsection (a); and

(B) submission of the strategy developed under subsection (b) (and updating, if any, of that strategy under subsection (c)),

but not later than December 31, 2008, the Secretary shall expand the strategy developed under subsection (b), in a manner consistent with the requirements of subsection (b), to provide for the deployment of radiation detection capabilities at all other United States ports of entry not covered by the strategy developed under subsection (b).

(2) RISK ASSESSMENT.—In expanding the strategy under paragraph (1), the Secretary shall identify and assess the risks to those other ports of entry in order to determine what equipment and practices will best mitigate the risks.

(i) INTERMODAL RAIL RADIATION DETECTION TEST CENTER.—

(1) ESTABLISHMENT.—In accordance with subsection (b), and in order to comply with this section, the Secretary shall establish an Intermodal Rail Radiation Detection Test Center (referred to in this subsection as the "Test Center").

(2) PROJECTS.—The Secretary shall conduct multiple, concurrent projects at the Test Center to rapidly identify and test concepts specific to the challenges posed by on-dock rail.

(3) LOCATION.—The Test Center shall be located within a public port facility at which a majority of the containerized cargo is directly laden from (or unladen to) on-dock, intermodal rail.

SEC. 122. INSPECTION OF CAR FERRIES ENTERING FROM ABROAD.

Not later than 120 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, and in coordination with the Secretary of State and in cooperation with ferry operators and appropriate foreign government officials, shall seek to develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States facility required to submit a plan under section 70103(c) of title 46, United States Code.

SEC. 123. RANDOM SEARCHES OF CONTAINERS.

Not later than 1 year after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling, to conduct random searches of containers in addition to any targeted or preshipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Secretary. Nothing in this section shall be construed to mean that implementation of the random sampling plan precludes additional searches of containers not inspected pursuant to the plan.

SEC. 124. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) of title 46, United States Code, is amended by adding at the end the following: "In this paragraph, the term 'economic disruption' does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employee-employer dispute.".

SEC. 125. THREAT ASSESSMENT SCREENING OF PORT TRUCK DRIVERS.

Not later than 90 days after the date of the enactment of this Act, the Secretary shall implement a threat assessment screening, including name-based checks against terrorist watch lists and immigration status check, for all port truck drivers with access to secure areas of a port who have a commercial driver's license but do not have a current and valid hazardous materials endorsement issued in accordance with section 1572 of title 49, Code of Federal Regulations, that is the same as the threat assessment screening required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG–2006–24189 (Federal Register, Vol. 71, No. 82, Friday, April 28, 2006).

SEC. 126. BORDER PATROL UNIT FOR UNITED STATES VIRGIN ISLANDS.

(a) IN GENERAL.—The Secretary may establish at least 1 Border Patrol unit for the United States Virgin Islands.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that includes the schedule, if any, for carrying out subsection (a).

SEC. 127. REPORT ON ARRIVAL AND DEPARTURE MANIFESTS FOR CERTAIN COMMERCIAL VESSELS IN THE UNITED STATES VIRGIN ISLANDS.

Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the impact of implementing the requirements of section 231 of the Immigration and Nationality Act (8 U.S.C. 1221) (relating to providing United States border officers with arrival and departure manifests) with respect to commercial vessels that are fewer than 300 gross tons and operate exclusively between the territorial waters of the United States Virgin Islands and the territorial waters of the British Virgin Islands.

SEC. 128. CENTER OF EXCELLENCE FOR MARITIME DOMAIN AWARENESS.

(a) ESTABLISHMENT.—The Secretary shall establish a university-based Center for Excellence for Maritime Domain Awareness following the merit-review processes and procedures that have been established by the Secretary for selecting university program centers of excellence.

(b) DUTIES.—The Center established under subsection (a) shall—

(1) prioritize its activities based on the "National Plan to Improve Maritime Domain Awareness" published by the Department in October 2005;

(2) recognize the extensive previous and ongoing work and existing competence in the field of maritime domain awareness at numerous academic and research institutions, such as the Naval Postgraduate School;

(3) leverage existing knowledge and continue development of a broad base of expertise within academia and industry in maritime domain awareness; and

(4) provide educational, technical, and analytical assistance to Federal agencies with responsibilities for maritime domain awareness, including the Coast Guard, to focus on the need for interoperability, information sharing, and common information technology standards and architecture.

TITLE II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

Subtitle A—General Provisions

SEC. 201. STRATEGIC PLAN TO ENHANCE THE SECURITY OF THE INTERNATIONAL SUPPLY CHAIN.

(a) STRATEGIC PLAN.—The Secretary, in consultation with appropriate Federal, State, local, and tribal government agencies and private sector stakeholders responsible for security matters that affect or relate to the movement of containers through the international supply chain, shall develop, implement, and update, as appropriate, a strategic plan to enhance the security of the international supply chain.

(b) REQUIREMENTS.—The strategic plan required under subsection (a) shall—

(1) describe the roles, responsibilities, and authorities of Federal, State, local, and tribal government agencies and private-sector stakeholders that relate to the security of the movement of containers through the international supply chain;

(2) identify and address gaps and unnecessary overlaps in the roles, responsibilities, or authorities described in paragraph (1);

(3) identify and make recommendations regarding legislative, regulatory, and organizational changes necessary to improve coordination among the entities or to enhance the security of the international supply chain;

(4) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;

(5) build on available resources and consider costs and benefits;

(6) provide incentives for additional voluntary measures to enhance cargo security, as recommended by the Commissioner;

(7) consider the impact of supply chain security requirements on small- and medium-sized companies;

(8) include a process for sharing intelligence and information with private-sector stakeholders to assist in their security efforts;

(9) identify a framework for prudent and measured response in the event of a transportation security incident involving the international supply chain;

(10) provide protocols for the expeditious resumption of the flow of trade in accordance with section 202;

(11) consider the linkages between supply chain security and security programs within

other systems of movement, including travel security and terrorism finance programs; and

(12) expand upon and relate to existing strategies and plans, including the National Response Plan, the National Maritime Transportation Security Plan, the National Strategy for Maritime Security, and the 8 supporting plans of the Strategy, as required by Homeland Security Presidential Directive 13.

(c) CONSULTATION.—In developing protocols under subsection (b)(10), the Secretary shall consult with Federal, State, local, and private sector stakeholders, including the National Maritime Security Advisory Committee and the Commercial Operations Advisory Committee.

(d) COMMUNICATION.—To the extent practicable, the strategic plan developed under subsection (a) shall provide for coordination with, and lines of communication among, appropriate Federal, State, local, and private-sector stakeholders on law enforcement actions, intermodal rerouting plans, and other strategic infrastructure issues resulting from a transportation security incident or transportation disruption.

(e) UTILIZATION OF ADVISORY COMMITTEES.—As part of the consultations described in subsection (a), the Secretary shall, to the extent practicable, utilize the Homeland Security Advisory Committee, the National Maritime Security Advisory Committee, and the Commercial Operations Advisory Committee to review, as necessary, the draft strategic plan and any subsequent updates to the strategic plan.

(f) INTERNATIONAL STANDARDS AND PRACTICES.—In furtherance of the strategic plan required under subsection (a), the Secretary is encouraged to consider proposed or established standards and practices of foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, the International Labor Organization, and the International Organization for Standardization, as appropriate, to establish standards and best practices for the security of containers moving through the international supply chain.

(g) REPORT.—

(1) INITIAL REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that contains the strategic plan required by subsection (a).

(2) FINAL REPORT.—Not later than 3 years after the date on which the strategic plan is submitted under paragraph (1), the Secretary shall submit a report to the appropriate congressional committees that contains an update of the strategic plan.

SEC. 202. POST-INCIDENT RESUMPTION OF TRADE.

(a) IN GENERAL.—The Secretary shall develop and update, as necessary, protocols for the resumption of trade in accordance with section 201(b)(10) in the event of a transportation disruption or a transportation security incident. The protocols shall include—

(1) the identification of the appropriate initial incident commander, if the Commandant of the Coast Guard is not the appropriate person, and lead departments, agencies, or offices to execute such protocols;

(2) a plan to redeploy resources and personnel, as necessary, to reestablish the flow of trade;

(3) a plan to provide training for the periodic instruction of personnel of the United States Customs and Border Protection, the Coast Guard, and the Transportation Security Administration in trade resumption functions and responsibilities; and

(4) appropriate factors for establishing prioritization of vessels and cargo determined by the President to be critical for response and recovery, including factors relating to public health, national security, and economic need.

(b) VESSELS.—In determining the prioritization of vessels accessing facilities (as defined under section 70101 of title 46, United States Code), the Commandant of the Coast Guard may, to the extent practicable and consistent with the protocols and plans required under this section to ensure the safe and secure transit of vessels to ports in the United States after a transportation security incident, give priority to a vessel—

(1) that has an approved security plan under section 70103(c) of title 46, United States Code, or a valid international ship security certificate, as provided under part 104 of title 33, Code of Federal Regulations;

(2) that is manned by individuals who are described in section 70105(b)(2)(B) of title 46, United States Code; and

(3) that is operated by validated participants in the Customs-Trade Partnership Against Terrorism program.

(c) CARGO.—In determining the prioritization of the resumption of the flow of cargo and consistent with the protocols established under this section, the Commissioner may give preference to cargo—

(1) entering a port of entry directly from a foreign seaport designated under the Container Security Initiative;

(2) from the supply chain of a validated C-TPAT participant and other private sector entities, as appropriate; or

(3) that has undergone—

(A) a nuclear or radiological detection scan;

(B) an x-ray, density, or other imaging scan; and

(C) a system to positively identify the container at the last port of departure prior to arrival in the United States, which data has been evaluated and analyzed by personnel of the United States Customs and Border Protection.

(d) COORDINATION.—The Secretary shall ensure that there is appropriate coordination among the Commandant of the Coast Guard, the Commissioner, and other Federal officials following a maritime disruption or maritime transportation security incident in order to provide for the resumption of trade.

(e) COMMUNICATION.—Consistent with section 201, the Commandant of the Coast Guard, Commissioner, and other appropriate Federal officials, shall promptly communicate any revised procedures or instructions intended for the private sector following a maritime disruption or maritime transportation security incident.

SEC. 203. AUTOMATED TARGETING SYSTEM.

(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall—

(1) identify and seek the submission of data related to the movement of a shipment of cargo through the international supply chain; and

(2) analyze the data described in paragraph (1) to identify high-risk cargo for inspection.

(b) REQUIREMENT.—The Secretary, acting through the Commissioner, shall require the electronic transmission to the Department of additional data elements for improved high-risk targeting, including appropriate security elements of entry data, as determined by the Secretary, to be provided as advanced information with respect to cargo destined for importation into the United States prior to loading of such cargo on vessels at foreign seaports.

(c) CONSIDERATION.—The Secretary, acting through the Commissioner, shall—

(1) consider the cost, benefit, and feasibility of—

(A) requiring additional nonmanifest documentation;

(B) reducing the time period allowed by law for revisions to a container cargo manifest;

(C) reducing the time period allowed by law for submission of certain elements of entry data, for vessel or cargo; and

(D) such other actions the Secretary considers beneficial for improving the information relied upon for the Automated Targeting System and any successor targeting system in furthering the security and integrity of the international supply chain; and

(2) consult with stakeholders, including the Commercial Operations Advisory Committee, and identify to them the need for such information, and the appropriate timing of its submission.

(d) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section. In promulgating such regulations, the Secretary shall adhere to the parameters applicable to the development of regulations under section 343(a) of the Trade Act of 2002 (19 U.S.C. 2071 note), including provisions relating to consultation, technology, analysis, use of information, confidentiality, and timing requirements.

(e) SYSTEM IMPROVEMENTS.—The Secretary, acting through the Commissioner, shall—

(1) conduct, through an independent panel, a review of the effectiveness and capabilities of the Automated Targeting System;

(2) consider future iterations of the Automated Targeting System, which would incorporate smart features, such as more complex algorithms and real-time intelligence, instead of relying solely on rule sets that are periodically updated;

(3) ensure that the Automated Targeting System has the capability to electronically compare manifest and other available data for cargo entered into or bound for the United States to detect any significant anomalies between such data and facilitate the resolution of such anomalies;

(4) ensure that the Automated Targeting System has the capability to electronically identify, compile, and compare select data elements for cargo entered into or bound for the United States following a maritime transportation security incident, in order to efficiently identify cargo for increased inspection or expeditious release; and

(5) develop a schedule to address the recommendations of the Comptroller General of the United States, the Inspector General of the Department of the Treasury, and the Inspector General of the Department with respect to the operation of the Automated Targeting System.

(f) SECURE TRANSMISSION OF CERTAIN INFORMATION.—All information required by the Department from supply chain partners shall be transmitted in a secure fashion, as determined by the Secretary, so as to protect the information from unauthorized access.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Customs and Border Protection to carry out the Automated Targeting System for identifying high-risk oceanborne container cargo for inspection—

(1) $33,200,000 for fiscal year 2008;

(2) $35,700,000 for fiscal year 2009; and

(3) $37,485,000 for fiscal year 2010.

SEC. 204. CONTAINER SECURITY STANDARDS AND PROCEDURES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to establish minimum standards and procedures for securing containers in transit to the United States.

(2) INTERIM RULE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue an interim final rule pursuant to the proceeding described in paragraph (1).

(3) MISSED DEADLINE.—If the Secretary is unable to meet the deadline established pursuant to paragraph (2), the Secretary shall submit a letter to the appropriate congressional committees explaining why the Secretary is unable to

meet that deadline and describing what must be done before such minimum standards and procedures can be established.

(4) DEADLINE FOR ENFORCEMENT.—Not later than 2 years after the date on which the standards and procedures are established pursuant to paragraph (1), all containers bound for ports of entry in the United States shall meet such standards and procedures.

(b) REVIEW AND ENHANCEMENT.—The Secretary shall regularly review and enhance the standards and procedures established pursuant to subsection (a), as appropriate, based on tests of technologies as they become commercially available to detect container intrusion and the highest consequence threats, particularly weapons of mass destruction.

(c) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, the Secretary of Energy, and other Federal Government officials, as appropriate, and with the Commercial Operations Advisory Committee, the Homeland Security Advisory Committee, and the National Maritime Security Advisory Committee, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization, the International Organization for Standardization, the International Labor Organization, and the World Customs Organization.

(d) INTERNATIONAL TRADE AND OTHER OBLIGATIONS.—In carrying out this section, the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders and ensure that actions under this section do not violate international trade obligations or other international obligations of the United States.

SEC. 205. CONTAINER SECURITY INITIATIVE.

(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, shall establish and implement a program (referred to in this section as the "Container Security Initiative" or "CSI") to identify and examine or search maritime containers that pose a security risk before loading such containers in a foreign port for shipment to the United States, either directly or through a foreign port.

(b) ASSESSMENT.—The Secretary, acting through the Commissioner, may designate foreign seaports to participate in the Container Security Initiative after the Secretary has assessed the costs, benefits, and other factors associated with such designation, including—

(1) the level of risk for the potential compromise of containers by terrorists, or other threats as determined by the Secretary;

(2) the volume of cargo being imported to the United States directly from, or being transshipped through, the foreign seaport;

(3) the results of the Coast Guard assessments conducted pursuant to section 70108 of title 46, United States Code;

(4) the commitment of the government of the country in which the foreign seaport is located to cooperating with the Department in sharing critical data and risk management information and to maintain programs to ensure employee integrity; and

(5) the potential for validation of security practices at the foreign seaport by the Department.

(c) NOTIFICATION.—The Secretary shall notify the appropriate congressional committees of the designation of a foreign port under the Container Security Initiative or the revocation of such a designation before notifying the public of such designation or revocation.

(d) NEGOTIATIONS.—The Secretary, in cooperation with the Secretary of State and in consultation with the United States Trade Representative, may enter into negotiations with the government of each foreign nation in which a seaport is designated under the Container Security Initiative to ensure full compliance with the requirements under the Container Security Initiative.

(e) OVERSEAS INSPECTIONS.—

(1) REQUIREMENTS AND PROCEDURES.—The Secretary shall—

(A) establish minimum technical capability criteria and standard operating procedures for the use of nonintrusive inspection and nuclear and radiological detection systems in conjunction with CSI;

(B) require each port designated under CSI to operate nonintrusive inspection and nuclear and radiological detection systems in accordance with the technical capability criteria and standard operating procedures established under subparagraph (A);

(C) continually monitor the technologies, processes, and techniques used to inspect cargo at ports designated under CSI to ensure adherence to such criteria and the use of such procedures; and

(D) consult with the Secretary of Energy in establishing the minimum technical capability criteria and standard operating procedures established under subparagraph (A) pertaining to radiation detection technologies to promote consistency in detection systems at foreign ports designated under CSI.

(2) CONSTRAINTS.—The criteria and procedures established under paragraph (1)(A)—

(A) shall be consistent, as practicable, with relevant standards and procedures utilized by other Federal departments or agencies, or developed by international bodies if the United States consents to such standards and procedures;

(B) shall not apply to activities conducted under the Megaports Initiative of the Department of Energy; and

(C) shall not be designed to endorse the product or technology of any specific company or to conflict with the sovereignty of a country in which a foreign seaport designated under the Container Security Initiative is located.

(f) SAVINGS PROVISION.—The authority of the Secretary under this section shall not affect any authority or duplicate any efforts or responsibilities of the Federal Government with respect to the deployment of radiation detection equipment outside of the United States.

(g) COORDINATION.—The Secretary shall—

(1) coordinate with the Secretary of Energy, as necessary, to provide radiation detection equipment required to support the Container Security Initiative through the Department of Energy's Second Line of Defense Program and Megaports Initiative; or

(2) work with the private sector or host governments, when possible, to obtain radiation detection equipment that meets the Department's and the Department of Energy's technical specifications for such equipment.

(h) STAFFING.—The Secretary shall develop a human capital management plan to determine adequate staffing levels in the United States and in foreign seaports including, as appropriate, the remote location of personnel in countries in which foreign seaports are designated under the Container Security Initiative.

(i) ANNUAL DISCUSSIONS.—The Secretary, in coordination with the appropriate Federal officials, shall hold annual discussions with foreign governments of countries in which foreign seaports designated under the Container Security Initiative are located regarding best practices, technical assistance, training needs, and technological developments that will assist in ensuring the efficient and secure movement of international cargo.

(j) LESSER RISK PORT.—The Secretary, acting through the Commissioner, may treat cargo loaded in a foreign seaport designated under the Container Security Initiative as presenting a lesser risk than similar cargo loaded in a foreign seaport that is not designated under the Container Security Initiative, for the purpose of clearing such cargo into the United States.

(k) PROHIBITION.—

(1) IN GENERAL.—The Secretary shall issue a "do not load" order, using existing authorities, to prevent the onload of any cargo loaded at a port designated under CSI that has been identified as high risk, including by the Automated Targeting System, unless the cargo is determined to no longer be high risk through—

(A) a scan of the cargo with nonintrusive imaging equipment and radiation detection equipment;

(B) a search of the cargo; or

(C) additional information received by the Department.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the ability of the Secretary to deny entry of any cargo into the United States.

(l) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2007, the Secretary, acting through the Commissioner, shall, in consultation with other appropriate government officials and the Commercial Operations Advisory Committee, submit a report to the appropriate congressional committees on the effectiveness of, and the need for any improvements to, the Container Security Initiative. The report shall include—

(A) a description of the technical assistance delivered to, as well as needed at, each designated seaport;

(B) a description of the human capital management plan at each designated seaport;

(C) a summary of the requests made by the United States to foreign governments to conduct physical or nonintrusive inspections of cargo at designated seaports, and whether each such request was granted or denied by the foreign government;

(D) an assessment of the effectiveness of screening, scanning, and inspection protocols and technologies utilized at designated seaports and the effect on the flow of commerce at such seaports, as well as any recommendations for improving the effectiveness of screening, scanning, and inspection protocols and technologies utilized at designated seaports;

(E) a description and assessment of the outcome of any security incident involving a foreign seaport designated under the Container Security Initiative;

(F) the rationale for the continuance of each port designated under CSI;

(G) a description of the potential for remote targeting to decrease the number of personnel who are deployed at foreign ports under CSI; and

(H) a summary and assessment of the aggregate number and extent of trade compliance lapses at each seaport designated under the Container Security Initiative.

(2) UPDATED REPORT.—Not later than September 30, 2010, the Secretary, acting through the Commissioner, shall, in consultation with other appropriate government officials and the Commercial Operations Advisory Committee, submit an updated report to the appropriate congressional committees on the effectiveness of, and the need for any improvements to, the Container Security Initiative. The updated report shall address each of the elements required to be included in the report provided for under paragraph (1).

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Customs and Border Protection to carry out the provisions of this section—

(1) $144,000,000 for fiscal year 2008;

(2) $146,000,000 for fiscal year 2009; and

(3) $153,300,000 for fiscal year 2010.

Subtitle B—Customs-Trade Partnership Against Terrorism

SEC. 211. ESTABLISHMENT.

(a) Establishment.—The Secretary, acting through the Commissioner, is authorized to establish a voluntary government-private sector program (to be known as the "Customs-Trade Partnership Against Terrorism" or "C–TPAT") to strengthen and improve the overall security of the international supply chain and United States border security, and to facilitate the movement of secure cargo through the international supply chain, by providing benefits to participants meeting or exceeding the program requirements. Participants in C–TPAT shall include Tier 1 participants, Tier 2 participants, and Tier 3 participants.

(b) Minimum Security Requirements.—The Secretary, acting through the Commissioner, shall review the minimum security requirements of C–TPAT at least once every year and update such requirements as necessary.

SEC. 212. ELIGIBLE ENTITIES.

Importers, customs brokers, forwarders, air, sea, land carriers, contract logistics providers, and other entities in the international supply chain and intermodal transportation system are eligible to apply to voluntarily enter into partnerships with the Department under C–TPAT.

SEC. 213. MINIMUM REQUIREMENTS.

An applicant seeking to participate in C–TPAT shall—

(1) demonstrate a history of moving cargo in the international supply chain;

(2) conduct an assessment of its supply chain based upon security criteria established by the Secretary, acting through the Commissioner, including—

(A) business partner requirements;

(B) container security;

(C) physical security and access controls;

(D) personnel security;

(E) procedural security;

(F) security training and threat awareness; and

(G) information technology security;

(3) implement and maintain security measures and supply chain security practices meeting security criteria established by the Commissioner; and

(4) meet all other requirements established by the Commissioner, in consultation with the Commercial Operations Advisory Committee.

SEC. 214. TIER 1 PARTICIPANTS IN C-TPAT.

(a) Benefits.—The Secretary, acting through the Commissioner, shall offer limited benefits to a Tier 1 participant who has been certified in accordance with the guidelines referred to in subsection (b). Such benefits may include a reduction in the score assigned pursuant to the Automated Targeting System of not greater than 20 percent of the high-risk threshold established by the Secretary.

(b) Guidelines.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall update the guidelines for certifying a C–TPAT participant's security measures and supply chain security practices under this section. Such guidelines shall include a background investigation and extensive documentation review.

(c) Timeframe.—To the extent practicable, the Secretary, acting through the Commissioner, shall complete the Tier 1 certification process within 90 days of receipt of an application for participation in C–TPAT.

SEC. 215. TIER 2 PARTICIPANTS IN C-TPAT.

(a) Validation.—The Secretary, acting through the Commissioner, shall validate the security measures and supply chain security practices of a Tier 1 participant in accordance with the guidelines referred to in subsection (c). Such validation shall include on-site assessments at appropriate foreign locations utilized by the Tier 1 participant in its supply chain and shall, to the extent practicable, be completed not later than 1 year after certification as a Tier 1 participant.

(b) Benefits.—The Secretary, acting through the Commissioner, shall extend benefits to each C–TPAT participant that has been validated as a Tier 2 participant under this section, which may include—

(1) reduced scores in the Automated Targeting System;

(2) reduced examinations of cargo; and

(3) priority searches of cargo.

(c) Guidelines.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall develop a schedule and update the guidelines for validating a participant's security measures and supply chain security practices under this section.

SEC. 216. TIER 3 PARTICIPANTS IN C-TPAT.

(a) In General.—The Secretary, acting through the Commissioner, shall establish a third tier of C–TPAT participation that offers additional benefits to participants who demonstrate a sustained commitment to maintaining security measures and supply chain security practices that exceed the guidelines established for validation as a Tier 2 participant in C–TPAT under section 215.

(b) Criteria.—The Secretary, acting through the Commissioner, shall designate criteria for validating a C–TPAT participant as a Tier 3 participant under this section. Such criteria may include—

(1) compliance with any additional guidelines established by the Secretary that exceed the guidelines established pursuant to section 215 of this Act for validating a C–TPAT participant as a Tier 2 participant, particularly with respect to controls over access to cargo throughout the supply chain;

(2) submission of additional information regarding cargo prior to loading, as determined by the Secretary;

(3) utilization of container security devices, technologies, policies, or practices that meet standards and criteria established by the Secretary; and

(4) compliance with any other cargo requirements established by the Secretary.

(c) Benefits.—The Secretary, acting through the Commissioner, in consultation with the Commercial Operations Advisory Committee and the National Maritime Security Advisory Committee, shall extend benefits to each C–TPAT participant that has been validated as a Tier 3 participant under this section, which may include—

(1) the expedited release of a Tier 3 participant's cargo in destination ports within the United States during all threat levels designated by the Secretary;

(2) further reduction in examinations of cargo;

(3) priority for examinations of cargo; and

(4) further reduction in the risk score assigned pursuant to the Automated Targeting System; and

(5) inclusion in joint incident management exercises, as appropriate.

(d) Deadline.—Not later than 2 years after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall designate appropriate criteria pursuant to subsection (b) and provide benefits to validated Tier 3 participants pursuant to subsection (c).

SEC. 217. CONSEQUENCES FOR LACK OF COMPLIANCE.

(a) In General.—If at any time a C–TPAT participant's security measures and supply chain security practices fail to meet any of the requirements under this subtitle, the Commissioner may deny the participant benefits otherwise available under this subtitle, in whole or in part. The Commissioner shall develop procedures that provide appropriate protections to C–TPAT participants before benefits are revoked. Such procedures may not limit the ability of the Commissioner to take actions to protect the national security of the United States.

(b) False or Misleading Information.—If a C–TPAT participant knowingly provides false or misleading information to the Commissioner during the validation process provided for under this subtitle, the Commissioner shall suspend or expel the participant from C–TPAT for an appropriate period of time. The Commissioner, after the completion of the process under subsection (c), may publish in the Federal Register a list of participants who have been suspended or expelled from C–TPAT pursuant to this subsection, and may make such list available to C–TPAT participants.

(c) Right of Appeal.—

(1) In general.—A C–TPAT participant may appeal a decision of the Commissioner pursuant to subsection (a). Such appeal shall be filed with the Secretary not later than 90 days after the date of the decision, and the Secretary shall issue a determination not later than 180 days after the appeal is filed.

(2) Appeals of other decisions.—A C–TPAT participant may appeal a decision of the Commissioner pursuant to subsection (b). Such appeal shall be filed with the Secretary not later than 30 days after the date of the decision, and the Secretary shall issue a determination not later than 180 days after the appeal is filed.

SEC. 218. THIRD PARTY VALIDATIONS.

(a) Plan.—The Secretary, acting through the Commissioner, shall develop a plan to implement a 1-year voluntary pilot program to test and assess the feasibility, costs, and benefits of using third party entities to conduct validations of C–TPAT participants.

(b) Consultations.—Not later than 120 days after the date of the enactment of this Act, after consulting with private sector stakeholders, including the Commercial Operations Advisory Committee, the Secretary shall submit a report to the appropriate congressional committees on the plan described in subsection (a).

(c) Pilot Program.—

(1) In general.—Not later than 1 year after the consultations described in subsection (b), the Secretary shall carry out the 1-year pilot program to conduct validations of C–TPAT participants using third party entities described in subsection (a).

(2) Authority of the secretary.—The decision to validate a C–TPAT participant is solely within the discretion of the Secretary, or the Secretary's designee.

(d) Certification of Third Party Entities.—The Secretary shall certify a third party entity to conduct validations under subsection (c) if the entity—

(1) demonstrates to the satisfaction of the Secretary that the entity has the ability to perform validations in accordance with standard operating procedures and requirements designated by the Secretary; and

(2) agrees—

(A) to perform validations in accordance with such standard operating procedures and requirements (and updates to such procedures and requirements); and

(B) to maintain liability insurance coverage at policy limits and in accordance with conditions to be established by the Secretary; and

(3) signs an agreement to protect all proprietary information of C–TPAT participants with respect to which the entity will conduct validations.

(e) Information for Establishing Limits of Liability Insurance.—A third party entity

seeking a certificate under subsection (d) shall submit to the Secretary necessary information for establishing the limits of liability insurance required to be maintained by the entity under this Act.

(f) ADDITIONAL REQUIREMENTS.—The Secretary shall ensure that—

(1) any third party entity certified under this section does not have—

(A) any beneficial interest in or any direct or indirect control over the C–TPAT participant for which the validation services are performed; or

(B) any other conflict of interest with respect to the C–TPAT participant; and

(2) the C–TPAT participant has entered into a contract with the third party entity under which the C–TPAT participant agrees to pay all costs associated with the validation.

(g) MONITORING.—

(1) IN GENERAL.—The Secretary shall regularly monitor and inspect the operations of a third party entity conducting validations under subsection (c) to ensure that the entity is meeting the minimum standard operating procedures and requirements for the validation of C–TPAT participants established by the Secretary and all other applicable requirements for validation services.

(2) REVOCATION.—If the Secretary determines that a third party entity is not meeting the minimum standard operating procedures and requirements designated by the Secretary under subsection (d)(1), the Secretary shall—

(A) revoke the entity's certificate of conformance issued under subsection (d)(1); and

(B) review any validations conducted by the entity.

(h) LIMITATION ON AUTHORITY.—The Secretary may only grant a C–TPAT validation by a third party entity pursuant to subsection (c) if the C–TPAT participant voluntarily submits to validation by such third party entity.

(i) REPORT.—Not later than 30 days after the completion of the pilot program conducted pursuant to subsection (c), the Secretary shall submit a report to the appropriate congressional committees that contains—

(1) the results of the pilot program, including the extent to which the pilot program ensured sufficient protection for proprietary commercial information;

(2) the cost and efficiency associated with validations under the pilot program;

(3) the impact of the pilot program on the rate of validations conducted under C–TPAT;

(4) any impact on national security of the pilot program; and

(5) any recommendations by the Secretary based upon the results of the pilot program.

SEC. 219. REVALIDATION.

The Secretary, acting through the Commissioner, shall develop and implement—

(1) a revalidation process for Tier 2 and Tier 3 participants;

(2) a framework based upon objective criteria for identifying participants for periodic revalidation not less frequently than once during each 4-year period following the initial validation; and

(3) an annual plan for revalidation that includes—

(A) performance measures;

(B) an assessment of the personnel needed to perform the revalidations; and

(C) the number of participants that will be revalidated during the following year.

SEC. 220. NONCONTAINERIZED CARGO.

The Secretary, acting through the Commissioner, shall consider the potential for participation in C–TPAT by importers of noncontainerized cargoes that otherwise meet the requirements under this subtitle.

SEC. 221. C–TPAT PROGRAM MANAGEMENT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall establish sufficient internal quality controls and record management to support the management systems of C–TPAT. In managing the program, the Secretary shall ensure that the program includes:

(1) STRATEGIC PLAN.—A 5-year plan to identify outcome-based goals and performance measures of the program.

(2) ANNUAL PLAN.—An annual plan for each fiscal year designed to match available resources to the projected workload.

(3) STANDARDIZED WORK PROGRAM.—A standardized work program to be used by agency personnel to carry out the certifications, validations, and revalidations of participants. The Secretary shall keep records and monitor staff hours associated with the completion of each such review.

(b) DOCUMENTATION OF REVIEWS.—The Secretary, acting through the Commissioner, shall maintain a record management system to document determinations on the reviews of each C–TPAT participant, including certifications, validations, and revalidations.

(c) CONFIDENTIAL INFORMATION SAFEGUARDS.—In consultation with the Commercial Operations Advisory Committee, the Secretary, acting through the Commissioner, shall develop and implement procedures to ensure the protection of confidential data collected, stored, or shared with government agencies or as part of the application, certification, validation, and revalidation processes.

(d) RESOURCE MANAGEMENT STAFFING PLAN.—The Secretary, acting through the Commissioner, shall—

(1) develop a staffing plan to recruit and train staff (including a formalized training program) to meet the objectives identified in the strategic plan of the C–TPAT program; and

(2) provide cross-training in postincident trade resumption for personnel who administer the C–TPAT program.

(e) REPORT TO CONGRESS.—In connection with the President's annual budget submission for the Department, the Secretary shall report to the appropriate congressional committees on the progress made by the Commissioner to certify, validate, and revalidate C–TPAT participants. Such report shall be due on the same date that the President's budget is submitted to the Congress.

SEC. 222. ADDITIONAL PERSONNEL.

For fiscal years 2008 and 2009, the Commissioner shall increase by not less than 50 the number of full-time personnel engaged in the validation and revalidation of C–TPAT participants (over the number of such personnel on the last day of the previous fiscal year), and shall provide appropriate training and support to such additional personnel.

SEC. 223. AUTHORIZATION OF APPROPRIATIONS.

(a) C–TPAT.—There are authorized to be appropriated to the United States Customs and Border Protection to carry out the provisions of sections 211 through 221 to remain available until expended—

(1) $65,000,000 for fiscal year 2008;

(2) $72,000,000 for fiscal year 2009; and

(3) $75,600,000 for fiscal year 2010.

(b) ADDITIONAL PERSONNEL.—In addition to any amounts otherwise appropriated to the United States Customs and Border Protection, there are authorized to be appropriated for the purpose of meeting the staffing requirement provided for in section 222, to remain available until expended—

(1) $8,500,000 for fiscal year 2008;

(2) $17,600,000 for fiscal year 2009;

(3) $19,000,000 for fiscal year 2010;

(4) $20,000,000 for fiscal year 2011; and

(5) $21,000,000 for fiscal year 2012.

Subtitle C—Miscellaneous Provisions

SEC. 231. PILOT INTEGRATED SCANNING SYSTEM.

(a) DESIGNATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall designate 3 foreign seaports through which containers pass or are transshipped to the United States for the establishment of pilot integrated scanning systems that couple nonintrusive imaging equipment and radiation detection equipment. In making the designations under this paragraph, the Secretary shall consider 3 distinct ports with unique features and differing levels of trade volume.

(b) COORDINATION.—The Secretary shall—

(1) coordinate with the Secretary of Energy, as necessary, to provide radiation detection equipment through the Department of Energy's Second Line of Defense and Megaports programs; or

(2) work with the private sector or, when possible, host governments to obtain radiation detection equipment that meets both the Department's and the Department of Energy's technical specifications for such equipment.

(c) PILOT SYSTEM IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall achieve a full-scale implementation of the pilot integrated scanning system at the ports designated under subsection (a), which—

(1) shall scan all containers destined for the United States that are loaded in such ports;

(2) shall electronically transmit the images and information to appropriate United States Government personnel in the country in which the port is located or in the United States for evaluation and analysis;

(3) shall resolve every radiation alarm according to established Department procedures;

(4) shall utilize the information collected to enhance the Automated Targeting System or other relevant programs;

(5) shall store the information for later retrieval and analysis; and

(6) may provide an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel.

(d) REPORT.—Not later than 180 days after achieving full-scale implementation under subsection (c), the Secretary, in consultation with the Secretary of State and, as appropriate, the Secretary of Energy, shall submit a report to the appropriate congressional committees, that includes—

(1) an evaluation of the lessons derived from the pilot system implemented under this subsection;

(2) an analysis of the efficacy of the Automated Targeting System or other relevant programs in utilizing the images captured to examine high-risk containers;

(3) an evaluation of the effectiveness of the integrated scanning system in detecting shielded and unshielded nuclear and radiological material;

(4) an evaluation of software and other technologies that are capable of automatically identifying potential anomalies in scanned containers; and

(5) an analysis of the need and feasibility of expanding the integrated scanning system to other container security initiative ports, including—

(A) an analysis of the infrastructure requirements;

(B) a projection of the effect on current average processing speed of containerized cargo;

(C) an evaluation of the scalability of the system to meet both current and future forecasted trade flows;

(D) the ability of the system to automatically maintain and catalog appropriate data for reference and analysis in the event of a transportation disruption;

(E) an analysis of requirements, including costs, to install and maintain an integrated scanning system;

(F) the ability of administering personnel to efficiently manage and utilize the data produced by a nonintrusive scanning system;

(G) the ability to safeguard commercial data generated by, or submitted to, a nonintrusive scanning system; and

(H) an assessment of the reliability of currently available technology to implement an integrated scanning system.

SEC. 232. SCREENING AND SCANNING OF CARGO CONTAINERS.

(a) One Hundred Percent Screening of Cargo Containers and 100 Percent Scanning of High-Risk Containers.—

(1) Screening of cargo containers.—The Secretary shall ensure that 100 percent of the cargo containers originating outside the United States and unloaded at a United States seaport undergo a screening to identify high-risk containers.

(2) Scanning of high-risk containers.—The Secretary shall ensure that 100 percent of the containers that have been identified as high-risk under paragraph (1), or through other means, are scanned or searched before such containers leave a United States seaport facility.

(b) Full-Scale Implementation.—The Secretary, in coordination with the Secretary of Energy and foreign partners, as appropriate, shall ensure integrated scanning systems are fully deployed to scan, using nonintrusive imaging equipment and radiation detection equipment, all containers entering the United States before such containers arrive in the United States as soon as possible, but not before the Secretary determines that the integrated scanning system—

(1) meets the requirements set forth in section 231(c);

(2) has a sufficiently low false alarm rate for use in the supply chain;

(3) is capable of being deployed and operated at ports overseas;

(4) is capable of integrating, as necessary, with existing systems;

(5) does not significantly impact trade capacity and flow of cargo at foreign or United States ports; and

(6) provides an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel.

(c) Report.—Not later than 6 months after the submission of a report under section 231(d), and every 6 months thereafter, the Secretary shall submit a report to the appropriate congressional committees describing the status of full-scale deployment under subsection (b) and the cost of deploying the system at each foreign port at which the integrated scanning systems are deployed.

SEC. 233. INTERNATIONAL COOPERATION AND COORDINATION.

(a) Inspection Technology and Training.—

(1) In general.—The Secretary, in coordination with the Secretary of State, the Secretary of Energy, and appropriate representatives of other Federal agencies, may provide technical assistance, equipment, and training to facilitate the implementation of supply chain security measures at ports designated under the Container Security Initiative.

(2) Acquisition and training.—Unless otherwise prohibited by law, the Secretary may—

(A) lease, loan, provide, or otherwise assist in the deployment of nonintrusive inspection and radiation detection equipment at foreign land and sea ports under such terms and conditions as the Secretary prescribes, including nonreimbursable loans or the transfer of ownership of equipment; and

(B) provide training and technical assistance for domestic or foreign personnel responsible for operating or maintaining such equipment.

(b) Actions and Assistance for Foreign Ports and United States Territories.—Section 70110 of title 46, United States Code, is amended—

(1) by striking the section header and inserting the following:

"§70110. Actions and assistance for foreign ports and United States territories"; and

(2) by adding at the end the following:

"(e) Assistance for Foreign Ports and United States Territories.—

"(1) In general.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, and the Secretary of Energy, shall identify assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries and territories of the United States. The Secretary shall establish a program to utilize the programs that are capable of implementing port security antiterrorism measures at ports in foreign countries and territories of the United States that the Secretary finds to lack effective antiterrorism measures.

"(2) Caribbean basin.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

"(A) the strategic location of such ports between South America and the United States;

"(B) the relative openness of such ports; and

"(C) the significant number of shipments of narcotics to the United States that are moved through such ports.".

(c) Report on Security at Ports in the Caribbean Basin.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the appropriate congressional committees on the security of ports in the Caribbean Basin.

(2) Contents.—The report submitted under paragraph (1)—

(A) shall include—

(i) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security;

(ii) an estimate of the number of ports in the Caribbean Basin that will not be secured by January 1, 2007;

(iii) an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(iv) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(B) may be submitted in both classified and redacted formats.

(d) Clerical Amendment.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70110 and inserting the following:

"70110. Actions and assistance for foreign ports and United States territories.".

SEC. 234. FOREIGN PORT ASSESSMENTS.

Section 70108 of title 46, United States Code, is amended by adding at the end the following:

"(d) Periodic Reassessment.—The Secretary, acting through the Commandant of the Coast Guard, shall reassess the effectiveness of antiterrorism measures maintained at ports as described under subsection (a) and of procedures described in subsection (b) not less than once every 3 years.".

SEC. 235. PILOT PROGRAM TO IMPROVE THE SECURITY OF EMPTY CONTAINERS.

(a) In General.—The Secretary shall conduct a 1-year pilot program to assess the risk posed by and improve the security of empty containers at United States seaports to ensure the safe and secure delivery of cargo and to prevent potential acts of terrorism involving such containers. The pilot program shall include the use of visual searches of empty containers at United States seaports.

(b) Report.—Not later than 90 days after the completion of the pilot program under paragraph (1), the Secretary shall prepare and submit to the appropriate congressional committees a report that contains—

(1) the results of the pilot program; and

(2) the determination of the Secretary on whether to expand the pilot program.

SEC. 236. INFORMATION SHARING RELATING TO SUPPLY CHAIN SECURITY COOPERATION.

(a) Purposes.—The purposes of this section are—

(1) to establish continuing liaison and to provide for supply chain security cooperation between Department and the private sector; and

(2) to provide for regular and timely interchange of information between the private sector and the Department concerning developments and security risks in the supply chain environment.

(b) System.—The Secretary shall develop a system to collect from and share appropriate risk information related to the supply chain with the private sector entities determined appropriate by the Secretary.

(c) Consultation.—In developing the system under subsection (b), the Secretary shall consult with the Commercial Operations Advisory Committee and a broad range of public and private sector entities likely to utilize the system, including importers, exporters, carriers, customs brokers, and freight forwarders, among other parties.

(d) Independently Obtained Information.—Nothing in this section shall be construed to limit or otherwise affect the ability of a Federal, State, or local government entity, under applicable law, to obtain supply chain security information, including any information lawfully and properly disclosed generally or broadly to the public and to use such information in any manner permitted by law.

(e) Authority to Issue Warnings.—The Secretary may provide advisories, alerts, and warnings to relevant companies, targeted sectors, other governmental entities, or the general public regarding potential risks to the supply chain as appropriate. In issuing a warning, the Secretary shall take appropriate actions to protect from disclosure—

(1) the source of any voluntarily submitted supply chain security information that forms the basis for the warning; and

(2) information that is proprietary, business sensitive, relates specifically to the submitting person or entity, or is otherwise not appropriately in the public domain.

TITLE III—ADMINISTRATION

SEC. 301. OFFICE OF CARGO SECURITY POLICY.

(a) Establishment.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

"SEC. 431. OFFICE OF CARGO SECURITY POLICY.

"(a) Establishment.—There is established within the Department an Office of Cargo Security Policy (referred to in this section as the 'Office').

"(b) PURPOSE.—The Office shall—

"(1) coordinate all Department policies relating to cargo security; and

"(2) consult with stakeholders and coordinate with other Federal agencies in the establishment of standards and regulations and to promote best practices.

"(c) DIRECTOR.—

"(1) APPOINTMENT.—The Office shall be headed by a Director, who shall—

"(A) be appointed by the Secretary; and

"(B) report to the Assistant Secretary for Policy.

"(2) RESPONSIBILITIES.—The Director shall—

"(A) advise the Assistant Secretary for Policy in the development of Department-wide policies regarding cargo security;

"(B) coordinate all policies relating to cargo security among the agencies and offices within the Department relating to cargo security; and

"(C) coordinate the cargo security policies of the Department with the policies of other executive agencies.".

(b) DESIGNATION OF LIAISON OFFICE OF DEPARTMENT OF STATE.—The Secretary of State shall designate a liaison office within the Department of State to assist the Secretary, as appropriate, in negotiating cargo security-related international agreements.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect—

(1) the authorities, functions, or capabilities of the Coast Guard to perform its missions; or

(2) the requirement under section 888 of the Homeland Security Act (6 U.S.C. 468) that those authorities, functions, and capabilities be maintained intact.

(d) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 430 the following:

"Sec. 431. Office of Cargo Security Policy".

SEC. 302. REAUTHORIZATION OF HOMELAND SECURITY SCIENCE AND TECHNOLOGY ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 311(j) of the Homeland Security Act of 2002 (6 U.S.C. 191(j)) is amended by striking "3 years after the effective date of this Act" and inserting "on December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if enacted on the date of the enactment of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

(c) ADVISORY COMMITTEE.—The Under Secretary for Science and Technology shall utilize the Homeland Security Science and Technology Advisory Committee, as appropriate, to provide outside expertise in advancing cargo security technology.

SEC. 303. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION EFFORTS IN FURTHERANCE OF MARITIME AND CARGO SECURITY.

(a) IN GENERAL.—The Secretary shall—

(1) direct research, development, testing, and evaluation efforts in furtherance of maritime and cargo security;

(2) coordinate with public and private sector entities to develop and test technologies, and process innovations in furtherance of these objectives; and

(3) evaluate such technologies.

(b) COORDINATION.—The Secretary, in coordination with the Under Secretary for Science and Technology, the Assistant Secretary for Policy, the Commandant of the Coast Guard, the Director for Domestic Nuclear Detection, the Chief Financial Officer, and the heads of other appropriate offices or entities of the Department, shall ensure that—

(1) research, development, testing, and evaluation efforts funded by the Department in furtherance of maritime and cargo security are coordinated within the Department and with other appropriate Federal agencies to avoid duplication of efforts; and

(2) the results of such efforts are shared throughout the Department and with other Federal, State, and local agencies, as appropriate.

TITLE IV—AGENCY RESOURCES AND OVERSIGHT

SEC. 401. TRADE AND CUSTOMS REVENUE FUNCTIONS OF THE DEPARTMENT.

(a) TRADE AND CUSTOMS REVENUE FUNCTIONS.—

(1) DESIGNATION OF APPROPRIATE OFFICIAL.—The Secretary shall designate an appropriate senior official in the office of the Secretary who shall—

(A) ensure that the trade and customs revenue functions of the Department are coordinated within the Department and with other Federal departments and agencies, and that the impact on legitimate trade is taken into account in any action impacting the functions; and

(B) monitor and report to Congress on the Department's mandate to ensure that the trade and customs revenue functions of the Department are not diminished, including how spending, operations, and personnel related to these functions have kept pace with the level of trade entering the United States.

(2) DIRECTOR OF TRADE POLICY.—There shall be a Director of Trade Policy (in this subsection referred to as the "Director"), who shall be subject to the direction and control of the official designated pursuant to paragraph (1). The Director shall—

(A) advise the official designated pursuant to paragraph (1) regarding all aspects of Department policies relating to the trade and customs revenue functions of the Department;

(B) coordinate the development of Department-wide policies regarding trade and customs revenue functions and trade facilitation; and

(C) coordinate the trade and customs revenue-related policies of the Department with the policies of other Federal departments and agencies.

(b) STUDY; REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study evaluating the extent to which the Department of Homeland Security is meeting its obligations under section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) with respect to the maintenance of customs revenue functions.

(2) ANALYSIS.—The study shall include an analysis of—

(A) the extent to which the customs revenue functions carried out by the former United States Customs Service have been consolidated with other functions of the Department (including the assignment of noncustoms revenue functions to personnel responsible for customs revenue collection), discontinued, or diminished following the transfer of the United States Customs Service to the Department;

(B) the extent to which staffing levels or resources attributable to customs revenue functions have decreased since the transfer of the United States Customs Service to the Department; and

(C) the extent to which the management structure created by the Department ensures effective trade facilitation and customs revenue collection.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate congressional committees a report on the results of the study conducted under subsection (a).

(4) MAINTENANCE OF FUNCTIONS.—Not later than September 30, 2007, the Secretary shall ensure that the requirements of section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) are fully satisfied and shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding implementation of this paragraph.

(5) DEFINITION.—In this section, the term "customs revenue functions" means the functions described in section 412(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)(2)).

(c) CONSULTATION ON TRADE AND CUSTOMS REVENUE FUNCTIONS.—

(1) BUSINESS COMMUNITY CONSULTATIONS.—The Secretary shall consult with representatives of the business community involved in international trade, including seeking the advice and recommendations of the Commercial Operations Advisory Committee, on Department policies and actions that have a significant impact on international trade and customs revenue functions.

(2) CONGRESSIONAL CONSULTATION AND NOTIFICATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall notify the appropriate congressional committees not later than 30 days prior to the finalization of any Department policies, initiatives, or actions that will have a major impact on trade and customs revenue functions. Such notifications shall include a description of the proposed policies, initiatives or actions and any comments or recommendations provided by the Commercial Operations Advisory Committee and other relevant groups regarding the proposed policies, initiatives or actions.

(B) EXCEPTION.—If the Secretary determines that it is important to the national security interest of the United States to finalize any Department policies, initiatives, or actions prior to the consultation described in subparagraph (A), the Secretary shall—

(i) notify and provide any recommendations of the Commercial Operations Advisory Committee received to the appropriate congressional committees not later than 45 days after the date on which the policies, initiatives, or actions are finalized; and

(ii) to the extent appropriate, modify the policies, initiatives, or actions based upon the consultations with the appropriate congressional committees.

(d) NOTIFICATION OF REORGANIZATION OF CUSTOMS REVENUE FUNCTIONS.—

(1) IN GENERAL.—Not less than 45 days prior to any change in the organization of any of the customs revenue functions of the Department, the Secretary shall notify the Committee on Appropriations, the Committee on Finance, and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives of the specific assets, functions, or personnel to be transferred as part of such reorganization, and the reason for such transfer. The notification shall also include—

(A) an explanation of how trade enforcement functions will be impacted by the reorganization;

(B) an explanation of how the reorganization meets the requirements of section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) that the Department not diminish the customs revenue and trade facilitation functions formerly performed by the United States Customs Service; and

(C) any comments or recommendations provided by the Commercial Operations Advisory Committee regarding such reorganization.

(2) ANALYSIS.—Any congressional committee referred to in paragraph (1) may request that the Commercial Operations Advisory Committee provide a report to the committee analyzing the impact of the reorganization and providing any recommendations for modifying the reorganization.

(3) REPORT.—Not later than 1 year after any reorganization referred to in paragraph (1) takes place, the Secretary, in consultation with the Commercial Operations Advisory Committee, shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. Such report shall include an assessment of the impact of, and any suggested modifications to, such reorganization.

SEC. 402. OFFICE OF INTERNATIONAL TRADE; OVERSIGHT.

Section 2 of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072), is amended by adding at the end the following:

"(d) OFFICE OF INTERNATIONAL TRADE.—

"(1) ESTABLISHMENT.—There is established within the United States Customs and Border Protection an Office of International Trade that shall be headed by an Assistant Commissioner.

"(2) TRANSFER OF ASSETS, FUNCTIONS, AND PERSONNEL; ELIMINATION OF OFFICES.—

"(A) OFFICE OF STRATEGIC TRADE.—

"(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the SAFE Port Act, the Commissioner shall transfer the assets, functions, and personnel of the Office of Strategic Trade to the Office of International Trade established pursuant to paragraph (1) and the Office of Strategic Trade shall be abolished.

"(ii) LIMITATION ON FUNDS.—No funds appropriated to the United States Customs and Border Protection may be used to transfer the assets, functions, or personnel of the Office of Strategic Trade, to an office other than the office established pursuant to paragraph (1) of this subsection.

"(B) OFFICE OF REGULATIONS AND RULINGS.—

"(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the SAFE Port Act, the Commissioner shall transfer the assets, functions, and personnel of the Office of Regulations and Rulings to the Office of International Trade established pursuant to paragraph (1) and the Office of Regulations and Rulings shall be abolished.

"(ii) LIMITATION ON FUNDS.—No funds appropriated to the United States Customs and Border Protection may be used to transfer the assets, functions, or personnel of the Office of Regulations and Rulings, to an office other than the office established pursuant to paragraph (1) of this subsection.

"(C) OTHER TRANSFERS.—The Commissioner is authorized to transfer any other assets, functions, or personnel within the United States Customs and Border Protection to the Office of International Trade established pursuant to paragraph (1). Not less than 45 days prior to each such transfer, the Commissioner shall notify the Committee on Appropriations, the Committee on Finance, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives of the specific assets, functions, or personnel to be transferred, and the reason for such transfer. Such notification shall also include—

"(i) an explanation of how trade enforcement functions will be impacted by the reorganization;

"(ii) an explanation of how the reorganization meets the requirements of section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) that the Department of Homeland Security not diminish the customs revenue and trade facilitation functions formerly performed by the United States Customs Service; and

"(iii) any comments or recommendations provided by the Commercial Operations Advisory Committee regarding such reorganization.

"(D) REPORT.—Not later than 1 year after any reorganization pursuant to subparagraph (C) takes place, the Commissioner, in consultation with the Commercial Operations Advisory Committee, shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. Such report shall include an assessment of the impact of, and any suggested modifications to, such reorganization.

"(E) LIMITATION ON AUTHORITY.—Notwithstanding any other provision of law, the Commissioner shall not transfer any assets, functions, or personnel from United States ports of entry, associated with the enforcement of laws relating to trade in textiles and apparel, to the Office of International Trade established pursuant to paragraph (1), until the following conditions are met:

"(i) The Commissioner submits the initial Resource Allocation Model required by section 301(h) of the Customs and Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075) and includes in such Resource Allocation Model a section addressing the allocation of assets, functions, and personnel associated with the enforcement of laws relating to trade in textiles and apparel.

"(ii) The Commissioner consults with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding any subsequent transfer of assets, functions, or personnel associated with the enforcement of laws relating to trade in textiles and apparel, not less than 45 days prior to such transfer.

"(F) LIMITATION ON APPROPRIATIONS.—No funds appropriated to the United States Customs and Border Protection may be used to transfer the assets, functions, or personnel associated with the enforcement of laws relating to trade in textiles and apparel, before the Commissioner consults with the congressional committees pursuant to subparagraph (E)(ii).

"(e) INTERNATIONAL TRADE COMMITTEE.—

"(1) ESTABLISHMENT.—The Commissioner shall establish an International Trade Committee, to be chaired by the Commissioner, and to include the Deputy Commissioner, the Assistant Commissioner in the Office of Field Operations, the Assistant Commissioner in the Office of Finance, the Assistant Commissioner in the Office of International Affairs, the Assistant Commissioner in the Office of International Trade, the Director of the Office of Trade Relations, and any other official determined by the Commissioner to be important to the work of the Committee.

"(2) RESPONSIBILITIES.—The International Trade Committee shall—

"(A) be responsible for advising the Commissioner with respect to the commercial customs and trade facilitation functions of the United States Customs and Border Protection;

"(B) assist the Commissioner in coordinating with the Secretary regarding commercial customs and trade facilitation functions; and

"(C) oversee the operation of all programs and systems that are involved in the assessment and collection of duties, bonds, and other charges or penalties associated with the entry of cargo into the United States, or the export of cargo from the United States, including the administration of duty drawback and the collection of antidumping and countervailing duties.

"(3) ANNUAL REPORT.—Not later than 30 days after the end of each fiscal year, the International Trade Committee shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. The report shall—

"(A) detail the activities of the International Trade Committee during the preceding fiscal year; and

"(B) identify the priorities of the International Trade Committee for the fiscal year in which the report is filed.

"(f) DEFINITION.—In this section:

"(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.

"(2) COMMERCIAL OPERATIONS ADVISORY COMMITTEE.—The term 'Commercial Operations Advisory Committee' means the Advisory Committee established pursuant to section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) or any successor committee.".

SEC. 403: RESOURCES.

Section 301 of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075) is amended by adding at the end the following:

"(h) RESOURCE ALLOCATION MODEL.—

"(1) RESOURCE ALLOCATION MODEL.—Not later than June 30, 2007, and every 2 years thereafter, the Commissioner shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a Resource Allocation Model to determine the optimal staffing levels required to carry out the commercial operations of United States Customs and Border Protection, including commercial inspection and release of cargo and the revenue functions described in section 412(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)(2)). The Model shall comply with the requirements of section 412(b)(1) of such Act and shall take into account previous staffing models, historic and projected trade volumes, and trends. The Resource Allocation Model shall apply both risk-based and random sampling approaches for determining adequate staffing needs for priority trade functions, including—

"(A) performing revenue functions;

"(B) enforcing antidumping and countervailing duty laws;

"(C) protecting intellectual property rights;

"(D) enforcing provisions of law relating to trade in textiles and apparel;

"(E) conducting agricultural inspections;

"(F) enforcing fines, penalties, and forfeitures; and

"(G) facilitating trade.

"(2) PERSONNEL.—

"(A) IN GENERAL.—Not later than September 30, 2007, the Commissioner shall ensure that the requirements of section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) are fully satisfied and shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the implementation of this subparagraph.

"(B) CUSTOMS AND BORDER PROTECTION OFFICERS.—The initial Resource Allocation Model required pursuant to paragraph (1) shall provide for the hiring of a minimum of 200 additional Customs and Border Protection Officers per year for each of the fiscal years 2008 through 2012. The Commissioner shall hire such additional Officers subject to the appropriation of funds to pay for the salaries and expenses of such Officers. In assigning the 1,000 additional Officers authorized by this subparagraph, the Commissioner shall—

"(i) consider the volume of trade and the incidence of nonvoluntarily disclosed customs and trade law violations in addition to security priorities among United States ports of entry; and

"(ii) before October 1, 2010, assign at least 10 additional Officers among each service port and the ports of entry serviced by such service port, except as provided in subparagraph (C).

"(C) ASSIGNMENT.—In assigning such Officers pursuant to subparagraph (B), the Commissioner shall consult with the port directors of each service port and the other ports of entry serviced by such service port. The Commissioner shall not assign an Officer to a port of entry *pursuant to subparagraph (B)(ii) if the port director of the service port that services such port of entry certifies to the Commissioner that an additional Officer is not needed at such port of entry.*

"(D) REPORT.—Not later than 60 days after the beginning of each of the fiscal years 2008 through 2012, the Commissioner shall submit a report to the Committee on Finance of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Ways and Means of the House of Representatives, that describes how the additional Officers authorized under subparagraph (B) will be allocated among the ports of entry in the United States in accordance with subparagraph (C).

"(3) AUTHORIZATION OF APPROPRIATIONS.—In addition to any monies hereafter appropriated to United States Customs and Border Protection in the Department of Homeland Security, there are authorized to be appropriated for the purpose of meeting the requirements of paragraph (2)(B), to remain available until expended—

"(A) $36,000,000 for fiscal year 2008;

"(B) $75,000,000 for fiscal year 2009;

"(C) $118,000,000 for fiscal year 2010;

"(D) $165,000,000 for fiscal year 2011; and

"(E) $217,000,000 for fiscal year 2012.

"(4) REPORT.—Not later than 30 days after the end of each fiscal year, the Commissioner shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the resources directed to commercial and trade facilitation functions within the Office of Field Operations for the preceding fiscal year. Such information shall be reported for each category of personnel within the Office of Field Operations.

"(5) REGULATIONS TO IMPLEMENT TRADE AGREEMENTS.—Not later than 30 days after the date of the enactment of the SAFE Port Act, the Commissioner shall designate and maintain not less than 5 attorneys within the Office of International Trade established pursuant to section 2 of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072), with responsibility for the prompt development and promulgation of regulations necessary to implement any trade agreement entered into by the United States, in addition to any other responsibilities assigned by the Commissioner.

"(6) DEFINITION.—In this subsection, the term 'Commissioner' means the Commissioner responsible for United States Customs and Border Protection in the Department of Homeland Security.".

SEC. 404. NEGOTIATIONS.

Section 629 of the Tariff Act of 1930 (19 U.S.C. 1629) is amended by adding at the end the following:

"(h) CUSTOMS PROCEDURES AND COMMITMENTS.—

"(1) IN GENERAL.—The Secretary of Homeland Security, the United States Trade Representative, and other appropriate Federal officials shall work through appropriate international organizations including the World Customs Organization (WCO), the World Trade Organization (WTO), the International Maritime Organization, and the Asia-Pacific Economic Cooperation, to align, to the extent practicable, customs procedures, standards, requirements, and commitments in order to facilitate the efficient flow of international trade.

"(2) UNITED STATES TRADE REPRESENTATIVE.—

"(A) IN GENERAL.—The United States Trade Representative shall seek commitments in negotiations in the WTO regarding the articles of GATT 1994 that are described in subparagraph (B) that make progress in achieving—

"(i) harmonization of import and export data collected by WTO members for customs purposes, to the extent practicable;

"(ii) enhanced procedural fairness and transparency with respect to the regulation of imports and exports by WTO members;

"(iii) transparent standards for the efficient release of cargo by WTO members, to the extent practicable; and

"(iv) the protection of confidential commercial data.

"(B) ARTICLES DESCRIBED.—The articles of the GATT 1994 described in this subparagraph are the following:

"(i) Article V (relating to transit).

"(ii) Article VIII (relating to fees and formalities associated with importation and exportation).

"(iii) Article X (relating to publication and administration of trade regulations).

"(C) GATT 1994.—The term 'GATT 1994' means the General Agreement on Tariff and Trade annexed to the WTO Agreement.

"(3) CUSTOMS.—The Secretary of Homeland Security, acting through the Commissioner and in consultation with the United States Trade Representative, shall work with the WCO to facilitate the efficient flow of international trade, taking into account existing international agreements and the negotiating objectives of the WTO. The Commissioner shall work to—

"(A) harmonize, to the extent practicable, import data collected by WCO members for customs purposes;

"(B) automate and harmonize, to the extent practicable, the collection and storage of commercial data by WCO members;

"(C) develop, to the extent practicable, transparent standards for the release of cargo by WCO members;

"(D) develop and harmonize, to the extent practicable, standards, technologies, and protocols for physical or nonintrusive examinations that will facilitate the efficient flow of international trade; and

"(E) ensure the protection of confidential commercial data.

"(4) DEFINITION.—In this subsection, the term 'Commissioner' means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.".

SEC. 405. INTERNATIONAL TRADE DATA SYSTEM.

Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following:

"(d) INTERNATIONAL TRADE DATA SYSTEM.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Secretary of the Treasury (in this subsection, referred to as the 'Secretary') shall oversee the establishment of an electronic trade data interchange system to be known as the 'International Trade Data System' (ITDS). The ITDS shall be implemented not later than the date that the Automated Commercial Environment (commonly referred to as 'ACE') is fully implemented.

"(B) PURPOSE.—The purpose of the ITDS is to eliminate redundant information requirements, to efficiently regulate the flow of commerce, and to effectively enforce laws and regulations relating to international trade, by establishing a single portal system, operated by the United States Customs and Border Protection, for the collection and distribution of standard electronic import and export data required by all participating Federal agencies.

"(C) PARTICIPATION.—

"(i) IN GENERAL.—All Federal agencies that require documentation for clearing or licensing the importation and exportation of cargo shall participate in the ITDS.

"(ii) WAIVER.—The Director of the Office of Management and Budget may waive, in whole or in part, the requirement for participation for any Federal agency based on the vital national interest of the United States.

"(D) CONSULTATION.—The Secretary shall consult with and assist the United States Customs and Border Protection and other agencies in the transition from paper to electronic format for the submission, issuance, and storage of documents relating to data required to enter cargo into the United States. In so doing, the Secretary shall also consult with private sector stakeholders, including the Commercial Operations Advisory Committee, in developing uniform data submission requirements, procedures, and schedules, for the ITDS.

"(E) COORDINATION.—The Secretary shall be responsible for coordinating the operation of the ITDS among the participating agencies and the office within the United States Customs and Border Protection that is responsible for maintaining the ITDS.

"(2) DATA ELEMENTS.—

"(A) IN GENERAL.—The Interagency Steering Committee (established under paragraph (3)) shall, in consultation with the agencies participating in the ITDS, define the standard set of data elements to be collected, stored, and shared in the ITDS, consistent with laws applicable to the collection and protection of import and export information. The Interagency Steering Committee shall periodically review the data elements in order to update the standard set of data elements, as necessary.

"(B) COMMITMENTS AND OBLIGATIONS.—The Interagency Steering Committee shall ensure that the ITDS data requirements are compatible with the commitments and obligations of the United States as a member of the World Customs Organization (WCO) and the World Trade Organization (WTO) for the entry and movement of cargo.

"(3) INTERAGENCY STEERING COMMITTEE.—There is established an Interagency Steering Committee (in this section, referred to as the 'Committee'). The members of the Committee shall include the Secretary (who shall serve as the chairperson of the Committee), the Director of the Office of Management and Budget, and the head of each agency participating in the ITDS. The Committee shall assist the Secretary in overseeing the implementation of, and participation in, the ITDS.

"(4) REPORT.—The President shall submit a report before the end of each fiscal year to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. Each report shall include information on—

"(A) the status of the ITDS implementation;

"(B) the extent of participation in the ITDS by Federal agencies;

"(C) the remaining barriers to any agency's participation;

"(D) the consistency of the ITDS with applicable standards established by the World Customs Organization and the World Trade Organization;

"(E) recommendations for technological and other improvements to the ITDS; and

"(F) the status of the development, implementation, and management of the Automated Commercial Environment within the United States Customs and Border Protection.

"(5) SENSE OF CONGRESS.—It is the sense of Congress that agency participation in the ITDS is an important priority of the Federal Government and that the Secretary shall coordinate the operation of the ITDS closely among the participating agencies and the office within the United States Customs and Border Protection that is responsible for maintaining the ITDS.

"(6) CONSTRUCTION.—Nothing in this section shall be construed as amending or modifying subsection (g) of section 301 of title 13, United States Code.

"(7) DEFINITION.—The term 'Commercial Operations Advisory Committee' means the Advisory Committee established pursuant to section

9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) or any successor committee.''.

SEC. 406. IN-BOND CARGO.

Title IV of the Tariff Act of 1930 is amended by inserting after section 553 the following:

"SEC. 553A. REPORT ON IN-BOND CARGO.

''(a) REPORT.—Not later than June 30, 2007, the Commissioner shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Finance of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Ways and Means of the House of Representatives that includes—

''(1) a plan for closing in-bond entries at the port of arrival;

''(2) an assessment of the personnel required to ensure 100 percent reconciliation of in-bond entries between the port of arrival and the port of destination or exportation;

''(3) an assessment of the status of investigations of overdue in-bond shipments and an evaluation of the resources required to ensure adequate investigation of overdue in-bond shipments;

''(4) a plan for tracking in-bond cargo within the Automated Commercial Environment (ACE);

''(5) an assessment of whether any particular technologies should be required in the transport of in-bond cargo;

''(6) an assessment of whether ports of arrival should require any additional information regarding shipments of in-bond cargo;

''(7) an evaluation of the criteria for targeting and examining in-bond cargo; and

''(8) an assessment of the feasibility of reducing the transit time for in-bond shipments, including an assessment of the impact of such a change on domestic and international trade.

''(b) DEFINITION.—In this section, the term 'Commissioner' means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.''.

SEC. 407. SENSE OF THE SENATE.

It is the sense of the Senate that nothing in sections 111 through 114, 121, and 201 through 236, or the amendments made by such sections, shall be construed to affect the jurisdiction of any Standing Committee of the Senate.

TITLE V—DOMESTIC NUCLEAR DETECTION OFFICE

SEC. 501. ESTABLISHMENT OF DOMESTIC NUCLEAR DETECTION OFFICE.

(a) ESTABLISHMENT OF OFFICE.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XVIII—DOMESTIC NUCLEAR DETECTION OFFICE

"SEC. 1801. DOMESTIC NUCLEAR DETECTION OFFICE.

''(a) ESTABLISHMENT.—There shall be established in the Department a Domestic Nuclear Detection Office (referred to in this title as the 'Office'). The Secretary may request that the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Attorney General, the Nuclear Regulatory Commission, and the directors of other Federal agencies, including elements of the Intelligence Community, provide for the reimbursable detail of personnel with relevant expertise to the Office.

''(b) DIRECTOR.—The Office shall be headed by a Director for Domestic Nuclear Detection, who shall be appointed by the President.

"SEC. 1802. MISSION OF OFFICE.

''(a) MISSION.—The Office shall be responsible for coordinating Federal efforts to detect and protect against the unauthorized importation, possession, storage, transportation, development, or use of a nuclear explosive device, fissile material, or radiological material in the United States, and to protect against attack using such devices or materials against the people, territory, or interests of the United States and, to this end, shall—

''(1) serve as the primary entity of the United States Government to further develop, acquire, and support the deployment of an enhanced domestic system to detect and report on attempts to import, possess, store, transport, develop, or use an unauthorized nuclear explosive device, fissile material, or radiological material in the United States, and improve that system over time;

''(2) enhance and coordinate the nuclear detection efforts of Federal, State, local, and tribal governments and the private sector to ensure a managed, coordinated response;

''(3) establish, with the approval of the Secretary and in coordination with the Attorney General, the Secretary of Defense, and the Secretary of Energy, additional protocols and procedures for use within the United States to ensure that the detection of unauthorized nuclear explosive devices, fissile material, or radiological material is promptly reported to the Attorney General, the Secretary, the Secretary of Defense, the Secretary of Energy, and other appropriate officials or their respective designees for appropriate action by law enforcement, military, emergency response, or other authorities;

''(4) develop, with the approval of the Secretary and in coordination with the Attorney General, the Secretary of State, the Secretary of Defense, and the Secretary of Energy, an enhanced global nuclear detection architecture with implementation under which—

''(A) the Office will be responsible for the implementation of the domestic portion of the global architecture;

''(B) the Secretary of Defense will retain responsibility for implementation of Department of Defense requirements within and outside the United States; and

''(C) the Secretary of State, the Secretary of Defense, and the Secretary of Energy will maintain their respective responsibilities for policy guidance and implementation of the portion of the global architecture outside the United States, which will be implemented consistent with applicable law and relevant international arrangements;

''(5) ensure that the expertise necessary to accurately interpret detection data is made available in a timely manner for all technology deployed by the Office to implement the global nuclear detection architecture;

''(6) conduct, support, coordinate, and encourage an aggressive, expedited, evolutionary, and transformational program of research and development to generate and improve technologies to detect and prevent the illicit entry, transport, assembly, or potential use within the United States of a nuclear explosive device or fissile or radiological material, and coordinate with the Under Secretary for Science and Technology on basic and advanced or transformational research and development efforts relevant to the mission of both organizations;

''(7) carry out a program to test and evaluate technology for detecting a nuclear explosive device and fissile or radiological material, in coordination with the Secretary of Defense and the Secretary of Energy, as appropriate, and establish performance metrics for evaluating the effectiveness of individual detectors and detection systems in detecting such devices or material—

''(A) under realistic operational and environmental conditions; and

''(B) against realistic adversary tactics and countermeasures;

''(8) support and enhance the effective sharing and use of appropriate information generated by the intelligence community, law enforcement agencies, counterterrorism community, other government agencies, and foreign governments, as well as provide appropriate information to such entities;

''(9) further enhance and maintain continuous awareness by analyzing information from all Office mission-related detection systems; and

''(10) perform other duties as assigned by the Secretary.

"SEC. 1803. HIRING AUTHORITY.

''In hiring personnel for the Office, the Secretary shall have the hiring and management authorities provided in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note). The term of appointments for employees under subsection (c)(1) of such section may not exceed 5 years before granting any extension under subsection (c)(2) of such section.

"SEC. 1804. TESTING AUTHORITY.

''(a) IN GENERAL.—The Director shall coordinate with the responsible Federal agency or other entity to facilitate the use by the Office, by its contractors, or by other persons or entities, of existing Government laboratories, centers, ranges, or other testing facilities for the testing of materials, equipment, models, computer software, and other items as may be related to the missions identified in section 1802. Any such use of Government facilities shall be carried out in accordance with all applicable laws, regulations, and contractual provisions, including those governing security, safety, and environmental protection, including, when applicable, the provisions of section 309. The Office may direct that private sector entities utilizing Government facilities in accordance with this section pay an appropriate fee to the agency that owns or operates those facilities to defray additional costs to the Government resulting from such use.

''(b) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed with services made available shall be confidential and shall not be disclosed outside the Federal Government without the consent of the persons for whom the tests are performed.

''(c) FEES.—Fees for services made available under this section shall not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

''(d) USE OF FEES.—Fees received for services made available under this section may be credited to the appropriation from which funds were expended to provide such services.

"SEC. 1805. RELATIONSHIP TO OTHER DEPARTMENT ENTITIES AND FEDERAL AGENCIES.

''The authority of the Director under this title shall not affect the authorities or responsibilities of any officer of the Department or of any officer of any other department or agency of the United States with respect to the command, control, or direction of the functions, personnel, funds, assets, and liabilities of any entity within the Department or any Federal department or agency.

"SEC. 1806. CONTRACTING AND GRANT MAKING AUTHORITIES.

''The Secretary, acting through the Director for Domestic Nuclear Detection, in carrying out the responsibilities under paragraphs (6) and (7) of section 1802(a), shall—

''(1) operate extramural and intramural programs and distribute funds through grants, cooperative agreements, and other transactions and contracts;

"(2) ensure that activities under paragraphs (6) and (7) of section 1802(a) include investigations of radiation detection equipment in configurations suitable for deployment at seaports, which may include underwater or water surface detection equipment and detection equipment that can be mounted on cranes and straddle cars used to move shipping containers; and

"(3) have the authority to establish or contract with 1 or more federally funded research and development centers to provide independent analysis of homeland security issues and carry out other responsibilities under this title.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 103(d) (6 U.S.C. 113(d)), by adding at the end the following:

"(5) A Director for Domestic Nuclear Detection.";

(2) in section 302 (6 U.S.C. 182)—

(A) in paragraph (2), by striking "radiological, nuclear"; and

(B) in paragraph (5)(A), by striking "radiological, nuclear"; and

(3) in the table of contents, by adding at the end the following:

"TITLE XVIII—DOMESTIC NUCLEAR DETECTION OFFICE

"Sec. 1801. Domestic Nuclear Detection Office.
"Sec. 1802. Mission of Office.
"Sec. 1803. Hiring authority.
"Sec. 1804. Testing authority.
"Sec. 1805. Relationship to other Department entities and Federal agencies.
"Sec. 1806. Contracting and grant making authorities.".

SEC. 502. TECHNOLOGY RESEARCH AND DEVELOPMENT INVESTMENT STRATEGY FOR NUCLEAR AND RADIOLOGICAL DETECTION.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary, the Secretary of Energy, the Secretary of Defense, and the Director of National Intelligence shall submit to Congress a research and development investment strategy for nuclear and radiological detection.

(b) CONTENTS.—The strategy under subsection (a) shall include—

(1) a long term technology roadmap for nuclear and radiological detection applicable to the mission needs of the Department, the Department of Energy, the Department of Defense, and the Office of the Director of National Intelligence;

(2) budget requirements necessary to meet the roadmap; and

(3) documentation of how the Department, the Department of Energy, the Department of Defense, and the Office of the Director of National Intelligence will execute this strategy.

(c) INITIAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on—

(1) the impact of this title, and the amendments made by this title, on the responsibilities under section 302 of the Homeland Security Act of 2002 (6 U.S.C. 182); and

(2) the efforts of the Department to coordinate, integrate, and establish priorities for conducting all basic and applied research, development, testing, and evaluation of technology and systems to detect, prevent, protect, and respond to chemical, biological, radiological, and nuclear terrorist attacks.

(d) ANNUAL REPORT.—The Director for Domestic Nuclear Detection and the Under Secretary for Science and Technology shall jointly and annually notify Congress that the strategy and technology road map for nuclear and radiological detection developed under subsections (a) and (b) is consistent with the national policy and strategic plan for identifying priorities, goals, objectives, and policies for coordinating the Federal Government's civilian efforts to identify and develop countermeasures to terrorist threats from weapons of mass destruction that are required under section 302(2) of the Homeland Security Act of 2002 (6 U.S.C. 182(2)).

TITLE VI—COMMERCIAL MOBILE SERVICE ALERTS

SEC. 601. SHORT TITLE.

This title may be cited as the "Warning, Alert, and Response Network Act".

SEC. 602. FEDERAL COMMUNICATIONS COMMISSION DUTIES.

(a) COMMERCIAL MOBILE SERVICE ALERT REGULATIONS.—Within 180 days after the date on which the Commercial Mobile Service Alert Advisory Committee, established pursuant to section 603(a), transmits recommendations to the Federal Communications Commission, the Commission shall complete a proceeding to adopt relevant technical standards, protocols, procedures, and other technical requirements based on the recommendations of such Advisory Committee necessary to enable commercial mobile service alerting capability for commercial mobile service providers that voluntarily elect to transmit emergency alerts. The Commission shall consult with the National Institute of Standards and Technology regarding the adoption of technical standards under this subsection.

(b) COMMERCIAL MOBILE SERVICE ELECTION.—

(1) AMENDMENT OF COMMERCIAL MOBILE SERVICE LICENSE.—Within 120 days after the date on which the Federal Communications Commission adopts relevant technical standards and other technical requirements pursuant to subsection (a), the Commission shall complete a proceeding—

(A) to allow any licensee providing commercial mobile service (as defined in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1))) to transmit emergency alerts to subscribers to, or users of, the commercial mobile service provided by such licensee;

(B) to require any licensee providing commercial mobile service that elects, in whole or in part, under paragraph (2) not to transmit emergency alerts to provide clear and conspicuous notice at the point of sale of any devices with which its commercial mobile service is included, that it will not transmit such alerts via the service it provides for the device; and

(C) to require any licensee providing commercial mobile service that elects under paragraph (2) not to transmit emergency alerts to notify its existing subscribers of its election.

(2) ELECTION.—

(A) IN GENERAL.—Within 30 days after the Commission issues its order under paragraph (1), each licensee providing commercial mobile service shall file an election with the Commission with respect to whether or not it intends to transmit emergency alerts.

(B) TRANSMISSION STANDARDS; NOTIFICATION.—If a licensee providing commercial mobile service elects to transmit emergency alerts via its commercial mobile service, the licensee shall—

(i) notify the Commission of its election; and

(ii) agree to transmit such alerts in a manner consistent with the technical standards, protocols, procedures, and other technical requirements implemented by the Commission.

(C) NO FEE FOR SERVICE.—A commercial mobile service licensee that elects to transmit emergency alerts may not impose a separate or additional charge for such transmission or capability.

(D) WITHDRAWAL; LATE ELECTION.—The Commission shall establish a procedure—

(i) for a commercial mobile service licensee that has elected to transmit emergency alerts to withdraw its election without regulatory penalty or forfeiture upon advance written notification of the withdrawal to its affected subscribers;

(ii) for a commercial mobile service licensee to elect to transmit emergency alerts at a date later than provided in subparagraph (A); and

(iii) under which a subscriber may terminate a subscription to service provided by a commercial mobile service licensee that withdraws its election without penalty or early termination fee.

(E) CONSUMER CHOICE TECHNOLOGY.—Any commercial mobile service licensee electing to transmit emergency alerts may offer subscribers the capability of preventing the subscriber's device from receiving such alerts, or classes of such alerts, other than an alert issued by the President. Within 2 years after the Commission completes the proceeding under paragraph (1), the Commission shall examine the issue of whether a commercial mobile service provider should continue to be permitted to offer its subscribers such capability. The Commission shall submit a report with its recommendations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(c) DIGITAL TELEVISION TRANSMISSION TOWERS RETRANSMISSION CAPABILITY.—Within 90 days after the date on which the Commission adopts relevant technical standards based on recommendations of the Commercial Mobile Service Alert Advisory Committee, established pursuant to section 603(a), the Commission shall complete a proceeding to require licensees and permittees of noncommercial educational broadcast stations or public broadcast stations (as those terms are defined in section 397(6) of the Communications Act of 1934 (47 U.S.C. 397(6))) to install necessary equipment and technologies on, or as part of, any broadcast television digital signal transmitter to enable the distribution of geographically targeted alerts by commercial mobile service providers that have elected to transmit emergency alerts under this section.

(d) FCC REGULATION OF COMPLIANCE.—The Federal Communications Commission may enforce compliance with this title but shall have no rulemaking authority under this title, except as provided in subsections (a), (b), (c), and (f).

(e) LIMITATION OF LIABILITY.—

(1) IN GENERAL.—Any commercial mobile service provider (including its officers, directors, employees, vendors, and agents) that transmits emergency alerts and meets its obligations under this title shall not be liable to any subscriber to, or user of, such person's service or equipment for—

(A) any act or omission related to or any harm resulting from the transmission of, or failure to transmit, an emergency alert; or

(B) the release to a government agency or entity, public safety, fire service, law enforcement official, emergency medical service, or emergency facility of subscriber information used in connection with delivering such an alert.

(2) ELECTION NOT TO TRANSMIT ALERTS.—The election by a commercial mobile service provider under subsection (b)(2)(A) not to transmit emergency alerts, or to withdraw its election to transmit such alerts under subsection (b)(2)(D) shall not, by itself, provide a basis for liability against the provider (including its officers, directors, employees, vendors, and agents).

(f) TESTING.—The Commission shall require by regulation technical testing for commercial mobile service providers that elect to transmit emergency alerts and for the devices and equipment used by such providers for transmitting such alerts.

SEC. 603. COMMERCIAL MOBILE SERVICE ALERT ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the chairman of the Federal Communications Commission shall establish an advisory committee, to

be known as the Commercial Mobile Service Alert Advisory Committee (referred to in this section as the "Advisory Committee").

(b) MEMBERSHIP.—The chairman of the Federal Communications Commission shall appoint the members of the Advisory Committee, as soon as practicable after the date of enactment of this Act, from the following groups:

(1) STATE AND LOCAL GOVERNMENT REPRESENTATIVES.—Representatives of State and local governments and representatives of emergency response providers, selected from among individuals nominated by national organizations representing such governments and personnel.

(2) TRIBAL GOVERNMENTS.—Representatives from Federally recognized Indian tribes and National Indian organizations.

(3) SUBJECT MATTER EXPERTS.—Individuals who have the requisite technical knowledge and expertise to serve on the Advisory Committee in the fulfillment of its duties, including representatives of—

(A) communications service providers;

(B) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;

(C) third-party service bureaus;.

(D) technical experts from the broadcasting industry;

(E) the national organization representing the licensees and permittees of noncommercial broadcast television stations;

(F) national organizations representing individuals with special needs, including individuals with disabilities and the elderly; and

(G) other individuals with relevant technical expertise.

(4) QUALIFIED REPRESENTATIVES OF OTHER STAKEHOLDERS AND INTERESTED PARTIES.—Qualified representatives of such other stakeholders and interested and affected parties as the chairman deems appropriate.

(c) DEVELOPMENT OF SYSTEM-CRITICAL RECOMMENDATIONS.—Within 1 year after the date of enactment of this Act, the Advisory Committee shall develop and submit to the Federal Communications Commission recommendations—

(1) for protocols, technical capabilities, and technical procedures through which electing commercial mobile service providers receive, verify, and transmit alerts to subscribers;.

(2) for the establishment of technical standards for priority transmission of alerts by electing commercial mobile service providers to subscribers;

(3) for relevant technical standards for devices and equipment and technologies used by electing commercial mobile service providers to transmit emergency alerts to subscribers;

(4) for the technical capability to transmit emergency alerts by electing commercial mobile providers to subscribers in languages in addition to English, to the extent practicable and feasible;

(5) under which electing commercial mobile service providers may offer subscribers the capability of preventing the subscriber's device from receiving emergency alerts, or classes of such alerts, (other than an alert issued by the President), consistent with section 602(b)(2)(E);

(6) for a process under which commercial mobile service providers can elect to transmit emergency alerts if—

(A) not all of the devices or equipment used by such provider are capable of receiving such alerts; or

(B) the provider cannot offer such alerts throughout the entirety of its service area; and

(7) as otherwise necessary to enable electing commercial mobile service providers to transmit emergency alerts to subscribers.

(d) MEETINGS.—

(1) INITIAL MEETING.—The initial meeting of the Advisory Committee shall take place not later than 60 days after the date of the enactment of this Act.

(2) OTHER MEETINGS.—After the initial meeting, the Advisory Committee shall meet at the call of the chair.

(3) NOTICE; OPEN MEETINGS.—Any meetings held by the Advisory Committee shall be duly noticed at least 14 days in advance and shall be open to the public.

(e) RULES.—

(1) QUORUM.—One-third of the members of the Advisory Committee shall constitute a quorum for conducting business of the Advisory Committee.

(2) SUBCOMMITTEES.—To assist the Advisory Committee in carrying out its functions, the chair may establish appropriate subcommittees composed of members of the Advisory Committee and other subject matter experts as deemed necessary.

(3) ADDITIONAL RULES.—The Advisory Committee may adopt other rules as needed.

(f) FEDERAL ADVISORY COMMITTEE ACT.—Neither the Federal Advisory Committee Act (5 U.S.C. App.) nor any rule, order, or regulation promulgated under that Act shall apply to the Advisory Committee.

(g) CONSULTATION WITH NIST.—The Advisory Committee shall consult with the National Institute of Standards and Technology in its work on developing recommendations under paragraphs (2) and (3) of subsection (c).

SEC. 604. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Under Secretary of Homeland Security for Science and Technology, in consultation with the director of the National Institute of Standards and Technology and the chairman of the Federal Communications Commission, shall establish a research, development, testing, and evaluation program based on the recommendations of the Commercial Mobile Service Alert Advisory Committee, established pursuant to section 603(a), to support the development of technologies to increase the number of commercial mobile service devices that can receive emergency alerts.

(b) FUNCTIONS.—The program established under subsection (a) shall—

(1) fund research, development, testing, and evaluation at academic institutions, private sector entities, government laboratories, and other appropriate entities; and

(2) ensure that the program addresses, at a minimum—

(A) developing innovative technologies that will transmit geographically targeted emergency alerts to the public; and

(B) research on understanding and improving public response to warnings.

SEC. 605. GRANT PROGRAM FOR REMOTE COMMUNITY ALERT SYSTEMS.

(a) GRANT PROGRAM.—The Under Secretary of Commerce for Oceans and Atmosphere, in consultation with the Secretary of Homeland Security, shall establish a program under which grants may be made to provide for outdoor alerting technologies in remote communities effectively unserved by commercial mobile service (as determined by the Federal Communications Commission within 180 days after the date of enactment of this Act) for the purpose of enabling residents of those communities to receive emergency alerts.

(b) APPLICATIONS AND CONDITIONS.—In conducting the program, the Under Secretary—

(1) shall establish a notification and application procedure; and

(2) may establish such conditions, and require such assurances, as may be appropriate to ensure the efficiency and integrity of the grant program.

(c) SUNSET.—The Under Secretary may not make grants under subsection (a) more than 5 years after the date of enactment of this Act.

(d) LIMITATION.—The sum of the amounts awarded for all fiscal years as grants under this section may not exceed $10,000,000.

SEC. 606. FUNDING.

(a) IN GENERAL.—In addition to any amounts provided by appropriation Acts, funding for this title shall be provided from the Digital Transition and Public Safety Fund in accordance with section 3010 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

(b) COMPENSATION.—The Assistant Secretary of Commerce for Communications and Information shall compensate any such broadcast station licensee or permittee for reasonable costs incurred in complying with the requirements imposed pursuant to section 602(c) from funds made available under this section. The Assistant Secretary shall ensure that sufficient funds are made available to effectuate geographically targeted alerts.

(c) CREDIT.—The Assistant Secretary of Commerce for Communications and Information, in consultation with the Under Secretary of Homeland Security for Science and Technology and the Under Secretary of Commerce for Oceans and Atmosphere, may borrow from the Treasury beginning on October 1, 2006, such sums as may be necessary, but not to exceed $106,000,000, to implement this title. The Assistant Secretary of Commerce for Communications and Information shall ensure that the Under Secretary of Homeland Security for Science and Technology and the Under Secretary of Commerce for Oceans and Atmosphere are provided adequate funds to carry out their responsibilities under sections 604 and 605 of this title. The Treasury shall be reimbursed, without interest, from amounts in the Digital Television Transition and Public Safety Fund as funds are deposited into the Fund.

SEC. 607. ESSENTIAL SERVICES DISASTER ASSISTANCE.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistdnce Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

"SEC. 425. ESSENTIAL SERVICE PROVIDERS.

"(a) DEFINITION.—In this section, the term 'essential service provider' means an entity that—

"(1) provides—

"(A) telecommunications service;

"(B) electrical power;

"(C) natural gas;

"(D) water and sewer services; or

"(E) any other essential service, as determined by the President;

"(2) is—

"(A) a municipal entity;

"(B) a nonprofit entity; or

"(C) a private, for profit entity; and

"(3) is contributing to efforts to respond to an emergency or major disaster.

"(b) AUTHORIZATION FOR ACCESSIBILITY.—Unless exceptional circumstances apply, in an emergency or major disaster, the head of a Federal agency, to the greatest extent practicable, shall not—

"(1) deny or impede access to the disaster site to an essential service provider whose access is necessary to restore and repair an essential service; or

"(2) impede the restoration or repair of the services described in subsection (a)(1).

"(c) IMPLEMENTATION.—In implementing this section, the head of a Federal agency shall follow all applicable Federal laws, regulations, and policies.".

SEC. 608. COMMUNITY DISASTER LOANS.

Section 417(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184(b)) is amended—

(1) by striking "exceed 25 per centum" and inserting the following: "exceed—

"(1) 25 percent"; and

(2) by striking the period at the end and inserting the following: "; or

"(2) if the loss of tax and other revenues of the local government as a result of the major disaster is at least 75 percent of the annual operating budget of that local government for the fiscal year in which the major disaster occurs, 50 percent of the annual operating budget of that local government for the fiscal year in which the major disaster occurs, and shall not exceed $5,000,000.".

SEC. 609. PUBLIC FACILITIES.

Section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)) is amended—

(1) in subparagraph (A), by striking "75" and inserting "90";

(2) by striking subparagraph (B); and

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

SEC. 610. EXPEDITED PAYMENTS.

Section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) is amended by adding at the end the following:

"(e) EXPEDITED PAYMENTS.—

"(1) GRANT ASSISTANCE.—In making a grant under subsection (a)(2), the President shall provide not less than 50 percent of the President's initial estimate of the Federal share of assistance as an initial payment in accordance with paragraph (2).

"(2) DATE OF PAYMENT.—Not later than 60 days after the date of the estimate described in paragraph (1) and not later than 90 days after the date on which the State or local government or owner or operator of a private nonprofit facility applies for assistance under this section, an initial payment described in paragraph (1) shall be paid.".

SEC. 611. USE OF LOCAL CONTRACTING.

Section 307(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5150), as amended by the Post-Katrina Emergency Management Reform Act of 2006, is amended by adding at the end the following:

"(3) FORMULATION OF REQUIREMENTS.—The head of a Federal agency, as feasible and practicable, shall formulate appropriate requirements to facilitate compliance with this section.".

SEC. 612. FEMA PROGRAMS.

Notwithstanding any other provision of Federal law, as of April 1, 2007, the Director of the Federal Emergency Management Agency shall be responsible for the radiological emergency preparedness program and the chemical stockpile emergency preparedness program.

SEC. 613. HOMELAND SECURITY DEFINITION.

Section 2(6) of the Homeland Security Act of 2002 (6 U.S.C. 101(6)) is amended by inserting "governmental and nongovernmental" after "local".

TITLE VII—OTHER MATTERS

SEC. 701. SECURITY PLAN FOR ESSENTIAL AIR SERVICE AND SMALL COMMUNITY AIRPORTS.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Assistant Secretary for the Transportation Security Administration shall submit to Congress a security plan for—

(1) Essential Air Service airports in the United States; and

(2) airports whose community or consortia of communities receive assistance under the Small Community Air Service Development Program authorized under section 41743 of title 49, United States Code, and maintain, resume, or obtain scheduled passenger air carrier service with assistance from that program in the United States.

(b) ELEMENTS OF PLAN.—The security plans required under subsection (a) shall include the following:

(1) Recommendations for improved security measures at such airports.

(2) Recommendations for proper passenger and cargo security screening procedures at such airports.

(3) A timeline for implementation of recommended security measures or procedures at such airports.

(4) Cost analysis for implementation of recommended security measures or procedures at such airports.

SEC. 702. DISCLOSURES REGARDING HOMELAND SECURITY GRANTS.

(a) DEFINITIONS.—In this section:

(1) HOMELAND SECURITY GRANT.—The term "homeland security grant" means any grant made or administered by the Department, including—

(A) the State Homeland Security Grant Program;

(B) the Urban Area Security Initiative Grant Program;

(C) the Law Enforcement Terrorism Prevention Program;

(D) the Citizen Corps; and

(E) the Metropolitan Medical Response System.

(2) LOCAL GOVERNMENT.—The term "local government" has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(b) REQUIRED DISCLOSURES.—Each State or local government that receives a homeland security grant shall, not later than 12 months after the later of the date of the enactment of this Act and the date of receipt of such grant, and every 12 months thereafter until all funds provided under such grant are expended, submit a report to the Secretary that contains a list of all expenditures made by such State or local government using funds from such grant.

SEC. 703. TRUCKING SECURITY.

(a) LEGAL STATUS VERIFICATION FOR LICENSED UNITED STATES COMMERCIAL DRIVERS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation, in cooperation with the Secretary, shall issue regulations to implement the recommendations contained in the memorandum of the Inspector General of the Department of Transportation issued on June 4, 2004 (Control No. 2004–054).

(b) COMMERCIAL DRIVER'S LICENSE ANTIFRAUD PROGRAMS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation, in cooperation with the Secretary, shall issue a regulation to implement the recommendations contained in the Report on Federal Motor Carrier Safety Administration Oversight of the Commercial Driver's License Program (MH–2006–037).

(c) VERIFICATION OF COMMERCIAL MOTOR VEHICLE TRAFFIC.—

(1) GUIDELINES.—Not later than 18 months after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall draft guidelines for Federal, State, and local law enforcement officials, including motor carrier safety enforcement personnel, on how to identify noncompliance with Federal laws uniquely applicable to commercial motor vehicles and commercial motor vehicle operators engaged in cross-border traffic and communicate such noncompliance to the appropriate Federal authorities. Such guidelines shall be coordinated with the training and outreach activities of the Federal Motor Carrier Safety Administration under section 4139 of SAFETEA-LU (Public Law 109–59).

(2) VERIFICATION.—Not later than 18 months after the date of the enactment of this Act, the Administrator of the Federal Motor Carrier Safety Administration shall modify the final rule regarding the enforcement of operating authority (Docket No. FMCSA–2002–13015) to establish a system or process by which a carrier's operating authority can be verified during a roadside inspection.

SEC. 704. AIR AND MARINE OPERATIONS OF THE NORTHERN BORDER AIR WING.

In addition to any other amounts authorized to be appropriated for Air and Marine Operations of United States Customs and Border Protection for fiscal year 2008, there are authorized to be appropriated such sums as may be necessary for operation expenses and aviation assets, for primary and secondary sites, of the Northern Border Air Wing Branch in Great Falls, Montana.

SEC. 705. PHASEOUT OF VESSELS SUPPORTING OIL AND GAS DEVELOPMENT.

(a) IN GENERAL.—Notwithstanding section 12105(c) of title 46, United States Code, a foreign-flag vessel may be chartered by, or on behalf of, a lessee to be employed for the setting, relocation, or recovery of anchors or other mooring equipment of a mobile offshore drilling unit that is located over the Outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)) for operations in support of exploration, or flowtesting and stimulation of wells, for offshore mineral or energy resources in the Beaufort Sea or the Chukchi Sea adjacent to Alaska—

(1) until December 31, 2009, if the Secretary of Transportation determines after publishing notice in the Federal Register, that insufficient vessels documented under section 12105(c) of title 46, United States Code, are reasonably available and suitable for these support operations and all such reasonably available and suitable vessels are employed in support of such operations; and

(2) for an additional 2-year period beginning January 1, 2010, if the Secretary of Transportation determines —

(A) as of December 31, 2009, the lessee has entered into a binding agreement to employ an eligible vessel or vessels to be documented under section 12105(c) of title 46, United States Code, in sufficient numbers and with sufficient suitability to replace any vessel or vessels operating under this section; and

(B) after publishing notice in the Federal Register, that insufficient vessels documented under section 12105(c) of title 46, United States Code, are reasonably available and suitable for these support operations and all such reasonably available and suitable vessels are employed in support of such operations.

(b) LESSEE DEFINED.—In this section, the term "lessee" means the holder of a lease (as defined in section 1331(c) of title 43, United States Code).

(c) SAVINGS PROVISION.—Nothing in subsection (a) may be construed to authorize the employment in the coastwise trade of a vessel that does not meet the requirements of section 12106 of title 46, United States Code.

SEC. 706. COAST GUARD PROPERTY IN PORTLAND, MAINE.

Section 347(c) of the Maritime Transportation Security Act of 2002 (Public Law 107–295; 116 Stat. 2109) is amended by striking "within 30 months from the date of conveyance" and inserting "by December 31, 2009".

SEC. 707. METHAMPHETAMINE AND METHAMPHETAMINE PRECURSOR CHEMICALS.

(a) COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.—As part of the annual performance plan required in the budget submission of the United States Customs and Border Protection under section 1115 of title 31, United States Code, the Commissioner shall establish performance indicators relating to the seizure of methamphetamine and methamphetamine precursor chemicals in order to evaluate the performance *goals of the United States Customs and Border Protection with respect to the interdiction of illegal drugs entering the United States.*

(b) STUDY AND REPORT RELATING TO METHAMPHETAMINE AND METHAMPHETAMINE PRECURSOR CHEMICALS.—

(1) ANALYSIS.—The Commissioner shall, on an ongoing basis, analyze the movement of methamphetamine and methamphetamine precursor chemicals into the United States. In conducting the analysis, the Commissioner shall—

(A) consider the entry of methamphetamine and methamphetamine precursor chemicals through ports of entry, between ports of entry, through international mails, and through international courier services;

(B) examine the export procedures of each foreign country where the shipments of methamphetamine and methamphetamine precursor chemicals originate and determine if changes in the country's customs over time provisions would alleviate the export of methamphetamine and methamphetamine precursor chemicals; and

(C) identify emerging trends in smuggling techniques and strategies.

(2) REPORT.—Not later than September 30, 2007, and each 2-year period thereafter, the Commissioner, in the consultation with the Attorney General, United States Immigration and Customs Enforcement, the United States Drug Enforcement Administration, and the United States Department of State, shall submit a report to the Committee on Finance of the Senate, the Committee on Foreign Relations of the Senate, the Committee on the Judiciary of the Senate, the Committee on Ways and Means of the House of Representatives, the Committee on International Relations of the House of Representatives, and the Committee on the Judiciary of the House of Representatives, that includes—

(A) a comprehensive summary of the analysis described in paragraph (1); and

(B) a description of how the Untied States Customs and Border Protection utilized the analysis described in paragraph (1) to target shipments presenting a high risk for smuggling or circumvention of the Combat Methamphetamine Epidemic Act of 2005 (Public Law 109–177).

(3) AVAILABILITY OF ANALYSIS.—The Commissioner shall ensure that the analysis described in paragraph (1) is made available in a timely manner to the Secretary of State to facilitate the Secretary in fulfilling the Secretary's reporting requirements in section 722 of the Combat Methamphetamine Epidemic Act of 2005.

(c) DEFINITION.—In this section, the term "methamphetamine precursor chemicals" means the chemicals ephedrine, pseudoephedrine, or phenylpropanolamine, including each of the salts, optical isomers, and salts of optical isomers of such chemicals.

SEC. 708. AIRCRAFT CHARTER CUSTOMER AND LESSEE PRESCREENING PROGRAM.

(a) IMPLEMENTATION STATUS.—Not later than 270 days after the implementation of the Department's aircraft charter customer and lessee prescreening process required under section 44903(j)(2) of title 49, United States Code, the Comptroller General of the United States shall—

(1) assess the status and implementation of the program and the use of the program by the general aviation charter and rental community; and

(2) submit a report containing the findings, conclusions, and recommendations, if any, of such assessment to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Homeland Security of the House of Representatives; and

(C) the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 709. PROTECTION OF HEALTH AND SAFETY DURING DISASTERS.

(a) DEFINITIONS.—In this section:

(1) CERTIFIED MONITORING PROGRAM.—The term "certified monitoring program" means a medical monitoring program—

(A) in which a participating responder is a participant as a condition of the employment of such participating responder; and

(B) that the Secretary of Health and Human Services certifies includes an adequate baseline medical screening.

(2) DISASTER AREA.—The term "disaster area" means an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), during the period of such declaration.

(3) HIGH EXPOSURE LEVEL.—The term "high exposure level" means a level of exposure to a substance of concern that is for such a duration, or of such a magnitude, that adverse effects on human health can be reasonably expected to occur, as determined by the President, acting through the Secretary of Health and Human Services, in accordance with human monitoring or environmental or other appropriate indicators.

(4) INDIVIDUAL.—The term "individual" includes—

(A) a worker or volunteer who responds to a disaster, either natural or manmade, involving any mode of transportation in the United States or disrupting the transportation system of the United States, including—

(i) a police officer;

(ii) a firefighter;

(iii) an emergency medical technician;

(iv) any participating member of an urban search and rescue team; and

(v) any other relief or rescue worker or volunteer that the President, acting through the Secretary of Health and Human Services, determines to be appropriate;

(B) a worker who responds to a disaster, either natural or manmade, involving any mode of transportation in the United States or disrupting the transportation system of the United States, by assisting in the cleanup or restoration of critical infrastructure in and around a disaster area;

(C) a person whose place of residence is in a disaster area, caused by either a natural or manmade disaster involving any mode of transportation in the United States or disrupting the transportation system of the United States;

(D) a person who is employed in or attends school, child care, or adult day care in a building located in a disaster area, caused by either a natural or manmade disaster involving any mode of transportation in the United States or disrupting the transportation system of the United States, of the United States; and

(E) any other person that the President, acting through the Secretary of Health and Human Services, determines to be appropriate.

(5) PARTICIPATING RESPONDER.—The term "participating responder" means an individual described in paragraph (4)(A).

(6) PROGRAM.—The term "program" means a program described in subsection (b) that is carried out for a disaster area.

(7) SUBSTANCE OF CONCERN.—The term "substance of concern" means a chemical or other substance that is associated with potential acute or chronic human health effects, the risk of exposure to which could potentially be increased as the result of a disaster, as determined by the President, acting through the Secretary of Health and Human Services, and in coordination with the Agency for Toxic Substances and Disease Registry, the Environmental Protection Agency, the Centers for Disease Control and Prevention, the National Institutes of Health, the Federal Emergency Management Agency, the Occupational Health and Safety Administration, and other agencies.

(b) PROGRAM.—

(1) IN GENERAL.—If the President, acting through the Secretary of Health and Human Services, determines that 1 or more substances of concern are being, or have been, released in an area declared to be a disaster area and disrupts the transportation system of the United States, the President, acting through the Secretary of Health and Human Services, may carry out a program for the coordination, protection, assessment, monitoring, and study of the health and safety of individuals with high exposure levels to ensure that—

(A) the individuals are adequately informed about and protected against potential health impacts of any substance of concern in a timely manner;

(B) the individuals are monitored and studied over time, including through baseline and followup clinical health examinations, for—

(i) any short- and long-term health impacts of any substance of concern; and

(ii) any mental health impacts;

(C) the individuals receive health care referrals as needed and appropriate; and

(D) information from any such monitoring and studies is used to prevent or protect against similar health impacts from future disasters.

(2) ACTIVITIES.—A program under paragraph (1) may include such activities as—

(A) collecting and analyzing environmental exposure data;

(B) developing and disseminating information and educational materials;

(C) performing baseline and followup clinical health and mental health examinations and taking biological samples;

(D) establishing and maintaining an exposure registry;

(E) studying the short- and long-term human health impacts of any exposures through epidemiological and other health studies; and

(F) providing assistance to individuals in determining eligibility for health coverage and identifying appropriate health services.

(3) TIMING.—To the maximum extent practicable, activities under any program carried out under paragraph (1) (including baseline health examinations) shall be commenced in a timely manner that will ensure the highest level of public health protection and effective monitoring.

(4) PARTICIPATION IN REGISTRIES AND STUDIES.—

(A) IN GENERAL.—Participation in any registry or study that is part of a program carried out under paragraph (1) shall be voluntary.

(B) PROTECTION OF PRIVACY.—The President, acting through the Secretary of Health and Human Services, shall take appropriate measures to protect the privacy of any participant in a registry or study described in subparagraph (A).

(C) PRIORITY.—

(i) IN GENERAL.—Except as provided in clause (ii), the President, acting through the Secretary of Health and Human Services, shall give priority in any registry or study described in subparagraph (A) to the protection, monitoring and study of the health and safety of individuals with the highest level of exposure to a substance of concern.

(ii) MODIFICATIONS.—Notwithstanding clause (i), the President, acting through the Secretary of Health and Human Services, may modify the priority of a registry or study described in subparagraph (A), if the President, acting through the Secretary of Health and Human Services, determines such modification to be appropriate.

(5) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The President, acting through the Secretary of Health and Human

Services, may carry out a program under paragraph (1) through a cooperative agreement with a medical institution, including a local health department, or a consortium of medical institutions.

(B) SELECTION CRITERIA.—To the maximum extent practicable, the President, acting through the Secretary of Health and Human Services, shall select, to carry out a program under paragraph (1), a medical institution or a consortium of medical institutions that—

(i) is located near—

(I) the disaster area with respect to which the program is carried out; and

(II) any other area in which there reside groups of individuals that worked or volunteered in response to the disaster; and

(ii) has appropriate experience in the areas of environmental or occupational health, toxicology, and safety, including experience in—

(I) developing clinical protocols and conducting clinical health examinations, including mental health assessments;

(II) conducting long-term health monitoring and epidemiological studies;

(III) conducting long-term mental health studies; and

(IV) establishing and maintaining medical surveillance programs and environmental exposure or disease registries.

(6) INVOLVEMENT.—

(A) IN GENERAL.—In carrying out a program under paragraph (1), the President, acting through the Secretary of Health and Human Services, shall involve interested and affected parties, as appropriate, including representatives of—

(i) Federal, State, and local government agencies;

(ii) groups of individuals that worked or volunteered in response to the disaster in the disaster area;

(iii) local residents, businesses, and schools (including parents and teachers);

(iv) health care providers;

(v) faith based organizations; and

(vi) other organizations and persons.

(B) COMMITTEES.—Involvement under subparagraph (A) may be provided through the establishment of an advisory or oversight committee or board.

(7) PRIVACY.—The President, acting through the Secretary of Health and Human Services, shall carry out each program under paragraph (1) in accordance with regulations relating to privacy promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note; Public Law 104–191).

(8) EXISTING PROGRAMS.—In carrying out a program under paragraph (1), the President, acting through the Secretary of Health and Human Services, may—

(A) include the baseline clinical health examination of a participating responder under a certified monitoring programs; and

(B) substitute the baseline clinical health examination of a participating responder under a certified monitoring program for a baseline clinical health examination under paragraph (1).

(c) REPORTS.—Not later than 1 year after the establishment of a program under subsection (b)(1), and every 5 years thereafter, the President, acting through the Secretary of Health and Human Services, or the medical institution or consortium of such institutions having entered into a cooperative agreement under subsection (b)(5), may submit a report to the Secretary of Homeland Security, the Secretary of Labor, the Administrator of the Environmental Protection Agency, and appropriate committees of Congress describing the programs and studies carried out under the program.

(d) NATIONAL ACADEMY OF SCIENCES REPORT ON DISASTER AREA HEALTH AND ENVIRONMENTAL PROTECTION AND MONITORING.—

(1) IN GENERAL.—The Secretary of Health and Human Services, the Secretary of Homeland Security, and the Administrator of the Environmental Protection Agency shall jointly enter into a contract with the National Academy of Sciences to conduct a study and prepare a report on disaster area health and environmental protection and monitoring.

(2) PARTICIPATION OF EXPERTS.—The report under paragraph (1) shall be prepared with the participation of individuals who have expertise in—

(A) environmental health, safety, and medicine;

(B) occupational health, safety, and medicine;

(C) clinical medicine, including pediatrics;

(D) environmental toxicology;

(E) epidemiology;

(F) mental health;

(G) medical monitoring and surveillance;

(H) environmental monitoring and surveillance;

(I) environmental and industrial hygiene;

(J) emergency planning and preparedness;

(K) public outreach and education;

(L) State and local health departments;

(M) State and local environmental protection departments;

(N) functions of workers that respond to disasters, including first responders;

(O) public health; and

(P) family services, such as counseling and other disaster-related services provided to families.

(3) CONTENTS.—The report under paragraph (1) shall provide advice and recommendations regarding protecting and monitoring the health and safety of individuals potentially exposed to any chemical or other substance associated with potential acute or chronic human health effects as the result of a disaster, including advice and recommendations regarding—

(A) the establishment of protocols for monitoring and responding to chemical or substance releases in a disaster area to protect public health and safety, including—

(i) chemicals or other substances for which samples should be collected in the event of a disaster, including a terrorist attack;

(ii) chemical- or substance-specific methods of sample collection, including sampling methodologies and locations;

(iii) chemical- or substance-specific methods of sample analysis;

(iv) health-based threshold levels to be used and response actions to be taken in the event that thresholds are exceeded for individual chemicals or other substances;

(v) procedures for providing monitoring results to—

(I) appropriate Federal, State, and local government agencies;

(II) appropriate response personnel; and

(III) the public;

(vi) responsibilities of Federal, State, and local agencies for—

(I) collecting and analyzing samples;

(II) reporting results; and

(III) taking appropriate response actions; and

(vii) capabilities and capacity within the Federal Government to conduct appropriate environmental monitoring and response in the event of a disaster, including a terrorist attack; and

(B) other issues specified by the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Administrator of the Environmental Protection Agency.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

TITLE VIII—UNLAWFUL INTERNET GAMBLING ENFORCEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the "Unlawful Internet Gambling Enforcement Act of 2006".

SEC. 802. PROHIBITION ON ACCEPTANCE OF ANY PAYMENT INSTRUMENT FOR UNLAWFUL INTERNET GAMBLING.

(a) IN GENERAL.—Chapter 53 of title 31, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

"§5361. Congressional findings and purpose

"(a) FINDINGS.—Congress finds the following:

"(1) Internet gambling is primarily funded through personal use of payment system instruments, credit cards, and wire transfers.

"(2) The National Gambling Impact Study Commission in 1999 recommended the passage of legislation to prohibit wire transfers to Internet gambling sites or the banks which represent such sites.

"(3) Internet gambling is a growing cause of debt collection problems for insured depository institutions and the consumer credit industry.

"(4) New mechanisms for enforcing gambling laws on the Internet are necessary because traditional law enforcement mechanisms are often inadequate for enforcing gambling prohibitions or regulations on the Internet, especially where such gambling crosses State or national borders.

"(b) RULE OF CONSTRUCTION.—No provision of this subchapter shall be construed as altering, limiting, or extending any Federal or State law or Tribal-State compact prohibiting, permitting, or regulating gambling within the United States.

"§5362. Definitions

"In this subchapter:

"(1) BET OR WAGER.—The term 'bet or wager'—

"(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game subject to chance, upon an agreement or understanding that the person or another person will receive something of value in the event of a certain outcome;

"(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

"(C) includes any scheme of a type described in section 3702 of title 28;

"(D) includes any instructions or information pertaining to the establishment or movement of funds by the bettor or customer in, to, or from an account with the business of betting or wagering; and

"(E) does not include—

"(i) any activity governed by the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 for the purchase or sale of securities (as that term is defined in section 3(a)(10) of that Act);

"(ii) any transaction conducted on or subject to the rules of a registered entity or exempt board of trade under the Commodity Exchange Act;

"(iii) any over-the-counter derivative instrument;

"(iv) any other transaction that—

"(I) is excluded or exempt from regulation under the Commodity Exchange Act; or

"(II) is exempt from State gaming or bucket shop laws under section 12(e) of the Commodity Exchange Act or section 28(a) of the Securities Exchange Act of 1934;

"(v) any contract of indemnity or guarantee;

"(vi) any contract for insurance;

"(vii) any deposit or other transaction with an insured depository institution;

"(viii) participation in any game or contest in which participants do not stake or risk anything of value other than—

"(I) personal efforts of the participants in playing the game or contest or obtaining access to the Internet; or

“(II) points or credits that the sponsor of the game or contest provides to participants free of charge and that can be used or redeemed only for participation in games or contests offered by the sponsor; or

“(ix) participation in any fantasy or simulation sports game or educational game or contest in which (if the game or contest involves a team or teams) no fantasy or simulation sports team is based on the current membership of an actual team that is a member of an amateur or professional sports organization (as those terms are defined in section 3701 of title 28) and that meets the following conditions:

“(I) All prizes and awards offered to winning participants are established and made known to the participants in advance of the game or contest and their value is not determined by the number of participants or the amount of any fees paid by those participants.

“(II) All winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individuals (athletes in the case of sports events) in multiple real-world sporting or other events.

“(III) No winning outcome is based—

“(aa) on the score, point-spread, or any performance or performances of any single real-world team or any combination of such teams; or

“(bb) solely on any single performance of an individual athlete in any single real-world sporting or other event.

“(2) BUSINESS OF BETTING OR WAGERING.—The term ‘business of betting or wagering’ does not include the activities of a financial transaction provider, or any interactive computer service or telecommunications service.

“(3) DESIGNATED PAYMENT SYSTEM.—The term ‘designated payment system’ means any system utilized by a financial transaction provider that the Secretary and the Board of Governors of the Federal Reserve System, in consultation with the Attorney General, jointly determine, by regulation or order, could be utilized in connection with, or to facilitate, any restricted transaction.

“(4) FINANCIAL TRANSACTION PROVIDER.—The term ‘financial transaction provider’ means a creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local payment network utilized to effect a credit transaction, electronic fund transfer, stored value product transaction, or money transmitting service, or a participant in such network, or other participant in a designated payment system.

“(5) INTERNET.—The term ‘Internet’ means the international computer network of interoperable packet switched data networks.

“(6) INTERACTIVE COMPUTER SERVICE.—The term ‘interactive computer service’ has the meaning given the term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

“(7) RESTRICTED TRANSACTION.—The term ‘restricted transaction’ means any transaction or transmittal involving any credit, funds, instrument, or proceeds described in any paragraph of section 5363 which the recipient is prohibited from accepting under section 5363.

“(8) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(9) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, or any commonwealth, territory, or other possession of the United States.

“(10) UNLAWFUL INTERNET GAMBLING.—

“(A) IN GENERAL.—The term ‘unlawful Internet gambling’ means to place, receive, or otherwise knowingly transmit a bet or wager by any means which involves the use, at least in part, of the Internet where such bet or wager is unlawful under any applicable Federal or State law in the State or Tribal lands in which the bet or wager is initiated, received, or otherwise made.

“(B) INTRASTATE TRANSACTIONS.—The term ‘unlawful Internet gambling’ does not include placing, receiving, or otherwise transmitting a bet or wager where—

“(i) the bet or wager is initiated and received or otherwise made exclusively within a single State;

“(ii) the bet or wager and the method by which the bet or wager is initiated and received or otherwise made is expressly authorized by and placed in accordance with the laws of such State, and the State law or regulations include—

“(I) age and location verification requirements reasonably designed to block access to minors and persons located out of such State; and

“(II) appropriate data security standards to prevent unauthorized access by any person whose age and current location has not been verified in accordance with such State’s law or regulations; and

“(iii) the bet or wager does not violate any provision of—

“(I) the Interstate Horseracing Act of 1978 (15 U.S.C. 3001 et seq.);

“(II) chapter 178 of title 28 (commonly known as the ‘Professional and Amateur Sports Protection Act’);

“(III) the Gambling Devices Transportation Act (15 U.S.C. 1171 et seq.); or

“(IV) the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

“(C) INTRATRIBAL TRANSACTIONS.—The term ‘unlawful Internet gambling’ does not include placing, receiving, or otherwise transmitting a bet or wager where—

“(i) the bet or wager is initiated and received or otherwise made exclusively—

“(I) within the Indian lands of a single Indian tribe (as such terms are defined under the Indian Gaming Regulatory Act; or

“(II) between the Indian lands of 2 or more Indian tribes to the extent that intertribal gaming is authorized by the Indian Gaming Regulatory Act;

“(ii) the bet or wager and the method by which the bet or wager is initiated and received or otherwise made is expressly authorized by and complies with the requirements of—

“(I) the applicable tribal ordinance or resolution approved by the Chairman of the National Indian Gaming Commission; and

“(II) with respect to class III gaming, the applicable Tribal-State Compact;

“(iii) the applicable tribal ordinance or resolution or Tribal-State compact includes—

“(I) age and location verification requirements reasonably designed to block access to minors and persons located out of the applicable Tribal lands; and

“(II) appropriate data security standards to prevent unauthorized access by any person whose age and current location has not been verified in accordance with the applicable tribal ordinance or resolution or Tribal-State Compact; and

“(iv) the bet or wager does not violate any provision of—

“(I) the Interstate Horseracing Act of 1978 (15 U.S.C. 3001 et seq.);

“(II) chapter 178 of title 28 (commonly known as the ‘Professional and Amateur Sports Protection Act’);

“(III) the Gambling Devices Transportation Act (15 U.S.C. 1171 et seq.); or

“(IV) the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

“(D) INTERSTATE HORSERACING.—

“(i) IN GENERAL.—The term ‘unlawful Internet gambling’ shall not include any activity that is allowed under the Interstate Horseracing Act of 1978 (15 U.S.C. 3001 et seq.).

“(ii) RULE OF CONSTRUCTION REGARDING PREEMPTION.—Nothing in this subchapter may be construed to preempt any State law prohibiting gambling.

“(iii) SENSE OF CONGRESS.—It is the sense of Congress that this subchapter shall not change which activities related to horse racing may or may not be allowed under Federal law. This subparagraph is intended to address concerns that this subchapter could have the effect of changing the existing relationship between the Interstate Horseracing Act and other Federal statutes in effect on the date of the enactment of this subchapter. This subchapter is not intended to change that relationship. This subchapter is not intended to resolve any existing disagreements over how to interpret the relationship between the Interstate Horseracing Act and other Federal statutes.

“(E) INTERMEDIATE ROUTING.—The intermediate routing of electronic data shall not determine the location or locations in which a bet or wager is initiated, received, or otherwise made.

“(11) OTHER TERMS.—

“(A) CREDIT; CREDITOR; CREDIT CARD; AND CARD ISSUER.—The terms ‘credit’, ‘creditor’, ‘credit card’, and ‘card issuer’ have the meanings given the terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

“(B) ELECTRONIC FUND TRANSFER.—The term ‘electronic fund transfer’—

“(i) has the meaning given the term in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a), except that the term includes transfers that would otherwise be excluded under section 903(6)(E) of that Act; and

“(ii) includes any fund transfer covered by Article 4A of the Uniform Commercial Code, as in effect in any State.

“(C) FINANCIAL INSTITUTION.—The term ‘financial institution’ has the meaning given the term in section 903 of the Electronic Fund Transfer Act, except that such term does not include a casino, sports book, or other business at or through which bets or wagers may be placed or received.

“(D) INSURED DEPOSITORY INSTITUTION.—The term ‘insured depository institution’—

“(i) has the meaning given the term in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)); and

“(ii) includes an insured credit union (as defined in section 101 of the Federal Credit Union Act).

“(E) MONEY TRANSMITTING BUSINESS AND MONEY TRANSMITTING SERVICE.—The terms ‘money transmitting business’ and ‘money transmitting service’ have the meanings given the terms in section 5330(d) (determined without regard to any regulations prescribed by the Secretary thereunder).

“§5363. Prohibition on acceptance of any financial instrument for unlawful Internet gambling

“No person engaged in the business of betting or wagering may knowingly accept, in connection with the participation of another person in unlawful Internet gambling—

“(1) credit, or the proceeds of credit, extended to or on behalf of such other person (including credit extended through the use of a credit card);

“(2) an electronic fund transfer, or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of such other person;

“(3) any check, draft, or similar instrument which is drawn by or on behalf of such other person and is drawn on or payable at or through any financial institution; or

“(4) the proceeds of any other form of financial transaction, as the Secretary and the Board of Governors of the Federal Reserve System may jointly prescribe by regulation, which involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of such other person.

“§ 5364. Policies and procedures to identify and prevent restricted transactions

“(a) Regulations.—Before the end of the 270-day period beginning on the date of the enactment of this subchapter, the Secretary and the Board of Governors of the Federal Reserve System, in consultation with the Attorney General, shall prescribe regulations (which the Secretary and the Board jointly determine to be appropriate) requiring each designated payment system, and all participants therein, to identify and block or otherwise prevent or prohibit restricted transactions through the establishment of policies and procedures reasonably designed to identify and block or otherwise prevent or prohibit the acceptance of restricted transactions in any of the following ways:

“(1) The establishment of policies and procedures that—

“(A) allow the payment system and any person involved in the payment system to identify restricted transactions by means of codes in authorization messages or by other means; and

“(B) block restricted transactions identified as a result of the policies and procedures developed pursuant to subparagraph (A).

“(2) The establishment of policies and procedures that prevent or prohibit the acceptance of the products or services of the payment system in connection with a restricted transaction.

“(b) Requirements for Policies and Procedures.—In prescribing regulations under subsection (a), the Secretary and the Board of Governors of the Federal Reserve System shall—

“(1) identify types of policies and procedures, including nonexclusive examples, which would be deemed, as applicable, to be reasonably designed to identify and block or otherwise prevent or prohibit the acceptance of the products or services with respect to each type of restricted transaction;

“(2) to the extent practical, permit any participant in a payment system to choose among alternative means of identifying and blocking, or otherwise preventing or prohibiting the acceptance of the products or services of the payment system or participant in connection with, restricted transactions;

“(3) exempt certain restricted transactions or designated payment systems from any requirement imposed under such regulations, if the Secretary and the Board jointly find that it is not reasonably practical to identify and block, or otherwise prevent or prohibit the acceptance of, such transactions; and

“(4) ensure that transactions in connection with any activity excluded from the definition of unlawful internet gambling in subparagraphs (B), (C), or (D)(i) of section 5362(10) are not blocked or otherwise prevented or prohibited by the prescribed regulations.

“(c) Compliance With Payment System Policies and Procedures.—A financial transaction provider shall be considered to be in compliance with the regulations prescribed under subsection (a) if—

“(1) such person relies on and complies with the policies and procedures of a designated payment system of which it is a member or participant to—

“(A) identify and block restricted transactions; or

“(B) otherwise prevent or prohibit the acceptance of the products or services of the payment system, member, or participant in connection with restricted transactions; and

“(2) such policies and procedures of the designated payment system comply with the requirements of regulations prescribed under subsection (a).

“(d) No Liability for Blocking or Refusing to Honor Restricted Transactions.—A person that identifies and blocks a transaction, prevents or prohibits the acceptance of its products or services in connection with a transaction, or otherwise refuses to honor a transaction—

“(1) that is a restricted transaction;

“(2) that such person reasonably believes to be a restricted transaction; or

“(3) as a designated payment system or a member of a designated payment system in reliance on the policies and procedures of the payment system, in an effort to comply with regulations prescribed under subsection (a),

shall not be liable to any party for such action.

“(e) Regulatory Enforcement.—The requirements under this section shall be enforced exclusively by—

“(1) the Federal functional regulators, with respect to the designated payment systems and financial transaction providers subject to the respective jurisdiction of such regulators under section 505(a) of the Gramm-Leach-Bliley Act and section 5g of the Commodities Exchange Act; and

“(2) the Federal Trade Commission, with respect to designated payment systems and financial transaction providers not otherwise subject to the jurisdiction of any Federal functional regulators (including the Commission) as described in paragraph (1).

“§ 5365. Civil remedies

“(a) Jurisdiction.—In addition to any other remedy under current law, the district courts of the United States shall have original and exclusive jurisdiction to prevent and restrain restricted transactions by issuing appropriate orders in accordance with this section, regardless of whether a prosecution has been initiated under this subchapter.

“(b) Proceedings.—

“(1) Institution by federal government.—

“(A) In general.—The United States, acting through the Attorney General, may institute proceedings under this section to prevent or restrain a restricted transaction.

“(B) Relief.—Upon application of the United States under this paragraph, the district court may enter a temporary restraining order, a preliminary injunction, or an injunction against any person to prevent or restrain a restricted transaction, in accordance with rule 65 of the Federal Rules of Civil Procedure.

“(2) Institution by state attorney general.—

“(A) In general.—The attorney general (or other appropriate State official) of a State in which a restricted transaction allegedly has been or will be initiated, received, or otherwise made may institute proceedings under this section to prevent or restrain the violation or threatened violation.

“(B) Relief.—Upon application of the attorney general (or other appropriate State official) of an affected State under this paragraph, the district court may enter a temporary restraining order, a preliminary injunction, or an injunction against any person to prevent or restrain a restricted transaction, in accordance with rule 65 of the Federal Rules of Civil Procedure.

“(3) Indian lands.—

“(A) In general.—Notwithstanding paragraphs (1) and (2), for a restricted transaction that allegedly has been or will be initiated, received, or otherwise made on Indian lands (as that term is defined in section 4 of the Indian Gaming Regulatory Act)—

“(i) the United States shall have the enforcement authority provided under paragraph (1); and

“(ii) the enforcement authorities specified in an applicable Tribal-State compact negotiated under section 11 of the Indian Gaming Regulatory Act (25 U.S.C. 2710) shall be carried out in accordance with that compact.

“(B) Rule of construction.—No provision of this section shall be construed as altering, superseding, or otherwise affecting the application of the Indian Gaming Regulatory Act.

“(c) Limitation Relating to Interactive Computer Services.—

“(1) In general.—Relief granted under this section against an interactive computer service shall—

“(A) be limited to the removal of, or disabling of access to, an online site violating section 5363, or a hypertext link to an online site violating such section, that resides on a computer server that such service controls or operates, except that the limitation in this subparagraph shall not apply if the service is subject to liability under this section under section 5367;

“(B) be available only after notice to the interactive computer service and an opportunity for the service to appear are provided;

“(C) not impose any obligation on an interactive computer service to monitor its service or to affirmatively seek facts indicating activity violating this subchapter;

“(D) specify the interactive computer service to which it applies; and

“(E) specifically identify the location of the online site or hypertext link to be removed or access to which is to be disabled.

“(2) Coordination with other law.—An interactive computer service that does not violate this subchapter shall not be liable under section 1084(d) of title 18, except that the limitation in this paragraph shall not apply if an interactive computer service has actual knowledge and control of bets and wagers and—

“(A) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

“(B) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.

“(d) Limitation on Injunctions Against Regulated Persons.—Notwithstanding any other provision of this section, and subject to section 5367, no provision of this subchapter shall be construed as authorizing the Attorney General of the United States, or the attorney general (or other appropriate State official) of any State to institute proceedings to prevent or restrain a restricted transaction against any financial transaction provider, to the extent that the person is acting as a financial transaction provider.

“§ 5366. Criminal penalties

“(a) In General.—Any person who violates section 5363 shall be fined under title 18, imprisoned for not more than 5 years, or both.

“(b) Permanent Injunction.—Upon conviction of a person under this section, the court may enter a permanent injunction enjoining such person from placing, receiving, or otherwise making bets or wagers or sending, receiving, or inviting information assisting in the placing of bets or wagers.

“§ 5367. Circumventions prohibited

“Notwithstanding section 5362(2), a financial transaction provider, or any interactive computer service or telecommunications service, may be liable under this subchapter if such person has actual knowledge and control of bets and wagers, and—

“(1) operates, manages, supervises, or directs an Internet website at which unlawful bets or

wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

"(2) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

"5361. Congressional findings and purpose
"5362. Definitions
"5363. Prohibition on acceptance of any financial instrument for unlawful Internet gambling
"5364. Policies and procedures to identify and prevent restricted transactions
"5365. Civil remedies
"5366. Criminal penalties
"5367. Circumventions prohibited".

SEC. 803. INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS.

(a) IN GENERAL.—In deliberations between the United States Government and any foreign country on money laundering, corruption, and crime issues, the United States Government should—

(1) encourage cooperation by foreign governments and relevant international fora in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crimes;

(2) advance policies that promote the cooperation of foreign governments, through information sharing or other measures, in the enforcement of this Act; and

(3) encourage the Financial Action Task Force on Money Laundering, in its annual report on money laundering typologies, to study the extent to which Internet gambling operations are being used for money laundering purposes.

(b) REPORT REQUIRED.—The Secretary of the Treasury shall submit an annual report to the Congress on any deliberations between the United States and other countries on issues relating to Internet gambling.

And the Senate agree to the same.

From the Committee on Homeland Security:
PETER KING,
DANIEL E. LUNGREN,
JOHN LINDER,
ROB SIMMONS,
DAVID REICHERT,
MICHAEL T. MCCAUL,
DON YOUNG,
BENNIE G. THOMPSON,
LORETTA SANCHEZ,
JANE HARMAN,
BILL PASCRELL, Jr.,
From the Committee on Energy and Commerce:
JOE BARTON,
FRED UPTON,
From the Committee on Transportation and Infrastructure:
BILL SHUSTER,
From the Committee on Science:
SHERWOOD BOEHLERT,
MIKE SODREL,
CHARLIE MELANCON,
From the Committee on Ways and Means:
WM. THOMAS,
E. CLAY SHAW, Jr.,
Managers on the Part of the House.

From the Committee on Homeland Security and Governmental Affairs:
SUSAN COLLINS,
NORM COLEMAN,
R.F. BENNETT,
From the Committee on Commerce, and Science, and Transportation:
TED STEVENS,
TRENT LOTT,
KAY BAILEY HUTCHISON,
From the Committee on Finance:
CHUCK GRASSLEY,
ORRIN HATCH,
MAX BAUCUS,
From the Committee on Banking and Housing, and Urban Affairs:
RICHARD SHELBY,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4954), the "Security and Accountability for Every Port Act" or "SAFE Port Act," to improve maritime and cargo security through enhanced layered defenses, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying Conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment The differences between the House bill, the Senate amendment, and the substitute agreed to in Conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the Conferees, and minor drafting and clarifying changes.

Section 1. Short title

Section 1 of the House bill states that the Act may be cited as the "Security and Accountability for Every Port Act" or "SAFE Port Act."

Section 1 of the Senate amendment states that the Act may be cited as the "Port Security Improvement Act of 2006."

The Conference Report adopts the House provision so that the Act may be referred to as the "Security and Accountability for Every Port Act" or "SAFE Port Act."

Section 2. Definitions

House Section 3 defines several terms that are used in this bill and are relevant to maritime and cargo security. "Appropriate Congressional Committees," "Department," "International Supply Chain," and "Secretary" are defined.

Senate Section 2 is used to define the following relevant terms: "Appropriate Congressional Committees," "Commercial Seaport Personnel," "Commissioner," "Container," "Container Security Device," "Department," "Examination," "Inspection," "International Supply Chain," "Radiation Detection Equipment," "Scan," "Screening," "Search," "Secretary," "Transportation Disruption," and "Transportation Security Incident."

The Conference Report adopts the Senate provision with modifications to the definition of commercial seaport personnel.

TITLE I—SECURITY OF UNITED STATES SEAPORTS

Subtitle A—General Provisions

Section 101. Area maritime transportation security plan to include salvage response plan

Senate Section 101 amends the Maritime Transportation Security Act of 2002, (P.L. 107–295), to include a salvage response plan to identify equipment capable of restoring operational trade capacity and to ensure that waterways are cleared after a maritime transportation security incident.

The House bill does not contain a comparable provision.

The Conference Report adopts the Senate provision.

Section 102. Requirements relating to maritime facility security plans

Section 103 of the House bill amends the Maritime Transportation Security Act of 2002 (P.L. 107–295), by setting requirements for Facility Security Officers, including the requirement of citizenship for an individual having full authority to implement security actions at United States seaports. This section also authorizes the Secretary of the department in which the Coast Guard is operating to waive the citizenship requirement based on a complete background check of the individual and a review of all terrorist watch lists.

Senate section 102 is a comparable provision.

The Conference Report adopts the Senate provision.

The Conferees agreed to clarify that facility security plans required under the Maritime Transportation Security Act of 2002 (P.L. 107–295) must include provisions establishing and controlling access to secure areas of a vessel or facility by "persons" engaged in the surface transportation of intermodal containers in or out of a port facility. The Conferees intend for "persons" to include drayage companies.

Section 103. Unannounced inspections of maritime facilities

House Section 104 amends the Maritime Transportation Security Act of 2002 (P.L. 107–295) to authorize the Secretary of the department in which the Coast Guard is operating to verify the effectiveness of Area Maritime Security Plans by conducting at least two inspections of a facility per year, one of which shall be conducted without prior notice to the facility.

Senate Section 103 is a comparable provision.

The Conference Report adopts the Senate provision.

Section 104. Transportation security card

House Section 105 provides a timeline for implementation of the Transportation Worker Identification Credential (TWIC) Program and requires the interim name-based screening of individuals.

Senate Section 104 is a comparable provision, which requires the Secretary of the department in which the Coast Guard is operating to ensure that individuals who have undergone the Hazardous Materials Endorsement (HME) or Merchant Mariner Document (MMD) background check are not required to pay additional fees related to a similar background check for a TWIC card. Additionally, the Senate provision provides for concurrent processing of an applicant for TWIC and MMD, a pilot program for vessel and facility card readers, and other clarifying edits.

The Conference Report adopts the Senate provision, as modified.

Section 105. Study to identify redundant background records checks

Section 106 is based upon Senate Section 1113, which requires a study by the Comptroller General to identify redundancies in connection with Federal background checks.

The House bill does not include a comparable provision.

The Conference Report adopts the Senate provision, as modified to limit the scope of redundant background checks to those conducted by the Department of Homeland Security.

Section 106. Prohibition of issuance of transportation security cards to persons convicted of certain felonies

Section 105 of the Senate bill amends 46 U.S.C. 70105 to insert a list of permanent and interim disqualifying crimes for individuals applying for a Transportation Worker Identification Credential.

The House bill does not include a comparable provision.

The Conference Report adopts the Senate provision, as amended, which requires the Secretary of the department in which the Coast Guard is operating to permanently disqualify an individual applying for a transportation worker identification credential that have been found guilty, or not guilty by reason of insanity, of treason, espionage, sedition, or a crime listed in 18 U.S.C. 1138, or conspiracy to commit one of those crimes.

Section 107. Long-Range vessel tracking

House Section 108 establishes a deadline of April 1, 2007, for the Secretary of the department in which the Coast Guard is operating to develop and implement a long-range automated vessel tracking system for all vessels in United States territorial waters that are equipped with the Global Maritime Distress and Safety System or equivalent satellite technology. This section also authorizes the Secretary of Homeland Security to issue regulations to establish a voluntary long-range automated vessel tracking system for certain vessels.

Senate Section 106 is a comparable provision.

The Conference Report adopts the Senate provision.

Section 108. Establishment of interagency operational centers for port security

House Section 109, "Maritime Command Centers," directs the Secretary of the department in which the Coast Guard is operating to consult with Federal, State, and local officials to establish an integrated network of virtual and physical maritime security command centers at appropriate United States seaports and maritime regions. These centers serve to enhance information sharing, facilitate operational coordination, and facilitate incident management and response. The provision further designates the Coast Guard Captain of the Port as the initial incident commander in the event of a transportation disruption.

Senate Section 107, "Establishment of Interagency Operational Centers for Port Security," is similar to House Section 109 and directs the Secretary of the Department in which the Coast Guard is operating to establish additional Interagency Operational Centers at all high priority ports within three years. These centers would serve to enhance information sharing, facilitate operational coordination, and facilitate incident management and response.

The Conference Report adopts the Senate provision, as modified to include the House language, which designates the Coast Guard Captain of the Port as the initial incident commander in the event of a transportation security incident in the maritime domain.

The Conferees would like to clarify that in determining what constitutes a "high-priority" port, the Secretary shall consider the following: the quantity of cargo that passes through the port annually, the port's proximity to military or other national security assets, and the economic impact to the United States resulting from a catastrophic loss of that port.

Section 109. Notice of arrival for foreign vessels on the outer continental shelf

Section 108 of the Senate bill directs the Secretary of the department in which the Coast Guard is operating to update and finalize its rulemaking on Notice of Arrival for foreign vessels on the Outer Continental Shelf not later than 180 days after the date of the enactment of this Act.

The House bill does not include a comparable provision.

The Conference Report adopts the Senate provision.

Section 110. Enhanced crewmember identification

Section 107 of the House bill sets a deadline of May 15, 2007 for the Secretary of the department in which the Coast Guard is operating, in consultation with the Attorney General of the United States and the Secretary of State, to require crewmembers on vessels calling at United States ports to carry and present on demand any identification that the Secretary deems necessary. This section also sets a deadline of May 15, 2007 for the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, to establish the proper forms and process to be used for identification and verification of crewmembers.

The Senate bill contains no comparable provision.

The Conference Report adopts the House provision, with a compromise to strike May 15, 2007, and extend the deadline to one year after the date of enactment.

Subtitle B—Port Security Grants; Training and Exercise Programs

Section 111. Risk assessment tool

Section 111 was developed out of the Senate passed Section 111, "Port Security Grants," to require each Area Maritime Security Committee, under the direction of the Commandant of the Coast Guard, to develop a Port Wide Risk Management Plan that includes security goals and objectives, a management selection process, and active monitoring to measure effectiveness. This section also requires the Secretary to make available a risk assessment tool that uses standardized risk criteria, such as the Maritime Security Risk Assessment Tool used by the Coast Guard, to develop the Port Wide Risk Management Plan.

The House bill contains no comparable section.

The Conference substitute adopts the Senate provision.

Section 111 of the Conference agreement is based on Senate Section 111(b), and requires the Coast Guard to make available a risk assessment tool that uses standardized risk criteria, such as the Maritime Security Risk Assessment Tool used by the Coast Guard, to Area Maritime Security Committees for the purposes of updating Area Maritime Security Plans and in applying for grants under the port security grant program authorized pursuant to 46 U.S.C. 70107.

Section 112. Port security grants

Section 111 of the House bill amends the Homeland Security Act of 2002 (P.L. 107–296) to authorize the Secretary to establish a port security grant program to allocate Federal financial assistance to United State seaports on the basis of risk and need. Grant funds under this section may be used for activities to implement Area Maritime Security Plans, remedy port security vulnerabilities, conduct exercises or training for the prevention and detection of, preparedness for, response to, or recovery from terrorist attacks, protect critical infrastructure against potential attack, and establish or enhance mechanisms for sharing terrorism threat information. Section 111 also authorizes $400 million for each of the Fiscal Years 2007 through 2012.

Senate Section 111 amends 46 U.S.C. 70107 to require the Secretary of the Department in which the Coast Guard is operating to allocate grants based on risk, allow for letters of intent to be issued for multiple-year projects, and amends the authorized level of funding to $400 million for each of Fiscal Years 2007 through 2011. Further, the Senate bill modifies 46 U.S.C. 701017(i) to specifically authorize the research and development of container scanning technology on straddle cars and cranes at $70 million for each of Fiscal Years 2008 through 2009.

The Conference Report adopts the Senate provision, as modified to strike the specific container scanning technology authorization, allow for the additional eligible costs of conducting training and exercises, and the cost of establishing mechanisms for sharing terrorism threat information. The Conference Report requires grants under this section to be awarded on the basis of risk.

The Conferees note that "energy" was specifically included in language to take into consideration current and future ports with critical energy infrastructure, such as Port Fourchon and the Louisiana Offshore Oil Platform (LOOP).

Section 113. Port security training program

House Section 112 amends the Homeland Security Act of 2002 (P.L. 107–296) to allow for the establishment of a training program to enhance the capabilities of United States commercial seaports to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies. The section also addresses requirements for the Program and the Secretary's role in supporting the development, promulgation, and regular updating of national voluntary consensus standards for port security training.

Senate Section 112 is a comparable provision.

The Conference Report adopts the Senate provision.

Section 114. Port security exercise program

House Section 113 authorizes the Secretary, acting through the Under Secretary for Preparedness, and in coordination with the Commandant of the Coast Guard, to establish an exercise program to test and evaluate the capabilities of Federal, State, local and other relevant stakeholders to coordinate appropriate response and recovery from threats at commercial seaports.

Senate Section 113 is a comparable provision.

The Conference Report adopts the Senate provision.

Section 115. Facility exercise requirements

The Senate bill contains no comparable provision.

The House bill contains no comparable provision.

Section 115 of the Conference Report directs the Secretary of the department in which the Coast Guard is operating to require each high risk facility to conduct live or full scale exercises not less than once every two years in accordance with the facility security plan.

Subtitle C—Port Operations.

Section 121. Domestic radiation detection and imaging

House Section 402 requires the Secretary to deploy nuclear and radiological detection systems at the 22 busiest United States seaports not later than September 30, 2007, and to utilize advanced technology tested in a pilot program also established in this section. Within 90 days, the Secretary must submit a strategy on the deployment of nuclear and radiological detection systems at all remaining maritime ports of entry including a risk-based deployment schedule, description of equipment to be used, standard operating procedures for examining containers, and evaluation of the health effects of using radiation equipment. Lastly, the provision requires the Director of the Domestic Nuclear Detection Office (DNDO) to coordinate with other appropriate Federal agencies to deploy nuclear and radiological detection systems at foreign ports.

Senate Section 121 is comparable to House Section 402, and requires the Secretary of Homeland Security to develop a strategy for deployment of radiation detection capabilities and ensures that by December 31, 2007, all containers entering the United States, through the busiest 22 seaports, are scanned for radiation. Section 121 also requires the Department of Homeland Security to submit a separate report on the feasibility of, and plan for, the development of equipment to detect other weapons of mass destruction including chemical and biological threats at all United States ports of entry. The section also requires the Department of Homeland Security to establish an Intermodal Rail Radiation Detection Test Center to identify and test concepts specific to the challenges posed by on-dock intermodal rail.

The Conference Report adopts House Section 402, with modification. The Conferees agree that "shielded nuclear and radiological threat material" be inserted into subsection (e) as it relates to weapons of mass destruction threats.

The Conferees note the progress made by the Department of Homeland Security in developing next general portal monitors with spectroscopic capabilities and have removed the requirement for a House pilot project, accordingly. Instead, the appropriate use of such technology is encouraged. This does not represent a requirement to scan all containers at the seaports using such technology. In primary screening, such technology can reduce nuisance alarms, which is of great importance at very high volume ports. In secondary screening, such technology can speed effective alarm resolution. It is the targeted use of this technology that the House and Senate support. The Conferees also note that nothing in this section shall be interpreted to limit the Secretary's authority under 19 U.S.C. 1318 concerning the entry of containers into United States ports under certain circumstances.

Section 122. Inspection of car ferries entering from abroad

Senate Section 123 requires the Department of Homeland Security, in coordination with Department of State, to develop a plan for the inspection of passengers and vehicles prior to loading onto ferries bound for a United States port.

There is no comparable provision in the House bill.

The Conference Report adopts the Senate provision.

Section 123. Random searches of containers

Senate Section 124 requires the Department of Homeland Security to develop and implement a plan, within one year after enactment, for random physical inspection of shipping containers. The random searches prescribed in this section do not preclude additional container searches.

There is no comparable provision in the House bill.

The Conference Report adopts the Senate provision.

Section 124. Work stoppages and employee-employer disputes

House Section 101 amends the definition of a transportation security incident, defined in 46 U.S.C. 70101(6), to clarify that a "transportation security incident" does not include labor strikes or other related events.

Senate Section 125 also amends the definition of a transportation security incident to note that the term economic disruption does not include a work stoppage or nonviolent employee-related action, not related to terrorism, and resulting from an employee-employer dispute.

The Conference Report adopts the Senate provision, with an agreement to strike the word "nonviolent" from the definition of the term.

Section 125. Threat assessment screening of port truck drivers

Senate Section 126 requires the Department of Homeland Security to implement a threat assessment screening for all truck drivers accessing ports that is the same screening required for facility employees and longshoremen. The section also requires, subject to the availability of appropriations, this screening to begin within 90 days of enactment.

House section 106 contains a similar requirement that all individuals who have unescorted access to a secure area of a seaport facility be checked against terrorist watch lists to determine if the individual poses a threat.

The Conference Report adopts the Senate provision, modified to strike the phrase "subject to the availability of appropriations."

Section 126. Border patrol unit for United States Virgin Islands

House Section 123 requires the Secretary of Homeland Security to establish a Border Patrol unit for the United States Virgin Islands not later than 180 days after the date of the enactment of this Act.

There is no comparable provision in the Senate bill.

The Conference Report adopts the House provision, but the Conferees agree to change the word "shall" to "may." Under this agreement, the Secretary will not be required to establish a Border Patrol unit for the United States Virgin Islands, but he is authorized to do so if it is deemed necessary. The Conference agreement also requires the Secretary of Homeland Security to submit a report to the appropriate congressional committees, within 180 days of enactment, that includes the schedule, if any, for establishing a Border Patrol unit in the United States Virgin Islands. The Conferees included this provision out of recognition of the increasing border security risks in the United States Virgin Islands, including human smuggling and drug trafficking.

Section 127. Report on arrival and departure manifests for certain commercial vessels in the United States Virgin Islands

House Section 126 requires the Secretary of Homeland Security to submit, to the appropriate congressional committees, a report on the impact of implementing the requirements of the Immigration and Nationality Act (8 U.S.C. 1221) with respect to commercial vessels that are fewer than 300 gross tons and only operate between the territorial waters of the United States Virgin Islands and the territorial waters of the British Virgin Islands.

There is no comparable provision in the Senate bill.

The Conference Report adopts the House provision.

Section 128. Center of excellence for maritime domain awareness

House Section 127 requires the Secretary of Homeland Security to establish a university-based Center of Excellence for Maritime Domain Awareness following appropriate merit-review processes and procedures that have been established by the Secretary.

There is no comparable provision in the Senate bill.

The Conference Report adopts the House provision.

Title II—Security of the International Supply Chain

Subtitle A—General Provisions.

Section 201. Strategic plan to enhance the security of the international supply chain

House Section 201 amends the Homeland Security Act of 2002 (P.L. 107-296) to require the Secretary of Homeland Security to create a strategy for improving security of containers within the international supply chain. The strategy must describe the roles and responsibilities of Federal, State, and local governments, identify security goals and minimum requirements, provide a process for enhanced intelligence sharing with the private sector, streamline initiatives, and recommend legislative and regulatory changes.

Senate Section 201 requires the Department of Homeland Security to develop, implement and update a strategic plan to improve the security of the international cargo supply chain. This section requires the plan to identify and address gaps; provide improvements and goals; establish protocols for the resumptions of trade including identification of the initial incident commander; consider international standards for container security; and allow for communication with stakeholders.

The Conference Report adopts the Senate provision, with modifications. In Senate Section 201 subparagraph (6), the word "determined" is replaced by "recommended," as it relates to the Commissioner's role in providing incentives for additional voluntary measures to enhance cargo security. The Conferees agree to extend the deadline from 180 days to 270 days after the date of the enactment for the Secretary to submit a report to the appropriate congressional committees that contains the strategic plan required under this section. The requirements listed for protocols for the resumption of trade required in subparagraph (10) are moved to Section 202. The Conferees note that the consultation recommendations in Senate Sections 201(c) and 201(e) are not mutually exclusive.

Section 202. Post-Incident resumption of trade

Senate Section 202 requires the initial incident commander and lead department or agency carry out the protocols of the international supply chain strategic plan following a maritime transportation security incident. This section also requires the United States Coast Guard to ensure the safe and secure transit of vessels to United States ports, and recommends preference be given to vessels and cargo involved in the Container Security Initiative (CSI) or Customs-Trade Partnership Against Terrorism (C–TPAT) for the resumption of trade. Section 202 requires the Secretary to ensure that there is appropriate coordination among Federal officials and communication of revised procedures, not inconsistent with security interests, to the private sector to provide for the resumption of trade.

House Section 102 is a comparable provision.

The Conference Report adopts the Senate provision, as modified to clarify that resumption of trade benefits may be provided.

Section 203. Automated targeting system

House Section 201 amends the Homeland Security Act of 2002, and inserts a new Section 1802, "Transmission of Additional Data Elements for Improved High Risk Targeting," and Section 1803, "Plan to Improve the Automated Targeting System." House Sections 1802 requires the Secretary to issue regulations within one year of enactment to collect additional advanced data, including appropriate elements of entry data prior to loading containers overseas. House Section 1803 requires the Secretary of Homeland Security, within 180 days of enactment, to develop a plan to improve the Automated Targeting System (ATS) in order to enhance capabilities to detect high-risk containers. Section 1803 authorizes $5 million for each of the fiscal years 2007 through 2012.

Senate Section 203 requires the Department of Homeland Security to request and identify additional data (non-manifest and entry-data elements) of container cargo moving through the international supply chain. Data would be analyzed to identify high-risk cargo for inspection. This section includes an authorization of appropriations to fund the Automated Targeting System for Fiscal Years 2008 through 2010 ($33 million, $35 million, $37 million respectively).

The Conference Report adopts the House provision on the Automated Targeting System, as modified, including the Senate's provision generally authorizing the Automated Targeting System.

Section 204. Container security standards and procedures

House Section 201 amends the Homeland Security Act of 2002, and inserts a new Section 1804, "Container Standards and Verification Procedures." This section requires the Secretary of Homeland Security to establish minimum standards and verification procedures for securing containers in transit to the United States. This section also requires all containers bound for United States ports of entry meet these standards within two years. In addition, Section 1804 requires the Secretary to regularly review and enhance these security standards.

Senate Section 204 requires the Secretary of Homeland Security to promulgate a rule to establish minimum standards and procedures for securing containers in transit to the United States. If the rulemaking deadline is not met, the Secretary is required to provide a letter to the Congress explaining the reason for the Department's failure to meet the deadline. This section also encourages the Department of Homeland Security and other Federal agencies to promote international cargo security standards.

The Conference Report adopts the Senate provision, as modified. An agreement has been reached to extend the deadline from 60 days to 90 days after the date of enactment of this Act for the Secretary to initiate a rulemaking proceeding to establish minimum standards and procedures for securing containers in transit to the United States.

In developing standards for container security devices, the Conferees direct the Secretary of Homeland Security to ensure that the standards are consistent with standards promulgated by international standards organizations, such as the International Organization for Standardization, the International Maritime Organization, and the World Customs Organization.

Section 205. Container security initiative

House Section 201 amends the Homeland Security Act of 2002, and inserts a new Section 1805, "Container Security Initiative (CSI)." This section authorizes the CSI Program and requires the Secretary of Homeland Security is required to conduct a thorough security assessment at each port prior to designating them as CSI ports, including an assessment of the level of risk for compromise by terrorists as well as a Coast Guard foreign port assessment. The section also requires the Secretary of Homeland Security to notify Congress prior to announcing a CSI port. In addition, the section requires the Secretary of Homeland Security to set standards for inspecting containers abroad and using inspection technology. Section 1805 also requires the Secretary of Homeland Security to evaluate options for providing foreign assistance to facilitate implementation of cargo security measures at foreign ports and may loan inspection technology for use at a CSI port. The section also requires the Secretary of Homeland Security to report annually on March 1 on the status of the CSI program and an assessment of the necessary personnel deployed overseas through the program. Finally, Section 1805 authorizes $196 million for each of the fiscal years 2007 through 2012.

Senate Section 205 authorizes the Container Security Initiative (CSI) program to identify, examine, or search maritime containers before cargo bound for the United States is loaded in a foreign port. This section authorizes the Secretary of Homeland Security to designate foreign ports as part of the CSI program based upon criteria including risk, trade volume and value of cargo, United States Coast Guard assessments, and the commitment of the host nation to comply with data sharing requirements. This section also requires the Secretary of Homeland Security to establish standards for the use of nonintrusive imaging and radiation detection equipment at CSI ports. In addition, the Secretary of Homeland Security is required to develop a plan to ensure adequate staffing at CSI ports. Section 205 also requires the Secretary of Homeland Security to submit a report to Congress on the effectiveness of, and need for, improvements to CSI. This section authorizes appropriations for fiscal years 2008 through 2010 ($144 million, $146 million, $153 million respectively).

The Conference Report adopts the Senate provision, with several modifications. The Senate recedes to the House request to strike "an importer in" in Senate Section 205 subsection (1). The Senate also recedes to the striking of the words "and value" in subsection (2) as it relates to cargo being imported into the United States. In addition, the Senate recedes to the House in requiring the Secretary of Homeland Security consult with appropriate Federal departments and agencies and private sector stakeholders to ensure that no international trade obligations are violated under this section.

It is important to note that authorities granted to the Secretary of Homeland Security in this section will not affect the authorities or responsibilities of any other Federal agency with respect to overseas deployment of radiation detection equipment. The Conferees encourage the Secretary of Homeland Security to coordinate the CSI program with the Department of Energy's Megaports program.

Subtitle B—Customs-Trade Partnership Against Terrorism

Section 211. Establishment

House Section 201 amends the Homeland Security Act of 2002 and inserts a new Section 1811, which authorizes the Secretary of Homeland Security to establish a voluntary program (the Customs-Trade Partnership Against Terrorism) to strengthen international supply chain and border security, facilitate the movement of secure cargo, and provide benefits to eligible participants.

Senate Section 211 is a comparable provision.

The Conference Report adopts the House provision, but does not amend the Homeland Security Act of 2002.

Section 212. Eligible entities

House Section 201 amends the Homeland Security Act of 2002 and inserts a new Section 1812, which allows importers, customs brokers, forwarders, air-sea-and landcarriers, contract logistics providers, and other entities in the international supply chain and intermodal transportation system to apply for membership in this program.

Senate Section 212 is a comparable provision.

The Conference Report adopts the Senate provision.

Section 213. Minimum requirements

House Section 201 amends the Homeland Security Act of 2002 and inserts a new Section 1813, which establishes minimum security and other requirements that applicants must meet to be eligible to participate in the Customs-Trade Partnership Against Terrorism (C–TPAT).

Senate Section 213 is a comparable provision.

The Conference Report adopts the Senate provision.

The Conferees note that the requirement in Section 213(1) that a company demonstrate a history of moving cargo in the international supply chain should not prevent start-up companies or other newly-created business entities from participating in C–TPAT if they are able to demonstrate adequate compliance with relevant security requirements.

Section 214. Tier 1 participants in C–TPAT

House Section 201 amends the Homeland Security Act of 2002 to insert a new Section 1814, that allows for limited benefits for Customs-Trade Partnership Against Terrorism (C–TPAT) participants.

Senate Section 214 allows for limited benefits for Customs-Trade Partnership Against Terrorism (C–TPAT) participants. These benefits may include a reduction of the Automated Targeting System risk score for those C–TPAT participants that meet the minimum guidelines established. This section also requires, to the extent practicable, the Secretary to complete the Tier 1 certification process within 90 days of receipt of a candidate's application.

The Conference Report adopts the Senate provision.

Senate Section 214 included a provision, which the Conferees accept, clarifying that the benefits to Tier 1 C–TPAT benefits may include a reduction in scores assigned pursuant to the Automated Targeting System (A TS) of not greater than 20 percent of the high risk threshold established by the Secretary. This provision ensures that a C-TPAT participant's container or cargo will not be classified as low-risk under the ATS simply because the participant is certified for Tier 1 of C–TPAT.

Section 215. Tier 2 participants in C–TPAT

Senate Section 215 allows for additional benefits in the form of reduced cargo examinations and priority processing to those participants who meet a higher level of Customs-Trade Partnership Against Terrorism (C-TPAT) security requirements. Section 215 also requires the Secretary of Homeland Security to validate the security measures and supply chain practices of C–TPAT participants, including on-site assessments, within one year of certification.

House Section 1815 is a comparable provision.

The Conference Report adopts the Senate provision.

Section 216. Tier 3 participants in C–TPAT

House Section 201 amends the Homeland Security Act of 2002 to insert a new Section 1816, which establishes a third tier of the Customs-Trade Partnership Against Terrorism (C–TPAT) program, offering increased benefits to participants that demonstrate a sustained commitment to security based on certain criteria. Benefits may include, among others, expedited release of cargo, further reduced examinations, and reduced bonding requirements.

Senate Section 216 is similar to the House provision. Section 216 authorizes the submission of additional information, and notification of specific alerts.

The Conference Report adopts the Senate provision, as modified to remove the notification of specific alerts and post-incident procedures provisions.

Section 217. Consequences for lack of compliance

House Section 201 amends the Homeland Security Act of 2002 to insert a new Section 1817, which allows the Secretary of Homeland Security to deny benefits, in whole or in part, including suspension or elimination for at least five years, of any participant that fails to meet Customs-Trade Partnership Against Terrorism (C–TPAT) requirements, or knowingly provides false or misleading information.

Senate Section 217 is similar to the House provision. Section 217 establishes an appeals process for C-TPAT participants suspended or eliminated for lack of compliance.

The Conference Report adopts the Senate provision, as modified to require the Commissioner of United States Customs and Border Protection to establish procedural protections to safeguard against improper revocation of benefits. These procedures shall not be interpreted to impede the Secretary of Homeland Security's ability to take action to protect the national security of the United States.

Section 218. Third party validations

House Section 201 amends the Homeland Security Act of 2002 to insert a new Section 1818, which requires the Secretary of Homeland Security to establish a pilot program to utilize third party entities to conduct validations of Customs-Trade Partnership Against Terrorism (C–TPAT) participants. The pilot program, and any extension of the use of third party validators, shall apply for Safety Act certification under Section 864 of the Homeland Security Act of 2002 (P.L. 107-296), to enter into contractual agreements directly with the C–TPAT members, and shall meet all standards for validating C–TPAT participants. This section also requires the Secretary of Homeland Security to report to Congress 30 days after the conclusion of the year-long pilot program.

There is no comparable Senate provision in the bill.

Section 218 of the Conference agreement is similar to House Section 1818 and requires the Secretary of Homeland Security, acting through the Commissioner of United States Customs and Border Protection of the Department of Homeland Security, to establish a plan to implement a one year voluntary pilot program to test and assess the feasibility, costs, and benefits of utilizing third party entities to conduct validations of CTPAT participants. The Conference Report also requires the Secretary of Homeland Security to provide a report to the appropriate congressional committees regarding the plan within 120 days of enactment. The agreement provides for the certification of third party entities and requires the Secretary of Homeland Security to monitor and inspect the operations of the entities conducting validations to ensure that they are meeting the minimum procedures and requirements for the validation of C–TPAT participants. If the Secretary of Homeland Security determines that a validator is not meeting the minimum procedures and requirements, the Secretary of Homeland Security is required to revoke the validator's certificate and review any validations conducted by the entity. The agreement also requires the Secretary of Homeland Security to submit a report to the appropriate congressional committees detailing the results of the pilot program.

Section 219. Revalidation

House Section 201 amends the Homeland Security Act of 2002 to insert a new Section 1819. This section requires revalidation of Customs-Trade Partnership Against Terrorism (C–TPAT) participants not less frequently than once during a three-year period.

Senate Section 218 establishes a process for revalidating C–TPAT participants in tiers 2 and 3 and requires an annual plan for revalidation, detailing performance measures and necessary personnel requirements. The Senate language requires revalidation of C-TPAT participants not less frequently than once during a five-year period.

The Conference Report adopts the Senate provision, as modified to require revalidation not less frequently than once during a four-year period.

Section 220. Noncontainerized cargo

House Section 201 amends the Homeland Security Act of 2002 to insert a new Section 1820, which requires the Secretary of Homeland Security to consider including importers of non-containerized cargo as participants in the Customs-Trade Partnership Against Terrorism (C–TPAT), provided program requirements are met.

Senate Section 219 is a comparable provision.

The Conference Report adopts the Senate provision

Section 221. C–TPAT program management

Senate Section 220 requires the Secretary of Homeland Security to establish sufficient internal quality controls and record management of the Customs-Trade Partnership Against Terrorism (C–TPAT) program including development of a strategic plan to identify goals; annual plans to match resources with workload; a standardized work program to monitor progress; a record management system; and a data protection program.

There is no comparable language in the House bill.

The Conference Report adopts the Senate provision, with an agreement to merge this section with Senate-passed 221, "Resource Management Staffing," and Senate-passed Section 224, "Report to Congress."

The Conferees do not intend for section 221 (c), which deals with confidential information safeguards, to create a new exemption to information otherwise required to be disclosed under the Freedom of Information Act (5 U.S.C. 552).

Section 222. Additional personnel

Senate Section 222 requires the Secretary of Homeland Security to increase, by at least 50 positions annually for fiscal years 2007 through 2009, the number of personnel to validate and revalidate Customs-Trade Partnership Against Terrorism (C–TPAT) participants.

There is no comparable provision in the House bill.

The Conference Report adopts the Senate provision, as modified to authorize the hiring of 50 validation personnel for each of fiscal years 2008 and 2009.

Section 223. Authorization of appropriations

Senate Section 223 authorizes appropriations to United States Customs and Border Protection in the Department of Homeland Security to carry out the Customs-Trade Partnership Against Terrorism (C–TPAT) provisions of Sections 211 through 221. The section authorizes $65 million for fiscal year 2008; $72 million for fiscal year 2009; and $75.6 million for fiscal year 2010. In addition to any monies appropriated to Customs and Border Protection, this section authorizes funds to be appropriated funds for the purpose of meeting the staffing requirement provided in Section 222. This section authorizes $8.5 million for fiscal year 2007; $17.6 million for fiscal year 2008; $27.3 million for fiscal year 2009; $28.3 million for fiscal year 2010; $29.2 million for fiscal year 2011.

House Section 1821 is a comparable provision. House Section 1821 authorizes $75 million for each Fiscal Year 2007 through 2012 for this subtitle.

The Conference Report adopts the Senate provision, as modified to reflect the changes in Conference Report Section 222. As a result, this section authorizes $8.5 million for Fiscal Year 2008 and $17.6 million for Fiscal Year 2009 for the staffing requirement in Section 222.

Subtitle C—Miscellaneous Provisions

Section 231. Pilot integrated scanning system

House Section 208, "Integrated Container Inspection System Pilot Project," is similar in content and purpose to Senate Section 231, "Pilot Integrated Scanning System."

Senate Section 231 authorizes the development of a pilot program in three foreign seaports, each with unique features and varying levels of trade volume to test integrated scanning systems using nonintrusive inspection and radiation detection equipment. This section requires full-scale pilot program implementation within one year of enactment. An evaluation report is required to be submitted to Congress 90 days after full implementation of the pilot as full implementation is required as soon as practicable and possible.

The Conference Report adopts the Senate provision, with a modification to subsection (b) "Coordination" to reflect similar intent in the provision for the Container Security Initiative (CSI). The Conference Report also modifies the reporting requirement from 90 to 180 days. The Conference Report also removes the implementation requirement in Senate Section 231. The Conferees note that nothing in this Subtitle should be read as to promote or support any particular company's technology.

Section 232. Screening and scanning of cargo containers

House Section 202 requires an evaluation of detection systems available to scan containers at foreign seaports. If the Secretary determines the technology meets specific performance criteria, including the ability to automatically identify high-risk cargo such as a shielded nuclear device, the Secretary must seek the cooperation of foreign governments to scan all cargo possible. An annual report on the status of implementation and foreign cooperation is required.

Senate Section 232 requires the Secretary of Homeland Security to ensure that 100 percent of cargo containers entering the United States through a seaport undergo screening to identify high-risk containers. This section also requires the Secretary of Homeland Security to ensure that 100 percent of the aforementioned high-risk containers be scanned for radiation before such containers arrive in the United States seaport facility. In addition, this directs the Secretary of Homeland Security to ensure all containers entering the United States are scanned when effective screening equipment becomes available and other criteria are met. The section requires the equipment to include both nonintrusive imaging and radiation detection features, as well as a means to positively identify each container so that recorded data can be tagged appropriately.

The Conference Report adopts the Senate provision, as modified. This section describes the minimum performance requirements that must be met by a scanning system before wide scale deployment. Of particular significance is the requirement for an automated alarm when dangerous material is found in a container, including a shielded nuclear device. The Conference Report also require the Secretary of Homeland Security to provide periodic reports to Congress on the status of full scale deployment. The Conferees note that full scale implementation should only occur after the successful completion of the three port pilot projects.

Section 233. International cooperation and coordination

Senate Section 232 allows the Secretary of Homeland Security to provide assistance, equipment, and training to facilitate the implementation of supply chain security measures at ports designated by the Container Security Initiative (CSI). This section also requires the Secretary of Homeland Security to identify assistance programs to encourage implementation of port security antiterrorism measures in foreign nations and United States territories, including the United States Virgin Islands, with particular emphasis on ports in the Caribbean Basin. In addition, this section requires Government Accountability Office to submit a report on the security of Caribbean ports within 180 days.

There is no comparable provision in the House bill.

The Conference Report adopts the Senate provision.

Section 234. Foreign port assessments

House Section 204 requires the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, to reassess security measures at foreign ports every three years.

Senate Section 234 requires the Commandant of the Coast Guard to dedicate resources to complete inspections of foreign ports through which trade moves destined for the United States and to reinspect such ports every two years.

The Conference Report adopts the House provision.

Section 235. Pilot program to improve the security of empty containers

House Section 205 requires the Department of Homeland Security to conduct a one-year pilot program to assess the risk posed by, and improve the security of, empty containers at United States seaports. This section requires the Secretary of Homeland Security to prepare and submit a report to the appropriate congressional committees, not later than 90 days after the completion of the pilot program, the results of the program and a determination of whether to expand this program.

The Senate bill does not contain a comparable provision.

The Conference Report adopts the House provision, with an agreement to replace the word "evaluate" in subsection (a) with the words "assess the risk posed by."

Section 236. Information sharing relating to supply chain security cooperation

House Section 201 amends the Homeland Security Act of 2002 to insert a new Section 1806, which establishes continuing liaison and provides for supply chain security cooperation between the Department of Homeland Security and the private sector. The section also provides for information sharing between the private sector and the Department of Homeland Security as it relates to developments and security risks in the supply chain environment.

The Senate does not contain a comparable provision.

The Conference adopts the House provision.

The Conferees do not intend this section to be interpreted to impede or supersede existing programs such as the International Trade Data System (ITDS) or the Automated Commercial Environment (ACE).

Title III—Administration

Section 301. Office of cargo security policy

House Section 603 establishes a Director of Cargo Security Policy within the Directorate for Policy, Planning, and International Affairs of the Department of Homeland Security (established in House Section 601). The section requires the Director of the Office of Cargo Security Policy to advise the Assistant Secretary for Policy regarding all aspects of Department programs related to cargo security, coordinate Department-wide policies regarding cargo security, and coordinate the cargo security policies of the Department with other Federal departments and agencies.

Senate Section 301 establishes the Office of Cargo Security Policy in the Department of Homeland Security, headed by a Director, to coordinate all Department of Homeland Security policies relating to cargo security and consult with other Federal agencies in the establishment of standards and regulations and to promote best practices. This section also requires the Secretary of State to designate a liaison office with the Department of State to assist, as appropriate, in negotiating cargo security-related international agreements.

The Conference Report adopts the Senate provision.

The Conferees note that the creation of this new office does not affect the Coast Guard's direct control over its missions, assets, and personnel and the Coast Guard is not required to seek the approval, permission, or clearance of this office in performing any Coast Guard mission.

Section 302. Reauthorization of Homeland Security Science and Technology Advisory Committee

Senate Section 302 reauthorizes the Homeland Security Science and Technology Advisory Committee and requires the Assistant Secretary for Science and Technology of the Department of Homeland Security to utilize the Committee to provide outside expertise in advancing cargo security technology.

There is no comparable section in the House bill.

The Conference Report adopts the Senate provision.

Section 303. Research, development, test, and evaluation efforts in furtherance of maritime and cargo security

Senate Section 303 assures coordination within the Department of Homeland Security and with other public and private sector entities for research and development of maritime and cargo security innovations.

House Section 201 amends the Homeland Security Act of 2002 to insert a new Section 1831, which is comparable to Senate Section 303.

The Conference Report adopts the Senate provision.

TITLE IV—AGENCY RESOURCES AND OVERSIGHT

Section 401. Trade and Customs Revenue Functions of the Department.

House Sections 301 and 302, among other things, establish the Director of Trade policy in the Department of Homeland Security.

The Senate bill contains no comparable provision.

The Conference Report adopts the House provision, as modified to require the Secretary of Homeland Security to designate a senior official in the Office of the Secretary to ensure that the trade and customs revenue functions of the Department of Homeland Security are coordinated within the Department of Homeland Security and other Federal departments and agencies and to monitor and report to the Congress on the Department's mandate ensuring that trade and customs revenue functions are not diminished. This section also establishes a Director of Trade Policy to advise on all aspects of Department of Homeland Security policies relating to the trade and customs revenue functions. Section 401 requires the Comptroller General of the United States to conduct a study evaluating the Department of Homeland Security's compliance with section 412(b) of the Homeland Security Act of 2002 (P.L. 107–296) and report the findings to the Congress. In addition, this section requires the Secretary to ensure that the requirements of section 412(b) of the Homeland Security Act of 2002 (P.L. 107–296) are fully satisfied and submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate by September 30, 2007. Section 401 further requires the Secretary of Homeland Security to consult with representatives of the business community on Department of Homeland Security policies that have a significant impact on trade. Finally, section 401 requires the Secretary of Homeland Security to notify the appropriate congressional committees not later than 30 days prior to the finalization of any Department of Homeland Security policies, initiatives, or actions that will have a major impact on trade and customs revenue functions, with certain exceptions if the Secretary of Homeland Security determines that it is important to the national security of the United States. The notification must include a description of the proposed policy initiatives or actions and any comments or recommendations provided by the Commercial Operations Advisory Committee (COAC) and other relevant groups.

The Conferees intend the senior official in section 401(a)(1) to be the current Assistant Secretary for Policy under the Department of Homeland Security's current organizational structure, or the Under Secretary for Policy if one is created. The Conferees oppose the designation of the Commissioner of United States Customs and Border Protection, or another officer outside of the Office of the Secretary of Homeland Security, who does not have authority for Department-wide functions or oversight. It is the intent of Conference that the business community consultations and relevant groups referred to in Section 401(c) shall include a wide cross section of the interested parties including representatives of domestic industry sectors, particularly those affected by enforcement actions; customs brokers and other trade facilitators; and small businesses. In addition, the COAC should strive to represent the wide range of commercial interests impacted by the operations of the Department of Homeland Security.

Section 402. Office of International Trade; Oversight

Senate Section 401 establishes an International Trade Policy Committee and an International Trade Finance Committee. This section requires both the International Trade Policy Committee and the International Trade Finance Committee to submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives within 30 days of the end of each fiscal year detailing their activities and identifying their future priorities.

The House bill does not include a comparable provision.

The Conference Report adopts the Senate provision as modified. It establishes the Office of International Trade, headed by an Assistant Commissioner of United States Customs and Border Protection of the Department of Homeland Security. This section requires the transfer of the assets, functions, and personnel of the Office of Strategic Trade and the Office of Regulations and Rulings to the Office of International Trade within 90 days of the date of enactment. In addition, this section authorizes the Commissioner of United States Customs and Border Protection to transfer any other assets, functions, or personnel to the Office of International Trade, provided that the Commissioner notifies the Congress of a planned transfer 45 days prior to such transfer. However, certain exceptions apply with respect to resources from United States ports of entry associated with the enforcement of textile and apparel laws. This section also requires the Commissioner of United States Customs and Border Protection to establish an International Trade Policy Committee to advise the Commissioner with respect to the commercial customs and trade facilitation functions of United States Customs and Border Protection.

Section 403. Resources

Senate Section 402 requires United States Customs and Border Protection to complete a resource allocation model by June 30, 2007, and every two years thereafter, to determine optimal staffing for commercial and revenue functions. The section requires submission of these models to the Congress. Section 402 authorizes appropriations to increase the number of United States Customs and Border Protection personnel to perform commercial operations and customs revenue functions, based on the resource allocation models required by this section. The section also authorizes the hiring of an additional 1000 Customs and Border Protection Officers (CBPOs).

The House bill does not contain a comparable provision, although House Section 121 provides for 200 additional CBPOs for each of the Fiscal Years 2007 through 2012.

The Conference Report adopts Senate Section 402, as modified. The Conferees agree to include language requiring the initial resource allocation model to provide for the hiring of a minimum of 200 CBPOs for each of the Fiscal Years 2008 through 2012. The Conference agreement requires the Commissioner of United States Customs and Border Protection, in assigning the additional personnel, to consider the volume of trade, the incidence of non-voluntarily disclosed customs and trade law violations, and security priorities at the United States ports of entry. The Commissioner of United States Customs and Border Protection shall assign at least 10 additional CBPOs at each service port and the ports of entry serviced by such service port no later than October 2010. However, the Commissioner shall not assign an additional CBPO to a port of entry that does not need such an additional CBPO. The agreement also requires the Commissioner of Customs and Border Protection to consult with the port directors of each service port prior to assigning CBPOs to determine where to assign such additional CBPOs.

The Conferees expect that the Commissioner of United States Customs and Border Protection will use the resources of Section 403 to accelerate the development and promulgation of regulations to implement trade agreements because the pace has been too slow.

Section 404. Negotiations

The Conference agreement is identical to Senate Section 403, which requires the Department of Homeland Security to work with appropriate Federal officials and international organizations to harmonize customs procedures, standards, requirements, and commitments to facilitate the efficient flow of international trade.

The House bill does not contain a comparable provision.

The Conference substitute adopts the Senate provision.

Section 405. International trade data system

House Section 203 requires the President to establish and implement the International Trade Data System (ITDS), a single, uniform data system for the electronic collection, dissemination, and sharing of import and export information, to increase the efficiency of data submission and the security of such data related to border security, trade, and public health and safety of international cargoes. The section requires the President to consult with private sector stakeholders in developing uniform data submission requirements, procedures, and schedules. Section 203 also requires the President to provide a report to the appropriate congressional committees on the schedule for full implementation of ITDS.

Senate Section 404 requires the Secretary of the Treasury to: oversee the establishment of an electronic trade data interchange system; eliminate redundant information requirements; efficiently regulate the flow of commerce; and enforce regulations relating to international trade. This section also requires all Federal agencies that require documentation for clearing or licensing the importation and exportation of cargo to participate in the International Trade Data System (ITDS). This section allows the Office of Management and Budget (OMB) to waive the participation requirement if it is in the interest of National security. In addition, this section establishes an Interagency Steering Committee to define the standard set of data elements to be collected, stored and shared in the ITDS and requires the Committee to submit a report to the Congress before the end of each fiscal year.

The Conference Report adopts the Senate provision as modified.

Section 406. In-Bond cargo

Senate Section 405 requires the Commissioner of United States Customs and Border Protection to submit a report regarding in-bond cargo to the Committees on Commerce, Science, and Transportation; Homeland Security and Government Affairs; and Finance of the Senate and the Committees on Homeland Security; Transportation and Infrastructure; and Ways and Means of the House of Representatives not later than June 30, 2007. The report must include: a plan for closing in-bond entries at the port of arrival; an assessment of whether ports of arrival should require any additional information regarding shipments of in-bond cargo; and an evaluation of criteria for targeting and examining in-bond cargo.

The House bill does not contain a comparable provision.

The Conference Report adopts the Senate provision.

Section 407. Sense of the Senate

Senate Section 406 expresses the sense of the Senate that nothing in Sections 2, 106, 111 through 113, and 201 through 232 of the bill shall be construed to affect the jurisdiction of any standing committee of the Senate.

The House bill does not include a comparable provision.

The Conference Report adopts the Senate provision.

TITLE V—DOMESTIC NUCLEAR DETECTION OFFICE

Section 501. Establishment of Domestic Nuclear Detection Office

House Section 401 amends the Homeland Security Act of 2002 (P.L. 107-296) to add a new Sections 2001 through 2015, which establish the Domestic Nuclear Detection Office (DNDO) in the Department of Homeland Security.

The Senate Section 801 also establishes DNDO, and is similar to section 401 of the House bill.

The Conference Report adopts the Senate provision, as modified, amending the Homeland Security Act as noted below.

Section 1801. Domestic Nuclear Detection Office

Section 1801 of the Conference Report establishes the Domestic Nuclear Detection Office (DNDO) in the Department of Homeland Security, to be headed by a Director appointed by the President. This section allows the Secretary of Homeland Security to request that the heads of various Federal agencies provide for the reimbursable detail of personnel with relevant expertise to the DNDO.

Section 1802. Mission of office

Section 1802 of the Conference Report defines the mission of the Domestic Nuclear Detection Office (DNDO) and the responsibilities of the Director of DNDO. In fulfilling its mission to coordinate Federal efforts to detect and prevent acts of nuclear or radiological terrorism against the United States, DNDO will be responsible for: developing the global nuclear detection architecture (a blueprint for an international and domestic network of nuclear and radiological detectors), implementing the domestic portion of this architecture, and continually maintaining situational awareness throughout the global architecture; enabling effective information and intelligence sharing with and reporting to appropriate officials including the intelligence community, law enforcement agencies, the emergency response community, and other appropriate authorities; and, developing, coordinating and executing a research and development program focused on achieving dramatically improved nuclear detection capabilities.

The Conference Report adopts the provision in Senate Section 801. The Senate recedes to House language which clarifies DNDO's responsibilities to include technical reachback. This ensures technical experts are available for interpreting detector data. This provision is critical to the success of the implementation of the global nuclear detection architecture. The Senate also recedes to House language requiring DNDO to conduct rigorous testing and evaluation of detectors and detection systems to ensure that desired performance capabilities are known and can be attained under realistic operating conditions prior to large scale acquisition and deployment.

Section 1803. Hiring authority

Section 1803 of the Conference Report gives the Secretary of Homeland Security flexible hiring authority designed to attract qualified technical personnel needed in the Domestic Nuclear Detection Office to successfully fulfill its mission.

Section 1804. Testing authority

Section 1804 provides the Director of the Domestic Nuclear Detection Office (DNDO) with the authority to use Federal facilities to test equipment and any other items related to the mission of DNDO. This section ensures that test results remain confidential, unless consent is provided. The House and Senate confidentiality provisions are identical. Section 1804 also establishes a fee structure that allows for private sector companies to use Federal facilities to test mission-related equipment. While the provision for testing services in the House bill is similar to the Senate version, the Conference Report adopts the Senate amendment in order to provide greater clarity on fees incurred by the Government for providing services to the private sector.

Section 1805. Relationship to other department entities and Federal agencies

House Section 2001(d) and 2003(c) are similar in content and purpose to Senate Section 1805, but the Senate provision has a more extensive savings clause.

Senate Section 1805 clarifies that the authorities and responsibilities of the Director created in this Act will not affect those of other Department entities, nor those of other Federal Departments or agencies.

The Conference Report adopts the Senate provision.

Section 1806. Contracting and grant making authorities

The House Section 401 contains conforming language enabling the Director of DNDO to carry out research, development, testing, and evaluation of nuclear and radiological detection technologies through extramural and intramural programs using grants, contracts, cooperative agreements and other transactions. Additionally, the House bill allows the Director to establish or contract with a Federally Funded Research and Development Center to assist in carrying out mission-related responsibilities. These authorities are vested in the Director by amending Title III of the Homeland Security Act of 2002 (P.L. 107–296), and thus these authorities are given by the Secretary to the Director, in conjunction with the Under Secretary for Science and Technology.

Senate section 802 is a comparable provision.

The Conference Report creates authorities for the Director, not through amending Title III of the Homeland Security Act of 2002, but by establishing these authorities, independent of the Under Secretary for Science and Technology, directly within Title XVIII-Domestic Nuclear Detection Office of the Homeland Security Act of 2002, as amended by this Act. Section 1806 of the Conference Report also includes language from a Senate amendment directing DNDO to investigate radiation detection equipment in configurations suitable for deployment at seaports.

Section 502. Technology research and development investment strategy for nuclear and radiological detection

Senate Section 802 requires the development of a long-term, interagency road map to guide research and development on nuclear and radiological detection systems. A report on the impact of this title on the Department of Homeland Security's research and development efforts is also required. The Director of DNDO and the Under Secretary for Science and Technology are required to report annually on their efforts to provide a cohesive, integrated research and development strategy.

House Section 401 amended the Homeland Security Act to insert a new Section 2011. The report provision included in this section, in contrast to the requirement above, is an internal DNDO activity requiring the Director to inform Congress of its global detection strategy, status, and schedule.

The Conference Report adopts the Senate provision.

TITLE VI—COMMERCIAL MOBILE SERVICE ALERTS

Section 601. Short title

Senate Section 601 states that this title may be cited as the "Warning Alert and Response Network Act."

The House bill contains no comparable provision.

The Conference Report adopts the Senate provision.

Section 602. Federal Communications Commission duties

The Senate bill contains no comparable section.

The House bill contains no comparable section.

The Conference Report adopts the Senate provision, as modified. This section sets forth certain duties of the Federal Communications Commission (FCC) in connection with this title necessary to create a process through which commercial mobile service providers (as such term is defined by Section 332(d)(1) of the Communications Act of 1934) can voluntarily elect to transmit emergency alerts. The FCC must complete a proceeding adopting relevant technical standards, protocols, procedures and other technical requirements based on the recommendations of the Commercial Mobile Service Alert Advisory Committee established in this title to enable the transmission of emergency alerts by commercial mobile service providers who elect to transmit such alerts. This section also provides the FCC with authority necessary to implement this title and provides liability protection to commercial mobile service providers, including the vendors for such providers, electing to transmit emergency alerts.

Section 603. Commercial Mobile Service Alert Advisory Committee

Senate Section 606 establishes a Working Group to provide guidance on the development of the National Alert System.

The House bill contains no comparable section.

The Conference Report adopts the Senate provision, as modified. This section directs the Chairman of the FCC to establish a Commercial Mobile Service Alert Advisory Committee (Advisory Committee) that is required to develop recommendations critical to enable the transmission of emergency alerts by commercial mobile service providers that elect to transmit such alerts. Such recommendations must be submitted by the Advisory Committee to the FCC within one year of enactment, and include protocols, technical capabilities, and technical procedures through which participating providers may receive, verify and transmit alerts to subscribers. This section also requires the Advisory Committee to make recommendations concerning the transmission of alerts in languages other than English, to the extent practicable and feasible. The membership of the Advisory Committee includes representatives of State, local and tribal governments, industry experts and such other stakeholders as the FCC Chairman deems appropriate. This section provides rules for the Advisory Committee, exempts it from the requirements of the Federal Advisory Committee Act, and requires its meetings to be public and announced in advance.

Section 604. Research and development

Senate Section 607 requires the Undersecretary of Homeland Security for Science and Technology and the Director of the National Alert Office to establish a research and. development program to help facilitate future communication devices to effectively participate in the system.

The House bill contains no comparable section.

The Conference Report adopts the Senate provision, as modified. This provision directs the Department of Homeland Security's Under Secretary for Science and Technology to establish a research, development, testing, and evaluation program to facilitate the transmission of emergency alerts by commercial mobile service providers, including the transmission of geographically targeted alerts.

Section 605. Grant program for remote community alert systems

Senate Section 608 instructs the Administrator of National Oceanic and Atmospheric Administration (NOAA) to establish a grant program to provide for the installation of technologies in remote communities to ensure they are effectively alerted. This grant program sunsets after five years.

The House bill contains no comparable section.

The Conference Report adopts the Senate provision, as modified. This provision directs the Administrator of the National Oceanic and Atmospheric Administration (NOAA), in consultation with the Secretary of Homeland Security, to establish a grant program for outdoor alerting technologies for remote communities that are effectively unserved by commercial mobile service. The grant program sunsets after five years and is capped at $10 million.

Section 606. Funding

Senate Section 613 authorizes $106 million through the Digital Transition and Public Safety Fund in accordance with section 3010 of the Digital Television Transition and Public Safety Act of 2005

The House bill does not contain a comparable provision.

The Conference Report adopts the Senate provision, as modified. This provision establishes the funding mechanisms for this title and provides borrowing authority to accelerate implementation of this title. It emphasizes that priority should be given to the provisioning of backbone capability by public broadcast stations to ensure sufficient funding for such capability.

Section 607. Essential services disaster assistance

The House bill does not contain a comparable provision.

The Senate bill does not contain a comparable provision.

The Conference Report adopts this provision, which prohibits Federal agencies, to the greatest extent practicable, from denying or impeding essential service provider access to a disaster site for the purpose of restoring essential services or impeding the repair or restoration of essential services by such providers, unless exceptional circumstances apply. This provision does not waive any Federal laws, regulations or policies.

Section 608. Community disaster loans

The House bill does not contain a comparable provision.

The Senate bill does not contain a comparable provision.

The Conference Report adopts this provision, which increases the community disaster loan percentage to 50 percent of local government's annual operating income if local government loses 75 percent of its tax and other revenue due to a major disaster, but retains the $5 million cap. This would primarily help small local governments with annual budgets of under $10 million.

Section 609. Public facilities

The House bill does not contain a comparable provision.

The Senate bill does not contain a comparable provision.

The Conference Report adopts this provision, which authorizes a 90 percent reimbursement for relocating a public building that was destroyed by disaster in all cases, regardless of whether there is soil instability.

The Conferees note that this approach may be more efficient than having the Federal Emergency Management Agency pay the extra cost of raising the elevation of a rebuilt public building when flood zones change, as is the case under current law. Current law allows, as an alternative to rebuilding in place a public building destroyed by a major disaster, the option of taking a grant to replace that capability in another location. The Federal contribution 75 percent of the Federal cost share, unless the reason for relocating is soil instability, in which case the Federal contribution is 90 percent of the Federal cost share.

Section 610. Expedited payments

The House bill does not contain a comparable provision.

The Senate bill does not contain a comparable provision.

The Conference Report adopts this provision, which requires the Federal Emergency Management Agency to make a down-payment of at least 50 percent of the Federal estimated cost of the reimbursement to a local government for debris removal within 60 days of developing the estimate, but not later than 90 days after the filing of the claim.

Section 611. Use of local contracting

The House bill does not contain a comparable provision.

The Senate bill does not contain a comparable provision.

The Conference Report adopts this provision, which instructs Federal agency contracting officers, when practicable and feasible, to break disaster response and recovery work requirements into smaller packages to facilitate participation by local contractors.

The Conferees note that in response to Hurricane Katrina, Federal agencies tended to hire large contractors to perform broad responsibilities over the entire disaster area, which made it difficult for smaller, local firms to compete.

Section 612. Federal emergency management agency programs

The House bill does not contain a comparable provision.

The Senate bill does not contain a comparable provision.

The Conference Report adopts this provision, which requires the Federal Emergency Management Agency to be responsible for the radiological emergency preparedness program and the chemical stockpile emergency preparedness program.

Section 613. Homeland security definition

The House bill does not contain a comparable provision.

The Senate bill does not contain a comparable provision.

The Conference Report adopts this provision, which amends the Homeland Security Act of 2002 (107-296) to insert "governmental and non-governmental" after "local."

TITLE VII—OTHER MATTERS

Section 701. Security plan for essential air service and small community airports

Senate Section 1106 requires the Assistant Secretary of Homeland Security for Transportation Security, not later than 60 days after the date of enactment, to submit a security plan to Congress for Essential Air Service airports in the United States. The section requires the plan to include recommendations for improved security measures and passenger and cargo screening procedures, and a timeline and cost analysis for the implementation of the recommended security measures and screening procedures.

The House bill does not contain a comparable provision.

The Conference Report adopts the Senate provision, as modified to require a security plan for Essential Air Service Airports in the United States and airports whose community or consortia of communities receive assistance under the Small Community Air Service Development Program and maintain, resume, or obtain scheduled passenger air carrier service with assistance from that program.

Section 702. Disclosures regarding homeland security grants

Senate Section 1107 requires each State or local government that receives a grant from the Department of Homeland Security to provide a report to the Secretary of Homeland security listing all expenditures using such funds.

The House bill does not contain a comparable provision.

The Conference Report adopts the Senate provision.

Section 703. Trucking security

Senate Section 1109 requires the Secretary of Transportation, in cooperation with the Secretary of Homeland Security, not later than 12 months after the date of enactment, to issue regulations to implement the recommendations of the Department of Transportation Inspector General's memorandum issued on June 4, 2004. In addition, this section requires the Secretary of Transportation, in conjunction with the Secretary of Homeland Security, to issue a regulation to implement the recommendations contained in the Report on Federal Motor Carrier Safety Administration Oversight of the Commercial Driver's License Program. This section also requires the Secretary of Homeland Security, within 12 months of enactment, to draft guidelines for Federal, State, and local law enforcement officials to improve compliance with Federal immigration and customs laws. In addition, this section requires the Administrator of the Federal Motor Carrier Safety Administration, within 12 months of enactment, to modify the final rule regarding the enforcement of operating authority to establish a system or process by which a carrier's operating authority can be verified during a roadside inspection.

The House bill does not contain a comparable provision.

The Conference Report adopts the Senate provision, as modified to require the Secretary of Transportation to work in cooperation with the Secretary of Homeland Security in issuing regulations to implement the recommendations in the Report on Federal Motor Carrier Safety Administration Oversight of the Commercial Driver's License Program. In addition, the Conference agreement changes the time frame for completion of the various tasks in this section from 12 months to 18 months.

Section 704. Air and marine operations of the northern border air wing

Senate Section 1112 authorizes $40 million, in addition to any other amounts authorized for United States Customs and Border Protection, for each of fiscal years 2007 and 2008 for the operating expenses of the Northern Border Air Wing in Great Falls, Montana.

The House bill does not contain a comparable provision.

The Conference Report adopts the Senate provision, as modified. This section authorizes such sums as are appropriate in fiscal year 2008, in addition to any other amounts authorized for United States Customs and Border Protection, for the Northern Border Air Wing Branch in Great Falls, Montana.

Section 705. Phase-out of vessels supporting oil and gas development

Senate Section 1114 allows foreign-flag vessels to be employed for the movement or transportation of anchors in the Beaufort Sea.

The House bill does not contain a comparable provision.

The Conference Report adopts the Senate provision.

Section 706. Coast Guard property in Portland, Maine

Senate Section 1115 changes the conveyance date for United States Coast Guard Property in Portland, Maine.

The House bill does not contain a comparable provision.

The Conference Report adopts the Senate provision.

Section 707. Methamphetamine and methamphetamine precursor chemicals

Senate Section 1116 requires the Commissioner of the United States Customs and Border Protection to conduct a study and submit a report on matters relating to Methamphetamine and Methamphetamine Precursor Chemicals.

The House bill does not contain a comparable provision.

The Conference Report adopts the Senate provision, as modified to specify that the Commissioner consult with the Attorney General of the United States in addition to the United States Immigration and Customs Enforcement, the United States Drug Enforcement Administration, and the United States Department of State. The House also requested that the Committee on the Judiciary in the House of Representatives receive a copy of the report and that the word "international" be inserted before the word "mails."

Section 708. Aircraft charter customer and lessee prescreening program

Senate Section 1117 requires the Comptroller General to assess and report on the status, implementation, and use of the Department of Homeland Security's aircraft charter customer and lessee pre-screening process. This section requires the report to be submitted to the Committees on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives within 180 days of the date of enactment.

The House bill does not contain a comparable provision.

The Conference Report adopts the Senate provision, as modified to require the Comptroller to submit the report within 270 days of the implementation of the Department of Homeland Security's aircraft charter customer and lessee prescreening process.

Section 709. Protection of health and safety during disasters

Senate Section 1104 authorizes the Department of Health and Human Services to establish a coordinated protection, assessment, and monitoring program for individuals that suffer from a high exposure level to a substance of concern in disaster areas. The program informs these individuals of the health hazards associated with such releases, and monitors the short and long-term health affects of such a release. It allows for the voluntary registry in any such program. The section requires the National Academy of Sciences to gather a series of subject matter experts and provide a report on disaster area health and environmental monitoring and provide for recommendations to improve monitoring and response activities at the Federal, State, and local level.

The House has no comparable provision.

The Conference Report adopts the Senate language. The Conference clarifies that the intent of this provision is to provide for the protection, assessment, and monitoring of all responders, whether uniformed or volunteer, and those individuals living, working, or attending school within the disaster area involving any mode of transportation that suffer from a high exposure level to a substance of concern in the disaster area.

COMPLIANCE WITH HOUSE RESOLUTION 1000

In compliance with H. Res. 1000, (109th Congress), the following provisions have been included in H.R. 4954:

The bill contains language requiring disclosure under House Resolution 1000 on page 46, lines 16 through page 47, line 10. This section requires the establishment of an intermodal rail radiation detection test center to be located at a port with the majority of its cargo leaving the facility using on-dock, intermodal rail. The language is from an amendment offered by Senator Cantwell.

The bill also contains language requiring disclosure on page 50, lines 1 through 10. This section requires the establishment of a Border Patrol unit in the United State Virgin Islands. The language is from an amendment offered by Delegate Christensen.

The bill also contains language requiring disclosure on page 190, line 16 through page 191, line 3. This section authorizes such sums as may be necessary for the Northern Border Air Wing Branch located in Great Falls, Montana. The language is from an amendment offered by Senator Baucus.

The bill also contains language requiring disclosure on page 193, lines 8 through 12. This section amends the conveyance date for United States Coast Guard Property in Portland, Maine. The language is from an amendment offered by Senator Collins.

From the Committee on Homeland Security:

PETER KING,
DANIEL E. LUNGREN,
JOHN LINDER,
ROB SIMMONS,
DAVID REICHERT,
MICHAEL T. MCCAUL,
DON YOUNG,
BENNIE G. THOMPSON,
LORETTA SANCHEZ,
JANE HARMAN,
BILL PASCRELL, Jr.,

From the Committee on Energy and Commerce:

JOE BARTON,
FRED UPTON,

From the Committee on Transportation and Infrastructure:

BILL SHUSTER,

From the Committee on Science:

SHERWOOD BOEHLERT,
MIKE SODREL,
CHARLIE MELANON,

From the Committee on Ways and Means:

WM. THOMAS,
E. CLAY SHAW, Jr.,
Managers on the Part of the House.

From the Committee on Homeland Security and Governmental Affairs:

SUSAN COLLINS,
NORM COLEMAN,
R.F. BENNETT,

From the Committee on Commerce, Science, and Transportation:

TED STEVENS,
TRENT LOTT,
KAY BAILEY HUTCHISON,

From the Committee on Finance:

CHUCK GRASSLEY,
ORRIN HATCH,
MAX BAUCUS,

From the Committee on Banking, Housing, and Urban Affairs:

RICHARD SHELBY,
Managers on the Part of the Senate.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4954, SAFE PORT ACT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the chairman of the Committee on Rules or his designee, without intervention of any point of order, to call up House Resolution 1064; that the resolution be considered as read; and that the resolution be debatable for 20 minutes equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SESSIONS. Mr. Speaker, pursuant to the previous order of the House and as the designee of the chairman of the Committee on Rules, I call up House Resolution 1064 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1064

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. Pursuant to the order of the House, the gentleman from Texas (Mr. SESSIONS) and the gentleman from Florida (Mr. HASTINGS) each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, I rise in support of this consent agreement providing for the consideration of a conference report for the Security and Accountability for Every Port Act. This port security bill, which has been agreed to now by the conference committee, came as a result of House action that was made on May 4 that passed this House 421–2.

Mr. Speaker, I want you to know that there are four major provisions within this SAFE Act: number one, enhancing security at U.S. ports; number two, preventing threats from reaching the United States of America; number three, tracking and protecting containers en route to the United States; and, number four, establishing the Domestic Nuclear Detection Office.

Mr. Speaker, we have spent a lot of time in this House of Representatives speaking about and working with our counterparts in the United States Senate as well as the administration on better ways that we can enhance port security. This conference report which we bring tonight, the last night before we go to recess, is an important victory for the American people. It stands to continue the safeguard position that this great Nation expects not only of its government but expects from the House of Representatives. I am proud that we are able to bring this bill forward tonight.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, as has already been pointed out, today, at least tonight, we consider the conference report for the major security legislation for this year. I voted for this bill in May, and I likely will vote for this conference report.

I point out, however, that this bill could have and should have been much better. If the majority really cared about safety and security and if they cared more than they do about naked partisanship and political advantage, this would be a bill that we could all be proud to pass.

For example, Mr. Speaker, when the bill was considered this spring and again now, we were prohibited from considering a Democratic amendment offered by Representatives NADLER, OBERSTAR, MARKEY, and others which requires that every shipping container be scanned and sealed before being loaded onto a ship destined for the United States. The scary fact remains that less than 5 percent of all containers coming into the United States through our ports are scanned.

Mr. Speaker, as someone who represents a district which depends greatly upon three major international ports for economic activity, I took considerable umbrage with the majority's not allowing this amendment to be considered. I take issue with your conscious decision to block the House from considering proposals which would have, without a doubt, made my constituents and the American people safer.

Moreover, the rule this past spring prohibited the ranking Democratic member of the Homeland Security Committee, an expert in this field, BENNIE THOMPSON, from making constructive changes to the bill. Ranking Member THOMPSON's changes address the fact that we cannot continue asking Customs officials to do more with less. His amendment authorized funding for U.S. Customs and Border Patrol to hire 1,600 more officers at seaports.

Mr. Speaker, as I previously mentioned, I am proud to represent a region in our country which is home to some of our largest international seaports. Port Everglades in Fort Lauderdale, Port of Palm Beach in Riviera Beach, and the Port of Miami, each within or just minutes from the district I am privileged to represent, have led the way in security improvements in America. The three, Port Everglades in particular, have all enjoyed national and international best practices recognition.

So when I come to the floor today and consider the underlying legislation, I have to ask does this legislation get our ports to where they need to be regarding security. The answer is it gets us closer, but we can and must do better.

Mr. Speaker, we had an opportunity in May to do something about a real problem which we all know exists at America's seaports. We will accomplish some with the passage of this bill, but we must return to this topic when the new Congress convenes next January after a new direction. We can do better and we will do better for the American people. When we come next year, Democrats will give our Customs and Border Patrol officers the necessary tools and directives to do everything that they can possibly do to stop attacks from happening here in the United States. Until this time we have this bill, which is a first step, and that is all it is, a first step.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, my colleague from Florida has pointed up not only the hard work that we have been doing on this bill, bipartisan work for a number of years, but also really about the effort or the direction, the direction that we are aiming at. And, in fact, under this SAFE Port Act of 2006, we are setting a timeline by which 100 percent of all containers will be scanned for radiation, by requiring the Department of Homeland Security to set the timeline for deploying these radiation detectors.

Mr. Speaker, we are also making sure that we are adding the number of people to the Customs and Border Patrol who will conduct these validations. We are going to make sure that we continue to add, as necessary, the numbers of people pointed at the right direction.

The gentleman from Florida is correct: we are not exactly where we want to be. But for us to think that 100 percent of everything can just be done overnight is not the reality of where the threat is at this country. I believe this President, I believe this administration, I believe this Congress have been aware of the frailties of our systems. We are trying to match our dollars, the resolve of this great Nation, with the ability on all of our borders to be able to make sure that we are looking at the threats of the 21st century that come to us as a result of terrorist organizations. We want to make sure that by doing this bill tonight that we allow and put into motion the opportunity for the Department of Homeland Security to be better prepared to face those threats that come against the United States.

This passed 421–2. It is an indication, it was in May, that we are headed in the right direction. I am confident tonight that the final answer that comes from the negotiation with the Senate can be on the President's desk as early as tomorrow, ready and waiting to protect this country.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. I heard that the conference was a farce. My colleague from Texas said we are headed in a new direction.

People don't need no new direction. What people need is an absolute destination. And the fact of the matter is there were people who could have made this bill better and we are shut out of the process the same as we have been all the way down the line.

Mr. Speaker, I am very pleased to yield 3 minutes to my very good friend, the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I want to thank my very dear friend, the outstanding congressman from Florida (Mr. HASTINGS) for yielding me this time.

On Wednesday morning I came to the floor of the House to protest the fact that the Republican leadership was holding up the Department of Defense bill because they wanted to attach a ban on Internet gaming. It was more important to the Republican leadership to keep people from playing poker on their computers in their homes than passing a defense bill that would help protect our troops serving this Nation in Iraq, Afghanistan, and the rest of the world. So the last bill that we pass before we adjourn on the vital and important issue of port security contains the ban on Internet gaming.

What does a ban on Internet gaming have to do with port security? Absolutely nothing.

This section was added to the bill in an attempt to fire up the far-right anti-gaming element of the Republican Party in time for this year's election. They could not sneak it into the defense bill, so they put it into the port security bill.

What does banning Internet gaming have to do with port security? I cannot think of a single thing.

To ensure that this provision stayed in, they actually prevented the conferees from meeting and offering amendments. That is taking partisanship to a new low even in this Congress where partisanship is the rule rather than the exception.

If we must resign ourselves to adding extraneous provisions to conference reports, why don't we add something meaningful that could actually help people? How about stopping the cut in Medicare physicians' reimbursement so that the doctors can continue to treat older Americans? How about something like that that can do millions of Americans some good? But that wouldn't please the far-right ultraconservative anti-gaming types in the Republican Party as much as preventing individuals from wagering on the Internet in the comfort of their own homes.

Mr. Speaker, I will vote for this bill because it addresses important national security issues. But I hope that the American people, those that are listening to us debate tonight, are aware of the partisan games that are being played with this bill by the Republican leadership in this Congress.

I support all of the strenuous objections you have, Mr. HASTINGS, to this piece of legislation that is important, could have been good, should have been better, and isn't.

Mr. SESSIONS. Mr. Speaker, I came down to speak about the bill, the SAFE Port Act of 2006, and to move this bill forward.

Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

I will be asking Members to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment to the rule that instructs the enrolling Clerk to modify the conference report and add important provisions from the Senate version of this bill. These provisions are virtually identical to those in the motion to instruct that the House overwhelmingly adopted just 24 hours ago by a vote of 281–140.

☐ 2145

Any Member who supported that motion last night should support my amendment today.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, when the House passed this bill in May, it passed by a wide bipartisan margin and focused exclusively on port security issues. When the Senate took up this bill, however, it broadened the scope of this legislation to address the gaping security holes in our country's rail, subway, bus and trucking system.

Secretary Chertoff and the House Republicans called these new sections "goulash." I think they are good policy, and I think they should be part of the bill we send to the President today. If we can stick unrelated gambling legislation into this conference report, Mr. Speaker, why cannot we include legislation that will improve our mass transit and rail security?

Mr. Speaker, the 9/11 Commission noted in its final report that our surface transportation systems such as railroads and mass transit remain hard to protect because they are so accessible and extensive. We all know that Congress has not done enough to address this problem. So let's take this final opportunity to make some progress by including the Senate language.

Mr. Speaker, I want to stress that a "no" vote on the previous question will not stop consideration of the port security conference report, but a "no" vote will allow the House to include in the conference report the critical Senate provisions that were contained in yesterday's motion to instruct that passed this House by a bipartisan and overwhelming vote.

Again, vote "no" on the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank the gentleman from Florida, my friend, who has engaged this entire year in attempting to work with us the best as possible, despite some objections, on getting these bills to the floor.

The Rules Committee does have a job to do. That is our job tonight. Our job is to make sure that this rule is brought forward. I am asking all Members to vote "aye" on the previous question, to vote "aye" and then to get this bill on the floor with an overwhelming bipartisan vote, 421–2 the last time we voted on this bill.

It is the right thing. It makes sure that we provide the tools that are necessary to the President of the United States effective immediately. I think we are going to get it done, Mr. Speaker. I am very proud of the work that is happening in the U.S. House of Representatives.

I am proud to know that tonight we will be through, we will be home, we will be with our families, but we should not leave until we get our work done, and that we are doing.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in opposition to the rule on H.R. 4954, the Security and Accountability for Every Port Act of 2006.

This rule is furtherance of a process that can be summed up in two words—a joke.

After weeks of negotiations, Republicans refused to share the final conference report on legislation that was supposed to be bipartisan.

Indeed, this is legislation that builds on what my colleague LORETTA SANCHEZ did last Congress and that JANE HARMAN took up this Congress.

Last night at 7:30, a conference report meeting was called and it was missing the key ingredient—a conference report.

After opening statements, Chairman PETER KING closed the meeting, telling us it was his intention "that amendments would be offered."

And, at 11:30 last night, we finally received the report with a very clear P.S. from Mr. KING—there would be no amendments offered.

His actions contradicted the will of this House, which voted yesterday 281–140 to instruct conferees to consider specific issues that the amendments to be offered would have covered.

Now, the Committee on Homeland Security has been a bipartisan committee to date. These questionable processes undermine our homeland security efforts—all in the name of politics.

I know the elections are important to my colleagues across the aisle but they should not take precedent over America's homeland security efforts.

Adding even more insult to the process, the Republicans have attached internet gambling to the port security bill.

Now, Mr. Speaker, I ask someone to explain to me how prohibiting internet gambling is more important to our homeland security than making our trains, subways, and buses safe?

You will hear excuses about why we can't do mass transit and rail security and that we will "take it up soon."

When?

Madrid happened in 2004. London happened in 2005. Mumbai happened only a few months ago.

Are we waiting for New York City's Long Island Railroad to be attacked to pass sensible security for trains?

If so, at least we'll have comfort in knowing that Americans can't bet on the Superbowl online.

Now, I have signed on to the conference report because there are good things, but they aren't enough.

Frankly, this body can and should do better. We need to put America's security first and foremost before politics.

I urge all Members to oppose the rule.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION FOR RULE ON CONFERENCE REPORT FOR H.R. 4954—"SAFE" PORT ACT

Strike all after the resolved clause and insert:

"That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4954) To improve maritime and cargo security through enhanced layered defenses, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

Sec. 2. (a) A concurrent resolution specified in subsection (b) is hereby adopted.

(b) The concurrent resolution referred to in subsection (a) is a concurrent resolution

(1) which has no preamble;

(2) the title of which is as follows: "Providing for Corrections to the Enrollment of the Conference Report on the bill H.R. 4954"; and

(3) the text of which is as follows:

"That, in the enrollment of the bill H.R. 4954 entitled" An Act to improve maritime and cargo security through enhanced layered defenses, and for other purposes', the Clerk of the House of Representatives is hereby authorized and directed to make the following corrections:

"(1) Insert title V of the Senate amendment to the bill (relating to the Rail Security Act of 2006).

"(2) Insert title VII of the Senate amendment to the bill (relating to mass transit security).

"(3) Insert title IX of the Senate amendment to the bill (relating to improved motor carrier, bus, and hazardous material security).

"(4) Insert the following sections of title XI of the Senate amendment to the bill:

"(A) Section 1101 (relating to certain TSA personnel limitations not to apply).

"(B) Section 1102 (relating to the Rural Policing Institute).

"(C) Section 1103 (relating to evacuation in emergencies).

The Vote on the Previous Question: What It Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 1064 will be followed by 5-minute votes on adopting House Resolution 1064, if ordered; and suspending the rules and passing S. 3661.

The vote was taken by electronic device, and there were—yeas 220, nays 189, not voting 23, as follows:

[Roll No. 512]

YEAS—220

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NAYS—189

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—23

Case
Castle
Dicks
Evans
Foley
Ford
Frank (MA)
Gutierrez
Hyde
Johnson (IL)
Jones (NC)
Lewis (GA)
Marshall
Meehan
Moran (VA)
Ney
Nussle

Sabo
Stark
Strickland
Tancredo
Waxman
Wilson (SC)

☐ 2219

Mr. SPRATT changed his vote from "yea" to "nay."

Mr. WALSH and Mr. BOOZMAN changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on September 29, 2006, I was away from my official duties due to a family matter, and subsequently missed a recorded vote on rollcall No. 512, on ordering the Previous Question on H. Res. 1064, waiving points of order against the conference report to accompany the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—PRIVILEGED RESOLUTION REQUIRING INVESTIGATION OF KNOWLEDGE OF OFFENSES OF REPRESENTATIVE MARK FOLEY

Ms. PELOSI. Mr. Speaker, pursuant to rule IX, I rise in regard to a question of the privileges of the House and I send to the desk a privileged resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Whereas for more than 150 years, parents from across the country have sent their children to be pages in the U.S. Capitol, the Page School is a national treasure, and the children who attend it and work in the Congress are our special trust;

Whereas, according to press reports, Representative MARK FOLEY (R–FL) reportedly engaged in highly inappropriate and explicit communications with a former underage page;

Whereas these allegations were so severe that Representative FOLEY immediately resigned his seat;

Whereas the page worked for Congressman RODNEY ALEXANDER (R–FL) and, according to press reports, Representative ALEXANDER learned of the e-mails "10 to 11 months ago"; (AP, September 29, 2006)

Whereas Rep. ALEXANDER has said, "We also notified the House leadership that there might be a potential problem", and the Democratic leadership was not informed; (AP, September 29, 2006)

Whereas all Members of Congress have a responsibility to protect their employees, especially young pages who serve this institution;

Whereas these charges demand immediate investigation, including when the e-mails were sent, who knew of the e-mails, whether there was a pattern of inappropriate activity by Mr. FOLEY involving e-mail or other contacts with pages, when the Republican leadership was notified, and what corrective action was taken once officials learned of any improper activity;

Whereas given the serious nature of these charges, the pages, their parents, the public, and our colleagues must be assured that such egregious behavior is not tolerated and will never happen again;

Therefore be it resolved,

That the Chairman and Ranking Member of the Committee on Standards of Official Conduct are directed to immediately appoint a Subcommittee, pursuant to Rule 19 of the Rules of the Committee, to fully and expeditiously determine the facts connected with Representative FOLEY's conduct and the response thereto; and

That the Chairman and Ranking Minority Member of the Committee on Standards are further directed to make a preliminary report within 10 days.

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

MOTION TO REFER THE RESOLUTION

Mr. BOEHNER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BOEHNER moves that the resolution be referred to the Committee on Standards of Official Conduct.

The SPEAKER pro tempore. The majority leader is recognized under the hour rule.

Mr. BOEHNER. Mr. Speaker and my colleagues, I think all of us realize this is a very serious matter. We have not seen this resolution nor known of its contents until this moment; and, given the seriousness of the matter, I would ask that the House refer this issue to the Committee on Ethics immediately.

Again, this is a very serious matter, and I think we all realize it is a serious matter, but I would ask we do this under the rules of the House. Referring this to the Ethics Committee is the appropriate place to do it.

Mr. Speaker, I move the previous question on the motion.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 410, noes 0, not voting 22, as follows:

[Roll No. 513]

AYES—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert

Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Case
Castle
Evans
Foley
Ford
Frank (MA)
Gutierrez
Hyde
Johnson (IL)
Jones (NC)
Lewis (CA)
Lewis (GA)
Meehan
Moran (VA)
Ney
Nussle
Sabo
Stark
Strickland
Tancredo
Waxman
Wilson (SC)

□ 2240

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on September 29, 2006, I was away from my official duties due to a family matter, and subsequently missed a recorded vote on rollcall No. 513, on ordering the previous question on the motion to refer the privileged resolution to the Committee on Standards of Official Conduct. Had I been present, I would have voted "aye."

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion that the resolution be referred to the Committee on Standards of Official Conduct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote will be followed by a 5-minute vote on the motion to suspend on S. 3661, if arising without intervening business.

The vote was taken by electronic device, and there were—ayes 409, noes 0, not voting 23, as follows:

[Roll No. 514]

AYES—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Case
Castle
Evans
Foley
Ford
Frank (MA)
Gutierrez
Hyde
Johnson (IL)
Jones (NC)
Lewis (GA)
McKinney
Meehan
Myrick
Ney
Nussle
Oxley
Sabo
Stark
Strickland
Tancredo
Waxman
Wilson (SC)

□ 2257

So the motion to refer the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. MYRICK. Mr. Speaker, on rollcall No. 514, I was unable to vote due to unforeseen circumstances. Had I been present, I would have voted "yea."

Mr. JOHNSON of Illinois. Mr. Speaker, on September 29, 2006, I was away from my official duties due to a family matter, and subsequently missed a recorded vote on rollcall No. 514, on a motion to refer the Privileged Resolution to the Committee on Standards of Official Conduct. Had I been present, I would have voted "yea."

WRIGHT AMENDMENT REFORM ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 3661.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the Senate bill, S. 3661, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 386, nays 22, not voting 24, as follows:

[Roll No. 515]

YEAS—386

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Oberstar
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—22

Bishop (UT)
Cannon
Coble
Conyers
Ehlers
Flake
Franks (AZ)
Gingrey
Green (WI)
Hensarling
Hinchey
Nadler
Obey
Pence
Petri
Scott (GA)
Scott (VA)
Sensenbrenner
Shadegg
Watson
Westmoreland
Wu

NOT VOTING—24

Brown, Corrine
Case
Castle
Evans
Foley
Ford
Frank (MA)
Gutierrez
Hyde
Johnson (IL)
Jones (NC)
Lewis (GA)
Marshall
McKinney
Meehan
Ney
Nussle
Oxley
Sabo
Stark
Strickland
Tancredo
Waxman
Wilson (SC)

□ 2305

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on September 29, 2006, I was away from my official duties due to a family matter, and subsequently missed a recorded vote on rollcall No. 515, to suspend the rules and pass S. 3661, a bill to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas. Had I been present, I would have voted "yes."

APPOINTMENT OF THE HONORABLE FRANK R. WOLF AND THE HONORABLE TOM DAVIS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH NOVEMBER 13, 2006

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 29, 2006.

I hereby appoint the Honorable FRANK R. WOLF and the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through November 13, 2006.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3938

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 3938.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON H.R. 4954, SAFE PORT ACT

Mr. KING of New York. Mr. Speaker, pursuant to House Resolution 1064, I call up the conference report on the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1064, the conference report is considered read.

[For conference report and statement, see proceedings of the House of today.]

The SPEAKER pro tempore. The gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise tonight in strong support of the conference report on H.R. 4954, the SAFE Port Act.

This is a night of a true success in the area of homeland security and port security. This is an issue which the country was focused on earlier this year with the whole Dubai Ports issue. It is an issue which the Homeland Security Committee addressed head on. We passed the bill out of committee. It passed the full House floor by a vote of

421–2; and now we are here tonight, Mr. Speaker, for final passage.

Let me at the outset commend the ranking member of the committee, Mr. THOMPSON of Mississippi, for the tremendous cooperation that he gave throughout the committee process on this bill; Subcommittee Chairman LUNGREN on our side for his work, the leadership he demonstrated; and also Ms. SANCHEZ and Ms. HARMAN. This was definitely and truly a bipartisan effort, and we are here tonight because both parties came together, we worked together, we realized the importance of this. We realized that homeland security should not be a partisan issue.

Mr. Speaker, I do not intend to go on at great length, but I will give just some of the highlights of the bill. It provides $400 million a year in dedicated port security grant programs, three pilot programs for 100 percent screening for nuclear and radiological material. It enhances the Container Security Initiative, CSI. It codifies and strengthens CTPAT. It also establishes the Domestic Nuclear Detection Office. It also sets deadlines for TWIC.

Mr. Speaker, this is legislation which encompasses so much of the issues that we have to address with port security. It is legislation whose time has come. It is legislation which makes our country safer or makes our ports more secure. It will enable the commerce of the country to go forward. And it is a bill which distinctly addresses the concerns raised by the American people.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again we are here on the floor debating another security bill that will not fully secure America. This bill does a lot to strengthen port security, but it leaves a number of glaring gaps.

I want to thank Ms. SANCHEZ and Ms. HARMAN. They are the chief architects of the best ideas in this bill. They have been true champions on port security since the early days of this committee. I want to thank Mr. LUNGREN and Mr. KING for working with us on this bill on a bipartisan basis, although I was very disappointed that this process broke down in the last few days.

Additionally, Homeland Security staff on both sides of the aisle made sure the process was an inclusive one. We heard positive insight from industry, first responders, port security experts. I appreciate all of them for their help.

But despite all our efforts, at the end of the day this measure falls short. Once again House Republicans have turned their back on everyday working folks who rely on buses and trains to get to work. When offered an opportunity by the Senate to secure our mass transit and rail security, they chose to do nothing.

Quite frankly, Mr. Speaker, this port bill has become just another act in the play the House Republicans have billed as "homeland security" month. They could have offered America a star performance, and instead, Mr. Speaker, they delivered mediocrity.

Let me serve as a narrator of this story for a few moments:

Act one, protecting ponies. The week before the fifth anniversary of 9/11, the House leadership was more concerned about protecting horses than protecting our ports.

Act two, border security. Thinking good fences make good neighbors, they squandered the little time we had left in this session to revote a fence bill. As the Senate passes the fence bill tonight, Americans should feel safe in their homes. America will have a 700-mile fence across the U.S.-Mexico border.

Well, Mr. Speaker, not really. The appropriations bill we passed today paid for barely half of that fence. I am sure terrorists and others crossing the border are quivering in their boots at this half-baked half fence.

Let us move to act three, FEMA. The Committee on Homeland Security tried to fix FEMA and give first responders the interoperability they needed. Instead of fully funding the reorganization, Republicans chose to do "FEMA on the cheap," leaving our police, firefighters, and EMTs without the ability to talk to one another.

□ 2315

And here we are at this late hour beginning act four, the closing act in this political comedy, port security. H.R. 4954, as passed by the House, was a good bill overall. The Senate improved upon the bill by, among other things, addressing rail and mass transit security. Unfortunately, this sham conference process denied consideration of the Senate ideas as well as Democratic amendments to better protect our Nation. And that, after this body overwhelmingly approved my motion to instruct the conferees to accept the Senate position on rail and mass transit security, the conference Chair denied the will of this body. Why do not the Republicans want to eliminate this critical vulnerability now? We have the time. So why not now?

The American people would much rather see this body work through the night to get homeland security right than go home to run for reelections. Instead of calling this month Homeland Security Month, we should rename it Amateur Hour Month, because that is all we have seen from this Congress.

While I have enormous issues with the process and the scope of this bill, Mr. Speaker, I still intend to vote for it. I make this pledge. In the next Congress, we will absolutely be back here to finish the job and get homeland security right.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just note that I was listening very carefully to the gentleman's remarks, and I really heard nothing at all critical of the port security bill. We are talking about other bills that maybe should be covered or other items. The fact is, on the issue of port security, this is the port security bill. It did receive wide bipartisan support. And I think, rather than go on extraneous issues and talking and talking about fences, we are talking about port security.

Mr. Speaker, I yield such time as he may consume to the prime sponsor of the port security bill, the gentleman from California, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. I thank the chairman for yielding.

Mr. Speaker, I want to thank Chairman KING for his leadership, Ranking Member THOMPSON, the ranking member of my subcommittee, Ms. SANCHEZ, and Congresswoman HARMAN for all of the hard work in passing this important bill to protect our ports.

Mr. Speaker, I must say that I guess I must have gotten very tired tonight, because I think I misheard my good friend, Mr. THOMPSON, in his description of this bill and about some play we are at.

I remember act one, act two, act three being consultation with the other side. I remember working very closely with Members of the other side of the aisle and their staffs. I recall us spending months working this out. I recall early morning meetings with Ms. HARMAN, joining Congresswoman HARMAN to go across the Rotunda to the other side, to try and see if we could begin our journey together, that is, to see that our bill would be close in terms of its tone, in terms of its breadth, in terms of its direction with that of our colleagues on the other side.

I can recall the next act when we brought it to the subcommittee, and I can recall getting a unanimous vote out of the subcommittee. I can recall the next act, which was the full committee. We had a 29–0 vote; and where I come from, that is pretty doggone close to unanimous.

We then had the further act which was acting on the floor of the House, and we got a 421–2 vote. It was totally bipartisan. Even the two who voted against it split one Republican and one Democrat. You cannot get much more bipartisan than that.

We have worked together to preserve the essence or the guts of the bill that we have crafted through our committee structure and which we passed on the floor. I am proud to stand here and say that we have accomplished something that many people thought could not be accomplished.

The Senate began their journey several months before we did in terms of a formed bill. Yet we leapfrogged over them in the work that was done in our subcommittee and committee. And I do believe that the actions of this House nudged, if I might use that term, our colleagues on the other side of the Rotunda such that we are able to bring this bill to the floor for completed action tonight on this side of the Rotunda and the other side of the Rotunda.

Rather than create an act of political statement, we have created an act of law. That is, this will go to the President, and the President will sign this. So I hope that all who are here in this Chamber will think of the spirit of bipartisanship with which we started this journey that will be part of the end of this journey.

Today, we have taken a solid step forward in securing our Nation. I do not think there can be any doubt about that. This is not a half measure. This is a major measure.

The sums of money authorized in here are significant. The grant program is a stream of $400 million a year for 5 years. That is a $2 billion grant program for our ports across this Nation. That is something we have been looking for for some time.

We now authorize it. We authorize other programs that Members on both sides of this aisle have spoken for for a long period of time, all to secure this Nation and particularly to secure our ports.

Our enemies have stated that they want to disrupt our economy, murder our citizens, and destroy our way of life. By passing this bill, we do not make a statement, we actually begin to protect our Nation's ports, safeguard the American people, and increase the confidence in our international trade routes.

The American people expect us to take action to protect our ports, and with this bill we have done precisely that. We have addressed the possibility of our enemies using our open society and free economy against us. We have taken away a potential weapon, one capable of causing major disruption to our economy.

In passing this bill tonight, we are taking rational action to harden our domestic critical infrastructure, ensuring that those who wish to harm us are unable to have access to those critical facilities.

But this bill is more than just protecting our local facilities. Securing international maritime trade is incredibly complex. At any one time there are hundreds of vessels and literally hundreds of thousands of containers crossing the oceans on the way to our ports.

With this bill, we have developed a strategy to implement a system to scan each container before it enters our domestic stream of commerce. We will be able to identify and track containers destined for our shores, using training and technology to identify any that may pose a risk.

We are pushing out our borders beyond our geographical limits to make a rational approach to stopping the opportunity that those who would kill us and maim us and destroy our economy would otherwise have.

We have reached out in this way to our trading partners to include them in this strategy to keep international trade flowing with minimal disruption. This strategy allows us to integrate security into international commerce, allowing us to facilitate trade rather than hinder it, so that we do not allow the terrorists to succeed.

We have given the Department of Homeland Security the tools it needs to protect against the potential of weapons of mass destruction being delivered to our shores. We have created a program for our best minds to develop even more effective and less intrusive scanning technology to make security completely transparent, seamless and even more effective.

Recognizing that technology is only as good as the people who use it, we provided a multitude of grants available to our local port facilities so that they can train their employees in emergency procedure and response. That is something that we very much wanted to emphasize, and I would like to give Congressman REICHERT credit for pursuing that in such a strong way.

The bill also provides for more Customs and border protection agents, which should enable the Department to continue its mission of both building security and facilitating legitimate trade that is critical to the Nation.

We provided for the Coast Guard to create joint port security operational centers in our Nation's major ports to coordinate effective response to any incident that threatens the security of these ports.

Some may wish to focus on what the bill does not do, when we should appreciate it for what it does. It strengthens our port facilities, it enhances the security of the international supply chain, increases the resiliency and confidence in our economy.

By doing all of this, the significant piece of legislation and all of those that worked so hard to bring it to passage, including Chairman KING, Ranking Member THOMPSON, Congresswoman HARMAN, Ranking Member SANCHEZ and our colleagues in the Senate all have joined together to increase the security of our Nation; and I, for one, am proud to have been involved.

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank Mr. LUNGREN for the accurate recap of the early parts of the act. But like most early parts of the act, people forget how it ends; and what I am saying to you is, while bipartisanship might be good, the process is incomplete.

Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. HARMAN), one of original authors of the bill.

Ms. HARMAN. Mr. Speaker, I thank the Ranking Member of the Full Committee for yielding to me so early in this debate.

Mr. Speaker, today, I rise in support of the conference report for the SAFE Port Act. In a month that was supposed to be all about security, this measure is the only one we have considered that will actually make America more secure.

This bill is as good as it is because it was developed through a bipartisan approach. From introduction back in March, through subcommittee and full committee mark-up, to passage by an astonishing vote of 421-2 in May, we worked on this bill together.

Sadly, as our Ranking Member has said, this bipartisanship ended in the conference. The conference agreement, while good, could have been much, much better. But the fact remains that this bill will add value. As we debate tonight, operations are ongoing at the port complex of Los Angeles and Long Beach. This complex, which adjoins my district, is the largest container complex in the Nation.

Nearly 55,000 20-foot containers were processed at this complex today. Right now, thousands of containers are being unloaded from large cargo ships by 4,000 dock workers who work every day under the threat of a terrorist attack. They will be comforted that we are closing big gaps in port security with this legislation.

Because of the SAFE Port Act, most containers will have been screened for nuclear and radiological materials at their port of embarkation, thousands of miles from us, our business and our families.

I am sure we will hear later in this debate that scanning would be better, and I agree. But we could not achieve that in this legislation. The good news is we have three pilot projects.

Because of the SAFE Port Act, a trusted company can partner with the U.S. Government to take additional steps to prevent security breaches.

Because of the SAFE Port Act, workers with access to secure areas will carry identification cards that control their access, verify their identities and background and assure they pose no threat. Right this minute, on hundreds of trucks traveling on southern California highways, containers are about to make their way through the City of Los Angeles bound for large retailers, 'mom and pop' stores, and wholesalers across the country.

Because of the SAFE Port Act, port officials will have the technology to be sure that radiological materials do not leave our ports and enter the center of our country.

This process will be repeated millions of times every year, and each time we will significantly reduce the chance of a terrorist attack that could make 9/11 look tame.

My thanks to the co-author of this bill, Mr. LUNGREN of California, who was a terrific partner working this bill through to the conference; to the Ranking Member of the Committee, Mr. THOMPSON; of the Subcommittee, Ms. SANCHEZ; and to the Chairman of the Full Committee, Mr. KING. It is also true that our security sisters in the Senate, Senators SUSAN COLLINS and PATTY MURRAY, made a great effort to be sure that the bill would be heard in that body.

Yes, the SAFE Port Act is not perfect; and it passes late at night in a week of disappointments. But it is the real deal. One star in a dark night. Vote "aye."

Mr. KING of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. LEACH).

☐ 2330

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to note that folded into the SAFE Port Act is the Unlawful Internet Gambling Enforcement Act which is one of the most important pieces of family legislation this Congress has ever considered.

Internet gambling restraints have been under review for four Congresses. This evening we are finally poised to act decisively on this subject, and I want to extend my personal appreciation to the Speaker; to the majority leader, Mr. BOEHNER; and to the Senate majority leader, Mr. FRIST, for their steadfast support.

Companion legislation to the House product was forthrightly led in the Senate by JOHN KYL of Arizona. Many Members have played an important part over the years in this legislation, particularly MIKE OXLEY and SPENCER BACHUS from the Financial Services Committee and BOB GOODLATTE and CHRIS CANNON from Judiciary.

But I want to stress this is bipartisan legislation. The majority of Democrats voted for it just a few weeks ago. Indeed, all of us can be proud of this legislation. It should be considered a significant accomplishment of this Congress. After all, with each passing day we learn of friends and neighbors touched by devastating losses from Internet gambling. Never has it been so easy to lose so much so quickly at such a young age.

As a professor of business at the University of Illinois has noted, Internet gambling is crack cocaine for gamblers. There are no needle marks; you just click the mouse and lose your house.

The reason the NCAA, the NFL and the NBA, the NHL, and Major League Baseball support this legislation is their concern for the integrity of the games. The reason the religious community from Baptists and Methodists to Muslims has rallied to this cause is because it is concerned for the unity of the American family.

The reason we should adopt this approach is that we must be mindful of our obligations to the American family.

Mr. Speaker, I urge support for this legislation, and I will submit for the RECORD at this point its legislative history.

LEGISLATIVE HISTORY FOR THE UNLAWFUL INTERNET GAMBLING ENFORCEMENT ACT

Section 801. Short title

This Act may be cited as the 'Unlawful Internet Gambling Enforcement Act of 2006.'

Section 802. Prohibition on acceptance of any payment instrument for unlawful Internet gambling

Subsection (a) adds a new 'Subchapter IV—Prohibition on Funding of Unlawful Internet Gambling' to Chapter 53 of Title 31 (Monetary Transactions). The new subchapter will come immediately after subchapter III, covering Money Laundering and Related Financial Crimes.

Section 5361. Congressional findings and purpose

(a) Findings. The Congressional findings note that: (1) Internet gambling is primarily funded through the personal use of payment system instruments, credit cards, and wire transfers; (2) the National Gambling Impact Study Commission in 1999 recommended the passage of legislation to prohibit wire transfers to Internet gambling sites or the banks which represent such sites; (3) Internet gambling is a growing cause of debt collection problems for insured depository institutions and the consumer credit industry; and (4) new mechanisms for enforcing gambling laws on the Internet are necessary because traditional law enforcement mechanisms are often inadequate for enforcing gambling prohibitions on the Internet, especially where such gambling crosses State or national borders.

(b) Rule of Construction. No provision is to be construed as altering, limiting, or extending any Federal or State law or Tribal-State compact prohibiting, permitting or regulating gambling within the United States. This is intended to alleviate fears that this bill could have the effect of changing the legality of any gambling-related activity in the United States.

Section 5362. Definitions

This defines the term 'bet or wager' as the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game subject to chance with the agreement that the winner will receive something of value in the event of a certain outcome. This subsection clarifies that 'bet or wager' does not include bona fide business transactions such as securities trading or buying or selling insurance contracts, or participation in a simulation sports game or educational game. "Something of value" does not include personal efforts of the participants in playing the game or contest, or points or credits that the sponsor of the game or contest provides to participants free of charge and that can be used or redeemed only for participation in games or contests offered by the sponsor.

Defines the term 'unlawful Internet gambling' as placing, receiving, or transmitting a bet or wager by any means which involves the use of the Internet, where such bet or wager is unlawful under any applicable Federal or State law in the State or Tribal lands in which the bet or wager is initiated, received, or otherwise made. Clarifies that purely intrastate transactions oonducted in accordance with state laws with appropriate security controls will not be considered unlawful internet gambling. Likewise, transactions solely within Tribal lands complying with similar security requirements and the Indian Gaming Regulatory Act will not be considered unlawful. Section 5362(10)(D) addresses transactions complying with Interstate Horseracing Act (IHA) which will not be considered unlawful, because the IHA only regulates legal transactions that are lawful in each of the states involved. Also clarifies that intermediate routing of data packets does not determine the location in which bets or wagers are made.

The Internet gambling provisions do not change the legality of any gambling-related activity in the United States. For instance, if use of the Internet in connection with dog racing is approved by state regulatory agencies and does not violate any Federal law, then it is allowed under the new section 5362(10)(A) of title 31.

The Internet gambling provisions do not interfere with intrastate laws. New section 5362(10)(B) creates a safe harbor from the term "unlawful Internet gambling" for authorized intrastate transactions, if the state law has adequate security measures to prevent participation by minors and persons located out of the state. The safe harbor would leave intact the current interstate gambling prohibitions such as the Wire Act, federal prohibitions on lotteries, and the Gambling Ship Act so that casino and lottery games could not be placed on websites and individuals could not access these games from their homes or businesses. The safe harbor is intended to recognize current law which allows states jurisdiction over wholly intrastate activity, where bets or wagers, or information assisting in bets or wagers, do not cross state lines. This would, for example, allow retail lottery terminals to interact with a processing center within a state, and linking of terminals between separate casinos within a state if authorized by the state.

Tribal gaming laws are similarly preserved. Transactions solely within tribal lands complying with similar security requirements and the Indian Gaming Regulatory Act will not be considered unlawful, under section 5362(10)(C). Moreover, the principle of the Indian Gaming Regulatory Act is that state governments cannot apply discriminatory laws against gaming authorized by tribal governments within the state. If a state authorizes use of the Internet for gambling pursuant to this section and the tribal government also authorizes this, gambling businesses located on tribal lands within that state would be permitted to "export" gambling services to persons in the rest of the state, off of tribal lands, if the "exported" game complies with state law, pursuant to section 5362(10)(B). This does not give the state jurisdiction over the operation of the tribal gambling business, including licensing requirements, and does not allow the state to dictate tribal gaming laws. Only the game itself—including the method for playing the game—must comply with state law if a person physically located off of tribal lands places a bet that is received by a tribal gambling business. This principle also applies in reverse: if a person on tribal lands plays a gambling game with a state-based gambling business, the game must not violate tribal law.

Section 5362 also defines the terms ‘business of betting or wagering,’ ‘designated payment system,’ ‘Internet,’ and ‘restricted transaction.’ Several additional terms are defined by reference to other sections of the U.S. Code.

Section 5363. Prohibition on acceptance of any financial instrument for unlawful Internet gambling

Prohibits persons engaged in the business of betting or wagering from knowingly accepting credit, funds, bank instruments, or proceeds of any other form of financial transaction in connection with the participation of another person in unlawful Internet gambling. This is called a 'restricted transaction' according to the definitions section.

Section 5364. Policies and procedures to identify and prevent restricted transactions

(a) Regulations and (b) Requirements for Policies and Procedures. Requires the Secretary of the Treasury and the Federal Reserve Board, in conjunction with the U.S. Attorney General, to prescribe regulations within nine months requiring any payment system to establish policies and procedures reasonably designed to identify and block restricted transactions, or otherwise prevent restricted transactions from entering its system.

(c) Compliance and (d) Liability. Provides persons operating financial systems with immunity from civil liability for blocking transactions that they reasonably believe are restricted transactions, or in reliance on the regulations promulgated by the Treasury Department and Federal Reserve. Though a financial institution may block additional transactions based on reasonable belief, it has no duty to do so, and may rely solely on the regulations to fully discharge its obligations.

(e) Enforcement. The Federal functional regulators and the Federal Trade Commission are given the exclusive authority to enforce this section.

Section 5365. Civil remedies

Authorizes the U.S. Attorney General and State Attorneys General to pursue civil remedies, including a preliminary injunction or injunction against any person to prevent or restrain a violation of this legislation. It clarifies that the bill does not alter, supersede or otherwise affect the Indian Gaming Regulatory Act; generally limits responsibility of an interactive computer service to the removal or disabling of access to an online site violating this section, upon proper notice; restricts the ability to bring injunctive cases against financial transaction provider activities.

Internet gambling operators primarily use the resources of two types of businesses to conduct their unlawful enterprises: payment systems and interactive computer services. The unlawful use of payment systems is addressed by section 5364, not by injunctions. The legislation addresses the unlawful use of interactive computer services through injunctions, but with appropriate limits to avoid imposing any duty to censor or monitor on these computer services. Section 5365(c)(2) also extends to interactive computer services the same immunity from liability that common carriers are afforded when complying with a notice from law enforcement pursuant to section 1084(d) of title 18 to discontinue service to a gambling business.

Section 5366. Criminal penalties

Authorizes criminal penalties for violating section 5363, including fines or imprisonment for not more than five years or both. Also authorizes permanently enjoining a person convicted under this section from engaging in gambling activities.

Section 5367. Circumventions prohibited

Provides that, notwithstanding the safe harbor provided in section 5362(2), a financial intermediary or interactive computer service or telecommunications service that has actual knowledge and control of bets and wagers, and operates or is controlled by an entity that operates, an unlawful Internet gambling site can be held criminally liable under this subchapter.

Section 803. Internet gambling in or through foreign jurisdictions

Subsection (a) provides that, in deliberations between the U.S. Government and any other country on money laundering, corruption, and crime issues, the U.S. Government should encourage cooperation by foreign governments in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crimes, advance policies that promote the cooperation by foreign governments in the enforcement of this Act, and encourage the Financial Action Task Force on Money Laundering to study the extent to which Internet gambling operations are being used for money laundering. It also requires the Secretary of the Treasury to submit an annual report to Congress on the deliberations between the United States and other countries on issues relating to Internet gambling.

Subsection (b) requires the Secretary of the Treasury to submit an annual report to Congress on any deliberations between the United States and other countries on tissues relating to Internet Gambling.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member on the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for the time and for the very strong statement he made earlier, the very straightforward and candid assessment of the process to which this legislation has been subjected.

While I appreciate the work of the gentleman from New York, chairman of the committee of conference, and also Chair of the Homeland Security Committee, and the gentleman from Mississippi who have done stellar work on this legislation, I am disappointed with the outcome.

There are two issues here. There are substance and process. On the substance, sure, I will vote for the conference report because what is in the bill will improve port security. What is left out is what is troubling and disappointing.

When the bill cleared the House, there was the expectation, as there always is when we pass a part in one bill and have a comparable in the other, that the missing links will be addressed in a conference committee, and in this case, the missing links in security will be addressed in conference. That did not happen.

This bill does not make improvements in rail and transit security, even though the Senate version had good provisions to address transit and intercity passenger rail security. For reasons I do not understand and no one has explained, the House Republican leadership apparently determined late at night last night that it would not attempt to work out rail and transit security in conference.

The committee of conference held a meeting. Conferees elected a chairman and made opening statements, and that was it. The supporters of rail and transit security improvements were never permitted to make proposals or offer amendments to improve rail and transit security. We expected that we were going to be able to do that, but it never happened.

The security needs in rail and transit are huge, $700 million for Amtrak, $6 billion for transit. In the wake of the Madrid, London, and Mumbai bombings, the leadership of the other party should not have passed up an opportunity to protect millions who use intercity rail and transit each day.

There is much more that we could have and should have done. We should not be kicking it over to the next Congress. That is the disappointment. We have an opportunity to make an improvement. You should seize that opportunity and move ahead.

As far as it goes, it is a useful bill. It is not what it should be.

The Committee on Transportation and Infrastructure wrote the original Marine Transportation Security Act of 2002 (MTSA). That landmark legislation significantly improved security at our Nation's ports. The conference report before us fine tunes that original security act and gives added direction to the Administration in how to carry out its multiple port security programs. It also provides a statutory framework for many regulatory initiatives established by the Department of Homeland Security, including the Container Security Initiative and the Customs Trade Partnership Against Terrorism Program (CT–PAT).

Republicans rejected the Nadler-Oberstar amendment offered during House consideration of the bill. That amendment would have required 100 percent of containers to be scanned for nuclear weapons before a container destined for the United States was loaded in a foreign port. I am pleased that the conference report adopts the Senate provision to authorize a pilot program for 100 percent scanning of containers in three foreign ports. I am also encouraged that the conference report requires the Secretary to scan 100 percent of containers entering the 22 largest container ports in the United States. What I don't understand is if we can scan 100 percent of containers when they are offloaded from a ship in a U.S. port, why can't we scan those same containers before they are loaded on that same ship in the foreign port? Why can't we continue to work to "push the borders out"?

While the conference report goes a long way toward strengthening port security, it does not do a thing for rail and transit security and other issues, which were covered in the Senate bill, and should have been included in this conference report.

Last night, the House passed, by a vote of 281–140, a motion to instruct conferees on H.R. 4954 to adopt the Senate provisions on rail and transit security, as well as other security measures. Less than an hour later, the Conference Committee met and conferees were allowed to make statements, but not amendments to a draft conference report. In fact, the conferees had no legislative text to consider. It was obvious to all that there was no interest among House Republican conferees to have a serious discussion about including rail and transit security in this bill.

One by one, Members of the Conference Committee—House and Senate—asked the Conference Committee Chairman when we were going to be able to review the final conference report and when Members were going to be able to offer amendments to it. The gentleman from New York (Mr. KING)—and I quote—stated, "The expectation is we will receive the final documents, go to debate and consider amendments and go forward at that time."

Two hours later, Mr. KING's staff advised members that there would be no further meetings of the conferees. What could have possibly happened in those two hours to create such a great delay that the documents were not available for a meeting today? Why do Republicans consistently prevent Democrats from offering amendments that will make our country safer?

In the wake of the Madrid, London, and Mumbai bombings, Congress has a responsibility to the American people to assure the safety and security of our Nation's rail and transit systems. This year, the Federal government will invest $4.7 billion in aviation security improvements, while spending only $150 million on rail and transit security, even though five times as many people take trains as planes every day.

Amtrak has requested more than $100 million in security upgrades and nearly $600 million for fire and life-safety improvements to tunnels on the Northeast Corridor in New York, Maryland, and Washington, DC. The American Public Transportation Association, which represents transit agencies and commuter railroads, has well-documented transit security needs that exceed $6 billion (including more than $5.2 billion of capital investment security needs).

The Senate-passed port security bill would have helped meet those needs, and the conferees should have been granted the right to vote on them before they were stripped from the final version of the bill. Do we have to wait for an attack before we take action to secure our nation's railroads and transit systems? What is wrong with providing funding for critical rail and transit security needs? What is wrong with hiring more inspectors? There are only 100 Transportation Security Administration (TSA) rail inspectors responsible for the security of our Nation's 144,000-mile freight and passenger railroad system. What is wrong with requiring development and implementation of a national rail and transit security plan to clarify the roles and responsibilities of federal, state, and local agencies in securing rail and transit systems? What is wrong with ensuring that key workers have the necessary support and training required to protect our rail and public transit systems? Nothing, the House Republican Leadership just did not want to do it.

Another example of what should have been included in this conference report and wasn't: Removal of the cap of 45,000 on TSA screeners. That cap is both arbitrary and counterintuitive, and it is also impairing security. The Aviation and Transportation Security Act (ATSA) passed by Congress in the wake of the September 11th terrorist attacks requires 100 percent electronic baggage screening. Yet, there is evidence that staffing shortages are undermining electronic screening efforts.

Staffing shortages often require TSA to use alternative screening procedures to screen checked bags, and the Government Accountability Office (GAO) reports that TSA's use of alternative screening procedures involves trade-offs in security effectiveness.

While the number of airport screeners remains static, passenger traffic grows. Airlines are expected to carry more than one billion passengers by 2015, increasing from approximately 700 million in 2004. TSA currently screens 522 million bags per year. GAO reports that TSA could be screening as many as 96 million more bags than it now screens—an 18 percent increase—by as early as 2010. According to TSA data, the use of alternative screening procedures will increase at some airports because of rising passenger traffic.

All of these issues should have been dealt with in this conference report. While I support the port security bill, it has left much work undone.

Mr. KING of New York. Mr. Speaker, could I inquire as to how much time is remaining.

The SPEAKER pro tempore. Each side has 17½ minutes remaining.

Mr. KING of New York. Could I inquire of the gentleman from Mississippi how many speakers he has remaining.

Mr. THOMPSON of Mississippi. I have four.

Mr. KING of New York. Mr. Speaker, I reserve my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member from Energy and Commerce.

Mr. DINGELL. Mr. Speaker, well, the mountain shook, the lightning flashed, the thunder roared and the mountain gave birth to a mouse.

In last night's discussion, there was no discussion and nobody has been brought in to talk about what this legislation does, but I think we can talk about what it does not do.

First of all, it does not allow the Members opportunities to offer amendments to discuss issues of importance. It does virtually nothing to protect 25 million Amtrak riders and millions of Americans who live and work near railroad and freight tracks and passing trains carrying highly hazardous materials. It also stripped long overdue rail and mass transit measures from the final bill, as well as a number of other important security measures.

It should be noted that the bill in the Senate included provisions improving the securities of other surface transportation, including truck, bus, hazardous material transportation and pipeline security, as well as it strengthened aviation security. All gone, gone, gone.

The conferees should have been granted the right to vote on these provisions before they were stripped from the final version of the bill, particularly in light of the fact that last night we heard the House express its wishes overwhelmingly when we voted for the instruction of House conferees 281–140 to accept rail and transit titles, as well as other important provisions.

We talk about this as a great bill to address the question of airport, railroad and port security. It does not. It is not.

I would note that when we showed up last night for the conference, we all sat around for a goodly while. We had no agenda. We had no business to come before the committee. We were told there would be a meeting this morning to discuss, and we would have an opportunity to amend. Somehow or another that commitment vanished, but it did not vanish so much we do not have a bill here which was drafted without any input from any Member on this side of the aisle.

So we have sent the distinguished chairman, for whom I have enormous affection, a letter. Fifteen of our colleagues on this side of the aisle joined in signing it, and we said to you: "Dear Chairman KING: You made a personal and public commitment last night. You broke it.

"We write to protest your decision to shut down the House-Senate conference on H.R. 4954. Many of us took your word that we would have a voice in the conference process. However, your action to silence input from every Democratic member of the conference by denying the right to offer amendments effectively stripped the long-overdue rail and mass transit security measures from the final bill."

This is a sorry process. It is a sorry procedure. It is a sorry piece of legislation. It is inadequate, and it is another example of the majority trying to do things on the cheap and then marketing it as something good.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 29, 2006.

Chairman PETER KING,
House of Representatives, Committee on Homeland Security, The Capitol, Washington, DC.

DEAR CHAIRMAN KING: You made a personal and public commitment last night. You broke it.

We write to protest your decision to shut down the House-Senate conference on H.R. 4954. Many of us took your word that we would have a voice in the conference process.

However, your action to silence input from every Democratic member of the conference by denying the right to offer amendments effectively stripped the long-overdue rail and mass transit security measures from the final bill, as well as many other important security measures. Consequently, these important elements of our transportation systems remain vulnerable to terrorist attack.

Despite deadly attacks on transit systems worldwide—in Madrid two years ago (191 innocent civilians killed), in London last year (52 killed), and Mumbai this year (207 killed)—Congress has not passed a transit security bill. The transit community has identified $6 billion in security needs, of which only less than a tenth has been made available by Congress. Even less has been done to protect the 25 million annual Amtrak riders and the millions of Americans that live and work near freight railroad tracks and passing trains carrying highly hazardous materials.

The Senate had included in its version of the bill comprehensive plans to improve U.S. rail security and mass transit security, the second time the Senate has passed these provisions since 9/11. In addition, the Senate included provisions improving the security of other surface transportation modes, including truck, bus, hazardous materials transportation, and pipeline security, as well as several that strengthen aviation security.

Conferees should have been granted the right to vote on these provisions before they were stripped from the final version of the bill, particularly in light of the wishes of an overwhelming majority of House members, who voted last night 281-140 to instruct House conferees to accept rail and transit titles, as well as other important provisions.

Americans expect us to help keep them safe. We can only hope that you have a good reason for denying them that peace of mind.

Sincerely,

FRANK R. LAUTENBERG.
PATTY MURRAY.
JOE LIEBERMAN.
PAUL SARBANES.
JOHN D. DINGELL.
ED MARKEY.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Let me first of all thank the gentleman from Michigan for his undying affection that he shows for me so often, especially tonight. It really warms my heart, and I want to thank him especially for it.

I would, however, just like to touch on a few things. First of all, this is the SAFE Port Act. I have listened as carefully as I possibly can. I have listened; I have asked Mr. LUNGREN to listen; I have asked staff to listen. I have not heard even one remote criticism of the port security aspects of this bill. This is a port security bill. We had staff negotiations going on day after day after day.

Now, the gentleman from Michigan raised the question of last night. Let us explain this right now. It was explained before. We will try again.

The fact is last night there was no legislative text incorporating the staff recommendations. The Senate assured us they would provide it. The Senate did not have it last night. The Senate refused to provide it. The first we saw it was 3 o'clock this afternoon. What is going on in the Senate is up to them, but that is where the final text was.

Now, if the gentleman is saying that when they came back in at 3 o'clock this afternoon, rather than take advantage of a bill which has been worked on for 6 months, which has gone through subcommittee, which has gone through committee and which has gone through the House floor, which was worked out so carefully with Senator COLLINS and Senator LIEBERMAN and Senator MURRAY, which had strong bipartisan support, that because of the fact that the Senate language was not over here in time for the gentleman from Michigan, that we should put that aside, and taking the risk of not taking advantage of this moment, of not seizing the moment and passing this historic legislation to save our Nation, I have heard of people who cannot take "yes" for an answer.

We said last March, let us put together a port security bill. We did it. We put together a good bill and all we get tonight is begrudgery. Well, it is good, it is this, it is that, but it is not good enough because it does not cover rail, it does not cover transit or it does not cover this. Also, as the gentleman from California reminded me, it does not contain the cure for cancer either.

But the fact is it is a very good port security bill. As the gentlewoman from California said, it is the real deal. If you want to turn your back on the real deal, if you want to vote and say I really wanted something else, this is not good enough for me, the real deal should be good enough for me.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), ranking member on the subcommittee with responsibility for ports.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I thank my ranking member, Mr. THOMPSON.

This conference report is a culmination of many years of working on the issue of port security. I want to begin by thanking my colleague, actually JUANITA MILLENDER-MCDONALD, whose original bill was brought to me a couple of years ago, was the framework for this, and added to that were many of the port bills that I had authored were put into that; and then Ms. HARMAN put in some more and Mr. LUNGREN put in some more and Mr. THOMPSON put in some more, and pretty soon we had a pretty good port bill. I am pleased with the port bill.

Our chairman said he did not want rail or transit or any of that, which the Senate also put in their port bill, because he did not have the time, he did not want to jeopardize a port bill.

So why is there Internet gambling in our port bill? If you had time to stick Internet gambling in our port bill, then I think you could have held a meeting today, or tomorrow if we had to stay an extra day, or the next day if we had to stay an extra day to make our country safer, especially for the people who take rail and mass transit to work.

But, no, that would have been too much. This is just a port bill, plus Internet gambling. That is why people are upset. The Senate put in rail and mass transit and port. You had people last night who asked you, Will we get to make amendments, because they wanted to put in rail and mass transit like the Senate had put in, and we had the votes in the room to pass this port bill and to pass rail and mass transit.

□ 2345

But it was too much. I don't know if it was you, Mr. Chairman, or Speaker HASTERT. I don't know who is going to answer what happens if we have something that happens like happened in Madrid or London and we didn't fund rail or transit. Will we get blamed? Will you take the blame, Mr. Chairman? Or will you stand up and say it was the leadership; it wasn't me?

Who is responsible for not having done the right thing? That is what people are asking. That is why people are upset. They are not just upset on this side of the aisle because we know it is the right thing to do. They are upset in the Senate, on both sides of the aisle.

This is way too important for us to say, oh, gosh, we have got to get out of here on Friday, and let's not work another day. I would have stayed here a week. I would have stayed here a month. You know, I have been working on this for about 4 or 5 years. If we could have gotten that in, it would have been the right thing to do.

You are right, Mr. Chairman. This is a good port bill, because we took our time and we did it right. But it could have been a much better security bill, a security bill that last night the majority in this House said they wanted, a security bill not only to secure containers and freight that come into this country but a bill that would have helped the people who commute every day to work and make America go.

Mr. KING of New York. Mr. Speaker, again I inquire as to how much time remains.

The SPEAKER pro tempore. The gentleman from New York has 15½ minutes remaining, and the gentleman from Mississippi has 10½ minutes remaining.

Mr. KING of New York. Mr. Speaker, I would add that, again, I have been listening and listening, and there is no criticism at all of the port security. And again, rather than to take yes for an answer, we are talking about going around our committee process. The fact is, one of the reasons this bill is so good is because it was at the subcommittee level, the committee level, and then it went to the floor.

This was a long process on the port security aspect of it. Rather than just accept something coming over from the Senate at the last minute, I have enough respect for the integrity of the process of our committee that I want to replicate that when we are dealing with transit and when we are dealing with rail and working, of course, with Mr. YOUNG. I don't want to get him nervous while he is sitting here. But it is essential that we do do it in a deliberative process.

Again, it is beyond me why, after a 6-month process where there was such bipartisanship, such working together, both here and in the Senate, that the begrudgers of the world have arrived on the floor tonight and all they can say is there is something here that is good, though they are afraid to acknowledge it, and then they talk about something which was never part of our bill to begin with.

We dedicated ourselves to port security, and we got it done. We should be proud of that. And, again, there is a special place in life for begrudgers.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL), one of the conferees on this particular bill.

Mr. PASCRELL. You know, Mr. Chairman, you sound like an Irish tenor this evening.

This is a bill which we can support. We thank both staffs on both sides of the aisle. They worked very hard on this.

Simply put, this is a good bill. Many Members on both sides of the aisle have worked tirelessly to bring the critical legislation to finality; and while I think it could have been improved if those of us on the conference committee were given a chance to offer further amendments, I wish to remind the chairman, last night, ultimately, this is still a good product.

There is no doubt that authorizing $400 million in port security grants for each of the fiscal years of 2007 to 2012 is a wise undertaking, as is creating firm deadlines to require the Department of Homeland Security to issue transportation worker identification cards to workers with access to secure areas of ports. No one should be allowed into those ports that do not have a proper card and a proper identification; and we should really carry this over to those folks who work at our airports, which we have not done.

I am particularly pleased that the two provisions I was able to secure when this bill originally came before the Homeland Security Committee remains within the legislation this evening: Section 114, which authorizes the Secretary of DHS to establish an exercise program to test and evaluate the capabilities of Federal, State, local, and other relevant stakeholders to coordinate appropriate response and recovery from acts of terror. Section 115, which directs the Secretary to require each high-risk facility to conduct live or full-scale exercises not less than once every 2 years in accordance with the facility security plan that this bill mandates.

Both provisions will enhance the capabilities of our Nation's seaports to prevent, prepare for, respond to and mitigate against acts of terror. I am grateful for this inclusion in the legislation.

But, as with so many things in the realm of homeland security, we have missed some opportunities. I, like most of my Democratic colleagues, would have much preferred that this bill also included improvements to security for America's rail, subway, buses, and trucking. And in all due reverence, I know that you feel the same way, Mr. Chairman.

But we've got to the best point at the best time, and we need to pass this legislation, and I want to thank the ranking member, Mr. THOMPSON.

Mr. KING of New York. Mr. Speaker, I would like to thank the gentleman from New Jersey for his kind remarks about the bill, and I especially want to tell him how much it means to me that he commented on my great Irish singing voice as I was delivering my oration tonight. So, Mr. PASCRELL, you are a man of great ethnic perspicacity and my admiration for you is unbounded.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I now yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I rise today in support of H.R. 4954, the SAFE Port Act, which is a comprehensive approach to securing our ports. And though not a perfect bill, it surely could have been better, it is an important first step.

One of the worst-case scenarios experts fear is that terrorists would be able to smuggle nuclear material across our ports. This is an unacceptable reality that we face today, which highlights just how important it is that we have adequate detection devices at all of our seaports and border crossings. Our radiation portal monitors are our last, best chance to prevent catastrophic nuclear or radiological attack, and our intelligence analysts continue to tell us that the threat is very real.

I am glad to see that under this bill all containers entering the U.S. through the 22 busiest seaports will be examined for radiation by the end of next year. While this is certainly a great start, we ultimately need to deploy radiation portal monitors at every point of entry to fully secure our Nation's ports.

I am also pleased to see that this bill contains provisions to strengthen the Container Security Initiative. Under the SAFE Port Act, we will have a greater ability to foster communication between the United States and the operators of foreign ports to inspect more U.S.-bound cargo before it reaches our ports. We need to continue to do everything in our power to screen cargo at its point of origin to prevent the dangerous possibility of nuclear material ever reaching our shores.

Mr. Speaker, the SAFE Port Act most certainly makes strides in terms of securing our ports, but we must acknowledge that it is just one step in a much larger process. I will continue to work with my colleagues on both sides of the aisle to secure our Nation's vulnerable ports.

I want to commend both the chairman and the ranking member for their hard work in getting us to this point today. Again, it is an important first step. Let us continue to rededicating ourselves to making sure that we are doing all we can to make sure the American people are safe.

Mr. KING of New York. Mr. Speaker, I continue to reserve the balance of my time.

Mr. THOMPSON. Might I inquire, Mr. Speaker, as to how much time remains.

The SPEAKER pro tempore. The gentleman from Mississippi has 6 minutes remaining.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman. As there is a great deal of admiration in this room, let me say that I too admire the staff and the authors of this bill, Ms. SANCHEZ, Ms. HARMAN, Mr. THOMPSON, and the work of Mr. LUNGREN and Mr. KING, but it is obvious we could have done more. And I listened to the distinguished gentleman talking about regular order. We have not had regular order this entire day.

I do want to say the good work shows that we are concerned about port security, with $400 million in port security grants, training for port workers, such as longshoremen, transportation workers' I.D. cards, screening of the 22 busiest airports, establishing the Domestic Nuclear Detection Office, additional Customs and border protection personnel and port security plans.

But I am very proud of the language of training residents of seaport communities, that the conferees agreed that it is crucial to involve communities in disaster preparedness by providing for an annual community update to the homeland security training program described in this bill. This was language that I included because of the area in which we live in Houston where there is sizable populations living around the community.

The port security training program is designed for the purpose of enhancing the capabilities of each of the Nation's commercial seaports to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies. The language I contributed extends this training program to include communities and neighborhoods in proximity of the seaports by educating, training, and involving population at-risk neighborhoods around ports, including training on an annual basis to learn what to watch for.

However, I would hope that we would move toward in the next few months 100 percent screening of container cargo, which we have not done.

I also hope that we realize, as my colleagues have said and as Mr. THOMPSON's overwhelming motion to instruct said, we have to be concerned about rail security. I mentioned during his motion to instruct that rail security is not just people riding Amtrak. It is the railroads that travel through neighborhoods throughout the regions of the Nation, including the South.

I would also note that I live around a very large port, and this will have a positive impact on the Houston port. I ask my colleagues to support it, though I am disappointed, Mr. Speaker, that we have extraneous material, such as the Internet gambling, on this bill.

I rise in support of the Conference Report to the SAFE Port Act of 2006, H.R. 4954, which represents a significant step forward toward national security and safety for our seaports. I am proud of my colleagues who have crafted this bill to be inclusive of many issues that members of the Committee on Homeland Security and other Members of the Congress have expressed over the last few years, and more intensely over the last few months.

All of us share the common goal of all Americans of making the movement of cargo through the global supply chain as secure as possible, and are committed to doing everything feasible to ensure the security of the Nation's ports.

Many elements of this legislation are beneficial: $400 million in port security grants for each of fiscal years 2007–2012; training for port workers, such as longshoremen; Transportation Workers Identification Credential (TWIC) cards to workers with access to secure areas of ports and background checks; screening at the 22 busiest seaports; establishment of the Domestic Nuclear Detection office, DNDO, within the Department of Homeland Security; additional Customs and Border Protection personnel; requires port security plans to include training for residents of neighborhoods around facilities.

Safe and secure seaports are an essential element in building efficient and technologically advanced supply chains that move cargo quickly to distribution centers, stores, and factories around the world. Although we have made progress since the 9/11 attacks in enhancing the security of the nation's ports, we cannot afford to be complacent.

INCORPORATED AMENDMENT: TRAINING FOR RESIDENTS OF SEAPORT COMMUNITIES

I am proud and thankful that the conferees agreed that it is crucial to involve communities in disaster preparedness by providing for an annual community update to the Homeland Security Training Program described in this bill.

The Port Security Training Program is designed for the purpose of enhancing the capabilities of each of the Nation's commercial seaports to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

The language I contributed extends this training program to include communities and neighborhoods in proximity of the seaports by educating, training, and involving populations of at-risk neighborhoods around ports, including training on an annual basis to learn what to watch for.

Many communities across the country have a "Neighborhood Watch" program that teaches citizens to watch for suspicious activity or other signs of danger. This language provides for a similar "citizens corps" preparation program in anticipation of a national security threat. The intent is to mimic the Citizen Corps initiative begun by the White House and the Department of Homeland Security in 2002.

While 44 percent of Americans say their neighborhood has a plan to help reduce crime, only 13 percent report having a neighborhood plan for disasters. Nearly two-thirds of respondents, 63 percent, believe it is important for neighborhoods to have a way to work together on emergency preparedness.

Fifty-two states and territories have formed state level Citizen Corps Councils to support local efforts. My hope is that before the next disaster, our citizens will be aware and trained to react effectively and timely, and perform as local responders themselves.

MORE MUST BE DONE 100% SCREENING

While there are good elements of this bill, I am compelled to discuss the fact that this bill could have been so much more, and could have definitively contributed to national security efforts. I am dismayed at the fact that there are gaps in this report wide enough to let terrorists through.

Apparently, it is not important to know what is arriving by sea cargo.

This bill fails to require 100 percent scanning of contents bound for our borders before they leave other nations. By the time they arrive and are unloaded onto our soil, it is too late.

We have the technology to do this—the ports of Hong Kong and Boston already screen most inbound cargo for both radiation and lead shielding (to hide the radiological materials) using commercially available technology without interrupting the flow of commerce. As we continue to fight to protect our borders, we need to continue to develop cutting edge technologies to detect and defeat next generation threats to port security.

According to security expert Steve Flynn, the cost would be about $50—$100 per container—minimal compared to the $4000 per container it costs to ship from Asia to the U.S., and to the $66,000 in average worth that each container carries. This is accessible, technologically feasible, and necessary. It is beyond me why it is not a part of this bill.

RAIL AND MASS TRANSIT

It is unacceptable to consider rail and mass transit security, as Secretary Chertoff stated, "goulash." I fear the day when a tragedy will strike on a subway, or on a bus, and we will suddenly discover how large a mistake it was to miss this opportunity . We know how easy a target mass transportation can be-witness Israel, London, Madrid, and Mumbai amongst so many others. We have focused so much effort on securing our borders. I wonder why Republicans are not just as concerned with securing us.

I am disappointed that this provision is not included in this conference report. At the very least, yesterday's Motion to Instruct the Conferees, which passed 281–170, instructed the conferees to accept the rail and mass transit provisions from the Senate. It takes gall to ignore an on-record vote of the House of Representatives.

HOUSTON PORT AND ECONOMIC DATA

The Port of Houston is a 25-mile-long complex of public and private facilities located just a few hours' sailing time from the Gulf of Mexico. The port is ranked first in the United States in foreign waterborne commerce, second in total tonnage, and sixth in the world.

About 200 million tons of cargo moved through the Port of Houston in 2005. A total of 7,057 vessel calls were recorded at the Port of Houston during the year 2003.

Economic studies reveal that ship channel-related businesses support more than 287,000 direct and indirect jobs throughout Texas while generating nearly $11 billion in economic impact. Additionally, more than $649 million in state and local tax revenues are generated by business activities related to the port. Approximately 87,000 jobs are connected with the Port of Houston itself, and over 80% of those people live in the Houston metropolitan area.

Centrally located on the Gulf Coast, Houston is a strategic gateway for cargo originating in or destined for the U.S. West and Midwest. Houston lies within close reach of one of the nation's largest concentrations of consumers. More than 17 million people live within 300 miles of the city, and approximately 60 million live within 700 miles.

CONCLUSION

The danger is very real that we may be escorting a weapon of mass destruction to its target. For every mile along the Houston Ship Channel that dangerous cargo passes, an additional 2000 people are at risk. Clearly, once the cargo reaches the city, the risk is greatest. There are many such cities and states across the country that are vulnerable and need the federal government's leadership for security and protection. The legislation is a good start, yet it will not be sufficient. I challenge my colleagues on the Homeland Security Committee to consider this only the first step in securing and protecting our nation's ports, and a necessary gateway to addressing the vulnerabilities of rail and mass transit.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the gentlewoman from Las Vegas (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I would like to thank the ranking member of

Homeland Security, Mr. THOMPSON, for allowing me to speak for a minute.

I have a question to ask. I was listening to Mr. DINGELL when he spoke eloquently about his disappointment that this bill did not address security when it comes to mass transit, railroads, bus stations, and Amtrak. And when Mr. KING got up to respond, he said the reason it doesn't contain any security for mass transit, railroads, bus stations, and Amtrak is because this is a port security bill. And he said it again. This is a port security bill. And he repeated it a third time. This is a port security bill.

So can he please explain to me if this is a port security bill, that we can't put protections and security for our buses and Amtrak and mass transit and railroads, how it is that we managed to put a ban on Internet gaming?

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Mr. KING of New York. Mr. Speaker will the gentlewoman yield?

Ms. BERKLEY. I yield to the gentleman from New York.

Mr. KING of New York. First of all, I am not responsible for the germaneness rules in the Senate. Secondly, this is the bill that came back to us from the Senate.

Ms. BERKLEY. Before I yield again, I know you may not control the rules of the Senate, but how about the House? Do you have any say here?

Mr. KING of New York. I would just add, if the gentlewoman will yield, this is the bill that came back to us from the Senate, and I would remind the gentlewoman that unlike the transit and rail provisions, which never passed this House, the Internet gambling bill legislation did pass this House by a vote of 317–93. There was at least some nexus which was lacking with the others.

Ms. BERKLEY. Mr. Speaker, reclaiming my time, could you please explain the nexus to me between port security to keep this country safer and a ban on Internet gaming? Give me a break.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to remind my chairman that the motion to instruct said to include rail and mass transit to the conferees. That is in response to your response to the gentlewoman from Las Vegas. We more or less said "do it" from the House perspective, and it wasn't done.

Mr. KING of New York. Mr. Speaker, if the gentleman will yield, I was just trying to answer the gentlewoman's question. She thought I was giving her a break.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. MARKEY).

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 2½ minutes.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Mississippi, and I thank him for his excellent work on that legislation.

I would say that the gentlewoman made a fine point here. The Democrats waited for days to find out what was in this bill as the Republicans deliberated by themselves. Finally it comes back over, and we learn what they included.

Did it have anything on rail and rapid transit security? No. Did it have something on moving hazardous materials in a way that got them around densely populated areas? No. Did it have anything to do with ensuring that we screen for nuclear bombs on ships before they came into the ports of the United States? No.

But what did they include? Well, they included an Internet gambling bill. Now, you would think given the fact that it was a port bill, you would think they would have something in it on riverboat gambling. But, no, nothing even on that.

So, ladies and gentlemen, what they have produced is a fine piece of political pork that the Republican Party in secret has put together. Meantime, al Qaeda has their number one objective in the world still undealt with by the Republicans, and that is obtaining a nuclear weapon out of the former Soviet Union, bringing it to a port in the world, placing it in a container on that ship, bringing the ship into a port in the United States, and then detonating that nuclear bomb before it is ever taken off the ship. And the Republicans in this bill, do they require that there be screening for nuclear bombs before they leave for the United States? No.

So, ladies and gentlemen, this bill on the central issue is a failure. The number one threat to our security, a nuclear bomb in a container on a ship, no requirement at all for the screening before it comes to our port. They have the screening after the nuclear bomb reaches the port in the United States. By then it is too late.

So, ladies and gentlemen, it is like instead of buying a dog, they put up a "beware of dog" sign. So when the bomb has reached the port of New York or Boston or L.A., the only thing that will be there is "beware of dog." They refuse to put up the protection.

Vote "no" on this terrible bill.

The SPEAKER pro tempore. The gentleman from New York has 14 minutes remaining.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the matter under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume. I assure the House I will not use the 14 minutes.

I also at this stage would like to commend the staff for the tremendous work they have done throughout this process. I would like to thank Mandy Bowers, Matt McCabe, Amanda Halpern, Kevin Gronberg, Diane Berry, Sterling Marchand, Kerry Kinirons, Mark Klaassen, Mike Power, and also the people on the minority staff.

In saying that, let me just say, Mr. MARKEY brought us into the new day, his eloquence, his soaring rhetoric brought us into the new day, but he uses the same tired arguments of yesterday, the arguments we hear time and again, the tired metaphors, the lame similes, he goes on and on.

He says Democrats were kept out of the process. Democrats were involved every step of the way, every minute, until the Internet gambling came over, which we found out about for the first time at the same time he did. Now, he may want to talk to the minority leader in the Senate and ask him why he consented to this being in, why they wanted it in. That is not my problem.

But the fact is, it is really wrong to suggest that there was any moment at all throughout the past 10 or 12 days, when at every stage of the way we ensured that the Democratic staff was there reporting back to their principals, I don't know where the gentleman from Massachusetts was. Maybe he was out buying a dog. I don't know. But the fact is if he had spoken with his staff, if he had spoken to the committee staff, if he had spoken to the ranking member, he would have known what was going on.

Also, I waited patiently for 29½ minutes listening to the opposition trying to hear one person say one negative word about the port security bill. Finally, Mr. MARKEY came up with his argument and he was talking about detecting radiation overseas.

The fact is, again in the spirit of bipartisanship and bicameralism, we adopted the language put forth by Senator LAUTENBERG in the Senate to have three pilot projects. So there we are agreeing with the Senator from New Jersey, which I guess is not good enough for the gentleman from Massachusetts.

I would also say that this legislation goes right to the heart of the issues that we are trying to address. The gentleman from Massachusetts cannot accept that.

But I will say for the other Members, certainly Mr. PASCRELL, for the contributions that he made to this bill, to the ranking member, to Mr. LANGEVIN, who has really been a leader in the whole issue of radiation portal monitors, they have been there.

So I would again say let us celebrate the fact that we are passing historic port security legislation tonight. Let us respect the fact that our committee, which is only in its second year, has passed major legislation. Let us respect the fact and acknowledge the fact that our committee paved the way. We showed the way for the Senate. We passed a bill which has been virtually intact, from the subcommittee to the committee to the House floor and now here tonight with the conference report.

And rather than begrudging, rather than saying it could have been this or it could have been that, rather than let the perfect be the enemy of the good, let's accept this good legislation, let's go forward, let us realize we made the American people far safer. And we did it because of a bipartisan effort, which should have been bipartisan right to the last moment. Unfortunately, the naysayers tried to take this over. The fact is they cannot deny the reality. This is excellent legislation that makes our country safe. We should be proud.

I urge the adoption of the resolution.

Mr. LoBIONDO. Mr. Speaker, I rise in support of the very significant provisions in the SAFE Port Act that will go a long way to make our ports and waterways secure. I thank Chairman YOUNG and Chairman KING for their hard work on this legislation.

I am particularly pleased with the inclusion of the Maritime Terminal Security Enhancement Act, legislation I authored in the wake of the Dubai Ports deal to ensure that the security at our ports remains in the hands of American citizens. The Maritime Terminal Security Enhancement Act would require Facility Security Officers to be American citizens. It would also provide for periodic, unannounced inspections of security at our port facilities, as well as place deadlines on the deployment of the Transportation Worker Identification Card to ensure the identity of our port workers; a long range vessel tracking system that will enable the Coast Guard to further extend our borders and monitor vessels bound for U.S. ports; and requires the Department of Homeland Security to issue regulations to require foreign merchant mariners to carry an enhanced crew member identification credential when calling on U.S. ports.

The SAFE Port Act builds on the unprecedented work we did in the Maritime Transportation Security Act of 2002. I was proud to be an author of that bill and I am proud of the work we did to enhance port security in this bill.

However, I am not proud, nor do I support the decision by the leadership in the other body to attach at the last minute and without consultation, the Internet Gambling Prohibition and Enforcement Act. There is no question that Internet technology has rapidly and substantively changed over the past six years, with new advancements being made every day. It is therefore imperative that our thinking about how best to regulate activities such as Internet gaming also evolve with the times. Unfortunately, this bill does not take into account the significant advancements in the technology, nor does it include language I support to establish a commission to study whether Internet gaming can be properly regulated.

Mr. Speaker, I will be reluctantly supporting the SAFE Port Act, as I am extremely disappointed with the action of the leadership in the other body to attach this non germane issue to an otherwise tremendous piece of legislation that will strengthen and enhance our ability to keep our nation's ports and waterways secure.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I'm glad to see that we're finally seeing this very important and long overdue port security legislation on the House floor.

There are 14 major ports in my home state of Florida, with the Port of Jacksonville in my hometown. And we have failed so far in devoting the money they need to protect their facility.

Unfortunately, we're still failing to protect the 25 million passengers who ride Amtrak each year. 69,000 passengers ride Amtrak every day, and yet they don't qualify for any of the money being authorized in this bill and are offered no more protections than they have today. That is shameful.

I can't believe that anyone in this House, following the bombings in Madrid and in London, doesn't believe that terrorists would attack an Amtrak train on the Northeast corridor that connects Washington, DC, New York, and Boston.

This Republican Congress deserves an F for what they have done to protect transit and passenger rail in this country. They wasted an opportunity to protect the citizens who take public transit and passenger rail to work every day.

Mr. GIBBONS. Mr. Speaker, I rise today to state how deeply disappointed I am that the conference report for H.R. 4954, this vitally important bill that is meant to secure our ports and protect our nation from terrorists, has been amended to include internet gaming language.

Internet gaming has nothing whatsoever to do with port security. It is irresponsible to insert this non-germane language into a homeland security measure.

This Congress should not overreact by restricting the growing industry of online gaming without giving serious review to the potentially negative impacts of such a rash decision.

We know that current efforts by states and the federal government to regulate internet gaming have pushed online consumers to illegal, black market sites that have little to no regulation.

Online gaming is a potential economic opportunity for the State of Nevada and the entire country. Current estimates of online gaming revenues range from $7 billion to $10 billion for 2004 alone, with U.S. bettors providing at least $4 billion or more of that amount.

Many nations, including England, are in the process of legalizing, regulating, and taxing online gaming.

I, along with my colleagues from Nevada, Congresswoman BERKLEY and Congressman PORTER, have introduced a bill, H.R. 5474, that would establish a nine-member commission to undertake a complete study of the internet gaming issue. The results of this study would allow the President, the Congress, and every state and tribal government to make informed decisions about this issue and presents a much better alternative to a knee-jerk total ban on the activity.

I voted for H.R. 4954 because it is necessary that we secure our ports against those who wish to do us harm, but I do so with grave disappointment in the decision to add this nongermane internet gaming language.

Mr. PAUL. Mr. Speaker, I was pleased to vote for the SAFE Ports Act when it was considered by Congress in May and I intend to do so tonight. However, I am disturbed that The Internet Gambling Prohibition and Enforcement Act was added to this bill during conference. My understanding is that this provision was slipped into the bill at the conclusion of the conference even though internet gambling has nothing to do with port security.

I have long opposed The Internet Gambling Prohibition and Enforcement Act since the federal government has no constitutional authority to ban or even discourage any form of internet gambling. In addition to being unconstitutional, this provision is likely to prove ineffective at ending internet gambling. Instead, by passing law proportion to ban internet gambling Congress will ensure that gambling is controlled by organized crime. History, from the failed experiment of prohibition to today's futile "war on drugs," shows that the government cannot eliminate demand for something like internet gambling simply by passing a law. Instead, this provision will force those who wish to gamble over the internet to patronize suppliers willing to flaunt the ban. In many cases, providers of services banned by the government will be members of criminal organizations. Even if organized crime does not operate internet gambling enterprises their competitors are likely to be controlled by organized crime. After all, since the owners and patrons of internet gambling cannot rely on the police and courts to enforce contracts and resolve other disputes, they will be forced to rely on members of organized crime to perform those functions. Thus, the profits of internet gambling will flow into organized crime. Furthermore, outlawing an activity will raise the price vendors are able to charge consumers, thus increasing the profits flowing to organized crime from internet gambling. It is bitterly ironic that a bill masquerading as an attack on crime will actually increase organized crime's ability to control and profit from internet gambling!

In conclusion, the ban on internet gambling violates the constitutional limits on federal power. Furthermore, laws such as this are ineffective in eliminating the demand for vices such as internet gambling; instead, they ensure that these enterprises will be controlled by organized crime. It is a shame to clutter an important and good piece of legislation like the Safe Ports Act with a blatantly unconstitutional power grab over the internet like the Internet Gambling Prohibition and Enforcement Act.

Mr. LYNCH. Mr. Speaker, I'd like to thank the gentleman from Mississippi, Mr. THOMPSON, for yielding me this time.

Mr. Speaker, I rise in regards to the conference report to accompany H.R. 4954, the SAFE Port Act.

As representative of the Port of Boston—I'm pleased that today's conference report takes important steps towards better safeguarding our Nation's 361 sea and river ports—through the authorization of significant increases in port security grants for each of fiscal years 2007 through 2012, meaningful port worker security training provisions, and substantive container screening and scanning improvements.

At the same time, I must say that I'm disappointed that the agreement under consideration does not include the language to strenghten rail and transit security passed by the U.S. Senate during its consideration of port security legislation.

By including language to authorize $1.2 billion for freight and passenger rail security as well as $3.5 billion for mass transit security in a ports bill, the Senate clearly recognized that rail and mass transit have also been grossly underfunded, this in the face of repeated terrorist attacks against rail and transit systems worldwide—from Paris, Tokyo, and Moscow to Madrid, London, and most recently, Mumbai.

In furtherance of the Senate's action, just yesterday the House passed a motion to instruct the House conferees to accept the Senate's position on rail and mass transit security by a margin of 281–140. Regrettably however, the rail and transit language did not make it into this conference report.

Mr. Speaker, while this agreement is a good start towards securing our seaports and the international supply chain, I think we've missed a major opportunity to afford rail and transit similar respect.

Mr. SMITH of Washington. Mr. Speaker, I rise today in support the Conference Report on H.R. 4954, the SAFE Port Act. This bipartisan legislation makes critical improvements to strengthen our domestic and international security efforts and provides the resources necessary to detect tampered cargo before it enters our ports. Passage of the SAFE Port Act today is vital to our national security.

For Washington state, the SAFE Port Act will bring greater regional coordination, new security grants, increased Customs personnel for Puget Sound and radiation detection equipment that is both modern and appropriate for the Port of Tacoma's increased rail capacity.

The SAFE Port Act also takes important steps to plan for and immediately recover from any incidents on our docks. With the increased role of western ports like the Port of Tacoma and the Port of Seattle in our global economy, we must ensure the free flow of commerce.

Passage of the SAFE Port Act will help protect our communities, our critical infrastructure and our homeland. The SAFE Port Act will move America in the right direction.

Ms. LEE. Mr. Speaker, I rise in support of the conference report for H.R. 4954, the SAFE Port Act.

As a member of the Port Security Caucus and as an original co-sponsor of this legislation, I have been consistently fighting for a massive increase in funding and focus to secure our Nation's ports.

But as the 9/11 Commission's failing grades have pointed out, over the last four years, the administration and the Republican Congress have done far too little to secure our Nation's critical infrastructure.

Just earlier this week the Homeland Security Department announced its latest round of port security grants. The Port of Oakland in my district did not get a single penny even though it's the 4th busiest container port in the country and is a gateway to trade with Asia and the Pacific. That is just inexcusable.

By authorizing $400 million in annual port security grants, the SAFE Port Act takes a step in the right direction. Now we have the responsibility to fund it.

We must also fix the gaps that still remain by requiring 100% screening of cargo before it reaches our shores.

At the same time I am disappointed that the Senate language to expand funding to secure our rail and transit systems was not included in this bill.

The London and Mumbai rail and subway bombings happened on our watch. We should not adjourn this session without addressing this critical vulnerability.

Ms. MILLENDER-McDONALD. Mr. Speaker, I am pleased the House and Senate were able to come together and address port security through the passage of H.R. 4954, the SAFE Port Act. This may be the most important piece of legislation we pass in the 109th Congress.

Clearly our Nation's ports are critical to America's economic vitality. A major attack on the U.S. maritime transportation system would simply devastate the U.S. economy. Some 95% of American trade enters the U.S. through one of 361 seaports on board 8,500 foreign vessels and makes more than 55,000 port calls per year, which total worth is nearly $1 trillion dollars. Securing these and the rest of America's ports as well as the economic contributions they make must remain a top priority for each of us.

As the proud Representative from California's 37th District, it is my responsibility to enhance the security at the Ports of Long Beach and Los Angeles, the largest port complex in the Nation and the third largest in the world. In fact, over 52% of all waterborne cargo moves through the Ports of Long Beach and Los Angeles alone.

This is a bill rooted in sound policy. Many provisions of the SAFE Port Act was language in my legislation H.R. 478, the United States Seaport Multiyear Security Enhancement Act, which I introduced in February 2005. It was imperative that Congress passed a port security bill which included multi-funding and a broad approach to securing the entire international supply chain.

I urge the President to sign the SAFE Port Act as soon as possible, as America's ports and those who live around them can wait no longer.

Mr. PORTER. Mr. Speaker, I take this opportunity to clarify my "yes" vote on Final Passage on the Conference Report H.R. 4954 SAFE Port Act. My "yes" vote is in full support of all the necessary Homeland Security and Port Security provisions included within the legislation, however, I do not support the inclusion of the non-germane and unnecessary prohibition on Internet Gaming. I am strongly opposed to the inclusion of this language and long felt that Congress does not have a comprehensive understanding of the complexities of this issue. It is based on this lack of knowledge that I introduced H.R. 5474, The Internet Gambling Study Commission Act. It is imperative that Congress fully understand the facts of internet gaming before coming to any rash decisions. The purpose of my bill is:

To establish a commission to study issues posed by the continued spread and growth of interstate commerce with respect to Internet gambling.

Although U.S. federal and state governments insist that online gambling is illegal, in reality it is thriving. There is a huge disconnect between current government policy and reality.

Millions of U.S. residents gamble online every day without the protection of reliable regulatory structures that ensure age and identity verification, the integrity and fairness of the games, or that responsible gaming policies are followed.

Neither U.S. federal nor state governments receive tax revenues from online gaming.

Disrespect spreads for laws that are neither enforced nor evidently enforceable against an activity that enjoys wide and growing popularity.

The online gaming industry creates no jobs in the United States and American businesses earn no returns from online gambling.

Current inconsistencies in U.S. Internet gambling policy could lead to sanctions by the World Trade Organization (WTO).

Again, Mr. Speaker, I am opposed to this inclusion of this language and look forward to working with my colleagues to enact my legislation, or some similar type of study legislation in the future.

Mr. THOMAS. Mr. Speaker, I am pleased to be here today to advance this important legislation. A few weeks ago, Presidnt Bush gave a speech in which he stated that our intelligence shows that al-Qaeda has two main goals—to destroy our nation physically through attacks such as 9/11; and to pursue a "death by bleeding" strategy in which terrorists destroy us economically. We could protect against al-Qaeda's first goal by shutting down our borders—but by cutting off America's life blood of trade, we would actually be helping al-Qaeda achieve its second goal.

This bill is the right way to protect both our borders and our economy. It utilizes innovative systems to protect our citizens, and it provides new resources along our borders. Through programs such as the Customs-Trade Partnership against Terrorism, we bring the energy and experience of the trade community into our fight against terrorism. These programs, together with the bill's provisions modernizing our international trade data systems, also show that we can facilitate legitimate trade while at the same time providing information to our law enforcement officials to identify and stop threats.

To defeat al-Qaeda and prevent it from achieving its goals of destroying America physically and economically, the Administration, Congress, our citizens in the private sector, and our international partners must work together—and trade cannot be seen as the enemy of security.

I have made it a priority in this bill to ensure that through consultation and cooperative programs, all of these key partners are brought together so that we have the most effective and unified effort we can against terror and for trade.

I congratulate all the Members of this Conference on this bill and look forward to its quick passage.

Mr. KING of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KING of New York. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 409, noes 2, not voting 21, as follows:

[Roll No. 516]

AYES—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul-(TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—2

Flake
Markey

NOT VOTING—21

Case
Castle
Evans
Foley
Ford
Frank (MA)
Gutierrez
Hefley
Hyde
Johnson (IL)
Jones (NC)
Lewis (GA)
Meehan
Ney
Nussle
Oxley
Sabo
Stark
Strickland
Tancredo
Wilson (SC)

☐ 0032

Mr. BARRETT of South Carolina changed his vote from "no" to "aye."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on September 29, 2006, I was away from my official duties due to a family mater, and subsequently missed a recorded vote on Rollcall No. 516, on final passage of H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes. Had I been present, I would have voted "aye."

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title:

H. Con. Res. 483. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5441) "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.".

FEDERAL AND DISTRICT OF COLUMBIA GOVERNMENT REAL PROPERTY ACT OF 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3699) to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal and District of Columbia Government Real Property Act of 2005".

TITLE I—REAL PROPERTY CONVEYANCES BETWEEN THE GENERAL SERVICES ADMINISTRATION AND THE DISTRICT OF COLUMBIA

SEC. 101. EXCHANGE OF TITLE OVER RESERVATION 13 AND CERTAIN OTHER PROPERTIES.

(a) CONVEYANCE OF PROPERTIES.—

(1) IN GENERAL.—On the date on which the District of Columbia conveys to the Administrator of General Services all right, title, and interest of the District of Columbia in the property described in subsection (c), the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in—

(A) U.S. Reservation 13, subject to the conditions described in subsection (b); and

(B) Old Naval Hospital.

(2) PROPERTIES DEFINED.—In this section—

(A) the term "U.S. Reservation 13" means that parcel of land in the District of Columbia consisting of the approximately 66 acres which is bounded on the north by Independence Avenue Southeast, on the west by 19th Street Southeast, on the south by G Street Southeast, and on the east by United States Reservation 343, and being the same land described in the Federal transfer letter of October 25, 2002, from the United States to the District of Columbia, and subject to existing matters of record; and

(B) the term "Old Naval Hospital" means the property in the District of Columbia consisting of Square 948 in its entirety, together with all the improvements thereon.

(b) CONDITIONS FOR CONVEYANCE OF RESERVATION 13.—As a condition for the conveyance of U.S. Reservation 13 to the District of Columbia under this section, the District of Columbia shall agree—

(1) to set aside a portion of the property for the extension of Massachusetts Avenue Southeast and the placement of a potential commemorative work to be established pursuant to chapter 89 of title 40, United States Code, at the terminus of Massachusetts Avenue Southeast (as so extended) at the Anacostia River;

(2) to convey all right, title, and interest of the District of Columbia in the portion set aside under paragraph (1) to the Secretary of the Interior (acting through the Director of the National Park Service) at such time as the Secretary may require, if a commemorative work is established in the manner described in paragraph (1); and

(3) to permit the Court Services and Offender Supervision Agency for the District of Columbia to continue to occupy a portion of the property consistent with the requirements of the District of Columbia Appropriations Act, 2002 (Public Law 107–96; 115 Stat. 931).

(c) DISTRICT OF COLUMBIA PROPERTY TO BE CONVEYED TO THE ADMINISTRATOR.—The property described in this subsection is the real property consisting of Building Nos. 16, 37, 38, 118, and 118–A and related improvements, together with the real property underlying those buildings and improvements, on the West Campus of Saint Elizabeths Hospital, as described in the quitclaim deed of September 30, 1987, by and between the United States and the District of Columbia and recorded in the Office of the Recorder of Deeds of the District of Columbia on October 7, 1987.

(d) LIMITATION ON ENVIRONMENTAL LIABILITY.—Notwithstanding any other provision of law—

(1) the District of Columbia shall not be responsible for any environmental liability, response action, remediation, corrective action, damages, costs, or expenses associated with the property for which title is conveyed to the Administrator of General Services under this section; and

(2) all environmental liability, responsibility, remediation, damages, costs, and expenses as required by applicable Federal, State and local law, including the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act (known as Clean Water Act) (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Rivers and Harbors Act (33 U.S.C. 540 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601, et seq.), and the Oil Pollution Act (33 U.S.C. 2701 et seq.) for such property shall be borne by the United States, which shall conduct all environmental activity with respect to such properties, and bear any and all costs and expenses of any such activity.

SEC. 102. TERMINATION OF CLAIMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the United States is not required to perform, or to reimburse the District of Columbia for the cost of performing, any of the following services:

(1) Repairs or renovations pursuant to section 4(f) of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (24 U.S.C. 225b(f); sec. 44–903(f), D.C. Official Code).

(2) Preservation, maintenance, or repairs pursuant to a use permit executed on September 30, 1987, under which the United States (acting through the Secretary of Health and Human Services) granted permission to the District of Columbia to use and occupy portions of the Saint Elizabeths Hospital property known as the "West Campus".

(3) Mental health diagnostic and treatment services for referrals as described in section 9(b) of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (24 U.S.C. 225g(b); sec. 44–908(b), D.C. Official Code), but only with respect to services provided on or before the date of the enactment of this Act.

(b) EFFECT ON PENDING CLAIMS.—Any claim of the District of Columbia against the United States for the failure to perform, or to reimburse the District of Columbia for the cost of performing, any service described in subsection (a) which is pending as of the date of the enactment of this Act shall be extinguished and terminated.

TITLE II—STREAMLINING MANAGEMENT OF PROPERTIES LOCATED IN THE DISTRICT OF COLUMBIA

SEC. 201. TRANSFER OF ADMINISTRATIVE JURISDICTION OVER CERTAIN PROPERTIES.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM DISTRICT OF COLUMBIA TO UNITED STATES.—

(1) IN GENERAL.—Administrative jurisdiction over each of the following properties (owned by the United States and as depicted on the Map) is hereby transferred, subject to the terms in this subsection, from the District of Columbia to the Secretary of the Interior for administration by the Director:.

(A) An unimproved portion of Audubon Terrace Northwest, located east of Linnean Avenue Northwest, that is within U.S. Reservation 402 (National Park Service property).

(B) An unimproved portion of Barnaby Street Northwest, north of Aberfoyle Place Northwest, that abuts U.S. Reservation 545 (National Park Service property).

(C) A portion of Canal Street Southwest, and a portion of V Street Southwest, each of which abuts U.S. Reservation 467 (National Park Service property).

(D) Unimproved streets and alleys at Fort Circle Park located within the boundaries of U.S. Reservation 497 (National Park Service property).

(E) An unimproved portion of Western Avenue Northwest, north of Oregon Avenue Northwest, that abuts U.S. Reservation 339 (National Park Service property).

(F) An unimproved portion of 17th Street Northwest, south of Shepherd Street Northwest, that abuts U.S. Reservation 339 (National Park Service property).

(G) An unimproved portion of 30th Street Northwest, north of Broad Branch Road Northwest, that is within the boundaries of U.S. Reservation 515 (National Park Service property).

(H) Subject to paragraph (2), lands over I-395 at Washington Avenue Southwest.

(I) A portion of U.S. Reservation 357 at Whitehaven Parkway Northwest, previously transferred to the District of Columbia in conjunction with the former proposal for a residence for the Mayor of the District of Columbia.

(2) USE OF CERTAIN PROPERTY FOR MEMORIAL.—In the case of the property for which administrative jurisdiction is transferred under paragraph (1)(H), the property shall be used as the site for the establishment of a memorial to honor disabled veterans of the United States Armed Forces authorized to be established by the Disabled Veterans' LIFE Memorial Foundation by Public Law 106–348 (114 Stat. 1358; 40 U.S.C. 8903 note), except that the District of Columbia shall retain administrative jurisdiction over the subsurface area beneath the site for the tunnel, walls, footings, and related facilities.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM UNITED STATES TO DISTRICT OF COLUMBIA.—Administrative jurisdiction over the following property owned by the United States and depicted on the Map is hereby transferred from the Secretary to the District of Columbia for administration by the District of Columbia:

(1) A portion of U.S. Reservation 451.

(2) A portion of U.S. Reservation 404.

(3) U.S. Reservations 44, 45, 46, 47, 48, and 49.

(4) U.S. Reservation 251.

(5) U.S. Reservation 8.

(6) U.S. Reservations 277A and 277C.

(7) Portions of U.S. Reservation 470.

(c) EFFECTIVE DATE.—The transfers of administrative jurisdiction under this section shall take effect on the date of the enactment of this Act.

SEC. 202. EXCHANGE OF TITLE OVER CERTAIN PROPERTIES.

(a) CONVEYANCE OF TITLE.—

(1) IN GENERAL.—On the date on which the District of Columbia conveys to the Secretary all right, title, and interest of the District of Columbia in each of the properties described in subsection (b) for use as described in such subsection, the Secretary shall convey to the District of Columbia all right, title, and interest of the United States in each of the properties described in subsection (c).

(2) ADMINISTRATION BY NATIONAL PARK SERVICE.—The properties conveyed by the District of Columbia to the Secretary under this section shall be administered by the Director upon conveyance.

(b) PROPERTIES TO BE CONVEYED TO THE SECRETARY; USE.—The properties described in this subsection and their uses are as follows (as depicted on the Map):

(1) Lovers Lane Northwest, abutting U.S. Reservation 324, for the closure of a one-block long roadway adjacent to Montrose Park.

(2) Needwood, Niagara, and Pitt Streets Northwest, within the Chesapeake and Ohio Canal National Historical Park, for the closing of the rights-of-way now occupied by the Chesapeake and Ohio Canal.

(c) PROPERTIES TO BE CONVEYED TO THE DISTRICT OF COLUMBIA.—The properties described in this subsection are as follows (as depicted on the Map):

(1) U.S. Reservation 17A.

(2) U.S. Reservation 484.

(3) U.S. Reservations 243, 244, 245, and 247.

(4) U.S. Reservations 128, 129, 130, 298, and 299.

(5) Portions of U.S. Reservations 343D and 343E.

(6) U.S. Reservations 721, 722, and 723.

SEC. 203. CONVEYANCE OF UNITED STATES RESERVATION 174.

(a) CONVEYANCE; USE.—If the District of Columbia enacts a final plan for the development of the former Convention Center Site which meets the requirements of subsection (b)—

(1) the Secretary shall convey all right, title, and interest of the United States in U.S. Reservation 174 (as depicted on the Map) to the District of Columbia upon the enactment of such plan; and

(2) the District shall use the property so conveyed in accordance with such plan.

(b) REQUIREMENTS FOR DEVELOPMENT PLAN.—The plan for the development of the former Convention Center Site meets the requirements of this subsection if—

(1) the plan is developed through a public process;

(2) during the process for the development of the plan, the District of Columbia considers at least one version of the plan under which the entire portion of U.S. Reservation 174 which is set aside as open space as of the date of the enactment of this Act shall continue to be set aside as open space (including a version under which facilities are built under the surface of such portion); and

(3) not less than 1¼ acres of the former Convention Center Site are set aside for open space under the plan.

(c) FORMER CONVENTION CENTER SITE DEFINED.—In this section, the "former Convention Center Site" means the parcel of land in the District of Columbia which is bounded on the east by 9th Street Northwest, on the north by New York Avenue Northwest, on the west by 11th Street Northwest, and on the south by H Street Northwest.

SEC. 204. CONVEYANCE OF PORTION OF RFK STADIUM SITE FOR EDUCATIONAL PURPOSES.

Section 7 of the District of Columbia Stadium Act of 1957 (sec. 3-326, D.C. Official Code) is amended by adding at the end the following new subsection:

"(e)(1) Upon receipt of a written description from the District of Columbia of a parcel of land consisting of not more than 15 contiguous acres (hereafter in this subsection referred to as 'the described parcel'), with the longest side of the described parcel abutting one of the roads bounding the property, within the area designated 'D' on the revised map entitled 'Map to Designate Transfer of Stadium and Lease of Parking Lots to the District' and bound by Oklahoma Avenue Northeast, Benning Road Northeast, the Metro line, and Constitution Avenue Northeast, and a long-term lease executed by the District of Columbia that is contingent upon the Secretary's conveyance of the described parcel and for the purpose consistent with this paragraph, the Secretary shall convey all right, title, and interest in the described parcel to the District of Columbia for the purpose of siting, developing, and operating an educational institution for the public welfare, with first preference given to a pre-collegiate public boarding school.

"(2) Upon conveyance under paragraph (1), the portion of the stadium lease that affects the described parcel and all the conditions associated therewith shall terminate, the described parcel shall be removed from the 'Map to Designate Transfer of Stadium and Lease of Parking Lots to the District', and the long-term lease described in paragraph (1) shall take effect immediately.".

TITLE III—POPLAR POINT

SEC. 301. CONVEYANCE OF POPLAR POINT TO DISTRICT OF COLUMBIA.

(a) CONVEYANCE.—Upon certification by the Secretary of the Interior (acting through the Director) that the District of Columbia has adopted a land-use plan for Poplar Point which meets the requirements of section 302, the Director shall convey to the District of Columbia all right, title, and interest of the United States in Poplar Point, in accordance with this title.

(b) WITHHOLDING OF EXISTING FACILITIES AND PROPERTIES OF NATIONAL PARK SERVICE FROM INITIAL CONVEYANCE.—The Director shall withhold from the conveyance made under subsection (a) the facilities and related property (including necessary easements and utilities related thereto) which are occupied or otherwise used by the National Park Service in Poplar Point prior to the adoption of the land-use plan referred to in subsection (a), as identified in such land-use plan in accordance with section 302(c).

SEC. 302. REQUIREMENTS FOR POPLAR POINT LAND-USE PLAN.

(a) IN GENERAL.—The land-use plan for Poplar Point meets the requirements of this section if the plan includes each of the following elements:

(1) The plan provides for the reservation of a portion of Poplar Point for park purposes, in accordance with subsection (b).

(2) The plan provides for the identification of existing facilities and related properties of the National Park Service, and the relocation of the National Park Service to replacement facilities and related properties, in accordance with subsection (c).

(3) Under the plan, at least two sites within the areas designated for park purposes are set aside for the placement of potential commemorative works to be established pursuant to chapter 89 of title 40, United States Code, and the plan includes a commitment by the District of Columbia to convey back those sites to the National Park Service at the appropriate time, as determined by the Secretary.

(4) To the greatest extent practicable, the plan is consistent with the Anacostia Waterfront Framework Plan referred to in section 103 of the Anacostia Waterfront Corporation Act of 2004 (sec. 2-1223.03, D.C. Official Code).

(b) RESERVATION OF AREAS FOR PARK PURPOSES.—The plan shall identify a portion of Poplar Point consisting of not fewer than 70 acres (including wetlands) which shall be reserved for park purposes and shall require such portion to be reserved for such purposes in perpetuity, and shall provide that any person (including an individual or a public entity) shall have standing to enforce the requirement.

(c) IDENTIFICATION OF EXISTING AND REPLACEMENT FACILITIES AND PROPERTIES FOR NATIONAL PARK SERVICE.—

(1) IDENTIFICATION OF EXISTING FACILITIES.—The plan shall identify the facilities and related property (including necessary easements and utilities related thereto) which are occupied or otherwise used by the National Park Service in Poplar Point prior to the adoption of the plan.

(2) RELOCATION TO REPLACEMENT FACILITIES.—

(A) IN GENERAL.—To the extent that the District of Columbia and the Director determine jointly that it is no longer appropriate for the National Park Service to occupy or otherwise use any of the facilities and related property identified under paragraph (1), the plan shall—

(i) identify other suitable facilities and related property (including necessary easements and utilities related thereto) in the District of Columbia to which the National Park Service may be relocated;

(ii) provide that the District of Columbia shall take such actions as may be required to carry out the relocation, including preparing the new facilities and properties and providing for the transfer of such fixtures and equipment as the Director may require; and

(iii) set forth a timetable for the relocation of the National Park Service to the new facilities.

(B) RESTRICTION ON USE OF PROPERTY RESERVED FOR PARK PURPOSES.—The plan may not identify any facility or property for purposes of this paragraph which is located on any portion of Poplar Point which is reserved for park purposes in accordance with subsection (b).

(3) CONSULTATION REQUIRED.—In developing each of the elements of the plan which are required under this subsection, the District of Columbia shall consult with the Director.

SEC. 303. CONVEYANCE OF REPLACEMENT FACILITIES AND PROPERTIES FOR NATIONAL PARK SERVICE.

(a) CONVEYANCE OF FACILITIES AND RELATED PROPERTIES.—Upon certification by the Director that the facilities and related property to which the National Park Service is to be relocated under the land-use plan under this title (in accordance with section 302(c)) are ready to be occupied or used by the National Park Service—

(1) the District of Columbia shall convey to the Director all right, title, and interest in the facilities and related property (including necessary easements and utilities related thereto) to which the National Park Service is to be relocated (without regard to whether such facilities are located in Poplar Point); and

(2) the Director shall convey to the District of Columbia all, right, title, and interest in the facilities and related property which were withheld from the conveyance of Poplar Point under section 301(b) and from which the National Park Service is to be relocated.

(b) RESTRICTION ON CONSTRUCTION PROJECTS PENDING CERTIFICATION OF FACILITIES.—

(1) IN GENERAL.—The District of Columbia may not initiate any construction project with respect to Poplar Point until the Director makes the certification referred to in subsection (a).

(2) EXCEPTION FOR PROJECTS REQUIRED TO PREPARE FACILITIES FOR OCCUPATION BY NATIONAL PARK SERVICE.—Paragraph (1) shall not apply with respect to any construction project required to ensure that the facilities and related property to which the National Park Service is to be relocated under the land-use plan under this title (in accordance with section 302(c)) are ready to be occupied by the National Park Service.

SEC. 304. POPLAR POINT DEFINED.

In this title, "Poplar Point" means the parcel of land in the District of Columbia which is owned by the United States and which is under the administrative jurisdiction of the District of Columbia or the Director on the day before the date of enactment of this Act, and which is bounded on the north by the Anacostia River, on the northeast by and inclusive of the southeast approaches to the 11th Street bridges, on the southeast by and inclusive of Route 295, and on the northwest by and inclusive of the Frederick Douglass Memorial Bridge approaches to Suitland Parkway, as depicted on the Map.

TITLE IV—GENERAL PROVISIONS

SEC. 401. DEFINITIONS.

In this Act, the following definitions apply:

(1) The term "Administrator" means the Administrator of General Services.

(2) The term "Director" means the Director of the National Park Service.

(3) The term "Map" means the map entitled "Transfer and Conveyance of Properties in the District of Columbia", numbered 869/80460, and dated July 2005, which shall be kept on file in the appropriate office of the National Park Service.

(4) The term "Secretary" means the Secretary of the Interior.

SEC. 402. LIMITATION ON ENVIRONMENTAL LIABILITY.

Notwithstanding any other provision of law—

(1) the United States shall not be responsible for any environmental liability, response action, remediation, corrective action, damages, costs, or expenses associated with any property for which title is conveyed to the District of Columbia under this Act or any amendment made by this Act; and

(2) all environmental liability, responsibility, remediation, damages, costs, and expenses as required by applicable Federal, state and local law, including the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act (known as Clean Water Act) (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Rivers and Harbors Act (33 U.S.C. 540 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601, et seq.), and the Oil Pollution Act (33 U.S.C. 2701 et seq.) for any such property shall be borne by the District of Columbia, which shall conduct all environmental activity with respect to such properties, and bear any and all costs and expenses of any such activity.

SEC. 403. LIMITATION ON COSTS.

The United States shall not be responsible for paying any costs and expenses incurred by the District of Columbia or any other parties at any time in connection with effecting the provisions of this Act or any amendment made by this Act, including costs and expenses associated with surveys, zoning, land-use processes, transfer taxes, recording taxes, recording fees, as well as the costs associated with the relocation of the National Park Service to replacement facilities required under the land-use plan for Poplar Point described in section 302(c)(2).

SEC. 404. DEADLINE FOR PROVISION OF DEEDS AND RELATED DOCUMENTS.

With respect to each property conveyed under this Act or any amendment made by this Act, the Mayor of the District of Columbia, the Administrator, or the Secretary (as the case may be) shall execute and deliver a quitclaim deed or prepare and record a transfer plat, as appropriate, not later than 6 months after the property is conveyed.

AMENDMENT IN LIEU OF COMMITTEE AMENDMENTS OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Speaker, I offer an amendment in lieu of the amendments reported by the Committees on Government Reform, Energy and Commerce, and Transportation and Infrastructure now printed in the bill.

The Clerk read as follows:

Committee amendment offered by Mr. TOM DAVIS of Virginia:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal and District of Columbia Government Real Property Act of 2006".

TITLE I—REAL PROPERTY CONVEYANCES BETWEEN THE GENERAL SERVICES ADMINISTRATION AND THE DISTRICT OF COLUMBIA

SEC. 101. EXCHANGE OF TITLE OVER RESERVATION 13 AND CERTAIN OTHER PROPERTIES.

(a) CONVEYANCE OF PROPERTIES.—

(1) IN GENERAL.—On the date on which the District of Columbia conveys to the Administrator of General Services all right, title, and interest of the District of Columbia in the property described in subsection (c), the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in—

(A) U.S. Reservation 13, subject to the conditions described in subsection (b); and

(B) Old Naval Hospital.

(2) PROPERTIES DEFINED.—In this section—

(A) the term "U.S. Reservation 13" means that parcel of land in the District of Columbia consisting of the approximately 66 acres which is bounded on the north by Independence Avenue Southeast, on the west by 19th Street Southeast, on the south by G Street Southeast, and on the east by United States Reservation 343, and being the same land described in the Federal transfer letter of October 25, 2002, from the United States to the District of Columbia, and subject to existing matters of record; and

(B) the term "Old Naval Hospital" means the property in the District of Columbia consisting of Square 948 in its entirety, together with all the improvements thereon.

(b) CONDITIONS FOR CONVEYANCE OF RESERVATION 13.—As a condition for the conveyance of U.S. Reservation 13 to the District of Columbia under this section, the District of Columbia shall agree—

(1) to set aside a portion of the property for the extension of Massachusetts Avenue Southeast and the placement of a potential commemorative work to be established pursuant to chapter 89 of title 40, United States Code, at the terminus of Massachusetts Avenue Southeast (as so extended) at the Anacostia River;

(2) to convey all right, title, and interest of the District of Columbia in the portion set aside under paragraph (1) to the Secretary of the Interior (acting through the Director of the National Park Service) at such time as the Secretary may require, if a commemorative work is established in the manner described in paragraph (1);

(3) to permit the Court Services and Offender Supervision Agency for the District of Columbia to continue to occupy a portion of the property consistent with the requirements of the District of Columbia Appropriations Act, 2002 (Public Law 107–96; 115 Stat. 931); and

(4) to develop the property consistent with the Anacostia Waterfront Corporation's Master Plan for Reservation 13 (also known as the Hill East Waterfront).

(c) DISTRICT OF COLUMBIA PROPERTY TO BE CONVEYED TO THE ADMINISTRATOR.—The property described in this subsection is the real property consisting of Building Nos. 16, 37, 38, 118, and 118–A and related improvements, together with the real property underlying those buildings and improvements, on the West Campus of Saint Elizabeths Hospital, as described in the quitclaim deed of September 30, 1987, by and between the United States and the District of Columbia and recorded in the Office of the Recorder of Deeds of the District of Columbia on October 7, 1987.

SEC. 102. TERMINATION OF CLAIMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the United States is not required to perform, or to reimburse the District of Columbia for the cost of performing, any of the following services:

(1) Repairs or renovations pursuant to section 4(f) of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (24 U.S.C. 225b(f); sec. 44–903(f), D.C. Official Code).

(2) Preservation, maintenance, or repairs pursuant to a use permit executed on September 30, 1987, under which the United States (acting through the Secretary of Health and Human Services) granted permission to the District of Columbia to use and occupy portions of the Saint Elizabeths Hospital property known as the "West Campus".

(3) Mental health diagnostic and treatment services for referrals as described in section 9(b) of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (24 U.S.C. 225g(b); sec. 44–908(b), D.C. Official Code), but only with respect to services provided on or before the date of the enactment of this Act.

(b) EFFECT ON PENDING CLAIMS.—Any claim of the District of Columbia against the United States for the failure to perform, or to reimburse the District of Columbia for the cost of performing, any service described in subsection (a) which is pending as of the date of the enactment of this Act shall be extinguished and terminated.

TITLE II—STREAMLINING MANAGEMENT OF PROPERTIES LOCATED IN THE DISTRICT OF COLUMBIA

SEC. 201. TRANSFER OF ADMINISTRATIVE JURISDICTION OVER CERTAIN PROPERTIES.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM DISTRICT OF COLUMBIA TO UNITED STATES.—

(1) IN GENERAL.—Administrative jurisdiction over each of the following properties (owned by the United States and as depicted on the Map) is hereby transferred, subject to the terms in this subsection, from the District of Columbia to the Secretary of the Interior for administration by the Director:

(A) An unimproved portion of Audubon Terrace Northwest, located east of Linnean Avenue Northwest, that is within U.S. Reservation 402 (National Park Service property).

(B) An unimproved portion of Barnaby Street Northwest, north of Aberfoyle Place Northwest, that abuts U.S. Reservation 545 (National Park Service property).

(C) A portion of Canal Street Southwest, and a portion of V Street Southwest, each of which abuts U.S. Reservation 467 (National Park Service property).

(D) Unimproved streets and alleys at Fort Circle Park located within the boundaries of U.S. Reservation 497 (National Park Service property).

(E) An unimproved portion of Western Avenue Northwest, north of Oregon Avenue Northwest, that abuts U.S. Reservation 339 (National Park Service property).

(F) An unimproved portion of 17th Street Northwest, south of Shepherd Street Northwest, that abuts U.S. Reservation 339 (National Park Service property).

(G) An unimproved portion of 30th Street Northwest, north of Broad Branch Road Northwest, that is within the boundaries of U.S. Reservation 515 (National Park Service property).

(H) Subject to paragraph (2), lands over I-395 bounded by Washington Avenue Southwest, 2nd Street Southwest, and the C Street Southwest ramps to I-295.

(I) A portion of U.S. Reservation 357 at Whitehaven Parkway Northwest, previously transferred to the District of Columbia in conjunction with the former proposal for a residence for the Mayor of the District of Columbia.

(2) USE OF CERTAIN PROPERTY FOR MEMORIAL.—In the case of the property for which administrative jurisdiction is transferred under paragraph (1)(H), the property shall be used as the site for the establishment of a memorial to honor disabled veterans of the United States Armed Forces authorized to be established by the Disabled Veterans' LIFE Memorial Foundation by Public Law 106-348 (114 Stat. 1358; 40 U.S.C. 8903 note), except that—

(A) the District of Columbia shall retain administrative jurisdiction over the subsurface area beneath the site for the tunnel, walls, footings, and related facilities;

(B) C Street Southwest shall not be connected between 2nd Street Southwest and Washington Avenue Southwest without the approval of the Architect of the Capitol; and

(C) a walkway shall be included across the site of the memorial between 2nd Street Southwest and Washington Avenue Southwest.

(3) ADDITIONAL TRANSFER.—

(A) IN GENERAL.—Administrative jurisdiction over the parcel bounded by 2nd Street Southwest, the C Street Southwest ramp to I-295, the D Street Southwest ramp to I-395, and I-295 is hereby transferred, subject to the terms in this paragraph, from the District of Columbia as follows:

(i) The northernmost .249 acres is transferred to the Secretary for administration by the Director, who (subject to the approval of the Architect of the Capitol) shall landscape the parcel or use the parcel for special needs parking for the memorial referred to in paragraph (2).

(ii) The remaining portion is transferred to the Architect of the Capitol.

(B) RETENTION OF JURISDICTION OVER SUBSURFACE AREA.—The District of Columbia shall retain administrative jurisdiction over the subsurface area beneath the parcel referred to in subparagraph (A) for the tunnel, walls, footings, and related facilities.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM UNITED STATES TO DISTRICT OF COLUMBIA.—Administrative jurisdiction over the following property owned by the United States and depicted on the Map is hereby transferred from the Secretary to the District of Columbia for administration by the District of Columbia:

(1) A portion of U.S. Reservation 451.

(2) A portion of U.S. Reservation 404.

(3) U.S. Reservations 44, 45, 46, 47, 48, and 49.

(4) U.S. Reservation 251.

(5) U.S. Reservation 8.

(6) U.S. Reservations 277A and 277C.

(7) Portions of U.S. Reservation 470.

(c) EFFECTIVE DATE.—The transfers of administrative jurisdiction under this section shall take effect on the date of the enactment of this Act.

SEC. 202. EXCHANGE OF TITLE OVER CERTAIN PROPERTIES.

(a) CONVEYANCE OF TITLE.—

(1) IN GENERAL.—On the date on which the District of Columbia conveys to the Secretary all right, title, and interest of the District of Columbia in each of the properties described in subsection (b) for use as described in such subsection, the Secretary shall convey to the District of Columbia all right, title, and interest of the United States in each of the properties described in subsection (c).

(2) ADMINISTRATION BY NATIONAL PARK SERVICE.—The properties conveyed by the District of Columbia to the Secretary under this section shall be administered by the Director upon conveyance.

(b) PROPERTIES TO BE CONVEYED TO THE SECRETARY; USE.—The properties described in this subsection and their uses are as follows (as depicted on the Map):

(1) Lovers Lane Northwest, abutting U.S. Reservation 324, for the closure of a one-block long roadway adjacent to Montrose Park.

(2) Needwood, Niagara, and Pitt Streets Northwest, within the Chesapeake and Ohio Canal National Historical Park, for the closing of the rights-of-way now occupied by the Chesapeake and Ohio Canal.

(c) PROPERTIES TO BE CONVEYED TO THE DISTRICT OF COLUMBIA.—The properties described in this subsection are as follows (as depicted on the Map):

(1) U.S. Reservation 17A.

(2) U.S. Reservation 484.

(3) U.S. Reservations 243, 244, 245, 247, and 248.

(4) U.S. Reservations 128, 129, 130, 298, and 299.

(5) Portions of U.S. Reservations 343D and 343E.

(6) U.S. Reservations 721, 722, and 723.

SEC. 203. CONVEYANCE OF UNITED STATES RESERVATION 174.

(a) CONVEYANCE; USE.—If the District of Columbia enacts a final plan for the development of the former Convention Center Site which meets the requirements of subsection (b)—

(1) the Secretary shall convey all right, title, and interest of the United States in U.S. Reservation 174 (as depicted on the Map) to the District of Columbia upon the enactment of such plan; and

(2) the District shall use the property so conveyed in accordance with such plan.

(b) REQUIREMENTS FOR DEVELOPMENT PLAN.—The plan for the development of the former Convention Center Site meets the requirements of this subsection if—

(1) the plan is developed through a public process;

(2) during the process for the development of the plan, the District of Columbia considers at least one version of the plan under which U.S. Reservation 174 is set aside as public open space as of the date of the enactment of this Act and shall continue to be set aside as public open space (including a version under which facilities are built under the surface of such portion); and

(3) not less than 1¼ acres of the former Convention Center Site are set aside for public open space under the plan.

(c) FORMER CONVENTION CENTER SITE DEFINED.—In this section, the "former Convention Center Site" means the parcel of land in the District of Columbia which is bounded on the east by 9th Street Northwest, on the north by New York Avenue Northwest, on the west by 11th Street Northwest, and on the south by H Street Northwest.

SEC. 204. CONVEYANCE TO ARCHITECT OF THE CAPITOL.

(a) IN GENERAL.—Prior to conveyance of title to U.S. Reservation 13 to the District of Columbia under this Act, the District of Columbia shall convey, with the approval of the Architect of the Capitol and subject to subsections (b) and (c), not more than 12 acres of real property to the Architect of the Capitol.

(b) TITLE HELD BY SECRETARY.—If title to the real property identified for conveyance under subsection (a) is held by the Secretary, not later than 30 days after being notified by the Architect of the Capitol that property has been so identified, the Secretary shall agree or disagree to conveying the interest in such property to the Architect of the Capitol.

(c) REVIEW.—If the Secretary agrees to the conveyance under subsection (b), or if title to the property is held by the District of Columbia, the real property shall be conveyed after a 30-day review period beginning on the date on which notice of the conveyance is received by the Committee on Homeland Security and Governmental Affairs and the Committee on Rules of the Senate and the Committee on Government Reform and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) STUDY.—The Architect of the Capital shall not construct a mail screening facility on any real property conveyed under this section unless each of the following conditions is satisfied:

(1) A study is completed that analyzes—

(A) whether one or more other underutilized, surplus, or excess Federal facilities exist in which such a mail screening facility could be more economically located; and

(B) whether it would be more efficient and economical for the House of Representatives and Senate to share one mail screening facility.

(2) The study is submitted to the relevant committees of Congress.

(3) No fewer than 30 days have lapsed since the date of the submission under paragraph (2).

TITLE III—POPLAR POINT

SEC. 301. CONVEYANCE OF POPLAR POINT TO DISTRICT OF COLUMBIA.

(a) CONVEYANCE.—Upon certification by the Secretary of the Interior (acting through the Director) that the District of Columbia has adopted a land-use plan for Poplar Point which meets the requirements of section 302, the Director shall convey to the District of Columbia all right, title, and interest of the United States in Poplar Point, in accordance with this title.

(b) WITHHOLDING OF EXISTING FACILITIES AND PROPERTIES OF NATIONAL PARK SERVICE FROM INITIAL CONVEYANCE.—The Director shall withhold from the conveyance made under subsection (a) the facilities and related property (including necessary easements and utilities related thereto) which are occupied or otherwise used by the National Park Service until such terms for conveyance are met under section 303.

(c) DEED RESTRICTION FOR PARK PURPOSES.—The deed for the conveyance of Poplar Point provided for in subsection (a) shall include a restriction requiring that 70 acres be maintained for park purposes in perpetuity, as identified in the land use plan required under section 302. Any person (including an individual or public entity) shall have standing to enforce the restriction.

SEC. 302. REQUIREMENTS FOR POPLAR POINT LAND-USE PLAN.

(a) IN GENERAL.—The land-use plan for Poplar Point meets the requirements of this section if the plan includes each of the following elements:

(1) The plan provides for the reservation of a portion of Poplar Point for park purposes, in accordance with subsection (b).

(2) The plan provides for the identification of existing facilities and related properties of

the National Park Service, and the relocation of the National Park Service to replacement facilities and related properties, in accordance with subsection (c).

(3) Under the plan, at least two sites within the areas designated for park purposes are set aside for the placement of potential commemorative works to be established pursuant to chapter 89 of title 40, United States Code, and the plan includes a commitment by the District of Columbia to convey back those sites to the National Park Service at the appropriate time, as determined by the Secretary.

(4) To the greatest extent practicable, the plan is consistent with the Anacostia Waterfront Framework Plan referred to in section 103 of the Anacostia Waterfront Corporation Act of 2004 (sec. 2–1223.03, D.C. Official Code).

(b) RESERVATION OF AREAS FOR PARK PURPOSES.—The plan shall identify a portion of Poplar Point consisting of not fewer than 70 acres (including wetlands) which shall be reserved for park purposes and shall require such portion to be reserved for such purposes in perpetuity.

(c) IDENTIFICATION OF EXISTING AND REPLACEMENT FACILITIES AND PROPERTIES FOR NATIONAL PARK SERVICE.—

(1) IDENTIFICATION OF EXISTING FACILITIES.—The plan shall identify the facilities and related property (including necessary easements and utilities related thereto) which are occupied or otherwise used by the National Park Service in Poplar Point prior to the adoption of the plan.

(2) RELOCATION TO REPLACEMENT FACILITIES.—

(A) IN GENERAL.—To the extent that the District of Columbia and the Director determine jointly that it is no longer appropriate for the National Park Service to occupy or otherwise use any of the facilities and related property identified under paragraph (1), the plan shall—

(i) identify other suitable facilities and related property (including necessary easements and utilities related thereto) in the District of Columbia to which the National Park Service may be relocated;

(ii) provide that the District of Columbia shall take such actions as may be required to carry out the relocation, including preparing the new facilities and properties and providing for the transfer of such fixtures and equipment as the Director may require; and

(iii) set forth a timetable for the relocation of the National Park Service to the new facilities.

(B) RESTRICTION ON USE OF PROPERTY RESERVED FOR PARK PURPOSES.—The plan may not identify any facility or property for purposes of this paragraph which is located on any portion of Poplar Point which is reserved for park purposes in accordance with subsection (b).

(3) CONSULTATION REQUIRED.—In developing each of the elements of the plan which are required under this subsection, the District of Columbia shall consult with the Director.

SEC. 303. CONVEYANCE OF REPLACEMENT FACILITIES AND PROPERTIES FOR NATIONAL PARK SERVICE.

(a) CONVEYANCE OF FACILITIES AND RELATED PROPERTIES.—Upon certification by the Director that the facilities and related property to which the National Park Service is to be relocated under the land-use plan under this title (in accordance with section 302(c)) are ready to be occupied or used by the National Park Service—

(1) the District of Columbia shall convey to the Director all right, title, and interest at no cost in the facilities and related property (including necessary easements and utilities related thereto) to which the National Park Service is to be relocated (without regard to whether such facilities are located in Poplar Point); and

(2) the Director shall convey to the District of Columbia all right, title, and interest in the facilities and related property which were withheld from the conveyance of Poplar Point under section 301(b) and from which the National Park Service is to be relocated.

(b) RESTRICTION ON CONSTRUCTION PROJECTS PENDING CERTIFICATION OF FACILITIES.—

(1) IN GENERAL.—The District of Columbia may not initiate any construction project with respect to Poplar Point until the Director makes the certification referred to in subsection (a).

(2) EXCEPTION FOR PROJECTS REQUIRED TO PREPARE FACILITIES FOR OCCUPATION BY NATIONAL PARK SERVICE.—Paragraph (1) shall not apply with respect to any construction project required to ensure that the facilities and related property to which the National Park Service is to be relocated under the land-use plan under this title (in accordance with section 302(c)) are ready to be occupied by the National Park Service.

SEC. 304. POPLAR POINT DEFINED.

In this title, "Poplar Point" means the parcel of land in the District of Columbia which is owned by the United States and which is under the administrative jurisdiction of the District of Columbia or the Director on the day before the date of enactment of this Act, and which is bounded on the north by the Anacostia River, on the northeast by and inclusive of the southeast approaches to the 11th Street bridges, on the southeast by and inclusive of Route 295, and on the northwest by and inclusive of the Frederick Douglass Memorial Bridge approaches to Suitland Parkway, as depicted on the Map.

TITLE IV—GENERAL PROVISIONS

SEC. 401. DEFINITIONS.

In this Act, the following definitions apply:

(1) The term "Administrator" means the Administrator of General Services.

(2) The term "Director" means the Director of the National Park Service.

(3) The term "Map" means the map entitled "Transfer and Conveyance of Properties in the District of Columbia", numbered 869/80460, and dated July 2005, which shall be kept on file in the appropriate office of the National Park Service.

(4) The term "park purposes" includes landscaped areas, pedestrian walkways, bicycle trails, seating, opensided shelters, natural areas, recreational use areas, and memorial sites reserved for public use.

(5) The term "Secretary" means the Secretary of the Interior.

SEC. 402. LIMITATION ON COSTS.

The United States shall not be responsible for paying any costs and expenses, other than costs and expenses related to or associated with environmental liabilities or cleanup actions provided under law, which are incurred by the District of Columbia or any other parties at any time in connection with effecting the provisions of this Act or any amendment made by this Act.

SEC. 403. AUTHORIZATION OF PARTIES TO ENTER INTO CONTRACTS.

An officer or employee of the United States or the District of Columbia may contract for payment of costs or expenses related to any properties which are conveyed or for which administrative jurisdiction is transferred under this Act or any amendment made by this Act.

SEC. 404. NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.

Nothing in this Act or any amendment made by this Act may be construed to affect or limit the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

SEC. 405. CONGRESSIONAL REPORTS.

(a) DISTRICT OF COLUMBIA.—Not later than January 31 of each year, the Mayor of the District of Columbia shall report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform, the Committee on Energy and Commerce, the Committee on Resources, and the Committee on Transportation and Infrastructure of the House of Representatives on the use and development during the previous year of land for which title is conveyed to the District of Columbia and land for which administrative jurisdiction is transferred to the District of Columbia pursuant to this Act.

(b) COMPTROLLER GENERAL.—The Comptroller General shall report periodically to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform, the Committee on Energy and Commerce, the Committee on Resources, and the Committee on Transportation and Infrastructure of the House of Representatives on—

(1) the use and development during the previous 2 years of land for which title is conveyed and land for which administrative jurisdiction is transferred pursuant to this Act; and

(2) if applicable, how such use and development complies with the Anacostia Waterfront Framework Plan referred to in section 103 of the Anacostia Waterfront Corporation Act of 2004 (sec. 2–1223.03, D.C. Official Code).

(c) SUNSET.—This section shall expire 10 years after the date of enactment of this Act.

SEC. 406. TREATMENT AS PROPERTIES TRANSFERRED TO ARCHITECT OF THE CAPITOL AS PART OF CAPITOL BUILDINGS AND GROUNDS.

Upon transfer to the Architect of the Capitol of title to, or administrative jurisdiction over, any property pursuant to this Act, the property shall be a part of the United States Capitol Grounds and shall be subject to sections 9, 9A, 9B, 9C, 14, and 16(b) of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes" (relating to the policing of the United States Capitol Grounds) and sections 5101 to 5107 and 5109 of title 40, United States Code (relating to prohibited acts within the United States Capitol Grounds).

SEC. 407. DEADLINE FOR PROVISION OF DEEDS AND RELATED DOCUMENTS.

With respect to each property conveyed under this Act or any amendment made by this Act, the Mayor of the District of Columbia, the Administrator, or the Secretary (as the case may be) shall execute and deliver a quitclaim deed or prepare and record a transfer plat, as appropriate, not later than 6 months after the property is conveyed.

SEC. 408. OMB REPORT.

(a) OMB REPORT ON SURPLUS AND EXCESS PROPERTY.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report on surplus and excess government property to Congress including—

(1) the total value and amount of surplus and excess government property, provided in

the aggregate, as well as totaled by agency; and

(2) a list of the 100 most eligible surplus government properties for sale and how much they are worth.

(b) DATA SHARING AMONG FEDERAL AGENCIES.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) develop and implement procedures requiring Federal agencies to share data on surplus and excess Federal real property under the jurisdiction of each agency; and

(2) report to Congress on the development and implementation of such procedures.

Mr. TOM DAVIS of Virginia (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in lieu of the amendments reported by the Committees on Government Reform, Energy and Commerce, and Transportation and Infrastructure be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The amendment in lieu of the amendments reported by the Committees on Government Reform, Energy and Commerce, and Transportation and Infrastructure was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORRECTING ENROLLMENT OF H.R. 6233, SAFETEA-LU AMENDMENTS ACT

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 491) providing for a correction to the enrollment of H.R. 6233.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 491

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 6233, the Clerk of the House of Representatives shall make the following correction: Strike section 201(m)(3)(D).

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2006

Mr. BUYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2562) to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 2006".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2006, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2006, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2006, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2007.

SEC. 4. TECHNICAL AMENDMENT.

Section 1311 of title 38, United States Code, is amended by redesignating the second subsection (e) (as added by section 301(a) of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454; 118 Stat. 3610)) as subsection (f).

Mr. BUYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2562) the Veterans' Compensation Cost-of-Living Adjustment Act of 2006, and move for its immediate consideration in the House.

Mr. Speaker, the annual cost-of-living adjustment, S. 2562, as amended, is one of the more important bills the Congress considers each year since it was first provided in 1976. Briefly, S. 2562, as amended, would authorize a cost-of-living adjustment—COLA—to VA's disability compensation effective December 1, 2006, as well as publication of the rates.

The Congressional Budget Office currently projects the COLA will be 2.2 percent. However, it may be higher or lower depending on changes in the Consumer Price Index. The exact percentage will be calculated in the next few weeks and the COLA will go into effect on December 1, 2006.

The cost of providing a COLA is assumed in the Administration's budget baseline. Likewise, H.R. 5385, the Military Quality of Life and Veterans Affairs, and Related Agencies Appropriations Bill, 2007, fully funds this year's veterans COLA.

Mr. Speaker, I would like to thank Ranking Member LANE EVANS for all his hard work and cooperation this Congress in his advocacy for veterans on this and other legislation. It has been truly a pleasure to work with him as Ranking Member this Congress. I do not think he ever forgot the core values shared by his family, and taught by his parents where he grew up. These same core values were polished by the United States Marine Corps. He embraced them and they were enduring and they helped guide him here in his service to country. Mr. EVANS will be missed on this Committee and in the House.

Mr. Speaker, I hope all Members will support this bill and I ask unanimous consent to revise and extend my remarks and that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material on S. 2562, as amended.

Mr. MILLER of Florida. Mr. Speaker, I rise in strong support of S. 2562, as amended, the Veterans' Compensation Cost-of-Living Adjustment Act of 2006. The House passed a similar measure, H.R. 4843, on July 26, 2006 by a vote of 408–0.

Each year since 1976, Congress has provided a cost-of-living adjustment (COLA) to the benefits provided to our Nation's disabled veterans and their survivors.

The purpose of the annual COLA is to ensure that Department of Veterans Affairs (VA) cash benefits retain their purchasing power and are not eroded by inflation.

The House and Senate Veterans' Affairs Committees are following their longstanding practice of setting the COLA by reference to the yet-to-be-determined Social Security increase.

In February 2006, the Administration projected a 2.6 percent increase; as of May 2006, the Congressional Budget Office is projecting the COLA to be 2.2 percent. However, it may be higher or lower depending on changes in the Consumer Price Index. The exact percentage will be calculated in the next few weeks and the COLA will go into effect on December 1, 2006.

As Chairman BUYER indicated, this is one of the more important pieces of legislation the Veterans' Committee brings to the floor each year, and I urge my colleagues to support the bill.

Ms. BERKLEY. Mr. Speaker, I would like to thank Chairman BUYER, Ranking Member EVANS, and our Subcommittee Chairman MILLER, as well as Senator CRAIG and Senator AKAKA on the Senate side, for moving forward on this bill. Passage of this legislation will assure most of the men and women currently receiving benefits from the Department of Veterans Affairs (VA) receive a well-deserved increase in benefits as of January 1, 2007.

We should never allow the compensation received by veterans, disabled in service to the Nation to erode in value as the cost of living rises. S. 2562, the Veterans' Compensation Cost-of-Living Adjustment Act of 2006, will help our service-disabled veterans and their survivors maintain the purchasing power of their benefits in 2007 by providing for an increase in benefits.

This bill will help most, but not all, VA beneficiaries maintain the value of their benefits. Once again, I am disappointed that the bill does not include funding to allow our widows, widowers and their children to receive a cost-of-living adjustment for their supplemental transitional benefits as provided in the House passed bill. As a result, the value of the $250 transitional benefit paid to surviving spouses with minor children for their first 2 years of eligibility will erode in value in 2006.

Mr. Speaker, if we can find millions to maintain the tax cuts provided to our wealthiest citizens, surely we can find an additional five or ten dollars a month to maintain the transitional benefit paid to our surviving spouses with children at its current purchasing power. Our Gold Star Wives, husbands whose wives have perished in our current conflict and their children deserve better.

No amount of money can adequately compensate our veterans for the loss of their health, or families for the loss of a loved one. It is important that the benefits, which our Nation provides to partially compensate for such losses, do not lose their value over time.

In 2005, over 29,000 veterans in Nevada received disability compensation or pension payments from VA and thousands of Nevada family members and survivors receive VA cash benefits.

The action we are taking here today will help the Nevada veterans and families who depend on these VA benefits.

I understand the urgency of passing this COLA so that veterans and their dependents will receive a timely increase in VA benefits. I hope that before this Congress recesses for the year, the increase in DIC benefits and other provisions passed by the House and Senate can be enacted into law. Those who have served this Nation, deserve no less.

S. 2562 will receive my full support and it deserves the support of all Members of this House.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NORTH KOREA NONPROLIFERATION ACT OF 2006

Mr. ROYCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3728) to promote nuclear nonproliferation in North Korea, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. KUCINICH. Reserving the right to object, Mr. Speaker, this bill will not bring relief to the millions of North Koreans who are suffering every day. It is estimated that 2 million people have died of starvation in North Korea. More than 13 million North Koreans suffer from malnutrition, including 60 percent of all children, the worst rate among 110 developing nations surveyed by the World Health Organization and UNICEF. North Korea had an infant mortality rate of 2 percent in 2000. South Korea's infant mortality rate for the same year by contrast was 0.5 percent. There are chronic shortages of food and fuel already. Heavy military spending, estimated at between one-quarter and one-third of gross domestic product, has constrained and skewed economic development. North Korea has a per capita GDP of $1,000. South Korea's per capita GDP by contrast is $18,000.

Despite significant inflows of international assistance over the past decade, harsh economic and political conditions have caused tens of thousands of persons to flee the country.

The better approach the U.S. should be supporting is the approach adhered to by the South Koreans. They have taken the approach of unification as a way to pull North Korea into the modern world. It worked for East Germany, and it can work for North Korea again. The downside of this approach is that missile defense advocates will have to create another false reason to spend in excess of $9 billion a year on the failed system. I am confident they can conjure up some new enemy and protect defense industry profits.

Now, it is true, Mr. Speaker, that North Korea has declared that it possesses nuclear weapons, this according to a report by Dr. Hans Blix that was presented and remarked on in a congressional subcommittee the other day. He said this report says it has not provided evidence of this claim. It has violated the NPT and twice declared its withdrawal from the treaty.

It operates a nuclear fuel cycle consisting of a 5-megawatt research reactor, which uses natural uranium; a reprocessing facility which produces plutonium; and various uranium processing and fuel fabrication facilities. The United States has claimed that the country also has an enrichment capability.

In 2005 Pakistan's President Musharaff stated that the A.Q. Khan network had provided centrifuge machines and designs to North Korea, although the scale of its enrichment capability remains unknown. North Korea has not signed the Comprehensive Nuclear Test Ban Treaty.

Now, under a section called "What Must be Done" in the report that Dr. Blix delivered, the Weapons of Mass Destruction Commission makes many specific and detailed recommendations. The most important of them are summarized as, number one, to agree on general principles of action; number two, to reduce the danger of present arsenals, no use by states, no access by terrorists; number three, to prevent proliferation, no new weapons systems, no new possessors; number four, work towards outlawing all weapons of mass destruction once and for all, including preventing an arms race in space by prohibiting any stationing or use of weapons in outer space. I would recommend this to the reading by Members of this Congress who are concerned about nuclear proliferation.

Finally, Mr. Speaker, I think that it is time that this Congress calls for the abolition of all nuclear weapons. That, in effect, is what the Nonproliferation Treaty is all about. It is true that the use of nuclear weapons threatens the future of mass public, cities, nations, civilization itself, and, indeed, all of life on Earth. Nuclear weapons in the arsenal of any country undermine the security of all countries, including the United States. Under the Treaty of Nonproliferation of Nuclear Weapons, the NPT, all nuclear weapon states are committed to good-faith negotiations to achieve nuclear disarmament.

On June 6, 2006, the Chair and Vice Chair of the National Commission on Terrorist Attacks Upon the United States, commonly known as the 9/11 Commission, cited as their number one concern for the security of the United States the availability of nuclear weapons materials for attack upon the American people. The 2006 report of the Weapons of Mass Destruction Commission concludes: "So long as any state has nuclear weapons, others will want to use them. So long as any weapons remain, there is a risk that they will one day be used by design or accident. Any such use will be catastrophic. The model nuclear weapons convention circulated by the United Nations demonstrates the feasibility of achieving the global elimination of nuclear weapons."

So, Mr. Speaker, I am once again asking this House to call for the abolition of all nuclear weapons and to ask that the House call upon the President to initiate multilateral negotiations for the abolition of nuclear weapons. We can start by opening up direct negotiations with North Korea for the purpose of getting their participation, and I think that is a much better approach than the legislation that we are about to send over to the President.

And for that purpose, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. WU. Mr. Speaker, reserving the right to object, I would like to inquire of the chairman what his reasoning is in moving this bill when he was so supportive of selling fissile materials to India, which, like North Korea, is not a signatory to the Comprehensive Nuclear Test Ban Treaty and, unlike North Korea, has a demonstrated nuclear capability.

Now, I was only a kid then, but I remember when we sold F-15s to Iran so that Iran could offset Soviet power in South Asia. And because we sold F-15s and other things to Iran, we wound up selling chemical weapon precursor materials to Iraq to offset Iran in the Middle East. Now we are told that we should sell fissile materials to India, which would free up Indian nuclear reactors to produce many more nuclear weapons for the Indian nuclear weapons program as an offset to Chinese power in Asia.

Mr. Chairman, if we do this with India, what it would do is encourage the Chinese to increase their nuclear arsenal, and I submit to you that we are one of the potential targets of that enhanced Chinese nuclear arsenal.

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Even more worrisome is that this Indian nuclear build-up would accelerate further the Pakistani nuclear build-up, which my friend from Ohio referred to a moment ago.

And while I have strong confidence in the stability of the Indian government, and in the stability of Indian democracy; I have much less faith in the stability of the Pakistani government, and of Pakistani democracy, and of the Pakistani government's ability to keep under control those nuclear weapons which it already has, and more of which it would be encouraged to build because of the sale of fissile material to India.

And in a military coup, if there is a military coup in Pakistan, which there has been multiple times in the last 20 years, we should be very, very concerned about the stability of not only south Asia, but of the world.

I think the chairman, as one of the subcommittee chairs of the International Relations Committee would surely agree with me that rather than sanctioning nonsignatory States, approving of nonsignatory States to those nonproliferation treaties, the better course of action is to respect these international agreements and to immediately bring to the Senate a total ban on nuclear testing, and comprehensive treaties concerning nuclear proliferation.

I would be happy to yield to the chairman for his response.

Mr. ROYCE. Yes. Let me explain to the gentleman that, first, our efforts with respect to India is to bring India into the nonproliferation regime.

Mr. WU. Reclaiming my time. Is not ultimately the big picture effect of permitting India to go forward with this basically blowing out of the water the entire treaty system with which we have tried to restrain nuclear nonproliferation in this world? I yield to the gentleman.

Mr. ROYCE. Mr. Aliberti supports, and the United Nations Security Council resolution supports actions by member States in response to North Korea pulling out of the nonproliferation agreement, to go forward and put these types of prohibitions on the transfer of technologies to North Korea that would allow it to develop these types of weapon systems.

North Korea is a proliferator, India is not.

Mr. WU. Reclaiming my time. Is the gentleman citing something from the United Nations? I yield to the the gentleman.

Mr. ROYCE. I am citing the United Nations Security Council resolution adopted on July 15, 2006.

Mr. WU. Reclaiming my time. Is this the Congress of the United States or are we abdicating responsibility to the United Nations?

Mr. ROYCE. I am pointing out that all member States, in response to the actions by North Korea to develop and to proliferate weapons of mass destruction such as long-range ballistic missiles and atomic weapons, have attempted to curtail the transfer of technologies to this State, since it has adopted a very aggressive posture and thus has become a direct threat to the United States and to our allies in northeast Asia.

Mr. WU. Reclaiming my time. It is a very short question, amenable to a "yes" or "no" answer. Is this not the United States Congress? Are we not abdicating responsibility under your comment to the United Nations rather than taking responsibility ourselves?

Mr. ROYCE. We are taking responsibility because North Korea is a direct threat to the United States.

Mr. WU. I mean taking responsibility for Indian nuclear weapons, which will be produced as a result of our sale of fissile materials to India.

Mr. ROYCE. Our attempt with respect to India is to bring India into the MPT regime and lead it to peaceful purposes of nuclear energy and away from producing weapons outside of an MPT regime.

Mr. WU. I thank the gentleman and yield to the question from Ohio.

Mr. KUCINICH. I want to say that the gentleman from Oregon's point is well taken. As someone who engaged in the debate over India, I am familiar with the concerns that he has raised. And there are concerns about the ability of the United States Congress, which is being asked to on one hand ascent to the proliferation of one group, and deny the proliferation of another, for this Congress to be in a position of trying to help this country have a consistent program of nuclear nonproliferation, which I know is exactly the point that the gentleman relates to.

In addition to that, the Weapons of Mass Destruction Commission has said that North Korea ought to be given the same kinds of guarantees that is in the agreed framework of 1994 that they are not going to be attacked. This is the same thing that has been recommended that is done with Iran as well. So we do not need to get into these nuclear crises and say that people are threats if we engage them in talks that work towards nonproliferation.

This group made recommendations, Mr. WU, that I am sure you are familiar with. They said that a negotiation with North Korea should aim at a verifiable agreement, including as a principle element, North Korea's manifestation of its adherence to the MPT and accepting the 1997 additional protocol, as well as the revival and a legal confirmation of the commitments made in the 1992 joint declaration on the denuclearization of the Korean Peninsula.

And notably saying that neither North nor South Korea shall have nuclear weapons nor nuclear reprocessing and uranium enrichment facilities, and fuel cycle services should be assured through international agreements. The agreements should also cover biological and chemical weapons as well as the comprehensive nuclear test ban treaty, thus making the Korean Peninsula a zone free of weapons of mass destruction.

So what Mr. WU is asking about, and which I certainly support, is some consistency in policy. And it beings with Congress since we are being called upon, as Mr. WU stated, to either agree or disagree with these policies.

I want to thank the gentleman for raising that, because this is the appropriate time to raise that.

Mr. WU. Reclaiming my time. I thank the gentleman. I want to make clear that I am certainly not defending the North Korea regime. But, I am calling into question the actions of this Congress and the strong advocacy of the chairman in favor of a proposed treaty with India which would have the result of starting a nuclear arms race or accelerating a nuclear arms race in south Asia and, just as importantly, which in the big picture blows out the whole treaty system for restraining the proliferation of nuclear weapons.

I would be happy to yield to the gentleman.

Mr. ROYCE. With respect to the strategy to bring India into the MPT, in our considered judgment, and the judgment of the majority of the Members of this House, it is a wiser policy to bring them into the tent, to get their cooperation and to focus on using nuclear energy to produce energy for peaceful purposes in India.

Now, with respect to North Korea, it remains a very real threat with over a million troops, possibly several nuclear weapons, and most importantly, the propensity to export these types of weapons. This is not something we have seen from India in the past.

But North Korea is an exporter of its missiles and of its technology. And for that very reason, the goal of this legislation is to put a prohibition on the transfer to North Korea of the types of technologies that could be used by North Korea in order to further develop its weapons systems. It is that simple.

It is the same with respect to Iran. It is the same with respect to Syria. Now, we are putting in place a provision stating that North Korea shall not have the ability to receive from the United States or any companies in the United States this type of technology. U.S. companies will not be able to be licensed to export this kind of technology. They will be sanctioned if they attempt it.

Mr. WU. I share with the gentleman the concerns about the export of nuclear weapons from North Korea. The point of my earlier comments is not about export from India, but because of our actions with respect to India, that we would be encouraging and accelerating the Pakistani nuclear program from which there is a real risk of exportation. I yield to the gentleman from Ohio.

Mr. KUCINICH. This is a discussion that should have been happening a long time ago in this Congress. Because no one really talked that deeply about the implication of our decision granting India the ability to gain access to fissile materials, in terms of the potential dialectic of conflict which develops between the proliferator, Pakistan, and India gaining the fissile materials.

Mr. WU has raised the point that is really central to the discussion about how do we protect world peace. How do we stop some kind of a conflagration from breaking out on the subcontinent if we do not have a consistent policy?

I mean, we know as was pointed out in the WMDC report here, that in February of 1999, India and Pakistan signed a memorandum of understanding on a variety of nuclear confidence building measures.

Both countries, however, this report says: "Are continuing their efforts to develop and produce nuclear weapons and their delivery vehicles." So, Mr. WU is right on in raising this. And this is the exact time this has to be raised, even though it is almost one in the morning on Saturday. I yield.

Mr. WU. Reclaiming my time. I would be happy to yield to the chairman.

Mr. ROYCE. Yes. In response, I do not think the opposition is to this bill. But I understand the concept, and the argument relating to the nonproliferation regime as you have laid it out.

But I think we have an honest disagreement about the approach to India and whether or not that will strengthen the regime. And that is what is playing itself out in debate here.

From my standpoint, the proliferation issues have been between Pakistan and North Korea, whereas India has shown itself resistant to proliferation, and has shown a willingness to look at a way to be brought into the fold of the MPT. So I saw that earlier initiative to bring India within the framework agreement and with the MPT as a positive step forward.

And with respect to this legislation, basically what it does is to apply exactly the same system of forced compliance on companies that now exist with respect to Iran and Syria.

That is to say, that in terms of getting a licensing agreement or having the ability to ship technologies into North Korea that could be used for the purpose of eventually developing those weapon systems, that will be prohibited. That is the intent of the legislation. And I thank the gentleman for yielding.

Mr. WU. Reclaiming my time. Unlike the gentleman from Ohio, the dialectic of proliferation is way beyond me.

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I do recognize a bad idea when I see one, and encouraging India by selling it nuclear fissile materials, which would ultimately result in the increase of Chinese nuclear weapons and Pakistani nuclear weapons, is surely that bad idea.

There are times when we are all in the minority at one time or another. There was 68 of us who voted against approving the treaty to sell nuclear fissile materials to India. On that vote, I would have been happy to have been a minority of one because I do believe that it would add fuel to the fire of nuclear proliferation in south Asia in that it basically does blow out of the water any hope we have of treaty constraints on the proliferation of nuclear weapons.

I want to make it clear in this RECORD and for history that the actions of this administration in nuclear proliferation or trying to contain nuclear proliferation have been patently irresponsible. This administration has underfunded the Nunn-Lugar legislation which seeks to purchase fissile materials, which would be otherwise available to terrorists on the open market.

This administration has proposed a treaty with India that would sell India nuclear fissile materials that would result in a nuclear arms race between India and China and India and Pakistan, and Pakistan is not a stable country. There is great danger of the leakage of nuclear weapons from Pakistan. You heard earlier from another speaker about Pakistani aid to nuclear proliferation elsewhere in the world.

Let the record show that if or when a mushroom cloud ever erupts over an American city, it will be traced back to this unwise vote in the United States Congress and to a bone-headed policy of this administration with respect to treaty rights, to Nunn-Lugar and this sale of nuclear materials to India.

Mr. Speaker, I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Speaker, if I could make just one last comment in support of what the gentleman is saying, I am sure many are familiar that in the Hindu religion Brahma, the Creator; and Vishnu, the Preserver; and Shiva, the Destroyer exist simultaneously and represent the multiplicity of God.

We here are called upon to determine which of the principles, Creator, Preserver or Destroyer, shall work through each of us. As the gentleman from Oregon says, if we continue to pursue nuclear proliferation as embodied in the nuclear agreement with India, we will be open to the principles of destruction. At this moment when world tensions are rising and violence is cycling higher, we need to take the direction of preserving the peace and creating a new opening through the abolition of all nuclear weapons.

Again, I want to thank my friend from Oregon for raising this point at this propitious moment.

The SPEAKER pro tempore. The Chair would like to inquire as to whether or not the gentleman from Oregon is planning on withdrawing his reservation or not.

Mr. WU. Mr. Speaker, I simply wanted to yield to the chairman for any further comments he might have.

Mr. ROYCE. I am going to yield back, and I appreciate the gentleman yielding.

Mr. WU. Mr. Speaker, I appreciate the chairman's forbearance and the Speaker's forbearance.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of S. 3728, the North Korea Non-Proliferation Act of 2006. This legislation would amend the Iran and Syria Nonproliferation Act to extend the provisions of the Act to North Korea. Enactment of this legislation would impose sanctions on persons who transfer such weapons and related goods and technology to and from North Korea. This legislation would authorize sanctions that are equivalent to those required under current law for persons who are found to transfer such items to and from Iran and Syria. S. 3728 also calls on the international community to act in accordance with the provisions of United Nations Security Council Resolution 1695 (UNSCR 1695), which prevents member states from conducting missile and related transfers to or from North Korea in reaction to the tests. This bill is timely and important. It deserves steadfast support from this body.

North Korea's nuclear ambitions are destabilizing. Its recent missile tests on July 5, 2006, were conducted against the urging of the international community. Ultimately, this recent missile test was a failure. But that act, taken together with its previous tests and North Korea's intransigent behavior during international talks on this matter, is indicative of the recalcitrant nature of the North Korean regime. North Korea is in fact continuing to pursue its nuclear and ballistic missiles programs in spite of diplomatic efforts by the international community and in contradiction with North Korea's previous commitments. North Korea's pursuit of nuclear weapons and ballistic missiles technology and capabilities is an emerging danger to the national security of the United States.

North Korea's recent missile test also disappointed the international community. On July 16, 2006, the United Nations Security Council adopted UNSCR 1695 in order to prevent United Nations member states from conducting missile and related technology transfers to North Korea in reaction to the tests. UNSCR 1695 also requires North Korea to suspend all activities related to its ballistic missile program and return to the negotiating table. Enactment of S. 3728 would strengthen U.S. laws, authorizing the U.S. government to investigate, sanction, and prevent proliferation efforts made by or on behalf of the North Korean regime by government or private entities.

But sanctions alone will not ultimately solve this problem. Robust and constant diplomatic pressure on the North Korean regime must continue to be applied by the United States in coordination with the United Nations and other countries. North Korea and its pursuit of nuclear weapons and delivery vehicles is not only the United States' problem. I am encouraged by the fact that China, Japan, South Korea, and Russia remain desirous of a peaceful resolution to this problem. The Six Party Talks involving these countries and North Korea should continue.

More progress should be made toward constraining North Korea's ability to develop nuclear weapons and ballistic missile technology and capabilities while we continue diplomatic efforts to encourage that government to abandon its nuclear ambitions. S. 3728, the North Korea Non-Proliferation Act of 2006, will help to achieve those goals.

Mr. LANTOS. Mr. Speaker, I rise in strong support of S. 3728, the North Korea Non-Proliferation Act of 2006.

Mr. Speaker, Americans around the nation celebrated the Fourth of July this year by watching fireworks, hosting backyard barbecues, and spending time with their families. The North Koreans chose to observe America's birthday in a far more threatening fashion: they test launched a series of missiles, one of which was potentially capable of hitting American soil with a nuclear payload.

Pyongyang's destabilizing actions not only angered Washington, but set off alarm bells in Seoul, Tokyo, Beijing and Moscow, our partners in the Six Party Talks. The UN Security Council quickly adopted a resolution requiring all Member States to prevent overseas sales of North Korea missiles, and to stop transfers of any financial resources to North Korea related to its missile or WMD programs.

The legislation before the House today implements this groundbreaking Security Council Resolution. By adding North Korea to the Iran and Syria Nonproliferation Act, the United States will take concrete actions against foreign firms that engage in missile- and WMD-related trade with North Korea.

The Executive Branch will now be forced to review every six months all credible intelligence regarding commercial transfers to North Korea of items applicable for the development of weapons of mass destruction and ballistic missiles.

On the basis of these reviews, the President must sanction foreign firms that engaged in such trade, or explain to Congress why he has not done so.

This is Congressional direction at its best. We must remember that the Iran and Syria Nonproliferation Act, which this amends, forced the Executive Branch to take actions against firms engaging in illicit trade with both Iran and Syria, actions that the President would otherwise not have taken. Dozens of firms have been sanctioned for such Iran- and Syria-related trade in the years since, focusing global attention on their activities and on their governments.

The regime of Kim Jong-Il poses as much of a threat to international security as Iran and Syria. Common sense requires us to undertake the same review and sanctions for Pyongyang's activities and their commercial co-conspirators as we do for Iran and Syria.

Mr. Speaker, the North Korean leadership was hoping to gain the world's attention with its July missile launches. Pyongyang succeeded. But rather than forcing the world to bring a new tray of goodies to North Korea, the tests unified the world in opposition to North Korea's destabilizing actions, and brought about a new round of UN-approved sanctions.

Mr. Speaker, with the right package of carrots and sticks, I remain optimistic that the U.S. and its Six Party allies can negotiate a comprehensive and verifiable deal with North Korea. I hope that by July 4th next year, we will have such an agreement in hand. Until then, we must bring our laws in line with the recent UN Security Council resolution, and act decisively to undermine North Korea's missile and WMD programs.

Mr. Speaker, I strongly support this legislation, and am gratified that it has passed this House.

Mr. WU. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "North Korea Nonproliferation Act of 2006".

SEC. 2. STATEMENT OF POLICY.

(a) In view of —

(1) North Korea's manifest determination to produce missiles, nuclear weapons, and other weapons of mass destruction and to proliferate missiles, in violation of international norms and expectations; and

(2) United Nations Security Council Resolution 1695, adopted on July 15, 2006, which requires all Member States, in accordance with their national legal authorities and consistent with international law, to exercise vigilance and prevent—

(A) missile and missile-related items, materials, goods, and technology from being transferred to North Korea's missile or weapons of mass destruction programs; and

(B) the procurement of missiles or missile-related items, materials, goods, and technology from North Korea, and the transfer of any financial resources in relation to North Korea's missile or weapons of mass destruction programs,

it should be the policy of the United States to impose sanctions on persons who transfer such weapons, and goods and technology related to such weapons, to and from North Korea in the same manner as persons who transfer such items to and from Iran and Syria currently are sanctioned under United States law.

SEC. 3. AMENDMENTS TO IRAN AND SYRIA NONPROLIFERATION ACT.

(a) REPORTING REQUIREMENTS.—Section 2 of the Iran and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in the heading, by inserting "**, NORTH KOREA,**" after "**IRAN**"; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Iran, or" and inserting "Iran,"; and

(ii) by inserting after "Syria" the following: ", or on or after January 1, 2006, transferred to or acquired from North Korea" after "Iran"; and

(B) in paragraph (2), by inserting ", North Korea," after "Iran".

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) in section 1, by inserting ", North Korea," after "Iran";

(2) in section 5(a), by inserting ", North Korea," after "Iran" both places it appears; and

(3) in section 6(b)—

(A) in the heading, by inserting ", NORTH KOREA," after "IRAN"; and

(B) by inserting ", North Korea," after "Iran" each place it appears.

SEC. 4. SENSE OF CONGRESS ON INTERNATIONAL COOPERATION.

Congress urges all governments to comply promptly with United Nations Security Council Resolution 1695 and to impose measures on persons involved in such proliferation that are similar to those imposed by the United States Government pursuant to the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note), as amended by this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FATTAH (at the request of Ms. PELOSI) for today until 3:30 p.m.

Mr. JONES of North Carolina (at the request of Mr. BOEHNER) for today from 3:30 p.m. and for the balance of the day on account of personal reasons.

Mr. WOLF (at the request of Mr. BOEHNER) for today until 1:00 p.m. on account of attending a funeral.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1131. An act to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes; to the Committee on Resources.

S. 1288. An act to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System; to the Committee on Resources.

S. 1346. An act to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan; to the Committee on Resources.

S. 1829. An act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands; to the Committee on Resources.

S. 1913. An act to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Resources.

S. 4001. An Act to designate certain land in New England as wilderness for inclusion in the National Wilderness Preservation system and certain land as a National Recreation Area, and for other purposes; to the Committee on Resources in addition to the Committee on Agriculture for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5631. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

Mrs. Haas, Clerk of the House, also reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. TOM DAVIS of Virginia:

H.R. 318. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

H.R. 326. An act to amend the Yuma Crossing National Heritage Area, and for other purposes.

H.R. 562. An act to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932–1933.

H.R. 1728. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating portions of Ste. Genevieve County in the State of Missouri as a unit of the National Park System, and for other purposes.

H.R. 2107. An act to amend Public Law 104–329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes.

H.R. 2720. An act to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

H.R. 3443. An act to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

H.R. 4841. An act to amend the Ojito Wilderness Act to make a technical correction. Examined and found truly enrolled September 29, 2006.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 203. An act to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

S. 3187. An act to designate the Post Office located at 5755 Post Road, East Greenwich, Rhode Island, as the "Richard L. Cevoli Post Office".

S. 3613. An act to designate the facility of the United States Postal Service located at 2951 New York Highway 43 in Averill Park, New York, as the "Major George Quamo Post Office Building".

S. 3930. An act to authorize trial by military commission or violations of the law of war, and for other purposes.

ADJOURNMENT

Mr. ROYCE. Mr. Speaker, pursuant to House Concurrent Resolution 483, 109th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to House Concurrent Resolution 483, 109th Congress, the House stands adjourned until 2 p.m. on Thursday, November 9, 2006.

Thereupon (at 1 o'clock and 5 minutes a.m.), pursuant to House Concurrent Resolution 483, the House adjourned until Thursday, November 9, 2006, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9716. A letter from the Regulatory Analyst, Department of Agriculture, transmitting the Department's final rule—United States Standards for Soybeans (RIN: 0580–AA90) received September 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9717. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Low Pathogenic Avian Influenza; Voluntary Control Program and Payment of Indemnity [Docket No. APHIS–2005–0109] (RIN: 0579–AB99) received September 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9718. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Pine Shoot Beetle Host Material From Canada [Docket No. 00–073–3] (RIN: 0579–AB79) received September 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9719. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule—Listing of Color Additives Exempt From Certification; Mica-Based Pearlescent Pigments; Confirmation of Effective Date [Docket No. 1995C–0790] received September 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9720. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bentazon, Carboxin, Dipropyl Isocinchomeronate, Oil of Lemongrass (Oil of Lemon) and Oil of Orange, Tolerance Actions [EPA–HQ–OPP–2006–0056; FRL–8093–5] received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9721. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Flufenoxuron; Pesticide Tolerance [EPA–HQ–OPP–2005–0543; FRL–8092–3] received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9722. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Metconazole; Pesticide Tolerance [EPA–HQ–OPP–2005–0016; FRL–8085–2] received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9723. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—p-Chlorophenoxyacetic acid, Glyphosate, Difenzoquat, and Hexazinone; Tolerance Actions [EPA–HQ–OPP–2006–2006–0036; FRL–8089–6] received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9724. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pendimethalin; pesticide Tolerance [EPA–HQ–OPP–2006–0645; FRL–8092–6] received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9725. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule—Quizalofop ethyl; Pesticide Tolerance [EPA-HQ-OPP-2006-0204; FRL-8094-5] received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9726. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Flumetsulam; Pesticide Tolerance [EPA-HQ-OPP-2006-0670; FRL-8092-7] received September 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9727. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Soybean Oil; Ethoxylated; Tolerance Exemption [EPA-HQ-OPP-2006-0480; FRL-8092-4] received September 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9728. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Acetic Acid Ethenyl Ester, Polymer with 1-Ethenyl-2-Pyrrolidinone; Tolerance Exemption [EPA-HQ-OPP-2006-0368; FRL-8092-5] received September 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9729. A letter from the Principal Deputy Under Secretary, Personnel and Readiness, Department of Defense, transmitting the Department's report on the Critical Skills Retention Bonus (CSRB) program, pursuant to 37 U.S.C. 323(h) Public Law 106-398, section 633 (a); to the Committee on Armed Services.

9730. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Rear Admiral (lower half) Wayne G. Shear to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9731. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Garry R. Trexler, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9732. A letter from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting the Department's report on the plan for screening military mail for chemical, biological, radiological, and explosive hazards, pursuant to Public Law 109-163, section 1071; to the Committee on Armed Services.

9733. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Suspension of Community Eligibility [Docket No. FEMA-7943] received September 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9734. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Mutual Fund Redemption Fees [Release No. IC-27504; File No. S7-06-06; File No. 04-512] (RIN:3235-AJ51) received September 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9735. A letter from the Secretary, Department of Education, transmitting the Department's final rule—Title I—Improving the Academic Achievement of the Disadvantaged (RIN: 1810-AA97) received September 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9736. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Food and Nutrition Program for Fiscal Year 2003; to the Committee on Education and the Workforce.

9737. A letter from the Interim Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received September 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9738. A letter from the Secretary, Department of Energy, transmitting the Department's report summarizing trends and shortages in the workforce of electric power and transmission engineers, in accordance with section 1101(b)(1) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

9739. A letter from the Secretary, Department of Health and Human Service, transmitting a copy of a draft bill entitled, "United States Public Health Service Commissioned Corps Improvement Act of 2006"; to the Committee on Energy and Commerce.

9740. A letter from the Director, Regulations and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule—Blood Vessels Recovered With Organs and Intended for Use in Organ Transplantation; Withdrawal [Docket No. 2006N-0051] received September 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9741. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Emission Reductions to Meet Phase II of the Nitrogen Oxides (NO_X) SIP Call [EPA-R03-OAR-2006-0728; FRL-8225-1] received September 26, 2006, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Energy and Commerce.

9742. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Additional NO_X Emission Reductions to Support the Philadelphia-Trenton-Wilmington One-Hour Ozone Nonattainment Areas, and Remaining NO_X SIP Call Requirements [EPA-R03-OAR-2005-0549; FRL-8224-9] received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9743. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control Volatile Organic Compound Emissions; Volatile Organic Compound Control for El Paso, Gregg, Nueces, and Victoria Counties and the Ozone Standard Nonattainment Areas of Beaumont/Port Arthur, Dallas/Fort Worth, and Houston/Galveston [EPA-R06-OAR-2005-TX-0015; FRL-8224-7] received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9744. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule National Ambient Air Quality Standards for particulate Matter [EPA-HQ-OAR-2001-0017; FRL-8225-3] (RIN: 2060-AI44) received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9745. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule National Priorities List, Final Rule [EPA-HQ-SFUND-2006-0255, EPA-HQ-SFUND-2006-0252, EPA-HQ-SFUND-2006-0247, EPA-HQ-SFUND-2006-250, EPA-HQ-SFUND-2004-0012; FRL-8223-3] (RIN: 2050-AD75) received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9746. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule Protection of Stratospheric Ozone; Listing of Substitutes for Ozone-Depleting Substances—Fire Supression and Explosion Protection [EPA-HQ-OAR-2005-0087; FRL-8223-4] (RIN: 2060-AM24) received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9747. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule Protection of Stratospheric Ozone: Notice 21 for Significant New Alternatives Policy Program [EPA-HQ-OAR-2003-0118; FRL-8223-9] (RIN: 2060-AG12) received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9748. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule Withdrawal of Certain Chemical Substances from Preliminary Assessment Information Reporting and Health and Safety Data Reporting Rules [EPA-HQ-OPPT-2005-0014 and EPA-HQ-OPPT-2005-0055; FRL-8096-5] (RIN: 2070-AB08) received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9749. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule Interim Revisions to CERLA Section 122(h) Past Cost Recovery and Peripheral Party Cashout Model Administrative Agreements to Clarify Contribution Rights and Protection Under Section 113(f)—received September 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9750. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective August 20, 2006 the 15% Danger Pay Allowance for East Timor was terminated based on improved security conditions, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

9751. A letter from the Chairman and Co-Chairman, Congressional-Executive Commission on China, transmitting the Commission's annual report for 2006, pursuant to Public Law 106-286; to the Committee on International Relations.

9752. A letter from the Director, Defense Security Cooperation, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-66, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Japan for defense articles and services; to the Committee on International Relations.

9753. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of

Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–71, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Turkey for defense articles and services; to the Committee on International Relations.

9754. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–60, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Chile for defense articles and services; to the Committee on International Relations.

9755. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–58, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Jordan for defense articles and services; to the Committee on International Relations.

9756. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–51, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Jordan for defense articles and services; to the Committee on International Relations.

9757. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–48, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Korea for defense articles and services; to the Committee on International Relations.

9758. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–54, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Greece for defense articles and services; to the Committee on International Relations.

9759. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–73, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on International Relations.

9760. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–72, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on International Relations.

9761. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–64, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Netherlands for defense articles and services; to the Committee on International Relations.

9762. A letter from the Deputy Director, Defense Security cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–52, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services; to the Committee on International Relations.

9763. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–33, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Finland for defense articles and services; to the Committee on International Relations.

9764. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–70, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to United Kingdom for defense articles and services; to the Committee on International Relations.

9765. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–67, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Brazil for defense articles and services; to the Committee on International Relations.

9766. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–65, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Colombia for defense articles and services; to the Committee on International Relations.

9767. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to section 36(b)(5)(A) of the Arms Export Control Act, relating to enhancements and upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 05–12 of 7 October 2004 and 5–29 of 8 September 2005 (Transmittal No. OB–06); to the Committee on International Relations.

9768. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Air Force's proposed lease of defense articles to the Government of The Republic of South Korea (Transmittal No. 10–06); to the Committee on International Relations.

9769. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Army's proposed lease of defense articles to the Government of Denmark (Transmittal No. 06–06); to the Committee on International Relations.

9770. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–47, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Greece for defense articles and services; to the Committee on International Relations.

9771. A letter from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting a report that the Department intends to amend foreign policy-based export controls on exports of certain items under the authority of Section 6 of the Export Administration Act of 1979, as amended, and continued by Executive Order 13222 of August 17, 2001, as extended by the Notice of August 7, 2003; to the Committee on International Relations.

9772. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Israel (Transmittal No. DDTC 026–06); to the Committee on International Relations.

9773. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of the United Kingdom (Transmittal No. RSAT–07–06); to the Committee on International Relations.

9774. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of the Netherlands (Transmittal No. RSAT–06–06); to the Committee on International Relations.

9775. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Germany (Transmittal No. RSAT–05–06); to the Committee on International Relations.

9776. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of defense equipment from the Government of Sweden (Transmittal No. DDTC 014–06); to the Committee on International Relations.

9777. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense articles or defense services to the Government of Italy (Transmittal No. DDTC 046–06); to the Committee on International Relations.

9778. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense articles or defense services to the Government of Jordan (Transmittal No. DDTC 021–06); to the Committee on International Relations.

9779. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the International Traffic in Arms Regulations: Partial Lifting of Arms Embargo Against Haiti—received September 28, 2006, pursuant to 5 U.S.C.801(a)(1)(A); to the Committee on International Relations.

9780. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on the administrative expenses of the institutes supported by the Research and Training Program for Eastern Europe and the Independent States of the Former Soviet Union for Fiscal Year 2005, pursuant to Public Law 98-164, section 807; to the Committee on International Relations.

9781. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Hong Kong (Transmittal No. DDTC 047-06); to the Committee on International Relations.

9782. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Korea (Transmittal No. DDTC 051-06); to the Committee on International Relations.

9783. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles to the Governments of Russia and Kazakhstan (Transmittal No. DDTC 056-06); to the Committee on International Relations.

9784. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Governments of Australia, Canada and the United Kingdom (Transmittal No. DDTC 045-06); to the Committee on International Relations.

9785. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Vietnam (Transmittal No. DDTC 053-06); to the Committee on International Relations.

9786. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment in the Government of India (Transmittal No. DDTC 050-06); to the Committee on International Relations.

9787. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed export defense articles or services to the Government of Canada (Transmittal No. DDTC 065-06); to the Committee on International Relations.

9788. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report for 2005 on the International Atomic Energy Agency (IAEA) Activities in countries described in Section 307 (a) of the Foreign Assistance Act, pursuant to 22 U.S.C. 2227(a); to the Committee on International Relations.

9789. A letter from the Assistant Secy for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9790. A letter from the Assistant Secy for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998i to the Committee on Government Reform.

9791. A letter from the Deputy Assistant Secretary, OFCCP, Department of Labor, transmitting the Department's final rule—Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Equal Opportunity Survey (RIN: 1215-AB53) received September 29, 2006, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Government Reform.

9792. A letter from the Secretary, Department of Labor, transmitting the Department's Strategic Plan for Fiscal Years 2006-2011i to the Committee on Government Reform.

9793. A letter from the Assistant Secy for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998i to the Committee on Government Reform.

9794. A letter from the Assistant Secy for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998i to the Committee on Government Reform.

9795. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998i to the Committee on Government Reform.

9796. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998i to the Committee on Government Reform.

9797. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's FY 2006-2011 Strategic Plan, as required by the Government Performance and Results Act of 1993 (GPRA); to the Committee on Government Reform.

9798. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule—Changes in NARA Research Room Hours [Docket No. NARA-06-0007] (RIN: 3095-AB52) received September 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9799. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled "Audit of Advisory Neighborhood Commission 8C for the Fiscal Years 2004 through 2006, as of March 31, 2006"; to the Committee on Government Reform.

9800. A letter from the Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "Audit of Advisory Neighborhood Commission 6D for Fiscal Years 2004 through 2006, as of March 31, 2006"; to the Committee on Government Reform.

9801. A letter from the Director, Department of the Interior, transmitting the Department's report on the Minerals Management Service Royalty-in-Kind Operation, as required by Section 342 of the Energy policy Act of 2005; to the Committee on Resources.

9802. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservation and Ceded Lands for the 2006-07 Early Season (RIN: 1018-AU42) received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9803. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations (RIN: 1018-AU42) received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9804. A letter from the Acting Assistant Secretary for Fish and wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Late Season and Bag and Possession Limits for Certain Migratory Game Birds (RIN: 1018-AU42) received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9805. A letter from the Deputy Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Alaska Native Veteran Allotments [WO-350-1410-00-24 1A] (RIN: 1004-AD60) received September 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9806. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule Pennsylvania Regulatory Program [PA-146-FOR] received September 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9807. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule— Colorado Abandoned Mine Land Reclamation Plan [CO-031-FOR] received September 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9808. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule Kentucky Regulatory Program [KY-250-FOR] received September 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9809. A letter from the Director, Office of Surface Mining, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 081006A] received September 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9810. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 060216044; 6044-01; I.D. 090606B] received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9811. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear [Docket No.060216044-6044-01; I.D. 090506C] received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9812. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 090606C] received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9813. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 090106A] received September 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9814. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries in the Western Pacific; Omnibus Amendment for the Bottomfish and Seamount Groundfish Fisheries, Crustacean Fisheries, and Precious Coral Fisheries [Docket No. 060606149-6234-02; I.D. 052506A] (RIN: 064S-AT95) received September 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9815. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear [Docket No. 060216044-6044-01; I.D. 090506C] received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9816. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 082906C] received September 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9817. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Great South Channel Scallop Dredge Exemption [Docket No. 060621176-6219-02; I.D. 052306A] (RIN: 0648-AU50) received September 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9818. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 083006D] received September 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9819. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 082906D] received September 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9820. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Quarter III Fishery for Loligo Squid [Docket No. 051209329-6046-02; I.D. 082806A] received September 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9821. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Closed Area II Scallop Access Area to Scallop Vessels [Docket No. 060314069-6069-01; I.D. 083106A] received September 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9822. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole, Flathead Sole, and "Other Flatfish" by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 080806B] received September 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9823. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—List of Fisheries for 2006 [Docket No. 060330090-6212-02; I.D. 021506B] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9824. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No. 051128313-6029-02; I.D.081506B] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9825. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 082506A] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9826. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central and Westerm Regulatory Areas of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 081606A] received September 8, 2006, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Resources.

9827. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 060216044-01; I.D. 082506D] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9828. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 082506C] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9829. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 081406C] received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9830. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands [Docket No. 060216045-6045-01; I.D. 081506A] received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9831. A letter from the Deputy Assistant Administrator for Regulatory Services, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Framework Adjustment 43 [Docket No. 060606151-628-01; I.D. 051906A] received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9832. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Maine [Docket No. 051104293-5344-02; I.D. 082406A] received September 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9833. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the Administration of the Foreign Agents Registration Act for the six months ending December 31, 2005, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

9834. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Connecticut advisory committee; to the Committee on the Judiciary.

9835. A letter from the General Counsel, OJP, Department of Justice, transmitting the Department's final rule—International Terrorism Victim Expense Reimbursement Program [Docket No.: OJP(OJP)-1368] (RIN: 1121-AA63) received September 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9836. A letter from the Attorney Advisor, USCG, Department of Homeland Security, transmitting the Department's final rule—Deepwater Ports [USCG 1998-3884] (RIN: 1625-AA20) received September 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9837. A letter from the Dreict, Regulations Mgt., Office of Regulation Policy & Mgt., Department of Veterans Affairs, transmitting the Department's final rule—Board of Veterans' Appeals: Clarification of a Notice of Disagreement (RIN: 2900-AL97) received September 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9838. A letter from the United States Trade Representative, Executive Office of the President, transmitting the reports of the

Advisory Committee for Trade Policy and Negotiations, and the policy, sectoral and functional trade committees chartered under those Acts, on the United States-Colombia Trade Promotion Agreement, pursuant to Section 2104(e) of the Trade Act of 2002 and Section 135(e) of the Trade Act of 1974, as amended; to the Committee on Ways and Means.

9839. A letter from the Chairman, United States International Trade Commission, transmitting the twelfth annual report on the Andean Trade Preference Act (ATPA) entitled "Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution," pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

9840. A letter from the Secretaries, Department of Interior and the Department of Agriculture, transmitting a copy of draft legislation entitled, "the Healthy Forests Partnership Act"; jointly to the Committees on Agriculture and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HUNTER: Committee of Conference. Conference report on H.R. 5122. A bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes (Rept. 109–702). Ordered to be printed.

Mr. COLE of Oklahoma: Committee on Rules. House Resolution 1062. Resolution waiving points of order against the conference report to accompany the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. 109–703). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 6134. A bill to amend the Internal Revenue Code of 1986 to expand health coverage through the use of high deductible health plans and to encourage the use of health savings accounts; with an amendment (Rept. 109–704). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 5472. A bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers; with an amendment (Rept 109–705). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on International Relations. H.R. 6060. A bill to authorize certain activities by the Department of State, and for other purposes (Rept. 109–706). Referred to the Committee of the Whole House on the State of the Union.

Mr. KING of New York: Committee on Homeland Security. H.R. 5695. A bill to amend the Homeland Security Act of 2002 to provide for the regulation of certain chemical facilities, and for other purposes; with an amendment (Rept. 109–707 Pt. 1). Ordered to be printed.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 1078. A bill to strengthen the authority of the Federal Government to protect individuals from certain acts and practices in the sale and purchase of Social Security numbers and Social Security account numbers, and for other purposes; with an amendment (Rept. 109–708 Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4880. A bill to direct the Commandant of the Coast Guard to require that a security plan for a maritime facility be resubmitted for approval upon transfer of ownership or operation of such facility, and for other purposes; with an amendment (Rept. 109–709 Pt. 1). Ordered to be printed.

Mr. GOODLATTE: Committee on Agriculture. House Concurrent Resolution 424. Resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber (Rept. 109–710 Pt. 1). Ordered to be printed.

Mr. KING of New York: Committee of Conference. Conference report on H.R. 4954. A bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes (Rept. 109–711). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 921. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 17, 2006.

H.R. 1078. Referral to the Committee on Ways and Means extended for a period ending not late than November 17, 2006.

H.R. 1317. Referral to the Committee on Armed Services and Homeland Security extended for a period ending not later than November 17, 2006.

H.R. 4880. Referral to the Committee on Homeland Security extended for a period ending not later than November 17, 2006.

H.R. 5312. Referral to the Committees on Energy and Commerce and Ways and Means extended for a period ending not later than November 17, 2006.

H.R. 5393. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 17, 2006.

H.R. 5695. Referral to the Committee on Energy and Commerce extended for a period ending not later than November 17, 2006.

House Concurrent Resolution 424. Referral to the Committee on Energy and Commerce extended for a period ending not later than November 17, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER:

H.R. 6253. A bill to modernize, shorten, and simplify the Federal criminal code; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 6254. A bill to amend title 18, United States Code, to reaffirm the intent of Congress in the Sentencing Reform Act of 1984, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Illinois:

H.R. 6255. A bill to amend title 38, United States Code, to expand eligibility for the basic educational assistance program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALDEN of Oregon:

H.R. 6256. A bill to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; to the Committee on Resources.

By Mr. WAXMAN (for himself and Mr. BROWN of Ohio):

H.R. 6257. A bill to amend the Public Health Service Act to provide for the licensing of comparable biological products, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. HOYER, and Mr. CONYERS):

H.R. 6258. A bill to restore the intent of the Americans with Disabilities Act of 1990 to more fully remove the barriers that confront disabled Americans; to the Committee on Education and the Workforce, and in addition to the Committees on the Judiciary, Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ABERCROMBIE (for himself, Mr. OXLEY, Mr. FRANK of Massachusetts, and Mr. CASE):

H.R. 6259. A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians; to the Committee on Financial Services.

By Mr. BASS (for himself, Mr. LANGEVIN, Mr. RAMSTAD, Mr. FERGUSON, Mr. NUNES, Mr. ISSA, and Mr. JINDAL):

H.R. 6260. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of certain medical mobility devices approved as class III medical devices; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTKNECHT (for himself, Ms. BALDWIN, Mr. BURTON of Indiana, and Ms. WATSON):

H.R. 6261. A bill to provide for the protection of public health and the environment from mercury contamination associated with the shipment of elemental mercury or with mercury-bearing solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. KELLY:

H.R. 6262. A bill to provide increased benefits for public safety officers disabled in the line of duty, and for the spouses and children of public safety officers killed or disabled in the line of duty, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENT (for himself, Mr. FITZPATRICK of Pennsylvania, and Mr. SHERWOOD):

H.R. 6263. A bill to reauthorize the Delaware and Lehigh National Heritage Corridor Act of 1988, and for other purposes; to the Committee on Resources.

By Mr. THOMAS:

H.R. 6264. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Ways and Means.

By Mr. STEARNS:

H.R. 6265. A bill to create a commission to develop a plan for establishing a Museum of Ideas; to the Committee on Resources, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself, Mr. BERMAN, Ms. SOLIS; Ms. WATSON, Ms. MILLENDER-MCDONALD, Mr. CONYERS, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Mr. PALLONE, Mr. KUCINICH, Mr. BUTTERFIELD, Mr. SCOTT of Georgia, Ms. KILPATRICK of Michigan, Mr. RANGEL, Ms. LEE, Mr. ORTIZ, Mr. CUELLAR, Mr. REYES, Mrs. NAPOLITANO, Mr. KILDEE, Mr. LANGEVIN, Mr. LYNCH, Mr. THOMPSON of Mississippi, Mr. CLAY, Mr. RUPPERSBERGER, and Mr. DAVIS of Illinois):

H.R. 6266. A bill to authorize the Secretary of Energy to make loan guarantees for cellulosic ethanol production technology development; to the Committee on Energy and Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER:

H.R. 6267. A bill to amend the Internal Revenue Code of 1986 to permanently extend the credits for residential energy efficient property and new energy efficient homes; to the Committee on Ways and Means.

By Mr. FITZPATRICK of Pennsylvania (for himself and Mr. TAYLOR of Mississippi):

H.R. 6268. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for expenses related to the collection and storage of umbilical cord blood; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 6269. A bill to amend the Internal Revenue Code of 1986 to expand and extend the incentives for alternative fuel vehicles and refueling property and to repeal the oil and gas production incentives added by the Energy Policy Act of 2005; to the Committee on Ways and Means.

By Mrs. BONO:

H.R. 6270. A bill to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes; to the Committee on Resources.

By Mr. BROWN of Ohio (for himself and Mr. STRICKLAND):

H.R. 6271. A bill to amend title 10, United States Code, to provide that, in the case of any member or former member of a reserve component of the Armed Forces who is deployed to a combat theater due to an administrative error by the Department of Defense, the member shall be given nonregular service retirement credit equal to six times the length of the mistaken deployment; to the Committee on Armed Services.

By Mr. CAMPBELL of California:

H.R. 6272. A bill to provide additional emergency and enhanced enforcement authority to the Securities and Exchange Commission; to the Committee on Financial Services.

By Mr. CARDOZA:

H.R. 6273. A bill to direct the Secretary of Veterans Affairs to provide for enhanced protections against identity theft related to the public filing of separation forms of members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CHOCOLA (for himself, Mr. SAM JOHNSON of Texas, and Mr. BRADY of Texas):

H.R. 6274. A bill to amend the Federal Unemployment Tax Act to provide for the establishment of a demonstration project program to permit States to more properly and efficiently administer the State's unemployment compensation law, and for other purposes; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN (for herself, Mr. DAVIS of Alabama, and Ms. NORTON):

H.R. 6275. A bill to improve the health of minority individuals; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, the Judiciary, Ways and Means, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Mr. AKIN, Mr. BLUNT, Mr. CARNAHAN, Mrs. EMERSON, and Mr. HULSHOF):

H.R. 6276. A bill to amend the Internal Revenue Code of 1986 to alleviate poverty by encouraging the employment of residents by empowerment zone businesses through the employment of residents in designated areas of pervasive poverty, unemployment, and general distress; to the Committee on Ways and Means.

By Mr. CRENSHAW:

H.R. 6277. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of disabled American financial security accounts for the care of family members with disabilities; to the Committee on Ways and Means.

By Mr. DEFAZIO:

H.R. 6278. A bill to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2006 through 2012, and for other purposes; to the Committee on Resources.

By Ms. DELAURO (for herself and Ms. LINDA T. SÁNCHEZ of California):

H.R. 6279. A bill to improve the collection of labor data by Federal agencies to better measure and evaluate the outsourcing and off-shoring of public and private sector business operations and services; to the Committee on Education and the Workforce.

By Ms. DELAURO:

H.R. 6280. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of screening tests for human papillomavirus (HPV); to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Mr. RANGEL, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. BECERRA, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. ALLEN, Mrs. CAPPS, Mrs. DAVIS of California, Ms. DELAURO, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK of Michigan, Mr. LANGEVIN, Mrs. LOWEY, Mrs. MALONEY, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. MEEHAN, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. NADLER, Mr. OBERSTAR, Mr. ORTIZ, Mr. REYES, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. WEINER, and Ms. WOOLSEY):

H.R. 6281. A bill to amend title XVIII of the Social Security Act to provide comprehensive improvements to the Medicare prescription drug program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey:

H.R. 6282. A bill to amend title 38, United States Code, to permit Medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GINGREY:

H.R. 6283. A bill to amend the Immigration and Nationality Act to make changes related to family-sponsored immigrants and to reduce the number of such immigrants; to the Committee on the Judiciary.

By Mr. BECERRA:

H.R. 6284. A bill to amend the Internal Revenue Code of 1986 to allow a loss for development costs of certain creative property; to the Committee on Ways and Means.

By Ms. HARMAN:

H.R. 6285. A bill to amend title 49, United States Code, to expand passenger facility fee eligibility for noise compatibility projects; to the Committee on Transportation and Infrastructure.

By Ms. HARRIS:

H.R. 6286. A bill to require the Secretary of Homeland Security to complete and submit a master plan for a headquarters location in the District of Columbia or elsewhere, within 360 days; to the Committee on Homeland Security.

By Mr. HEFLEY (for himself and Mrs. JOHNSON of Connecticut):

H.R. 6287. A bill to establish criteria for and to create a National Heritage Areas System in the United States; to the Committee on Resources.

By Mr. SAM JOHNSON of Texas:

H.R. 6288. A bill to amend the Internal Revenue Code of 1986 to improve the rules relating to income earned abroad; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island:

H.R. 6289. A bill to establish a program to provide financial incentives for the establishment of interactive personal health records; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 6290. A bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 6291. A bill to extend the incentives for clean and renewable energy and its more efficient use; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH:

H.R. 6292. A bill to provide for competitive status for certain employees of the Internal Revenue Service; to the Committee on Government Reform.

By Mrs. MALONEY (for herself, Mr. LANTOS, and Ms. JACKSON-LEE of Texas):

H.R. 6293. A bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted and denied their rights in foreign countries on account of gender, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARCHANT:

H.R. 6294. A bill to provide children born in the United States with the same citizenship and immigration status as their mothers; to the Committee on the Judiciary.

By Mr. NUNES:

H.R. 6295. A bill to amend the Agricultural Adjustment Act to add clementines to the list of fruits and vegetables subject to minimum quality import requirements issued by the Secretary of Agriculture; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR:

H.R. 6296. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to restore State authority to waive the application of the 35-mile rule to permit the designation of a critical access hospital in Cass County, Minnesota; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 6297. A bill to sunset Federal laws and regulations which treat the American people like children by denying them the opportunity to make their own decision regarding control of their bank accounts and what type of information they wish to receive from their banks, and for other purposes; to the Committee on Financial Services.

By Mr. PEARCE:

H.R. 6298. A bill to clarify congressional intent with respect to the nature of rights-of-way granted and accepted under former section 2477 of the Revised Statutes, and for other purposes; to the Committee on Resources.

By Mr. PICKERING (for himself and Mr. BACHUS):

H.R. 6299. A bill to prevent children from purchasing Internet-distributed age-restricted products and services by regulating the funding thereof and for other purposes; to the Committee on Financial Services.

By Ms. PRYCE of Ohio (for herself, Mrs. MALONEY, and Mr. LEACH):

H.R. 6300. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 75th Anniversary of the opening of the National Archives Building, and for other purposes; to the Committee on Financial Services.

By Mr. RENZI:

H.R. 6301. A bill to amend title VI of the Native American Housing and Self-Determination Act of 1996 to authorize Indian tribes to issue notes and other obligations to finance community and economic development activities, and for other purposes; to the Committee on Financial Services.

By Mr. RENZI:

H.R. 6302. A bill to remove the frequency limitation on Medicare coverage for intermittent catheterization; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS:

H.R. 6303. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a new three-tiered approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHAYS:

H.R. 6304. A bill to amend title II of the Social Security Act to provide that the eligibility requirement for disability insurance benefits under which an individual must have 20 quarters of Social Security coverage in the 40 quarters preceding a disability shall not be applicable in the case of a disabled individual suffering from a covered terminal disease; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H.R. 6305. A bill to provide compensation for United States citizens taken hostage by terrorists or state sponsors of terrorism; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT:

H.R. 6306. A bill to enhance the security of the borders of the United States; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, Government Reform, Armed Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIERNEY (for himself, Mr. CAPUANO, Mr. CONYERS, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Mr. MARKEY, Mr. MCGOVERN, Mr. MEEHAN, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. RANGEL, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. SERRANO, Mr. STARK, Ms. WASSERMAN SCHULTZ, Mr. WEXLER, Ms. WOOLSEY, and Mr. YOUNG of Alaska):

H.R. 6307. A bill to require the Commissioner of Labor Statistics to develop a methodology for measuring the cost of living in each State, and to require the Comptroller General to determine how certain Federal benefits would be increased if the determination of those benefits were based on that methodology; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 6308. A bill to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes; to the Committee on Resources.

By Ms. WATERS (for herself, Mrs. CHRISTENSEN, Ms. LEE, Ms. CARSON, and Ms. JACKSON-LEE of Texas):

H.R. 6309. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and title 5, United States Code, to require individual and group health insurance coverage and group health plans and Federal employees health benefit plans to provide coverage for routine HIV/AIDS screening; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER:

H.R. 6310. A bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable credit for the purchase of energy efficient tires; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD:

H.R. 6311. A bill to amend the USEC Privatization Act to provide an extension of the period during which individuals may bring a suit for certain violations of employee protection provisions under such Act; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico:

H.R. 6312. A bill to authorize the Secretary of the Interior to conduct feasibility studies to identify opportunities to increase the surface flows of the Rio Grande, Canadian, and Pecos Rivers in the State of New Mexico, and for other purposes; to the Committee on Resources.

By Ms. McCOLLUM of Minnesota:

H.J. Res. 99. A joint resolution proposing an amendment to the Constitution of the United States regarding healthcare; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas (for herself, Mr. LANTOS, Mr. GRIJALVA, Mr. DOYLE, Mr. HONDA, Mr. McNULTY, Mr. OWENS, Mr. PAYNE, Mr. CONYERS, Mr. TOWNS, Ms. CORRINE BROWN of Florida, Mr. CROWLEY, Ms. WASSERMAN SCHULTZ, Mr. DAVIS of Illinois, Mr. CLEAVER, Mr. BISHOP of New York, Mrs. McCARTHY, Ms. MILLENDER-McDONALD, Ms. SLAUGHTER, Ms. LORETTA SANCHEZ of California, Mr. ISRAEL, Mr. ROTHMAN, Mr. CUELLAR, Mr. STARK, Mr. ACKERMAN, Mr. NADLER, and Ms. BERKLEY):

H. Con. Res. 489. Concurrent resolution expressing the sense of Congress that the people of the United States should grieve for the loss of life that defined the Third Reich and celebrate the continued education efforts for tolerance and justice, reaffirming the commitment of the United States to the fight against intolerance and prejudice in any form, and honoring the legacy of transparent procedure, government accountability, the rule of law, the pursuit of justice, and the struggle for universal freedom and human rights; to the Committee on International Relations.

By Ms. JACKSON-LEE of Texas (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DOGGETT, Mr. LEWIS of Georgia, Mr. WALSH, Mr. JEFFERSON, Mr. GRIJALVA, Mr. GORDON, Mr. TOWNS, Ms. CORRINE BROWN of Florida, Mr. CROWLEY, Ms. WASSERMAN SCHULTZ, Mr. DAVIS of Illinois, Mr. CLEAVER, Mrs. McCARTHY, Mr. BISHOP of New York, Ms. SLAUGHTER, Ms. MILLENDER-McDONALD, Ms. LORETTA SANCHEZ of California, Mr. ISRAEL, Mr. ROTHMAN, Mr. CUELLAR, Mr. STARK, Mr. ACKERMAN, Mr. NADLER, and Ms. BERKLEY):

H. Con. Res. 490. Concurrent resolution supporting the observance of World Stroke Awareness Day, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. DEFAZIO):

H. Con. Res. 491. Concurrent resolution providing for a correction to the enrollment of H.R. 6233; considered and agreed to.

By Mr. HINCHEY (for himself, Ms. LEE, Mr. CONYERS, Mr. FARR, Ms. WATERS, Ms. SOLIS, Mr. McNULTY, Mr. McDERMOTT, and Mr. STARK):

H. Con. Res. 492. Concurrent resolution urging the Government of the United States to declare that it does not intend to establish a long-term or permanent military occupation of Iraq, and to work with the United Nations to convene an international conference on Iraq's future; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. BILIRAKIS, Mr. McGOVERN, Mr. WEINER, Mr. McCOTTER, Ms. WATSON, Mrs. DRAKE, and Mr. PAYNE):

H. Con. Res. 493. Concurrent resolution urging the Republic of Turkey to comply with all European Union standards and criteria prior to its accession to the European Union; to the Committee on International Relations.

By Mr. WEXLER (for himself, Mr. LATOURETTE, Mr. LANTOS, Mr. LEWIS of Georgia, Ms. McCOLLUM of Minnesota, Mr. BROWN of Ohio, Mr. VAN HOLLEN, Mr. CROWLEY, Mr. ENGEL, Mr. SERRANO, Mr. HASTINGS of Florida, Mr. BURTON of Indiana, Mr. PALLONE, Ms. LEE, and Mrs. LOWEY):

H. Con. Res. 494. Concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims; to the Committee on Government Reform.

By Mr. CONAWAY (for himself, Mr. AKIN, Mr. CANTOR, Mr. CHABOT, Mr. FEENEY, Mr. FLAKE, Mr. FORTUÑO, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. GUTKNECHT, Mr. ISSA, Mr. JINDAL, Mr. McHENRY, Mr. PENCE, Mr. RYAN of Wisconsin, Mr. SHADEGG, Mr. TANCREDO, Mr. WILSON of South Carolina, Mr. CAMPBELL of California, Mrs. MUSGRAVE, Mr. NEUGEBAUER, and Mr. CUELLAR):

H. Res. 1060. A resolution amending the Rules of the House of Representatives to require the reduction of section 302(b) suballocations to reflect floor amendments to general appropriation bills; to the Committee on Rules.

By Mr. FOSSELLA (for himself and Mrs. MALONEY):

H. Res. 1061. A resolution requesting the Department of Health and Human Services to outline the Federal Government's responsibilities, taking into account the responsibilities and actions of the State and local governments, to support a program for medically monitoring and treating all individuals who were exposed to the toxins of Ground Zero on 9/11; to the Committee on Energy and Commerce.

By Mr. McGOVERN (for himself, Mr. LANTOS, Mr. CANNON, Mr. CANTOR, Mr. WAXMAN, Mr. LATOURETTE, Mr. OLVER, Mr. LYNCH, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. TIERNEY, Mr. MEEHAN, Mr. MARKEY, Mr. CAPUANO, Mr. LANGEVIN, and Mr. KENNEDY of Rhode Island):

H. Res. 1063. A resolution paying tribute to the Reverend Waitstill Sharp and Martha Sharp for their recognition by the Yad Vashem Holocaust Martyrs' and Heroes' Remembrance Authority as Righteous Among the Nations for their heroic efforts to save Jews during the Holocaust; to the Committee on International Relations.

By Mr. SESSIONS:

H. Res. 1064. A resolution waiving points of order against the conference report to accompany the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes; considered and agreed to.

By Ms. PELOSI:

H. Res. 1065. A resolution raising a question of the privileges of the House; to the Committee on Standards of Official Conduct.

By Mr. KUCINICH (for himself, Mr. PAUL, Mr. ABERCROMBIE, Ms. LEE, Ms. WOOLSEY, Mr. DEFAZIO, Mr. HINCHEY, Mr. STARK, Mr. FILNER, Mr. DAVIS of Illinois, Ms. WATSON, Mr. HASTINGS of Florida, Ms. MOORE of Wisconsin, Mr. UDALL of New Mexico, Mr. FARR, and Mr. GRIJALVA):

H. Res. 1066. A resolution requesting the President to provide to the House of Representatives certain documents in his possession relating to United States policy toward Iran; to the Committee on Armed Services, and in addition to the Committees on International Relations, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself and Mr. HONDA):

H. Res. 1067. A resolution recognizing Lawrence Berkeley National Laboratory as one of the world's premier science and research institutions; to the Committee on Science.

By Mr. GONZALEZ (for himself, Mr. ORTIZ, Ms. ROYBAL-ALLARD, Mr. BERMAN, Mr. FORTUÑO, Mr. HINOJOSA, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. BACA, Mr. GUTIERREZ, Mr. REYES, Mr. PASTOR, Mr. BECERRA, Ms. SOLIS, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mrs. NAPOLITANO, and Mr. SERRANO):

H. Res. 1068. A resolution recognizing the Hispanic Association of Colleges and Universities for 20 years of service to Hispanic-Serving Institutions and Hispanic higher education; to the Committee on Education and the Workforce.

By Mr. HONDA (for himself, Mr. RADANOVICH, and Mr. LANTOS):

H. Res. 1069. A resolution honoring Edward Day Cohota, Joseph L. Pierce, and other veterans of Asian descent who fought in the Civil War; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER:

H. Res. 1070. A resolution expressing the sense of the House of Representatives that Members of the House should actively engage with employers and the American public at large to encourage the hiring of members and former members of the Armed Forces who were wounded in service and are facing a transition to civilian life; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself, Mr. RANGEL, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Mr. BERMAN, Mr. CUMMINGS, Mr. PAYNE, and Ms. CARSON):

H. Res. 1071. A resolution recognizing the 25th anniversary of the independence of Belize and extending best wishes to Belize for peace and further progress, development, and prosperity; to the Committee on International Relations.

By Ms. McKINNEY (for herself, Mr. OWENS, Mr. MORAN of Virginia, Mr. KUCINICH, Mr. McGOVERN, and Ms. KAPTUR):

H. Res. 1072. A resolution urging the Government of Nigeria to conduct a thorough judicial review of the Ken Saro-Wiwa case; to the Committee on International Relations.

By Mr. MEEKS of New York (for himself, Mr. BUTTERFIELD, and Mr. CUMMINGS):

H. Res. 1073. A resolution recognizing that the occurrence of prostate cancer in African American men has reached epidemic proportions and urging Federal agencies to address that health crisis by designating funds for education, awareness outreach, and research specifically focused on how that disease affects African American men; to the Committee on Energy and Commerce.

By Mr. POE (for himself, Mr. HOSTETTLER, Mr. AKIN, Mrs. MYRICK, Mr. MCHENRY, Mr. GOHMERT, Mr. BURTON of Indiana, Mr. WAMP, Mr. GUTKNECHT, Mrs. BLACKBURN, Mr. MARCHANT, Mr. JONES of North Carolina, Mr. MCCOTTER, Mr. TANCREDO, Mr. FEENEY, Mr. ISTOOK, Mr. BISHOP of Georgia, Mr. GOODE, Mr. GORDON, Mr. GARRETT of New Jersey, and Mr. HUNTER):

H. Res. 1074. A resolution expressing the sense of the House of Representatives that State and local governments should be supported for taking actions to discourage illegal immigration and that legislation should be enacted to ease the burden on State and local governments for taking such actions; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTER (for himself, Mr. GIBBONS, Ms. BERKLEY, Mr. MOORE of Kansas, Mr. MACK, Mr. OXLEY, Mr. WILSON of South Carolina, Mr. HOLDEN, Mr. GRIJALVA, Mr. JONES of North Carolina, Ms. JACKSON-LEE of Texas, Mr. SMITH of Texas, Ms. CORRINE BROWN of Florida, Mr. BEAUPREZ, Mr. CAMPBELL of California, Mr. LEWIS of Georgia, Mr. BOUSTANY, Mr. CARTER, Mr. BARRETT of South Carolina, Mr. GERLACH, Mr. LATHAM, Mr. HERGER, Mr. CHOCOLA, Mr. WESTMORELAND, Mr. HINCHEY, Mr. SESSIONS, Mr. ISSA, Mr. BISHOP of Utah, Mr. PEARCE, Mr. ALEXANDER, Mr. CASTLE, Mr. BUTTERFIELD, Mr. COBLE, Mr. GONZALEZ, Mr. FOSSELLA, Mr. SHAW, and Mr. KIRK):

H. Res. 1075. A resolution congratulating Andre Agassi on his esteemed professional tennis career, thanking him for his ongoing contributions to the community of Las Vegas, Nevada, and wishing him much luck in his future endeavors; to the Committee on Government Reform.

By Mr. PORTER:

H. Res. 1076. A resolution supporting the goals and ideas of a "National Plan Your Vacation Day"; to the Committee on Government Reform.

By Ms. ROS-LEHTINEN:

H. Res. 1077. A resolution expressing deep concern over the use of civilians as "human shields" in violation of international humanitarian law and the law of war during armed conflict, including Hezbollah's tactic of embedding its forces among civilians to use them as human shields during the recent conflict between Hezbollah and the State of Israel; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII:

1447. The SPEAKER presented a memorial of the Legislature of the State of Michigan, relative to House Concurrent Resolution No. 30 memorializing the Congress of the United States to eliminate the Medicare caps on accredited graduate medical education positions for the state of Michigan that were imposed as part of the Balanced Budget Amendment of 1997; jointly to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Ms. DEGETTE.

H.R. 303: Mr. HASTINGS of Florida.

H.R. 475: Mr. INSLEE.

H.R. 517: Mr. HIGGINS, Mr. RANGEL, and Mr. WYNN.

H.R. 575: Mr. KUCINICH.

H.R. 602: Mr. WELDON of Pennsylvania and Mr. REICHERT.

H.R. 635: Mr. RAMSTAD.

H.R. 699: Mr. HOLT, Mr. MATHESON, and Ms. MCCOLLUM of Minnesota.

H.R. 772: Mr. GUTIERREZ.

H.R. 791: Mr. ALLEN.

H.R. 817: Mr. GARRETT of New Jersey.

H.R. 1020: Mr. BRADLEY of New Hampshire.

H.R. 1177: Mr. CRAMER.

H.R. 1222: Mr. HOLT.

H.R. 1227: Mr. RUSH, Mr. WU, Mr. BOUCHER, Ms. HOOLEY, and Ms. SOLIS.

H.R. 1262: Mr. SIMMONS.

H.R. 1298: Ms. HOOLEY.

H.R. 1306: Mr. SKELTON.

H.R. 1313: Mrs. BIGGERT.

H.R. 1333: Mr. REICHERT.

H.R. 1356: Mr. SMITH of New Jersey.

H.R. 1357: Mr. LIPINSKI.

H.R. 1376: Mr. PASCRELL, Mr. OWENS, Mr. LARSON of Connecticut, Mr. COSTELLO, Mrs. TAUSCHER, Ms. JACKSON-LEE of Texas, and Mr. OLVER.

H.R. 1471: Mr. EHLERS.

H.R. 1548: Mr. KILDEE.

H.R. 1549: Mr. LEWIS of California and Mr. LATOURETTE.

H.R. 1554: Mrs. LOWEY.

H.R. 1558: Mr. BARTLETT of Maryland.

H.R. 1615: Ms. JACKSON-LEE of Texas, Mr. RUSH, Mr. ACKERMAN, Mrs. LOWEY, Mr. WAXMAN, Mr. LEWIS of Georgia, Mr. WEXLER, and Ms. CORRINE BROWN of Florida.

H.R. 1619: Mr. MEEHAN.

H.R. 1621: Mr. GILLMOR and Mrs. JO ANN DAVIS of Virginia.

H.R. 1634: Mr. BARRETT of South Carolina, Mr. CANNON, Mr. WILSON of South Carolina, and Mr. OSBORNE.

H.R. 1671: Mr. LUCAS, Mr. GREEN of Wisconsin, and Mr. KENNEDY of Rhode Island.

H.R. 1687: Mr. OBEY and Mr. WYNN.

H.R. 1704: Mr. UPTON.

H.R. 1951: Mr. JOHNSON of Illinois.

H.R. 2039: Mr. CANNON.

H.R. 2047: Ms. MCCOLLUM of Minnesota.

H.R. 2051: Mr. KILDEE.

H.R. 2239: Mr. SOUDER, Mr. MOORE of Kansas, and Mr. GARRETT of New Jersey.

H.R. 2369: Mr. SMITH of Texas.

H.R. 2386: Mr. CARNAHAN.

H.R. 2421: Mr. HOLDEN, Mr. BARTLETT of Maryland, Mr. THOMPSON of California, Mr. CASE, Mr. LARSON of Connecticut, Ms. HARMAN, Mr. BASS, Mr. ISRAEL, Ms. DELAURO, Ms. LORETTA SANCHEZ of California, Mrs. DRAKE, Mr. BOYD, Mr. DAVIS of Florida, Mr. HAYWORTH, Mr. DENT, and Mr. ABERCROMBIE.

H.R. 2526: Mr. WU.

H.R. 2558: Mr. RUPPERSBERGER.

H.R. 2592: Mr. THOMPSON of Mississippi, Mr. MCGOVERN, and Mr. CUMMINGS.

H.R. 2662: Ms. MILLENDER-MCDONALD.

H.R. 2671: Mr. HOLT and Mr. MILLER of North Carolina.

H.R. 2694: Mr. CRAMER.

H.R. 2719: Mr. PASCRELL.

H.R. 2828: Mr. SHAYS.

H.R. 2869: Mr. KILDEE.

H.R. 2945: Mr. MCINTYRE.

H.R. 3248: Mr. RUPPERSBERGER, Ms. HOOLEY, and Mr. KENNEDY of Rhode Island.

H.R. 3326: Mr. BLUMENAUER.

H.R. 3361: Mr. KENNEDY of Rhode Island and Mr. RENZI.

H.R. 3478: Mr. RUPPERSBERGER.

H.R. 3547: Mr. WYNN.

H.R. 3559: Mr. TAYLOR of Mississippi.

H.R. 3616: Ms. SLAUGHTER.

H.R. 3617: Mr. DUNCAN.

H.R. 3715: Mr. ALLEN.

H.R. 3854: Mr. HOLT and Ms. MCCOLLUM of Minnesota.

H.R. 3954: Mr. DEFAZIO.

H.R. 4030: Mrs. MCCARTHY and Mr. MCGOVERN.

H.R. 4033: Ms. BEAN, Mr. PORTER, Ms. HOOLEY, and Mr. WATT.

H.R. 4045: Mr. ENGEL.

H.R. 4052: Mr. NADLER.

H.R. 4098: Mr. LARSON of Connecticut.

H.R. 4124: Mr. WYNN.

H.R. 4197: Ms. HERSETH.

H.R. 4331: Mr. INSLEE.

H.R. 4341: Mr. LARSEN of Washington.

H.R. 4381: Mrs. BIGGERT.

H.R. 4403: Mr. GINGREY.

H.R. 4421: Mr. AKIN.

H.R. 4560: Ms. WOOLSEY.

H.R. 4574: Mr. EMANUEL, Ms. WOOLSEY, and Mr. LANTOS.

H.R. 4597: Mr. LYNCH, Mr. ORTIZ, Mr. CLEAVER, Mr. BUTTERFIELD, and Mr. SNYDER.

H.R. 4727: Mr. BERMAN, Ms. HARMAN, Ms. LEE, and Mr. PRICE of North Carolina.

H.R. 4740: Ms. DELAURO.

H.R. 4747: Mr. PETERSON of Minnesota.

H.R. 4751: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. FITZPATRICK of Pennsylvania.

H.R. 4769: Mrs. MCCARTHY.

H.R. 4770: Mr. LEACH, Mr. WATT, Ms. MATSUI, Mr. PAYNE, Mr. KUCINICH, Mr. RYAN of Ohio, and Ms. CORRINE BROWN of Florida.

H.R. 4808: Mr. CONYERS, Mr. GILLMOR, and Mr. SOUDER.

H.R. 4824: Mr. KILDEE and Mr. GINGREY.

H.R. 4834: Mr. MILLER of Florida.

H.R. 4870: Mr. SAXTON.

H.R. 4903: Ms. LORETTA SANCHEZ of California.

H.R. 4904: Mr. BERMAN.

H.R. 4910: Mr. SOUDER.

H.R. 4924: Mr. ROSS and Mr. NUNES.

H.R. 4930: Mrs. KELLY.

H.R. 4980: Mr. JACKSON of Illinois.

H.R. 4993: Mr. BERMAN.

H.R. 5022: Mr. LARSON of Connecticut and Mr. CLYBURN.

H.R. 5053: Mr. BARTLETT of Maryland and Mr. RUPPERSBERGER.

H.R. 5055: Mr. SHAYS.

H.R. 5058: Mr. RUPPERSBERGER and Mr. KIND.

H.R. 5088: Mr. KUCINICH and Mrs. CAPPS.

H.R. 5099: Mr. STRICKLAND and Mr. MCNULTY.

H.R. 5100: Mr. SIMMONS.

H.R. 5131: Ms. SOLIS.

H.R. 5134: Mr. KILDEE.

H.R. 5139: Mr. MOORE of Kansas.

H.R. 5147: Mr. LYNCH, Mr. HOLT, and Mr. RUPPERSBERGER.

H.R. 5150: Mr. SALAZAR.

H.R. 5151: Mrs. NAPOLITANO, Mr. JACKSON of Illinois, Mr. STARK, Mr. CROWLEY, Ms. MOORE of Wisconsin, and Mr. ANDREWS.

H.R. 5159: Mr. STRICKLAND.

H.R. 5161: Mr. CONYERS.

H.R. 5167: Mr. MOORE of Kansas, Mr. ALLEN, and Mr. TIBERI.

H.R. 5201: Ms. CARSON.

H.R. 5206: Mrs. BIGGERT.

H.R. 5225: Mr. HOYER.

H.R. 5242: Mr. MILLER of Florida.

H.R. 5269: Mr. ANDREWS.

H.R. 5280: Mr. ALLEN.

H.R. 5288: Mr. BERRY, Mr. DELAHUNT, Ms. SOLIS, Mr. RUPPERSBERGER, Ms. DELAURO, Mr. GENE GREEN of Texas, Mr. SCOTT of Georgia, Mr. SANDERS, and Mr. CLAY.

H.R. 5289: Mrs. BIGGERT.

H.R. 5309: Mr. POMEROY.

H.R. 5312: Mr. MCKEON.

H.R. 5316: Mr. JACKSON of Illinois.

H.R. 5348: Ms. HOOLEY.

H.R. 5362: Mr. DAVIS of Tennessee.

H.R. 5372: Mr. PRICE of North Carolina.

H.R. 5388: Ms. BALDWIN.

H.R. 5390: Mr. BRADLEY of New Hampshire.

H.R. 5399: Mr. DUNCAN.

H.R. 5400: Mrs. CUBIN.

H.R. 5452: Mr. SMITH of New Jersey.

H.R. 5487: Mr. JACKSON of Illinois.

H.R. 5502: Mr. MCCAUL of Texas.

H.R. 5514: Mr. PETERSON of Minnesota, Mr. JEFFERSON, and Ms. BORDALLO.

H.R. 5529: Mr. TIAHRT.

H.R. 5552: Mr. GARRETT of New Jersey.

H.R. 5555: Mr. RUSH and Mr. JEFFERSON.

H.R. 5558: Mrs. CUBIN.

H.R. 5562: Mrs. DRAKE.

H.R. 5613: Mr. JINDAL.

H.R. 5624: Mr. CARDIN.

H.R. 5635: Mr. CONYERS, Mr. CARDIN, Ms. KILPATRICK of Michigan, Mr. GORDON, Mr. OBEY, Mr. DAVIS of Tennessee, Mr. KILDEE, Mr. LEVIN, Mr. JACKSON of Illinois, Mr. CHANDLER, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. DINGELL, Mr. LIPINSKI, and Mr. STUPAK.

H.R. 5642: Ms. CARSON, Mr. JEFFERSON, Mr. THOMPSON of California, Ms. HARMAN, Mr. SHAYS, Mr. SIMMONS, and Mrs. JOHNSON of Connecticut.

H.R. 5671: Mr. PASCRELL, and Mrs. MCCARTHY.

H.R. 5698: Ms. DEGETTE.

H.R. 5702: Mr. MILLER of Florida.

H.R. 5704: Ms. GINNY BROWN-WAITE of Florida, Ms. MOORE of Wisconsin, Mr. ALLEN, Mr. MORAN of Virginia, Mrs. BLACKBURN, Mr. TERRY, Mr. SMITH of New Jersey, and Mr. GARRETT of New Jersey.

H.R. 5709: Mr. BONNER, and Mr. PLATTS.

H.R. 5727: Mr. DINGELL, Ms. DELAURO, and Ms. ESHOO.

H.R. 5729: Mr. DINGELL, Ms. DELAURO, and Ms. ESHOO.

H.R. 5738: Mr. FERGUSON, and Mr. ENGEL.

H.R. 5743: Mr. SOUDER.

H.R. 5746: Mr. MORAN of Kansas, Mr. TIERNEY, Mrs. KELLY, Mr. SCHIFF, Mr. OSBORNE, Mr. OBERSTAR, and Mr. NUSSLE.

H.R. 5770: Mr. CLYBURN.

H.R. 5771: Mr. PRICE of North Carolina, Mrs. JONES of Ohio, Mr. GENE GREEN of Texas, Ms. DEGETTE, Ms. ROYBAL-ALLARD, Mr. HINCHEY, Mr. LIPINSKI, Ms. MILLENDER-MCDONALD, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. MCNULTY, Mr. TOWNS, Mr. AL GREEN of Texas, Mr. CUMMINGS, Mr. GORDON, Mr. LYNCH, Mrs. DAVIS of California, Mr. WU, Mr. DELAHUNT, Mr. BECERRA, Mr. UDALL of Colorado, Ms. PELOSI, Mr. DICKS, Mr. DINGELL, Mr. RUSH, Mr. KANJORSKI, Mr. PASTOR, Mr. LANTOS, Mr. SHERMAN, Mr. FARR, Mr. GEORGE MILLER of California, Mr. ACKERMAN, Mr. BAIRD, Mr. BLUMENAUER, Mr. CARNAHAN, Mr. CLAY, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DOGGETT, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. RANGEL, Mr. SCOTT of Virginia, Mr. VISCLOSKY, and Mr. WATT.

H.R. 5784: Ms. BORDALLO.

H.R. 5790: Mr. RANGEL and Mrs. MCCARTHY.

H.R. 5791: Mr. LARSON of Connecticut.

H.R. 5795: Mr. CAPUANO.

H.R. 5829: Mr. FORD.

H.R. 5834: Ms. HOOLEY.

H.R. 5848: Mr. KENNEDY of Minnesota, Mr. ENGLISH of Pennsylvania, Mr. EHLERS, Mrs. MCMORRIS RODGERS, Mr. SWEENEY, Mr. KUHL of New York, and Mr. WALSH.

H.R. 5850: Mr. CLYBURN.

H.R. 5858: Mr. PRICE of North Carolina.

H.R. 5864: Mr. PALLONE, Mr. STARK, Mr. FITZPATRICK of Pennsylvania, Ms. DEGETTE, Mr. WU, Mr. GENE GREEN of Texas, Mr. LANGEVIN, and Mr. LARSON of Connecticut.

H.R. 5866: Mr. SMITH of Texas.

H.R. 5881: Mr. EDWARDS, Mrs. JO ANN DAVIS of Virginia, and Mr. FILNER.

H.R. 5888: Mr. MORAN of Kansas, Mr. GARRETT of New Jersey, and Mrs. BIGGERT.

H.R. 5894: Mr. HASTINGS of Florida.

H.R. 5897: Mr. PAYNE, Mr. OLVER, Ms. JACKSON-LEE of Texas, Ms. VELÁZQUEZ, Mr. ENGEL, Mrs. NAPOLITANO, Mr. BECERRA, Mr. THOMPSON of California, Ms. MATSUI, Mr. INSLEE, Mr. DOGGETT, Ms. BERKLEY, Mrs. LOWEY, Mr. LIPINSKI, Ms. SCHAKOWSKY, Mrs. MCCARTHY, Ms. ROYBAL-ALLARD, Mr. STARK, Mrs. CAPPS, Mr. MCDERMOTT, Mr. SABO, Ms. WATSON, Mr. FILNER, Mr. PASCRELL, Mr. VAN HOLLEN, Mr. MILLER of North Carolina, Mr. BAIRD, Mr. SCHIFF, Mr. HOLT, Ms. DEGETTE, Mr. GORDON, Mr. MOORE of Kansas, Mr. BOSWELL, Mrs. MALONEY, Mr. DEFAZIO, Mr. WU, and Mr. KENNEDY of Rhode Island.

H.R. 5900: Mr. MORAN of Kansas.

H.R. 5906: Mr. PETERSON of Minnesota.

H.R. 5908: Mr. WESTMORELAND.

H.R. 5918: Mrs. DAVIS of California.

H.R. 5940: Mr. HOLT and Mrs. BIGGERT.

H.R. 5957: Mr. FRANKS of Arizona, and Mr. SNYDER.

H.R. 5960: Mr. REYES.

H.R. 5965: Mr. DEFAZIO, Mr. SCOTT of Virginia, Mr. DAVIS of Tennessee, Mr. THOMPSON of Mississippi, Mr. RUSH, Mr. MCINTYRE, Mr. CLYBURN, Mr. ALLEN, and Mr. PASCRELL.

H.R. 5967: Mr. BARTLETT of Maryland and Mr. SOUDER.

H.R. 5968: Mr. BARTLETT of Maryland.

H.R. 5986: Mr. MILLER of Florida.

H.R. 6008: Mr. DAVIS of Illinois and Mr. CONYERS.

H.R. 6011: Mr. RUPPERSBERGER.

H.R. 6028: Ms. NORTON, Mr. ETHERIDGE, Mr. BOUCHER, Mr. CHANDLER, Mr. RUSH, Ms. JACKSON-LEE of Texas, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Mr. MCGOVERN, Mr. WEINER, Ms. BORDALLO, Mr. RUPPERSBERGER, and Mr. HONDA.

H.R. 6029: Mr. HERGER, Ms. BERKLEY, and Mr. FRANKS of Arizona.

H.R. 6038: Ms. CARSON, Mr. CONYERS, and Mr. CLAY.

H.R. 6040: Mr. WICKER.

H.R. 6041: Mr. LEACH, and Mr. LATHAM.

H.R. 6053: Mr. KUHL of New York.

H.R. 6057: Mr. HERGER, Mr. MILLER of Florida, Mrs. BIGGERT, Mrs. CUBIN, Mrs. MCMORRIS RODGERS, Mr. GILLMOR, and Mr. PETRI.

H.R. 6064: Mr. LEWIS of Georgia, Mrs. JOHNSON of Connecticut, and Mr. SIMMONS.

H.R. 6066: Ms. BORDALLO, Mr. BOREN, Mr. ALLEN, Mr. CLAY, Mr. REYES, Mr. LANTOS, Mr. LOBIONDO, Mr. MORAN of Virginia, Mr. HINCHEY, Mr. LARSEN of Washington, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. EMANUEL, Mr. SMITH of New Jersey, Mrs. MCCARTHY, Mr. RUPPERSBERGER, Mr. MACK, and Mr. MCNULTY.

H.R. 6067: Mr. KENNEDY of Rhode Island and Mr. KUCINICH.

H.R. 6093: Mr. GENE GREEN of Texas.

H.R. 6098: Mr. KENNEDY of Rhode Island and Mr. LANGEVIN.

H.R. 6104: Mr. BLUMENAUER.

H.R. 6117: Mr. WELDON of Pennsylvania.

H.R. 6118: Mr. ENGLISH of Pennsylvania.

H.R. 6119: Mr. SMITH of Washington, Mr. MCDERMOTT, Mr. BAIRD, Mr. REICHERT, Mr. HASTINGS of Washington, Mr. INSLEE, and Mr. LARSEN of Washington.

H.R. 6122: Mr. DAVIS of Florida.

H.R. 6124: Mr. BISHOP of New York, Mr. ACKERMAN, Mr. HINCHEY, Mr. PASCRELL, Mr. MCNULTY, Mr. MEEHAN, Mr. CROWLEY, Mr. OWENS, and Mr. MEEKS of New York.

H.R. 6130: Mr. KIND.

H.R. 6132: Mrs. CUBIN, Mr. UPTON, Mrs. CAPPS, Mr. PRICE of North Carolina, Mr. ALLEN, Mr. FRANK of Massachusetts, Ms. SCHAKOWSKY, Mr. WALDEN of Oregon, Mr. PEARCE, Mr. SHAYS, Mr. LOBIONDO, Mr. MCGOVERN, Ms. BALDWIN, Mr. MARSHALL, Mr. MILLER of North Carolina, and Mr. CAPUANO.

H.R. 6134: Mr. PAUL.

H.R. 6135: Mr. SMITH of New Jersey.

H.R. 6136: Mr. SALAZAR, Mrs. JOHNSON of Connecticut, Mr. TANCREDO, Mr. MORAN of Kansas, Mr. COSTELLO, Mr. BUTTERFIELD, Mr. KOLBE, and Mr. LATHAM.

H.R. 6140: Mr. MILLER of North Carolina, Mr. FILNER, and Mr. FRANK of Massachusetts.

H.R. 6147: Mr. JEFFERSON and Mr. FILNER.

H.R. 6157: Mr. SOUDER, Mr. MILLER of Florida, Mr. PITTS, and Mr. LINDER.

H.R. 6172: Mrs. MILLER of Michigan, and Mr. GARRETT of New Jersey.

H.R. 6175: Mr. MORAN of Virginia, Mr. RAMSTAD, Mr. BOUSTANY, Mr. RUPPERSBERGER, Mr. LIPINSKI, and Mr. OBERSTAR.

H.R. 6178: Mr. OBERSTAR, Mr. GRIJALVA, and Mr. LEACH.

H.R. 6180: Mr. SMITH of Washington, Mr. BISHOP of Georgia, and Mr. SMITH of New Jersey.

H.R. 6184: Mr. ALLEN.

H.R. 6187: Mr. CLEAVER, Mr. RUPPERSBERGER, Mr. PRICE of North Carolina, Ms. MCKINNEY, Ms. ESHOO, Ms. BALDWIN, Ms. KAPTUR, and Mr. TIERNEY.

H.R. 6188: Mr. POMEROY and Mr. BOUCHER.

H.R. 6191: Ms. CORRINE BROWN of Florida.

H.R. 6193: Mr. BOEHLERT, Mr. SAXTON, Mr. JENKINS, Mr. PEARCE, Mr. PETERSON of Pennsylvania, Mr. SIMPSON, Mr. BILIRAKIS, Mr. CAMP of Michigan, Mr. BUTTERFIELD, Ms. ROS-LEHTINEN, Mr. CALVERT, Mr. BISHOP of New York, Mrs. JOHNSON of Connecticut, Mr. SIMMONS, Ms. DELAURO, Mr. TAYLOR of North Carolina, and Mrs. CAPPS.

H.R. 6203: Mr. SHAYS, Mr. MURPHY, and Ms. JACKSON-LEE of Texas.

H.R. 6206: Mr. CARNAHAN.

H.R. 6212: Mrs. MCCARTHY and Mr. HINOJOSA.

H.R. 6227: Mr. MACK and Mr. JEFFERSON.

H.R. 6228: Mr. MEEKS of New York, Mr. PAUL, and Mr. ORTIZ.

H.R. 6234: Mr. PEARCE.

H.R. 6235: Mrs. MALONEY.

H.R. 6237: Mr. MARKEY.

H.R. 6242: Mr. BEAUPREZ.

H.R. 6248: Mr. EHLERS.

H.R. 6250: Mr. EVANS.

H. Con. Res. 340: Mr. SHAYS and Ms. HOOLEY.

H. Con. Res. 348: Mr. DEFAZIO.

H. Con. Res. 397: Mr. AL GREEN of Texas, Ms. LINDA T. SÁNCHEZ of California, Ms. JACKSON-LEE of Texas, Mr. WYNN, Mr. FORTENBERRY, Ms. WATSON, Mr. HONDA, and Mr. WATT.

H. Con. Res. 404: Ms. HOOLEY.

H. Con. Res. 424: Mr. BUTTERFIELD, Mr. TIAHRT, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. STRICKLAND.

H. Con. Res. 453: Mr. CLAY, Ms. KAPTUR, and Mr. CLEAVER.

H. Con. Res. 457: Mr. GOODE.

H. Con. Res. 465: Mr. KILDEE and Mr. CLAY.

H. Con. Res. 470: Mr. CONYERS, Mr. MCDERMOTT, Ms. BALDWIN, Mr. HONDA, Mr. MEEHAN, and Mr. MARKEY.

H. Con. Res. 476: Mrs. CHRISTENSEN, Mr. TOM DAVIS of Virginia, and Mr. SESSIONS.

H. Con. Res. 482: Mr. SAXTON.

H. Con. Res. 484: Mr. WALSH.

H. Res. 466: Mr. MILLER of North Carolina.

H. Res. 518: Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHAYS, Mr. BURTON of Indiana, Mr. ORTIZ, Ms. HOOLEY, and Mr. BLUMENAUER.

H. Res. 787: Mr. FILNER.

H. Res. 863: Mr. BOSWELL.

H. Res. 888: Mr. FILNER.

H. Res. 960: Mr. MCCOTTER.

H. Res. 961: Mr. RAHALL.

H. Res. 962: Ms. ROS-LEHTINEN.

H. Res. 975: Mr. CAMPBELL OF CALIFORNIA.

H. Res. 977: Mr. SCHIFF, Mr. HONDA, and Mr. INSLEE.

H. Res. 1005: Mr. CARNAHAN.

H. Res. 1028: Mr. RUPPERSBERGER.

H. Res. 1033: Mr. STEARNS.

H. Res. 1043: Mr. MICHAUD.

H. Res. 1050: Mrs. JONES of Ohio.

H. Res. 1055: Ms. LEE.

H. Res. 1056: Ms. MATSUI and Mr. EDWARDS.

H. Res. 1059: Mr. NADLER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3938: Mr. WELDON of Florida.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petitions were filed:

Petition 16, September 25, 2006, by Mr. JOHN BARROW on House Resolution 998, was signed by he following Members: John Barrow, Grace F. Napolitano, Lincoln Davis, Michael H. Michaud, Leonard L. Boswell, Brian Higgins, Diane E. Watson, Nydia M. Velazquez, Doris O. Matsui, Michael R. McNulty, Bob Etheridge, Eddie Bernice Johnson, David Scott, Lois Capps, Hilda L. Solis, Ron Kind, Shelley Berkley, Peter A. DeFazio, Adam B. Schiff, Earl Pomeroy, Sam Farr, Collin C. Peterson, Janice D. Schakowsky, Ben Chandler, Charlie Melancon, Mike Ross, Henry Cuellar, Tim Ryan, Sanford D. Bishop, Jr., G.K. Butterfield, Stephanie Herseth, Marion Berry, Jesse L. Jackson, Jr., Lynn C. Woolsey, Mike McIntyre, John Lewis, Marcy Kaptur, Sheila Jackson-Lee, Russ Carnahan, Robert C. Scott, Barney Frank, Major R. Owens, Thomas H. Allen, Alcee L. Hastings, Joe Baca, Louise McIntosh Slaughter, Carolyn McCarthy, Charles B. Rangel, John Conyers, Jr., Ellen O. Tauscher, Tammy Baldwin, David E. Price, Zoe Lofgren, Steny H. Hoyer, Joseph Crowley, John W. Olver, Loretta Sanchez, Lucille Roybal-Allard, Rick Larsen, Dennis Moore, Bart Stupak, Carolyn B. Maloney, James R. Langevin, Mark Udall, Gary L. Ackerman, Tom Udall, Debbie Wasserman Schultz, Tim Holden, Jim Costa, Brad Miller, Steven R. Rothman, John S. Tanner, Danny K. Davis, Artur Davis, Allyson Y. Schwartz, Michael M. Honda, Charles A. Gonzalez, John D. Dingell, Fortney Pete Stark, James P. Moran, Henry A. Waxman, Anna G. Eshoo, Bernard Sanders, Edolphus Towns, David R. Obey, Julia Carson, Betty McCollum, William D. Delahunt, Rosa L. DeLauro, Jay Inslee, Maurice D. Hinchey, John B. Larson, Ike Skelton, Emanuel Cleaver, James L. Oberstar, Xavier Becerra, James E. Clyburn, Bennie G. Thompson, Jerrold Nadler, Bob Filner, Eliot L. Engel, George Miller, Robert E. Andrews, Chet Edwards, Carolyn C. Kilpatrick, Dennis A. Cardoza, Sander M. Levin, Neil Abercrombie, Barney Frank, C.A. Dutch Ruppersberger, Dennis J. Kucinich, Howard L. Berman, Ruben Hinojosa, Solomon P. Ortiz, Mike Thompson, Donald M. Payne, Ed Case, Susan A. Davis, Stephen F. Lynch, Jane Harman, Patrick J. Kennedy, David Wu, Sherrod Brown, Frank Pallone, Jr., Robert A. Brady, Chaka Fattah, Dan Boren, Gregory W. Meeks, Tom Lantos, Timothy H. Bishop, Bart Gordon, Jim McDermott, Nita M. Lowey, Al Green, Robert E. (Bud) Cramer, Jr., Vic Snyder, Diana DeGette, Gene Green, Marilyn N. Musgrave, Jerry F. Costello, Martin Olav Sabo, Barbara Lee, James P. McGovern, John T. Salazar, Jim Marshall, Lane Evans, Silvestre Reyes, Nick J. Rahall II, William J. Jefferson, Nick J. Rahall II, William J. Jefferson, Dale E. Kildee, Nancy Pelosi, Stephanie Tubbs Jones, Jim Cooper, Bobby L. Rush, Lloyd Doggett, Chris Van Hollen, Benjamin L. Cardin, Rush D. Holt, Michael E. Capuano, John F. Tierney, Melissa L. Bean, Ed Pastor, Jim Davis, Corrine Brown, Raul M. Grijalva, Daniel Lipiński, Brian Baird, Allen Boyd, Wm. Lacy Clay, Bill Pascrell, Jr., Norman D. Dicks, Brad Sherman, Juanita Millender-McDonald, Rahm Emanuel, Albert Russell Wynn, José E. Serrano, Steve Israel, Jim Matheson, Darlene Hooley, Maxine Waters, Linda T. Sánchez, Anthony D. Weiner, Michael F. Doyle, Kendrick B. Meek, John M. Spratt, Jr., Luis V. Gutierrez, Robert Wexler, Gene Taylor, Gwen Moore, Elijah E. Cummings, Richard E. Neal, Melvin L. Watt, Adam Smith, Alan B. Mollohan, Harold E. Ford, Jr., Cynthia McKinney, Edward J. Markey, and Ralph M. Hall.

Petition 17, Wednesday, September 27, 2006, by Mrs. NITA M. LOWEY on House Resolution 1007, was signed by the following Members: Nita M. Lowey, Joe Baca, Artur Davis, Lois Capps, Gene Green, Charles B. Rangel, Robert A. Brady, Eddie Bernice Johnson, Leonard L. Boswell, Michael H. Michaud, Carolyn C. Kilpatrick, Maurice D. Hinchey, Jerry F. Costello, Tom Udall, Michael R. McNulty, Adam B. Schiff, Barbara Lee, James P. McGovern, Sanford D. Bishop, Jr., Lane Evans, Silvestre Reyes, Russ Carnahan, Bob Filner, John Barrow, Zoe Lofgren, Charlie Melancon, John W. Olver, William J. Jefferson, Donald M. Payne, Ben Chandler, Mike Ross, Dale E. Kildee, Elijah E. Cummings, Nancy Pelosi, Stephanie Tubbs Jones, Carolyn B. Maloney, Sheila Jackson-Lee, Stephanie Herseth, James R. Langevin, James E. Clyburn, David Scott, Robert Wexler, Lucille Roybal-Allard, Susan A. Davis, Sam Farr, Benjamin L. Cardin, Rush D. Holt, Timothy H. Bishop, John D. Dingell, Ed Pastor, Steven R. Rothman, Major R. Owens, Corrine Brown, Rick Larsen, Betty McCollum, Fortney Pete Stark, Michael M. Honda, Ellen O. Tauscher, Raul M. Grijalva, Janice D. Schakowsky, Peter A. DeFazio, Hilda L. Solis, Alcee L. Hastings, Brian Baird, Ruben Hinojosa, Doris O. Matsui, Wm. Lacy Clay, Bob Etheridge, Gary L. Ackerman, Juanita Millender-McDonald, Sherrod Brown, C.A. Dutch Ruppersberger, Maxine Waters, William D. Delahunt, Stephen F. Lynch, James P. Moran, Brian Higgins, Robert C. Scott, Anthony D. Weiner, Nydia M. Velazquez, Tammy Baldwin, Charles A. Gonzalez, Debbie Wasserman Schultz, David R. Obey, Henry Cuellar, Darlene Hooley, David Wu, Albert Russell Wynn, Rosa L. DeLauro, Marion Berry, Julia Carson, Shelley Berkley, Jim Davis, Howard L. Berman, Henry A. Waxman, Bart Stupak, Chet Edwards, Edward J. Markey, Frank Pallone, Jr., and Jerrold Nadler.

Petition 18, Thursday, September 28, 2006, by Mr. PATRICK J. KENNEDY on H.R. 1402, was signed by the following Members: Patrick J. Kennedy, Jim F. Ramstad, Betty McCollum, Fortney Pete Stark, Bob Filner, Michael M. Honda, Ellen O. Tauscher, Raul M. Grijalva, Janice D. Schakowsky, Anna G. Eshoo, Christopher Shays, Artur Davis, Peter A. DeFazio, James R. Langevin, Hilda L. Solis, Mike Thompson, James A. Leach, Jim McDermott, Gene Green, Alcee L. Hastings, Brian Baird, Marcy Kaptur, Lucille Roybal-Allard, Ruben Hinojosa, Collin C. Peterson, Michael R. McNulty, Sam Farr, Xavier Becerra, Wm. Lacy Clay, George Miller, Bill Pascrell, Jr., John Sullivan, Dennis Moore, Steny H. Hoyer, Robert Wexler, Juanita Millender-McDonald, Carolyn McCarthy, Gary L. Ackerman, Rahm Emanuel, Lloyd Doggett, Thomas H. Allen, Jo Ann Emerson, Sherrod Brown, John F. Tierney, William D. Delahunt, David R. Obey, Rush D. Holt, Lois Capps, Stephen F. Lynch, Jerry F. Costello, Henry Cuellar, Bobby L. Rush, James P. Moran, Tom Udall, Sheila Jackson-Lee, Joseph Crowley, Brian Higgins, James E. Clyburn, Sanford D. Bishop, Jr., Michael H. Michaud, Anthony D. Weiner, Steven R. Rothman, Carolyn B. Maloney, Robert E. Andrews, Benjamin L. Cardin, Danny K. Davis, Diane E. Watson, Emanuel Cleaver, Ed Case, Russ Carnahan, Steve Israel, John W. Olver, John M. Spratt, Jr., Neil Abercrombie, Doris O. Matsui, Nydia M. Velazquez, Jim Costa, Dan Boren, Jim Davis, Ron Kind, Henry A. Waxman, Charles A. Gonzalez, Lynn C. Woolsey, Grace F. Napolitano, Nita M. Lowey, Brad Sherman, Adam B. Schiff, Maurice D. Hinchey, Susan A. Davis, Dennis A. Cardoza, Dennis J. Kucinich, Elijah E. Cummings, John B. Larson, Debbie Wasserman Schultz, Joe Baca, Sander M. Levin, Martin Olav Sabo, Earl Blumenauer, Barney Frank, David E. Price, James P. McGovern, Chris Van Hollen, Rosa L. DeLauro, Bart Gordon, Michael E. Capuano, David Wu, Melvin L. Watt, Alan B. Mollohan, Richard E. Neal, Gwen Moore, Julia Carson, Vic Snyder, Shelley Berkley, C.A. Dutch Ruppersberger, Dale E. Kildee, Harold E. Ford, Jr., Cynthia McKinney, Howard L. Berman, John Conyers, Jr., Bart Stupak, Edolphus Towns, Daniel Lipinski, William J. Jefferson, David Scott, Louise McIntosh Slaughter, Gregory W. Meeks, Silvestre Reyes, Ed Pastor, Norman D. Dicks, Jay Inslee, Tom Lantos, Corrine Brown, John Barrow, G.K. Butterfield, Albert Russell Wynn, Chaka Fattah, Nancy Pelosi, Frank Pallone, Jr., Stephanie Herseth, Robert A. Brady, Tim Holden, Melissa L. Bean, Timothy H. Bishop, Tammy Baldwin, Edward J. Markey, Leonard L. Boswell, Jane Harman, Michael F. Doyle, Donald M. Payne, Ike Skelton, Diana DeGette, Jim Cooper, Bob Etheridge, Brad Miller, Robert C. Scott, Tim Ryan, Charlie Melancon, Jim Matheson, Nick J. Rahall II, Loretta Sanchez, Marion Berry, Jose E. Serrano, Tom Udall, Darlene Hooley, and Jerrold Nadler.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 5 by Mr. WAXMAN on House Resolution 537: Rosa L. DeLauro.

Petition 8 by Mr. WAXMAN on House Resolution 570: Rosa L. DeLauro.

Petition 10 by Ms. HERSETH on House Resolution 585: Kendrick B. Meek.

Petition 12 by Mr. MARKEY on House bill H.R. 4263: Henry A. Waxman, Marcy Kaptur, John B. Larson, Joe Baca, Michael R. McNulty, Stephanie Tubbs Jones, Maxine Waters, Stephen F. Lynch, Rosa L. DeLauro, and Cynthia McKinney.

Petition 14 by Mr. FILNER on House Resolution 917: Grace F. Napolitano, Lois Capps, Peter A. DeFazio, Jane Harman, Carolyn McCarthy, Charles B. Rangel, John Conyers, Jr., Ellen O. Tauscher, Allen Boyd, Dennis Moore, Shelley Berkley, Bart Stupak, Jim Costa, Brad Miller, Steven R. Rothman, John S. Tanner, Danny K. Davis, Artur Davis, Allyson Y. Schwartz, Michael M. Honda, Charles A. Gonzalez, Hilda L. Solis, Russ Carnahan, Fortney Pete Stark, James P. Moran, Henry A. Waxman, Bernard Sanders, Edolphus Towns, William D. Delahunt, Rosa L. DeLauro, Marcy Kaptur, Jay Inslee, Maurice D. Hinchey, John B. Larson, Jerrold Nadler, Eliot L. Engel, George Miller, Diane E. Watson, Alcee L. Hastings, Robert E. Andrews, Bennie G. Thompson, Chet Edwards, Carolyn C. Kilpatrick, Dennis A. Cardoza, Mike Ross, Neil Abercrombie, C. A. Dutch Ruppersberger, Dennis J. Kucinich, Howard L. Berman, Gary L. Ackerman, James R. Langevin, Rubén Hinojosa, Solomon P. Ortiz, Mike Thompson, Donald M. Payne, Ed Case, Tom Lantos, Lloyd Doggett, David Scott, Patrick J. Kennedy, Sherrod Brown, Janice D. Schakowsky, Frank Pallone, Jr., Stephanie Herseth, Robert A. Brady, Chaka Fattah, Nydia M. Velázquez, Bill Pascrell, Jr., Jim McDermott, Nita M. Lowey, Al Green, Charlie Melancon, Robert E. (Bud) Cramer, Jr., Joe Baca, Vic Snyder, Louise McIntosh Slaughter, Diana DeGette, Loretta Sánchez, Leonard L. Boswell, Jerry F. Costello, Tom Udall, Martin Olav Sabo, Michael R. McNulty, Adam B. Schiff, James P. McGovern, Sanford D. Bishop, Jr., Lane Evans, Silvestre Reyes, John W. Olver, Nick J. Rahall II, Gregory W. Meeks, William J. Jefferson, Ben Chandler, Paul E. Kanjorski, Robert C. Scott, Henry Cuellar, Dale E. Kildee, G. K. Butterfield, Elijah E. Cummings, Steny H. Hoyer, Stephanie Tubbs Jones, Carolyn B. Maloney, Jim Cooper, Bobby L. Rush, James E. Clyburn, Lucille Roybal-Allard, Benjamin L. Cardin, Rush D. Holt, Chris Van Hollen, Michael E. Capuano, Adam Smith, Timothy H. Bishop, Debbie Wasserman Schultz, Lincoln Davis, Albert Russell Wynn, Ed Pastor, Collin C. Peterson, Major R. Owens, Richard E. Neal, Jim Davis, Corrine Brown, Rick Larsen, Daniel Lipinski, Luis V. Gutierrez, Gene Green, Brian Baird, James L. Oberstar, Tim Holden, Wm. Lacy Clay, Bob Etheridge, Raul M. Grijalva, Norman D. Dicks, Brad Sherman, Juanita Millender-McDonald, Kendrick B. Meek, Thomas H. Allen, Xavier Becerra, Steve Israel, Maxine Waters, Brian Higgins, Tim Ryan, Joseph Crowley, Linda T. Sánchez, Anthony D. Weiner, John T. Salazar, Ron Kind, John M. Spratt, Jr., Tammy Baldwin, Mike McIntyre, Darlene Hooley, Melvin L. Watt, Harold E. Ford, Jr., Cynthia McKinney, Jim Matheson, Rahm Emanuel, Nancy Pelosi, and Edward J. Markey.

Petition 15 by Mr. DOGGETT on House Resolution 987: Grace F. Napolitano, Lois Capps, Shelley Berkley, Peter A. DeFazio, James P. McGovern, Janice D. Schakowsky, Tim Ryan, Sanford D. Bishop, Jr., G.K. Butterfield, Barney Frank, Albert Russell Wynn, Thomas H. Allen, Carolyn McCarthy, Charles B. Rangel, Doris O. Matsui, Tammy Baldwin, David E. Price, Mike Thompson, Lynn C. Woolsey, Linda T. Sánchez, Loretta Sanchez, Rick Larsen, Michael E. Capuano, Dennis Moore, Robert Wexler, Gary L. Ackerman, Tom Udall, Tim Holden, Adam B. Schiff, Steven R. Rothman, Michael M. Honda, Charles A. Gonzalez, Hilda L. Solis, Russ Carnahan, Fortney Pete Stark, James P. Moran, Henry A. Waxman, Anna G. Eshoo, William D. Delahunt, Rosa L. DeLauro, Marcy Kaptur, Maurice D. Hinchey, John B. Larson, Xavier Becerra, Jerrold Nadler, Bob Filner, Eliot L. Engel, George Miller, Robert E. Andrews, Chet Edwards, David Wu, Sherrod Brown, Frank Pallone, Jr., Robert A. Brady, Chaka Fattah, Nita M. Lowey, Charlie Melancon, Joe Baca, John Conyers, Jr., Michael R. McNulty, Patrick J. Kennedy, Lane Evans, Dan Boren, Elijah E. Cummings, Stephanie Tubbs Jones, Carolyn B. Maloney, Lucille Roybal-Allard, John W. Olver, Rush D. Holt, Chris Van Hollen, Melissa L. Bean, Luis V. Gutierrez, Alcee L. Hastings, Juanita Millender-McDonald, Kendrick B. Meek, Maxine Waters, Brian Higgins, Anthony D. Weiner, Jim Davis, Jerry F. Costello, Cynthia McKinney, Daniel Lipinski, Rahm Emanuel, Christopher Shays, Edward J. Markey, and Ralph M. Hall.

The following Member's name was withdrawn from the following discharge petition:

Petition 16 by Mr. JOHN BARROW on House Resolution 998: Barney Frank.

SENATE—*Friday, September 29, 2006*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our eternal hope, those who serve You live in Your presence. Give our lawmakers the wisdom to follow Your teachings. Let Your precepts lead them to make laws that will help the marginalized and strengthen our Nation's moral foundation. May Your wisdom provide them with strategies to defeat the enemies of this land. Remind them that You have a plan which will bring them to a desired end.

Instill in them courage to love their enemies, grace to bless those who curse them, and power to pray for those who mistreat them. By their faithfulness, may they demonstrate daily that they are, indeed, Your children.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 10 a.m., with the time equally divided between the two leaders or their designees.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning at 10, we will have a vote on the adoption of the conference report to accompany the Department of Defense appropriations bill. That will be the first vote of the day. We will then resume postcloture debate on the border fence bill. Given yesterday's cloture vote of 71 to 28, I am hopeful to complete this bill early in the day.

Following the border fence bill, under the order, there will be a cloture vote on the Child Custody message. The Homeland Security appropriations conference report has been filed, and we will need to consider this important funding legislation as soon as it becomes available. In addition to the items I have outlined, we have executive items to address, including treaties and nominations, one of which is the Secretary of the Department of Transportation. As of now, a Saturday session certainly is a possibility, and I will update my colleagues on the schedule later today as we continue to move forward.

As I said, Senators can anticipate a full day during today's session.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, while the distinguished majority leader is on the floor, let me make a couple of comments.

First, if I can ask the Parliamentarian: What time will the vote take place on final passage on the border security bill?

Mr. FRIST. It should be 3 a.m.

Mr. REID. That is a fairly good estimate, Mr. President—about 3 o'clock on Saturday morning?

Mr. FRIST. Mr. President, while you are checking that out, it is my understanding, based on discussions last night, that we started at 9 o'clock last night. That is when the time officially started, and it would be 30 hours from 9 o'clock last night, which will be about 3 a.m.

Mr. REID. Mr. President, on the bill that is now before this body, I hope that if there are going to be amendments, one of the amendments we need to take into consideration—I am sure the leader has heard from his Members, as I have heard from mine—is disaster relief. I hope we have this vehicle moving through here today and that we do something regarding agricultural disaster assistance legislation. We passed it three times in this body, and it has never made it out of the House.

It is not just the Midwestern States that we know produce a lot of food. We have had natural disasters all over. The State of Nevada has had raging fires. In California, there is one fire that has been burning since the 1st of September and they still haven't put it out. So I hope the leader will consider that legislation.

Also, I wasn't able to respond to my friend, the distinguished majority leader, last night, but on the India nuclear bill legislation, the reason this matter hasn't been to the floor much earlier is there was a provision put in this legislation by Senator LUGAR. I agree with it. I support the legislation. But on the majority side, there are people who have held up the legislation because of that provision.

This is important legislation. I have said on a number of occasions that I strongly support this legislation. It is important we find time to consider this bill before this Congress comes to an end. I think this legislation will be strongly supported by a bipartisan majority in the Senate. It was reported out of the Senate Foreign Relations Committee in June on a strong bipartisan basis.

We must understand, it has been many months since the committee action took place. I hope we can take a limited number of amendments with very short time agreements and have it set up so that when we get back here, when the elections are over, this would be the first order of business we move to. We could set it up that we can finish the bill—it will be a very long day—but do it in 1 day.

I believe we should do this, this important legislation. Passage means a lot to our vitally important United States–India relationship. I pledge to do what I can to ensure that we do just that. I hope before we leave here today, tomorrow, or Sunday—whenever it might be—that we will have this bill on so-called automatic pilot, that we can take this up when we get back. I hope that will be the case.

UNANIMOUS CONSENT REQUEST—S. 3994

Finally, on the Iran matter, I hope we can do something on that bill. As the Republican leader said last night, I couldn't think of a worse time for this Iranian matter to lapse. So I now ask unanimous consent that the Senate proceed to the consideration of S. 3994, a bill to extend the Iran and Libya Sanctions Act of 1996 until November 17, 2006; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table.

If we did this, it would put everything in order until that date. It would extend this matter until then. The House has put a lot of other stuff in this bill very recently. There have been no hearings on it. I think it would be in the best interest of the country if we

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

did this. I hope we can. If the leader cannot agree to this request now, I hope we can do it at a subsequent time before we leave in the next few days.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, did the Senator make a unanimous consent request?

Mr. REID. Yes.

Mr. FRIST. Reserving the right to object, and I will object, I saw for the first time 10 seconds ago what the minority leader has proposed.

I had a unanimous consent request that we proceed to the bill the House passed last night when we started the discussion, and this is a continuation and a response to the fact that we do have to act today.

What I prefer to do is work through the bill the House already passed, H.R. 6198, which has been received from the House. But what we can do is for us to get together and see how best to address this matter, either with the approach the Democratic leader put forward or the approach that I think is much better and much more complete, the House bill.

So I object to his unanimous consent request. Rather than go through the formal unanimous consent request on the House bill, which I have before me, why don't we try to address it.

Mr. REID. I withdraw my request.

The PRESIDENT pro tempore. The request is withdrawn.

Mr. FRIST. On the India Nuclear Act, it is something we are working on. I believe we do need, before we leave, to put together a package, as the Democratic leader and I have been working toward, something along the order of a day, as he mentioned. Both of these issues are very important. I brought them up last night and we do need to act on those today.

Mr. President, in closing, I wish to say this is a good example. There is going to be a lot happening over these next 24 hours. If we can work through these matters and we can receive the final legislation to be considered on the floor, legislation such as homeland security and port security, I think we will be able to act in a fairly expeditious manner. The clock will run on the border fence bill until 3 a.m. That is when the vote would occur. If, through working together, we are able to manage things in a more orderly way, we will be able to do that.

Following that vote, we have one more vote on child custody protection. Again, these are issues that are very important, but we will do our best working together to get things as coordinated as we possibly can, given some legislation isn't quite ready yet for the floor.

With that, I hope everybody will be very patient over the next 24, 36 hours, and then we will have everybody out and have our Nation's business done.

The PRESIDENT pro tempore. The Senator from Idaho is recognized.

VETERANS

Mr. CRAIG. Mr. President, I come to the floor this morning to seek recognition to speak about something that is very important to Congress and the American people, and that is the issue of the state of veterans affairs in this country.

The Senate on Wednesday heard from the Senator from Washington an episode so designed and delivered by her that would suggest that this Congress has ignored and done little to help America's veterans, both current and in the sense of Afghanistan and Iraq, those future veterans. I simply do not agree and take issue with her characterization of the record of the Bush administration and this Republican-led Congress when it comes to caring for America's veterans. In my capacity as chairman of the Veterans' Affairs Committee, I take issue with her suggestion that Congress has done nothing in its job to demand accountability out of the Department of Veterans Affairs.

I must suggest it is not surprising that a month removed from a midterm election our Democratic colleagues are leveling accusations against a Republican-led Congress that it has failed to hold the Bush administration accountable for a host of issues. Let's remember, it is a political season and the statements made on the floor Wednesday about veterans and veterans affairs is very politically charged.

I have no trouble with tough oversight and accountability and finding answers to serious problems, but to consistently suggest that the sky is falling while leaving out any whiff of praise or any good that has been accomplished is very political at best and it is a disservice to our veterans and the thousands of dedicated VA employees who care for them.

The speech of the Senator from Washington regarding VA provides a very clear example of what I mean. During her speech, the Senator from Washington highlighted a recently released GAO report that confirmed the problems VA encountered in its formulation and execution of its budgets in fiscal years 20005 and 2006 that ultimately led to the Bush administration—that is right, this administration—and this Congress asking for a supplemental funding of $3 billion.

From that report, she drew her own conclusions—in my view unsubstantiated conclusions—that the VA had misled and even lied to Congress about the veracity of its budget requests. Then she demanded accountability, as if it were nonexistent. I am here to tell my colleagues of the steps that have been taken to establish that accountability that is there and very clear today.

As soon as we learned of last year's budget shortfall, I called hearings and we got answers. The answers all of us received from the VA at that hearing and then in subsequent oversight hearings were what the GAO reported—that they were following much of what was being done to establish greater credibility. More importantly, what the Senator from Washington left out of her rendition of the GAO's report was that VA had already implemented nearly all of the GAO's recommendations prior to submission of its fiscal year 2007 budget in February.

Solutions to a problem were identified and implemented long ago, and that is why our VA is functioning as well as it is today. Also, based upon when we learned during our oversight hearings, we required VA to submit quarterly reports on budget execution. We have received three such reports this year. VA officials made themselves available to Members, to the staff, Republicans and Democrats alike.

We have historically operated the Veterans' Affairs Committee in a very bipartisan way, and it is beyond the pale that it appears we are now into partisan attacks just prior to the election.

Furthermore, for anyone interested in learning the facts about how VA is holding itself accountable for performance, you need to look at the record. Just open up the VA's budget documents and you will see a host of performance measures that show a degree of institutional accountability that is the envy of other Government agencies and roundly praised by independent observers. Let me tick off a few of those performance measures, and as I am doing so, please be mindful of how the improvements in these areas during the Bush years have impacted the lives of veterans.

The percentage of patients who report being seen within 20 minutes of scheduled appointments by the VA care facilities has improved from 65 percent in 2002 to 73 percent through the end of last year.

The percentage of primary care appointments scheduled within 30 days of the desired date has improved from 89 percent in 2002 to 96 percent through the end of last year.

The percentage of specialty care appointments scheduled within 30 days of the desired date have improved from 86 percent in 2002 to 93 percent this year.

The number of veterans the VA treats in noninstitutional, long-term care settings has increased by 50 percent since 2002.

And the list goes on and on and on.

In 2004, the Rand Corporation examined why VA patients get better chronic preventative care than similar U.S. audits. The answer? Rand concluded that the VA's edge is linked to improved information technology, tracking of performance, and accountability.

And that is when in these charts this kind of recognition began to take over. All of this was ignored in the speech by the Senator from Washington. So let's look at some of those facts.

Washington Monthly is not necessarily a publication that constantly praises the Bush administration, but it says VA care is the "best care anywhere"—a tremendous statement and a very fine article about the phenomenal increases in quality health care delivered by the Veterans' Administration over the last number of years.

That is not the end of that story. Here is another part of that story, and this comes from not a Washington publication but from Time magazine. It goes on to say in this article how VA hospitals have become the best in the Nation. It says that for the sixth year in a row—let's backtrack to the Bush administration. I think they have been around a few years, maybe 6 or more. VA hospitals last year scored higher than private facilities on the University of Michigan's American Customer Satisfaction Index. The VA scored 83 out of 100. Private institutions scored 71 out of 100. That is a pretty good record. In fact, it is the best record in the United States.

Now, what did BusinessWeek magazine say about it? They said something very similar. They said that 154 hospitals and 871 clinics run by the Veterans' Administration have been ranked best in class by a number of independent groups on a broad range of measures from chronic care to heart disease treatment, and on and on. The VA's prescription for accuracy rates is greater than 99.97 percent. That is the rest of the story, and it is a mighty important story.

Now, let me talk just a few minutes about money because I think that is part of why we are as successful as we are, but it is also a phenomenal statement of this Congress—yes, a Republican-led Congress—and this administration's commitment to America's veterans. What are those accomplishments during the Bush years? Let me list a few.

With enactment of the 2007 budget, VA's health care budget will have increased 70 percent during the Bush years. Look at the numbers. Here they are. Those are undeniable. Those, in fact, are facts. They are budgetary facts. It is one of the fastest growth rates and increases in budget in any other area except defense in a time of war in this period of budgeting of the U.S. Government. Has a Republican-led Congress turned its back on American veterans? Quite the opposite.

The GI bill educational benefits for veterans has been boosted by 65 percent, raising the lifetime benefit from $23,400 to $38,700.

A new educational program was created for members of the Guard and Reserve activated after September 11, 2001, providing up to $39,960 in lifetime benefits.

The educational benefit for survivor and dependents of vets has been increased by 46 percent.

The maximum VA home loan guarantee has been increased by 107 percent.

The largest expansion of the National Cemetery System since the Civil War is currently underway.

Historic legislation was enacted to permit certain disabled veterans to receive their disability and military retirement benefits concurrently.

Comprehensive legislation was enacted to update and strengthen civilian protection available to members of the Armed Forces.

Comprehensive legislation was enacted to improve job training and placement services for veterans.

A new insurance program was created to provide immediate benefits—payments of between $25,000 to $100,000 to servicemembers who have been traumatically injured since the beginning of the war on terror. Mr. President, 2,700 injured veterans have received that benefit.

That is the record. That is the record, and that is the one this Congress and this President have responded to in a most timely and, more importantly, responsible fashion.

Now that I think the record is clear, what are some of the other answers?

Well, some on the other side would say it is money, money, money, and more money. We have found it is quite the opposite. It is making the system we have work more efficiently, more responsibly. We are now reshaping VA to handle the high-tech problems it has had, or the informational problems it has had, to make sure we secure the names and the lists and the informational flow of our veterans and their backgrounds. I am extremely proud of the work we have done, and we have done it in a bipartisan way.

So why now, in the late hours of this year, are we all of a sudden hearing all of these things that are what I believe to be improper statements about the Veterans' Administration? Well, I think we have to recognize what is at hand. It is a political year. But there is something we have never done; that is, politicize veterans or politicize our military. And we shouldn't start now.

Our record is strong. Our support of veterans has always been there. I have given my colleagues the facts and the numbers. I am proud of the accomplishments we have made this year alone, a near 14 percent increase in veterans health care or veterans budgets in general. There is no other agency of our Government except Defense that has had that kind of an increase.

So let's recognize what the year is all about. It is politics and it is political. What I have given my colleagues is a factual accounting of the great successes we have had in veterans affairs, with veterans, delivering service to veterans. That doesn't mean we are perfect and it doesn't mean every veteran got exactly what they wanted the moment they asked for it. That will never exist. But we will be responsive. We do care. And the expression on the part of this Congress, this President, and the American taxpayer in relation to the support of our veterans is, in fact, unprecedented.

I yield the floor.

The PRESIDENT pro tempore. Who yields time?

Mr. CRAIG. Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I believe it is time to close morning business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Senator is correct. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will resume consideration of H.R. 5631, which the clerk will report.

The legislative clerk read as follows:

> Conference Report to accompany H.R. 5631, an Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

Mr. McCAIN. Mr. President, today we are considering the conference report on the Department of Defense Appropriations Act for fiscal year 2007. The funding provided in this legislation is crucial for the ongoing war on terror. It is imperative that critical resources continue to be provided for the brave men and women who have answered their Nation's call. It is our duty to support those who defend our freedom and for that reason I will vote in favor of this legislation. However, while I will support passage, I note with concern the billions of dollars in wasteful earmarks that have again found their way into both the conference report and the joint explanatory statement.

Of equal importance to the legislation we are considering today is the National Defense Authorization Act for 2007. I am encouraged by last night's report that an agreement has been reached between Chairman WARNER and Chairman HUNTER. With bipartisan cooperation, I am confident that the conference report will be filed soon and its final passage can be achieved before we leave this week. It is a matter of national security and imperative in fulfilling our duty to defend the Nation.

An important provision contained in the Senate-passed Defense Authorization Act would require regular budgeting for the ongoing military operations in Iraq and Afghanistan. It is necessary because even though we have been fighting the war on terror for nearly 5 years, we continue to fund it through emergency supplemental spending bills that have become the rule, rather than the exception as would be expected for unanticipated expenditures. Fortunately, the provision to require budgeting for the war was adopted by a vote of 98 to 0, and I am very hopeful that this important budgetary requirement will remain intact in the conference report. The next budget submission will be expected to include funding to conduct the ongoing conflict for the next year.

The appropriations conference report before us today appropriates over $447 billion dollars for the Department of Defense. While this is considerable funding, it is more than $4 billion below what the President requested. Not only does this legislation provide less than the President's request, but many of the President's programs have been stripped out and replaced with earmarks for favored projects. These are serious times that require serious people to make serious decisions—tough decisions that may go against the special interests. I need not remind my colleagues that we are at war. Supporting the President's budget and the troops it sustains should be our primary focus, not parochial interests.

The issues we face as a Nation require all of us to make sacrifices. The service members who defend our Nation interests around the globe are making great sacrifices. The families who wait for them back home are making sacrifices. Because we ask these heroes to forfeit so much, we in the Congress should also be ready to make sacrifices. By doing so, a message can be sent that our Nation's security and the welfare of our service members are higher priorities than earmarks inserted to gain favor from special interests or the opportunity to send out a press release touting the bacon we are bringing home.

The practice of earmarking has reached epic proportions, and the harm it has caused in some cases has been clearly exposed. In the last 2 years alone we have had ample evidence of the corrupting influence of these earmarks on the Congress. It is clear that they detract from the trust and confidence the American taxpayer has placed in their elected officials. How high will we let the Federal deficit climb before we take our fiscal responsibilities seriously? What is it going to take for us to finally say, enough is enough? We should pass a Defense Appropriations Bill which mirrors the authorization bill and fulfills the requirements of our military as requested by the President.

The American taxpayer has a right to expect us to get the most out of each and every defense dollar, especially at a time when those dollars are so critical. The money that is being diverted to unauthorized projects should instead be used to address the needs of our services. It is the service chiefs who are in the best position to advise Congress of their priorities. Unauthorized earmarks drain our precious resources and adversely affect our national security.

Here is a sampling of nondefense related earmarks in the conference report or the joint explanatory statement we are considering: $12.8 million for Alaska Land Mobile Radio; $4 million for the Northern Line Extension of the Alaska Railroad; $1.4 million for the South Carolina Center for Excellence in Educational Technology; $10 million for the Port of Anchorage Intermodal Marine Facility Project; and $3.2 million for the Lewis Center for Educational Research, which houses a school and science center, but no known military application.

One of the more egregious add-ons in the legislation currently on the floor is the addition of over $2 billion for 10 C-17 cargo planes that were not requested by the administration. The Air Force is not asking for these additional C-17s and the Quadrennial Defense Review clearly states a need for a total of only 180 aircraft. Why are 10 additional aircraft now part of a bridge fund that is designed to provide necessary resources for our conflicts in Iraq and Afghanistan? Another reason I find this add-on particularly objectionable is that going into conference, the House had approved only three additional C-17s and the Senate had approved only two. At a minimum, seven additional C-17 aircraft were added by the conferees, and that was outside of the matter they were tasked to resolve. I simply find this to be outrageous. The practice of adding unrequested, unauthorized, and unneeded projects onto wartime spending bills must be put to an end. Other unrequested earmarks include $117 million for T-AGS oceanographic survey ships; $60 million for weapons industrial facilities equipment; $10 million for Earthmoving Scrapers; $12.7 million for aircraft weapons range support equipment; $10.6 million for "Other Aircraft" in the Air Force procurement category; $22.5 million for human factors engineering technology; $1.3 million for the RAND Arroyo Center; $14.9 million for industrial preparedness; and $44.5 million for the Maui Space Surveillance System.

This list goes on and on. In fact, there are hundreds of such add-ons that total over $5 billion. I am not arguing that some of these earmarks could be used for good causes. But I do protest the process by which Congress ignores priorities of the armed services so that they can deliver Federal tax dollars for local programs, some of which have nothing to do with the defense of our Nation.

I am also concerned about our restrictive trade policies and the potentially negative impact they have on our readiness and interoperability with our allies. Every year, so-called "Buy America" restrictions cost the Department of Defense and the American taxpayers billions. I oppose these types of protectionist policies and economically they just don't make sense. Free trade improves relations between nations and promotes economic growth. "Buy America" restrictions could seriously impair our ability to compete freely in international markets and risks existing business from our longest standing trade partners and allies.

This conference report includes language to prohibit the procurement of foreign carbon or steel armor plate, ball and roller bearings, ship cranes and propellers. These "Buy America" restrictions may cost the taxpayers more than purchasing the same items on the international market, and by imposing them, we risk denying our warfighters the best available technology. Though I oppose these protectionist provisions, I appreciate that the conferees have provided for appropriate waivers based on case-by-case certifications. But these are really issues of acquisition policy, not appropriations matters, and should be addressed during the defense authorization process. Let's leave the authorizing of acquisition policy to the authorizers and debate these types of issues on authorization bills.

Mr. President, the appropriations measure before us is critical to our fight against terror. Ideally, I would not need to criticize this legislation, but we owe it to the American taxpayers to inform them of how their money is being spent.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. If my friend from Hawaii has no further comment to make, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—100

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

The conference report was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, again, I thank the 2 people primarily responsible for the bill being so well put together, Sid Ashworth and Charlie Houy, respective assistants for Senator INOUYE and me. It has been a good period dealing with this bill. This is the largest bill we have ever provided for the Department of Defense.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business until 12 noon with the time equally divided between the two leaders or their designees, the time count under rule XXII, and the following Senators be recognized in the following order: Senator BYRD, for up to 20 minutes; Senator SANTORUM, for up to 20 minutes; Senator FEINSTEIN, 15 minutes; Senator DEMINT, for up to 10 minutes; and 20 minutes under the control of Senator FRIST.

Ms. LANDRIEU. Reserving the right to object, could I ask the distinguished majority leader if he could add me to the list as the last person for 10 minutes?

Mr. FRIST. Mr. President, I will modify the unanimous consent to Senators BYRD, 20 minutes; SANTORUM, 20 minutes; FEINSTEIN, 15 minutes; DEMINT, 10 minutes; 20 minutes, ENZI, not FRIST.

I am going back to my original unanimous consent request because I have too many Members wanting to talk. What we are doing, just for the information of our colleagues, is to lay out just morning business. We might even be able to extend morning business until the Democratic leader and I plan out the remainder of the day.

Now, as soon as I do the unanimous consent, we have a lot of Members who want to talk. We will not cut anyone off, but Members have been waiting—including Senator BYRD—since last night, and I want to be able to recognize them.

Ms. LANDRIEU. I do object, I want to be cooperative.

The PRESIDING OFFICER. The objection is heard.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business until 12:45, with the time equally divided between the two leaders or their designees, and further that the time count under rule XXII, and that the following Senators be recognized in the following order: BYRD, 20 minutes; SANTORUM, 20 minutes; FEINSTEIN, 15 minutes; DEMINT, 10 minutes; ENZI, 20 minutes; LANDRIEU, 10 minutes; BOXER, 10 minutes; and CRAIG, 10 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank Senator FRIST and Senator REID and all other Senators.

APPROPRIATIONS

Mr. BYRD. Mr. President, there are only 2 days—2 days—remaining in the fiscal year, and the Senate has passed only 2—only 2—of the 12 appropriations bills. The Senate just adopted a continuing resolution to continue the operations of Government for 14 of the 15 Departments.

This dismal performance is not the result of the work of the Appropriations Committee. The Appropriations Committee did its work and, on a bipartisan basis, reported all 12—all 12—of its bills by July 26. Chairman COCHRAN did an outstanding job, a remarkable job in leading the Appropriations Committee.

Yes, the Appropriations Committee did its work, did it well. Yet, here we are, just 2 days—2 days—away from the new fiscal year, and not one—not one—appropriations bill has been signed into law. And as everyone knows, the most vital bills that have to be done before we go home are the appropriations bills or the Government will stop running. Only two are likely to be sent to the President before the majority leader recesses the Senate for the elections.

The appropriations process has once again fallen victim to politics. The majority leadership designated September national security month. As a result, conferees have completed actions on the Defense bill and on the Homeland Security conference report. These are good, bipartisan bills. But not one other appropriations bill has come before this body, the Senate of the United States.

When it comes to the funding bills for domestic agencies, with the exception of Homeland Security, the majority leadership is apparently satisfied with a mindless continuing resolution. When it comes to the education of our children, when it comes to the health of the elderly, when it comes to the ability of our deteriorating infrastructure to sustain a growing economy, and the fiscal health of our farms, the majority leadership wants no debate—no debate—no debate—just a rubberstamp of a formula-based continuing resolution for 13 of the 15 Departments.

The majority leadership made a specific choice to delay bringing the domestic appropriations bills to the floor because it wished to avoid an open debate in the Senate—in this forum, where debate is free and open and one may speak as long as his or her feet will sustain him or her—it wished to avoid an open debate in the Senate about the many issues confronting Americans in their daily lives. That is what we are talking about.

The President submitted a budget for domestic programs that cut funding by $14 billion below the level necessary to keep pace with inflation. The President's proposal to increase fees on our veterans for their health care is indefensible. The White House proposed cuts in education, cuts in programs to fight crime. The President's budget is not sustainable. Yet, once more behind closed doors, the majority leadership inserted a cap on spending at the level proposed by the President's budget. This was done by jamming a cap on spending in an unamendable conference report—unamendable conference report—intended to provide disaster relief for the victims of Hurricane Katrina and to fund the efforts of our valiant troops serving so heroically, yes, so heroically in Iraq and in Afghanistan.

To avoid debate—get that: to avoid debate; to avoid free and open debate—on the domestic appropriations bills, the Senate majority leadership has kept the Senate operating at a snail's pace all summer—all summer.

In July, the Senate had rollcall votes on only 9 days. In August, we voted on only 3 days. In September, we have had votes on just 10 days. So in the 3 months in which the Senate should be in overdrive to finish the appropriations bills, we have had votes on only 22 days. That is a pathetic—that is a pathetic—sorrowful performance.

Why? Why? The majority wants to avoid debate. The majority wants to avoid free and open public debate about its broken promises concerning the No Child Left Behind Act. The President's budget proposed the largest cut—hear me now—the President's budget proposed the largest cut to education funding in the 26-year history of the Education Department—I was here—the 26-year history of the Education Department, a $2.1 billion, or 4 percent, reduction. How about that.

This is a nonsensical squandering of the future of our children. Hear me. This is a nonsensical squandering of the future of our children. The Labor-HHS-Education appropriations bill underfunds the title I program—the cornerstone of the No Child Left Behind Act—by a whopping $12.3 billion. Mr. President, $12.3 billion—that is $12 and 30 odd cents for every minute since Jesus Christ was born. Get that: a whopping $12.3 billion; the cornerstone of the No Child Left Behind Act, by a whopping $12.3 billion.

It freezes funding for this program, even though the law calls for an increase of $2.25 billion—$2¼ billion. As a result, this bill would leave behind 3.7 million students who could be fully served by title I if the program were funded at the level promised by the No Child Left Behind Act.

I offered an amendment in the committee markup to increase title I funding by $6.1 billion—half of this year's shortfall—but the Republican majority rejected it. Was the Senate given an opportunity to debate the need to invest in the education of our children? No.

In June, the FBI released its violent crime figures. The FBI found that murders in the United States jumped 4 percent last year and, overall, crime, violent crime—violent crime—was up by 2.5 percent for the year, the largest annual increase in crime in the United States since 1991. Yet the President proposed to cut law enforcement grants to State and local governments by $1.2 billion and to eliminate the COPS hiring program.

Was the Senate given an opportunity to debate how best to respond to the largest annual increase in crime in 15 years? No. No.

More than 30 farm groups—ranging from the National Farmers Union and the American Farm Bureau Federation to the American Sugar Alliance, the National Association of Wheat Growers, the National Cotton Council, and the Independent Community Bankers of America—are pressing the Senate to enact agriculture disaster relief. Sixty-six percent—66 percent—of all counties in the United States have been declared disaster areas by the Agriculture Department this year, and 88 percent—88 percent—of the counties were declared disaster areas in 2005.

The Appropriations Committee, on a bipartisan basis, adopted a $4 billion disaster relief package back in June—back in June. Has the Senate had an opportunity to debate whether that relief package meets the needs of our farmers for disaster relief? No. No.

On July 19, the Commissioner of Social Security wrote me a letter in which she stated that the level of funding in the Labor-HHS bill: " . . . would require employee furloughs of approximately 10 days Agency-wide."

Has the Senate had a chance to debate whether our elderly citizens want long lines at our Social Security offices? No. American seniors—yes, American senior citizens, the elderly—are dealing with a serious health crisis. At issue is how to cope with the burden of high prescription drug prices. Seniors should not be asked to skip doses. Seniors should not be asked to split pills in half. Seniors should not be asked to choose between food and medicine in order to make ends meet. No. Never. Never, I say.

According to a research report released by the AARP, the average annual increase in the cost of a senior's medication is $300. Has the Senate had an opportunity to debate a provision in the House version of the Agriculture bill to allow drug reimportation? Has it? No. No.

The Environmental Protection Agency projects that our communities need in excess of $200 billion for clean and safe drinking water systems. Yet the Interior appropriations bill would cut funding from a level of $1.1 billion in fiscal year 2005 to $687 million in fiscal year 2007, a cut of 38 percent. Has there been any debate? No. Has there been any debate? No. Has there been any debate about the need for safe and clean drinking water in our communities? Has there been any debate on the Senate floor, in this forum of free speech—free, unlimited speech and debate? No. No. No.

If there is one lesson we all should have learned from Hurricane Katrina, it is that there are consequences to starving Federal agencies. FEMA, which performed marvelously after the Northridge earthquake, the Midwest floods, and the 9/11 attacks, simply was no longer up to the task when Hurricane Katrina hit the gulf coast last year. I wonder which other Federal agencies could be the next FEMA. Could it be the Food and Drug Administration? Has the Senate had the opportunity to debate whether the FDA has the resources and leadership necessary to make sure we have safe food and safe drugs? No.

The cost of attending a public 4-year college has increased 32 percent since the beginning of this administration. Yet the maximum Pell grant award has not been increased since 2002. Has the Senate discussed the wisdom of making it harder for our children to afford a college education? No.

The Labor-HHS bill cuts funding for the Centers for Disease Control's immunization program—one of the most cost-effective tools in preventing disease. For every dollar spent on vaccines, we save up to $27 in medical and societal costs. Has the Senate had the opportunity to debate the value of investing in the health of our children? No.

On the heels of the first cut to funding for the National Institutes of Health since 1970, the President proposed level funding of NIH in fiscal year 2007. As a result, the total number of NIH-funded research project grants would drop by 642, or 2 percent below last year's level. The President's budget would cut funding for 18 of the 19 institutes. Funding for the National Cancer Institute would drop by $40 million, and funding for the National Heart, Lung, and Blood Institute would drop by $21 million. Has there been a debate about the wisdom of these cuts? No.

The summerlong hiatus from our legislative duties makes us wonder why we bothered to keep the lights on in this Chamber.

After the coming recess, when the Congress returns in November, the prospect for the domestic bills is just as grim. Last week, under a veto threat from the White House, the majority agreed to carve another $5 billion out of the domestic bills. Nothing but another monstrous omnibus bill or a long-term continuing resolution is on the horizon for all of the remaining domestic bills.

When I was chairman of the Appropriations Committee, from 1989 to 1994 and in 2001, the Senate debated and passed every bill but one. It takes persistence, it takes determination, and it takes a commitment to the U.S. Senate to debate and approve all of those bills. Chairman COCHRAN of Mississippi has that determination, and he was successful just last year in bringing every bill to the Senate floor. However, the majority leadership does not, apparently, value that persistence and hard work. He does not value that persistence and hard work and determination. In an election year, the only thing of value is spend and win.

Mr. President, I regret that we have, once again, so markedly demonstrated in the Senate that keeping our jobs far outweighs the desire to do our jobs and do those jobs well for the American people. Make no mistake, the American people will judge us accordingly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

ISSUES BEFORE THE SENATE

Mr. SANTORUM. Mr. President, I rise to talk about a couple of issues that I think are very important. One I will get to in a minute, the pending legislation before us, the issue of immigration, illegal immigration, and what we are trying to do to combat that in the Senate.

Today, I am very hopeful that with the proper cooperation, we can get this done today and over to the President in the next 48 hours to begin the process of securing the border and dealing with an issue that may be the No. 1 issue in my State right now. I probably hear about this issue of illegal immigration from casual contact with my constituents in grocery stores, the train station, et cetera. I have more people asking me about the issue of illegal immigration than any other issue we deal with.

It is remarkable in the sense that if you talk to folks here in Washington and the "experts" in the media, this is not important to people. Particularly, you would think in a State such as Pennsylvania, which is miles away from the southern border but not too far from the northern border, this would not be an important issue. But it is an important issue. It is one that I am very pleased the Senate is going to deal with today after, I think, making a misstep in the previous consideration of illegal immigration legislation. We have now taken a step in the right direction, a step where we put the horse before the cart instead of the cart before the horse. So I am very excited about that. I will mention that in a moment.

There is one issue I wanted to get to. It is an issue the leader spoke about last night, the issue of Iran and the Iran Freedom and Support Act, which was passed in the House of Representatives yesterday. The House negotiated—and many of us in the Senate were involved, as well as the White House—and worked on an extension of the Iran-Libya Sanctions Act, to update that act, which needed to be done, and to take into consideration the change in dynamics in Libya and the change in dynamics with respect to Iran.

There is no country that I see on the horizon that is more dangerous to the national security of this country, in my opinion, than the country of Iran—not just to the national security of this country but the safety and security of the world. We need to have a better regime of sanctions as well as a better overall policy for dealing with Iran than what we have today in the ILSA, or Iran Libya Sanctions Act.

The House of Representatives, on a bipartisan basis, worked on the legislation, again, with the administration, which previously had opposed the Iran Freedom and Support Act, a bill that has 61 cosponsors here in the Senate, which we debated earlier this year. They took elements of that bill and the companion bill in the House, offered by ILEANA ROS-LEHTINEN from Florida. Working together with several House and Senate committees and with the administration, they were able to come up with a compromise and, again, many of us in the Senate worked with the administration and the House in crafting this. We were able to pass a bill that got so much support, they didn't even have to take a record vote on it. It passed by consent over there. That tells you the kind of strong support the bill enjoys. It was a bill authored by TOM LANTOS and ILEANA ROS-LEHTINEN, and the chairman and ranking member of one of the committees of jurisdiction, the International Relations Committee, were on the legislation and, again, it passed yesterday unanimously. That bill now is sitting on the floor of the Senate, at the desk.

The leader mentioned last night that it is our intent to bring this legislation up and to try to pass it in the Senate. We did not, last night, ask consent to do that because we were made aware there might be concerns on the other side of the aisle with respect to some of the provisions. We wanted to give ample opportunity to have the other side go through the legislation.

Again, I state that this is not a new issue. I know the Democratic leader got up today and suggested that there have been no hearings on the bill and there hasn't really been a discussion on the bill. I will tell you that just within the last year, the following hearings were held:

There was an ILSA reauthorization hearing in the Banking Committee, June 22; a terrorist threat hearing in the Homeland Security Committee, November 15 of last year; a nuclear Iran hearing, Foreign Relations Committee, March 2; response to nuclear Iran, Foreign Relations, September 19 of this year; Iran's nuclear and political ambitions, a two-part hearing, May 17 and 18 of this year; Iran's nuclear program/intelligence, Foreign Relations Committee, May 11.

In addition, as I mentioned, the Senate fully debated for 3 days the amendment I had offered to the National Defense Authorization Act back in June of this year. We debated that amendment for 3 days. We had a vote on the Senate floor. We had a full discussion of all of the provisions in the act, many of which, as I mentioned before, have been dropped. But many of the provisions that were debated were added to this bill—the ones that were noncontroversial. Things that were controversial were adapted to make them noncontroversial.

To suggest that somehow this is a brandnew piece of legislation, we haven't seen this before, there haven't been any hearings, we don't know anything about it, is just not accurate. We have had a full debate.

This is an important issue. For the United States Senate, for the Congress, the President to speak out on the issue of Iran at this time is critical as we confront, as we saw from a couple weeks ago, the machinations at the United Nations and President Ahmadinejad up there saber rattling as he does a little bit at the United Nations, but he is rattling sabers and all other types of weaponry in front of the people of Iran when he goes home and he speaks in his native language.

This is a very serious and dangerous threat. It is without question the principal reason we are having increased problems in Afghanistan and Iraq, because of the influence of Iran. Iran is there with fighters from Iran, with money and support, weaponry from Iran to foment sectarian violence. One of the reasons we are having the level of sectarian violence that we see there is because of Iran and its stated intention of being the dominant view in the Islamic world. The clash between Shia and Sunni is front and center in the ideology of the ruling mullahs of Iran and the President of Iran, Ahmadinejad. This is what their objective is. It is part and parcel of their own war within their religion, but it is also part of their strategy of destabilizing Iraq so democracy cannot flourish because if democracy flourishes, then it is an opportunity for moderate Islam to win the day over the fanatics who are trying to destroy that religion and destroy the world.

This is a vitally important issue for the Senate to bring up, I think no more important issue than for us to deal with this real threat, as I said on the floor a couple of weeks ago, I think the greatest threat that has ever faced this country and the world. If we do not act now when this threat is in its nascent stage, we risk cataclysmic consequences by not confronting this evil in time. We risk cataclysmic consequences if we don't, as this legislation permits, put increased sanctions on companies that do business with Iran and their nuclear program.

This is a very important piece of legislation, one that is so important that we were able, as I mentioned before, to get this kind of very quick consideration on the floor of the House of Representatives, and it passed unanimously. People in the House understand the threat of Iran. I hope the Senate does so also.

I will submit for the record the provisions of what this bill does. Some have suggested that it is a watered-down version of the Iran Freedom and Support Act. So to that degree I say, yes, it is, but it is watered down for the purpose of arriving at a consensus so we can speak into the moment.

It does make major changes particularly with respect to the President's waiver. We have had ILSA now for 10 years. We have a situation where a waiver has only been utilized, to my recollection, one time because there is no requirement the President has to use his waiver authority. The President can look at these issues and decide yes or no sanctions, but there is no trigger, there is no force for the President to actually do something.

This compromise bill would encourage him to actually do something, to actually look at this information, make a decision, and if sanctions are warranted as a result of the investigation, then the President either has to impose those sanctions or waive them for six months. Right now he doesn't have to waive them. He simply keeps investigating. That is an important point to highlight.

That is an important pressure point that Iran needs to know that we are ratcheting up—albeit slightly compared to the original Iran Freedom and Support Act—we are ratcheting up the pressure on this illicit regime in Iran to do something. It is very important for the future security of our country.

I ask unanimous consent to print in the RECORD a fact sheet on the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET ON SANTORUM IRAN BILL

Senator Santorum and Majority Leader Frist worked with House counterparts, House leadership, and Administration officials to craft a new bill that provides for key enhancements to the soon to expire Iran-Libya Sanctions Act (ILSA).

The bill also contains provisions that authorize assistance to pro-democracy groups inside and outside Iran, and provides additional authorities in the way of tools to curb money laundering efforts that support WMD proliferation.

The bipartisan House bill, H.R. 6198, was just passed by the House by voice vote.

This Santorum-Frist/Ros-Lehtinen-Lantos bipartisan Iran Freedom and Support Act contains several crucial elements that advance U.S. policy towards Iran:

First, it codifies sanctions, controls and Executive Orders in place against Iran. This was an important part of S. 333, the Iran Freedom and Support Act. This is a way Congress can make these important Executive Branch actions and measures part of our laws.

Second, the bill addresses the issue of investigating foreign investments in Iran's energy sector and revises the current waiver for the Iran-Libya Sanctions Act. The bipartisan bill strongly urges the Administration to investigate investment activity in Iran and report to Congress within 180 days on an investment. Instead of continuing with the open-ended waiver in current law, the bipartisan bill authorizes the President to avoid sanctioning foreign companies that invest in Iran's energy sector only if use of the waiver is vital to the national security interests of the United States. This is a six-month waiver, not an open-ended waiver. The bill permits the President to renew this waiver for six month periods. The bill also extends ILSA, due to expire on Friday, September 29, 2006, until the end of 2011.

Third, the bill directs the President to impose sanctions on foreign entities that export, transfer or provide Iran with WMD or WMD-related technologies or destabilizing conventional weapons. The President must impose these sanctions if a transfer occurs. This provision was also a key component of S. 333, the Iran Freedom and Support Act.

Fourth, and perhaps most important, the bill authorizes assistance for pro-democracy forces inside and outside Iran. These funds are authorized for groups that are committed to democratic ideals, respect for human rights, and equality of opportunity, among other things. Activities such as radio and television broadcasting into Iran are examples of activities that could be funded under this bill.

Fifth, the bill states that Congress declares it should be the policy of the U.S. to support the efforts of the people of Iran to exercise self-determination over the form of their government, and to support independent human rights and peaceful pro-democracy forces inside Iran. This provision is central to our efforts to successfully effect peaceful change inside Iran.

Sixth, there are provisions that enhance current money laundering sanctions available to the government. Current law is enhanced to enable Treasury to target entities that are involved in money laundering related to the proliferation of WMD and missiles.

In all, the bill takes many of the provisions found in S. 333 and H.R. 282, the House companion, and blends them together in a bill that has earned Administration support.

The bill is supported by outside stakeholders such as the American Israel Political Affairs Committee (AIPAC).

Mr. SANTORUM. Mr. President, I am hopeful today that the leaders will be able to get together and will be able to get consent to move forward on this bill. I assure you, this is a bill we must pass. This is "the extension" of ILSA with some very well thought out, negotiated compromises between Republicans and Democrats in the Congress, as well as the administration. I am hopeful that we can get a successful conclusion to that bill. The security of our country demands it.

IMMIGRATION

Mr. SANTORUM. Mr. President, I would like to move to another topic, and that is back to the issue of immigration and the fence bill with which we are dealing.

A lot of people have talked about a variety of implications of this legislation. To my mind, one of the principal considerations is the issue of national security.

The 9/11 Commission stated in the preface of its report that:

> It is perhaps obvious to state that terrorists cannot plan and carry out attacks in the United States if they are unable to enter the country.

That is obvious, but it is an important statement to be made that one of the things we must do to help secure this country is to make sure we have a better immigration policy, whether it is a legal immigration policy and people coming here legally, properly screened for legal immigration, or people who are coming in.

One of the things we are hearing is there are a lot more people coming across the southern border who are being picked up who are not Mexicans, who are not from Latin America. They are coming from other countries, other places around the world. This becomes an increasing concern with the porous southern border.

I commend the House for putting forth this bill. This is a very important part of an initiative that I have been talking about since the Senate passed an immigration bill which I said was, in my opinion, a misstep. I offered a package of legislation called the border security first approach, which is: Let's focus on the border. Let's focus on first things first. If we have a problem with 11 million people and growing, people who are in this country illegally, the first thing we should do is stop the growth. We should take a problem that now looks to be an infinite problem, an ever-growing problem, and make it a finite problem with a specific number of people who are here. But the idea that we are going to solve the problem of illegal immigrants by dealing with this, as the Senate bill did, by legalizing people who are here illegally without solving the problem of more and more people coming—in fact, being another beacon for more people to come because if they do come, and they get here illegally, we are going to legalize them at some point—it just, in my mind, is putting the cart before the horse. We need to put the horse out there, and the horse is stopping the problem from getting worse. That means border security.

A key element of border security that I think is obvious—certainly obvious to the American public; it is an 80–20 issue in my State—is to construct more physical barriers. That is what this legislation does.

It is important not just from the standpoint of the 9/11 Commission and terrorists, but what we are seeing in our State—again, we are far from the border—is an ever increasing problem of illegal immigrants in illegal activity in our Commonwealth. We had the U.S. attorney for the eastern district at a press conference where I announced a $2.5 million grant to deal with the 222 corridor from Lancaster leading up into the Lehigh Valley. We have an explosion of gang activity there, much of it driven by illegal immigrants and a whole new crop of gangs from south of the border that are causing problems in that 222 corridor. We were able to get a Justice Department grant to help, but I think it points out the problem.

Hazleton, a sleepy little town, the wonderful little town of Hazleton has gotten on the map because of the problems illegal immigrants—criminal problems, drug problems, gang problems—have brought into that community.

It is a continuing problem. Just last week, Immigration and Customs Enforcement arrested 100 criminals who were illegal aliens and other folks who were immigrants out of status living throughout Pennsylvania, all the way from Philadelphia to Pittsburgh.

Among those arrested were sex offenders, people who have committed burglaries, larcenies, robberies, criminal trespass, weapons violations, narcotics violations, aggravated assaults, resisting arrest, fraud, et cetera. All of these people were wanted on these charges. So this is not just a national security problem, but it is also a personal security problem when we are not regulating the people coming into this country, when we are allowing anyone with any record or with any intent to come into this country.

Again, that is the right of every country to do: to make sure our citizens are safe, and we have a way to accomplish that. I think this fence bill will be a step in the right direction.

Other ways in which people in this country are violating Americans, not just through potential terrorist activity and criminal activity, but another criminal activity that we are seeing more and more of—and we heard some cases during the debate—is identity theft.

A woman came to my attention. A constituent contacted us by the name of Laurie Beers who had her Social Security number stolen by an illegal immigrant. She is a nurse who, as part of her job, is constantly traveling. She learned her information had been stolen and misused. She did everything she was supposed to do: contacted the FTC, reported it to the identity theft hotline, contacted the credit bureaus, on and on—obviously, contacted the FBI.

In response she found out, yes, she was a victim of identity theft. She contacted the IRS. She was told that the man using her Social Security number is an illegal immigrant. After talking to the FBI and Secret Service, they confirmed the person is an illegal immigrant who has been working for an employer in New York City and has been filing income tax returns under her Social Security number.

Obviously, she was upset that a man working in New York was using her Social Security number to file income taxes for 3 years. She contacted the employer of that man who has been anything but cooperative in resolving this situation. In fact, she has reported they have been downright nasty.

She is lucky her credit hasn't been destroyed. But this man has, unfortunately, with her Social Security number passed some bad checks, and now she can't use checks at Wal-Mart and other stores because of her Social Security number being linked to the passage of bad checks.

That is just one example. Is it a big deal in the security of America? No, but it is a big deal if you are the person who is a victim of identify theft. So we see this as one "small example," but big in her life, as well as thousands of other Americans who have been affected by the stealing of Social Security numbers.

This is an issue we need to address. We need to get this bill done this year. We need to step away from the bad provisions that the Senate passed, which I can go into in great detail, but they have been discussed over and over, everything, again, from legalizing people who committed illegal activity by first stepping into this country, to the Social Security issue, and a lot of others.

My time has expired. I thank, again, the leadership, BILL FRIST, for moving and pushing this bill. Let's hope for Senate passage today and a start to dealing with the issue of illegal immigration.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I believe I have 15 minutes.

The PRESIDING OFFICER. The Senator is correct.

AGRICULTURAL WORKERS

Mrs. FEINSTEIN. Mr. President, we have an opportunity today with the border fence bill and with the concurrence of Members of this body to help an industry that right now is in deep trouble, and that industry is American agriculture.

The reason it is in deep trouble is because it does not have the workforce to harvest the crops. This is true whether it is Florida, the State of Washington, Iowa, Idaho, California, Arizona, or any other agricultural State. The reason for the shortage of workers is because agriculture dominantly depends on what is an undocumented or illegal workforce. The reason that is the case is because it has been found over the years that American workers simply will not do this work. Therefore, agriculture, the huge industry that we have in America, has come to depend on an undocumented workforce.

Just to give one example—and I wish I had a big chart—but this is the pear crop in Lake County, a farm owned by Toni Scully, and these mounds are rotting pears on the field because they cannot be harvested in time.

California is the largest agricultural State in the Nation. It is a $34 billion industry. It has 76,500 farms. California produces one-half of all of the Nation's fruits, vegetables, and nuts from only 3 percent of the Nation's farmland. If these products cannot be harvested—and it is late in the harvest season today—the price of fresh produce all over this Nation is going to rise.

We have an opportunity to do something about it. I am joined on the floor by Senator Larry Craig of the State of Idaho who is the main author of the AgJOBS Program. In the Judiciary Committee in the immigration bill, we revised AgJOBS and it was part of the Senate-passed immigration bill. Along with AgJOBS, we have reformed the agricultural guest worker program called H-2A. These two programs combine to give the farmers of America the certitude they need that there will, in fact, be a workforce able to harvest their crops, plant their crops, prune, cut, pack, and sort crops in this great country.

In my State we have roughly 350 different crops: lemons, tomatoes, raisins, lettuce, prunes, onions, cotton, and many others that are grown all across the State. Growers are reporting that their harvest crews are 10 to 20 percent of what they were previously. It is a disaster, and it will be a very costly disaster for the farm community as well as for the consumers of America. And it can be solved. We could move today to put the AgJOBS bill on the border fence bill. We all recognize it isn't germane postcloture, but the body could agree to include it because of the emergency circumstances that exist in agriculture States throughout the Nation today.

In my State we employ at least 450,000 people in the peak of the harvest, with farm workers progressing from one crop to the next, stringing together as much as 7 months of work. The estimate is that the season is falling short by 70,000 workers.

It is a very serious situation. Fields in Pajaro Valley in Santa Cruz County are being abandoned. Farmers can't find workers to harvest strawberry, raspberry, and vegetable crops. In the Pajaro Valley, one farmer reports he has been forced to tear out 30 acres of vegetables. He has about 100 acres compromised by weeds because there is nobody to weed the field. He estimates his loss so far to be $200,000. California and Arizona farmers say they need 77,000 workers during December to May to harvest vegetables, and they estimate the shortage will be 35,000 workers.

It is amazing to me that we can't do something about this by passing a bill that has been heard in the Judiciary Committee, that has been amended, that has been discussed over a period of years.

I would ask, if I might, the Senator from Idaho a series of questions, through the Chair. The first question is how long the Senator from Idaho has been working on the AgJOBS bill?

Mr. CRAIG. Mr. President, I appreciate the Senator asking the question. I began to work with American agriculture and specifically western growers in the Pacific Northwest and in the Senator's State of California starting in about 1999 when they came to me and recognized, as they now clearly know, that they were beginning to rely on an illegal workforce of undocumented workers who were coming in because the law that exists, the H–2A, was so complicated and so bureaucratic, it was simply failing them. So it has been now at least 7 years that we have worked to comprise and build the AgJOBS legislation.

Mrs. FEINSTEIN. Mr. President, if I may, through the Chair, is there a crisis in the State of Idaho?

Mr. CRAIG. There is a growing crisis in the State of Idaho. I would like, if the Senator from California doesn't mind, to submit for the RECORD a "Dear Colleague" letter that the Senator from California and I sent out late this month. It speaks of California and Idaho and Washington and Oregon. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 22, 2006.

DEAR COLLEAGUE: Earlier this week, we went to the floor to highlight the desperate need for agricultural workers. In our colloquy, we discussed how American farmers are suffering, not because they don't have the crops and inventory, but because they don't have the workers to bring their crops to the market.

In fact, just this morning, a New York Times front page story proclaimed "Pickers Are Few, and Growers Blame Congress." (copy attached) To be honest, we agree with their sentiment.

Farmers across this country have every reason to be angry and frustrated. There is simply no reason AgJOBS has not been enacted, and no reason it could not be passed now. The New York Times article is just one of dozens that have been written this summer highlighting the plight our farmers are facing.

California is the single largest agriculture state in the nation with over $34 billion in annual revenue and approximately 76,500 farms. And this year, growers in California are reporting that their harvesting crews are 10 to 20 percent of what they were previously. As the Times reported, "California farms employ at least 450,000 people at the peak of the harvest, with farm workers progressing from one crop to the next, stringing together as much as seven months of work. Growers estimate the state fell short this harvest season by 70,000 workers." The impact is devastating "fields go untended, and acres have to be torn up because there is no one to harvest them." (San Jose Mercury News 8/9/06)

Agricultural labor shortages affect not just California; in fact, they are impacting farms across the country, including harvesting of citrus in Florida, apples in New Hampshire, strawberries in Washington, and cherries in Oregon. In Wyoming, it has been reported that the labor shortage played a central role in the imminent closure of the $8 million Wind River Mushroom farm. The Idaho Department of Commerce and Labor reports that the number of farm workers in Idaho is down by 18 percent, and the Potato Growers of Idaho believes "appropriate legislation, such as AgJOBS, is needed to keep the industry growing." (PGI news release, 9/12/06)

According to Cox News Service, "One farmer in Cowlitz County in Washington state reported one-third of his blueberry crop rotted in the field for want of enough pickers," and a farmer in Oregon complained "farmworkers should have been harvesting 25 tons of fruit per day from his Polk County cherry orchard. Instead, he could only hire enough temporary farmworkers to pick 6 tons."

Most shocking, the American Farm Bureau has found "that if Congress enacts legislation that deals only with border security and enforcement, the impact on fruit and vegetable farmers nationwide would be between $5 billion and $9 billion annually. Net farm income in the rest of the agricultural sectors would decline between $1.5 billion and $5 billion a year."

Yet this is a problem we know how to solve, and can solve with your help. We have both introduced the AgJOBS bill as an amendment to the border fence bill now before the Senate. The AgJOBS program, previously passed by the Senate, is a bipartisan solution that would create a pilot program to allow certain longtime, trusted agricultural workers to legalize their immigration status in the United States while at the same time fixing the H2A visa program so farmers needing new temporary workers can bring them into this country through legal channels.

The time is long overdue to help American farmers get the labor they need. The opportunity is before us, and we must not turn our backs on this real problem that could be fixed with the enactment of the AgJOBS legislation. We urge you to support our efforts to get AgJOBS added to the border fence legislation and help American farmers get the assistance they need to bring their crops to market.

Sincerely,

DIANNE FEINSTEIN,
U.S. Senator.
LARRY CRAIG,
U.S. Senator.

[From the New York Times, Sept. 22, 2006]

PICKERS ARE FEW, AND GROWERS BLAME CONGRESS

(By Julia Preston)

Lakeport, CA—The pear growers here in Lake County waited decades for a crop of shapely fruit like the one that adorned their orchards last month.

"I felt like I went to heaven," said Nick Ivicevich, recalling the perfection of his most abundant crop in 45 years of tending trees.

Now harvest time has passed and tons of pears have ripened to mush on their branches, while the ground of Mr. Ivicevich's orchard reeks with rotting fruit. He and other growers in Lake County, about 90 miles north of San Francisco, could not find enough pickers.

Stepped-up border enforcement kept many illegal Mexican migrant workers out of California this year, farmers and labor contractors said, putting new strains on the state's shrinking seasonal farm labor force.

Labor shortages have also been reported by apple growers in Washington and upstate New York. Growers have gone from frustrated to furious with Congress, which has all but given up on passing legislation this year to create an agricultural guest-worker program.

Last week, 300 growers representing every major agricultural state rallied on the front lawn of the Capitol carrying baskets of fruit to express their ire.

This year's shortages are compounding a flight from the fields by Mexican workers already in the United States. As it has become harder to get into this country, many illegal immigrants have been reluctant to return to Mexico in the off-season. Remaining here year-round, they have gravitated toward more stable jobs.

"When you're having to pay housing costs, it's very difficult to survive and wait for the next agricultural season to come around," said Jack King, head of national affairs for the California Farm Bureau Federation.

California farms employ at least 450,000 people at the peak of the harvest, with farm workers progressing from one crop to the next, stringing together as much as seven months of work. Growers estimate the state fell short this harvest season by 70,000 workers. Joe Bautista, a labor contractor from Stockton who brings crews to Lake County, said about one-third of his regular workers stayed home in Mexico this year, while others were caught by the Border Patrol trying to enter the United States.

With fewer workers, Mr. Bautista fell behind in harvests near Sacramento and arrived weeks late in Lake County. "There was a lot of pressure on the contractors," he said. "But there is only so much we can do. There wasn't enough labor."

For years, economists say, California farmers have been losing their pickers to less strenuous, more stable and sometimes higher-paying jobs in construction, landscaping and tourism.

"If you want another low-wage job, you can work in a hotel and not die in the heat," said Marc Grossman, the spokesman for the United Farm Workers of America. The union calculates that up to 15 percent of California's farm labor force leaves agriculture each year.

As they sum up this season's losses, estimated to be at least $10 million for California pear farmers alone, growers in the state mainly blame Republican lawmakers in Washington for stalling immigration legislation that would have addressed the shortage by authorizing a guest-worker program for agriculture. Many growers, a dependably Republican group, said they felt betrayed.

"After a while, you get done being sad and start being really angry," said Toni Scully, a lifelong Republican whose family owns a pear-packing operation in Lake County. "The Republicans have given us a lot of lip service, and our crops are hanging on the trees rotting."

Tons more pears that were harvested were rejected by Mrs. Scully's packing plant because they were picked too late. The rejects were dumped in a farm lot, mounds of pungent fruit swarming with bees, left to be eaten by deer. "The anthem about the fruited plain," Mrs. Scully said sadly, "I don't think this is what they had in mind."

Some economists and advocates for farm workers say the labor shortages would ease if farmers would pay more. Lake County growers said that pickers' pay was not low—up to $150 a day—and that they had been ready to pay even more to save their crops. "I would have raised my wages," said Steve Winant, a pear grower whose 14-acre orchard is still laden with overripe fruit. "But there weren't any people to pay."

The tightening of the border with Mexico, begun more than a decade ago but reinforced since May with the deployment of 6,000 National Guard troops, has forced California growers to acknowledge that most of their workers are illegal Mexican migrants. The U.F.W. estimates that more than 90 percent of the state's farm workers are illegal.

Most California growers gave up years ago on recruiting workers through the seasonal guest-worker program currently in place. Known as H–2A, the program requires employers to prove they tried to find American workers and to apply well in advance for relatively small contingents of foreign workers for fixed time periods.

"Our experience with the current H-2A program has been a nightmare," said Luawanna Hallstrom, general manager of Harry Singh & Sons, a vine-ripe tomato grower based in Oceanside, near San Diego.

Ms. Hallstrom said her company tried to use the program in the months after the Sept. 11 attacks, when security checks forced it to fire illegal migrant employees who were working in tomato fields on a military base. Her company lost $2.5 million on that 2001 crop, she said.

Over the years, occasional programs to draw American workers to the harvests have failed. "Americans do not raise their children to be farm workers," Ms. Hallstrom said.

The failure of Congress to approve a new guest-worker program surprised California growers because a proposal that the Senate passed stemmed from a rare agreement between growers' organizations, the U.F.W. and other advocates for farm workers, and legislators ranging from conservative Republicans to liberal Democrats.

Known as AgJobs, the proposal would create a new temporary-resident status for seasonal farm workers and give them the chance to become permanent residents if they work intensively in agriculture for at least three years. It was included in a bill that passed the Senate in May. The House has passed several bills focused on border security, and has avoided negotiations with the Senate on a broader immigration overhaul. [Three of the House bills were passed Thursday.]

Mr. Ivicevich, a 69-year-old family farmer, is not given to displays of emotion. But he paused for a moment, overwhelmed, as he stood among trees sagging with pears that oozed when he squeezed them. His nighttime sleep, in his cottage among his 122 acres of orchards, is disrupted by the thud of dropping fruit and the cracking of branches.

For decades, Mr. Ivicevich said, migrant pickers would knock on his door asking for work climbing his picking ladders. Then about five years ago they stopped knocking, and he turned to a labor contractor to muster harvest crews. This year, elated, he called the contractor in early August. Pears must be picked green and quickly packed and chilled, or they go soft in shipping.

"Then I called and I called and I called," Mr. Ivicevich said.

The picking crew, which he needed on Aug. 12, arrived two weeks late and 15 workers short. He lost about 1.8 million pounds of pears.

His neighbor, Mr. Winant, standing in his drooping orchard with his hands sunk in his jeans pockets, said he would rather bulldoze the pear trees than start preparing them for a new season.

"It's like a death, like a son died," said Mr. Winant, 45, who cares for the small orchard himself during the winter. "You work all year and then see your work go to ground. I want to pull them out because of the agony. It's just too hard to take."

Mr. CRAIG. Mr. President, clearly what is happening—and the Senator has said it so well—is this a failure of American agriculture or is this a failure of Congress? It is clearly a failure of Congress and the Government.

We have known our borders are porous for a long time, and we are closing them now, and we should close them. There is nothing wrong with doing that. In fact, for national security and to build an orderly process in immigration, it is critical that we do close them or control them. But we also knew that immediately attached to it had to be the creation of a legal guest worker program. That is where Congress is failing. We believe and in the letter we submitted the losses by the end of the harvest season could go anywhere from $1 billion—and they are well beyond that now—to $5 billion or $6 billion at farm gate, meaning as it leaves the farm, which means to the consumer in the supermarkets of America, it will be a much higher price to pay.

I thank the Senator for asking the question.

Mrs. FEINSTEIN. Mr. President, I thank the Senator for his response.

The fact is we have a pilot program that is part of the immigration bill that would provide over a 5-year period 1.5 million undocumented workers the opportunity to become documented, and provided they do agricultural work for a period of time, over time, to earn a green card. In discussing this with some Members they said they would agree if it were a temporary program. Well, it is a temporary program, because it sunsets in 5 years. I believe, and the Senator from Idaho will correct me if I am wrong, we would be prepared to change that sunset from 5 years to 2 years, or a time that would bring about concurrence from the Members.

But the point is there is a crisis out there. The point is we can solve that crisis now with this legislation. And the point is it is not new legislation. It has been authored, debated, discussed, heard now over a 6-year period. It has been refined. Both Senator CRAIG and I are convinced it will work. It was part of the immigration bill.

So what we are asking this body to do is essentially suspend the rule and allow this program to go into law at this time so the remainder of the harvest season and, more importantly, the planting season for winter vegetables and crops can be handled. If we do not do this, we will go well into next year without the agricultural labor present to sustain an agricultural industry in America in an adequate way, and the costs will be enormous.

I think somebody around here should begin to think of the consumer. I don't want to say to California families they are going to go in and buy heads of lettuce at $4 a head or more or broccoli at $5 a head or anything else because of a dramatic shortage, because farmers won't plant, because farmers can't pick, because farmers can't harvest, they can't sort, they can't pack, they can't can. That labor is needed, and year after year it has been documented that Americans will not do this kind of difficult, hot, stooped labor.

So this is an opportunity. It is an opportunity for us to respond to an industry of which we are all proud, and an industry which is in deep trouble at the present time.

Let me go on with a few other examples. I mentioned that California and Arizona farmers say they need 77,000 workers during the December to May to harvest, and they estimate they may be 35,000 workers short. The estimates from my State are that illegal immigrants make up at least one-fourth of the workforce and as high as 90 percent of the farm labor payroll. It is also estimated that for every agricultural job lost, we lose three to four other related jobs. I am told that in the Senator's State, farm workers are down 18 percent, and the potato growers of Idaho want AgJOBS passed to keep the industry growing.

In the State of Washington, in Cowlitz County, one-third of one farmer's blueberry crop rotted in the field because there were no pickers. Apple growers in the central part of the State were scrambling to find someone—anyone—to do the work of thinning the apple crop. Also in Washington, production at Bell Buoy Crab in Chinook, Pacific County is down 50 percent since April.

In Florida, Citrus Mutual notes: "There is very little doubt we will leave a significant amount of fruit on the tree." Orange production in the State has been predicted to be the lowest since 1992 if the worst projections are realized. Six million boxes of oranges may well go unharvested in Florida this year because of a shortage of fruit pickers.

In Wyoming, they face the imminent closure of the $8 million Wind River Mushroom farm.

And in Oregon, farm workers should be harvesting 25 tons of fruit per day from the Polk County cherry orchards.

This is some indication. We have a bill, and that bill would provide the opportunity for an undocumented worker who has worked in agriculture for a substantial period of time—there are two different formulas in the bill—to go in to register, to pay a fine, to show their tax returns, to agree to pay taxes in the future, to get a temporary work card called a blue card, which would be biometric so that that worker is identified; it would eliminate fraud, and it would enable that worker, if they continue to work in agriculture for a period of years, to then gain a green card. It is a sound program. It will give farmers certainty. They will know there is an agricultural workforce, and it will involve people already in this country who are skilled, who are professional at farm work.

I don't know what it takes to show that there is an emergency. I think next year we would be ready, willing, and able to do this, but we will have lost another agricultural season, we will have lost a spring season, a summer season. I hope that someone will listen, that the leadership of this body will allow us, and I will call up—well, I can't do it now, but at an appropriate time I will call up the amendment that is at the desk.

I thank the Chair.

Mr. DEMINT. Mr. President, I ask to speak for 7 minutes as in morning business.

The PRESIDING OFFICER. The Senator is recognized for 7 minutes.

Mr. DEMINT. I thank the Chair.

(The remarks of Mr. DEMINT related to the introduction of S. 3995 are printed in today's RECORD under "Statements On Introduced Bills and Joint Resolutions.")

PROTECTING THE PUBLIC HEALTH

Mr. ENZI. Mr. President, I am rising in support of the motion of my colleague from North Carolina to pass the bioterrorism and BARDA legislation. It is vital we pass this bill before we adjourn because our Nation's biopreparedness should be strengthened now and not put off until some distant time in the future. I urge all Members to support this motion and the bipartisan bill.

As chairman of the Committee on Health, Education, Labor and Pensions, I know this issue has been a priority of both Democrats and Republicans on the committee. Senator BURR is the chairman of the committee's Subcommittee on Bioterrorism and Public Health Preparedness. It has been clear to me that he has directed a very open process that sought to get input from all stakeholders. In the past 2 years he has held at least eight hearings and roundtables on this subject, with witnesses representing a wide range of views and opinions. I also know that he held a lot of meetings with stakeholders, people who had an interest in this bill and ideas on this bill. He also hired some extremely professional staff with a lot of experience who could provide input and work to find those third ways of doing things when things were difficult. I have been pleased with the bipartisan effort and bicameral effort that he has made on this bill: to keep the House folks educated on what we were doing, to try to keep the Senate educated on what we were doing.

The substance of this bill, accordingly, represents a consensus of what public health officials, experts, and public policy groups from around the Nation believe needs to be done immediately to protect the public health of our Nation's families and workers. While we have made remarkable strides in our efforts to identify and address our Nation's weaknesses to biological threats, the fact remains that our defense on these fronts is far from perfect. Despite our best efforts in Congress, and the administration's efforts, there are holes we must fill if we are going to adequately ensure our safety. Senator BURR has worked tirelessly in a bipartisan fashion in the HELP Committee to examine these conditions and construct a solution to appropriately address the current shortcomings of our biodefense. The product of that work is now the subject of this motion, and it deserves our support.

Before we go home we all want to be able to tell our families and workers that we are taking all steps necessary to protect us from a natural, an accidental, or a deliberate public health threat. Supporting Mr. BURR's motion this morning is an essential step toward enacting these protections.

The bill has two distinct parts. The first part is the creation of a new authority built upon the highly successful Department of Defense's defense advanced research projects. This authority would encourage the development of new bioterrorism countermeasures. It is a look into the future; a way to figure out, before it happens, what needs to be developed using experts who can then encourage people to develop those products.

The second part is the reauthorization of the Bioterrorism Act. Both parts are necessary to ensure our Nation's biodefense security. A few years ago we had hoped that, through the creation of the bioshield fund, the pharmaceutical industry would create the drugs necessary to protect Americans. We cannot close our eyes and pray they have done what we hoped. They have not. The pharmaceutical industry is not commercializing enough drugs to fight infections diseases, whether they are spread naturally or through the effort of man.

The rise in the incidence of antibiotic-resistant strains of diseases and the possible specter of bird flu is very disturbing and demands our immediate attention. It is clear that without the passage of this legislation little will change.

The bill before us addresses this deficiency in a very similar strategy and process that we have seen to be effective with the Army through DARPA. By applying the successes of the DARPA programs to bioterrorism, we hope we can spur the industry to address this urgent need.

It is not clear if this step is enough, but it is clear if we do nothing, nothing will change.

The second portion of this bill also is vital to our biodefense preparedness. This part would reauthorize the Bioterrorism Act. To be clear, the Bioterrorism Act, which we passed after the anthrax attacks, was a giant step forward. The law has done a tremendous amount to help State and local governments prepare. However, at the same time, the specter of a pandemic bird flu was not on the horizon. In addition, we have learned a lot from the biohazard experience after the effects of Hurricane Katrina in the gulf coast.

More needs to be done to assure that State and local public health agencies know exactly what needs to be done and how they should be prepared.

The bill strengthens what we have already started to do and gives us the flexibility to prevent biological events from happening in the future. We cannot put off for another day the vital biodefense preparedness provisions contained in this bill. Our families and workers need this help today.

I urge my colleagues to support the motion. I support my colleague from the State of North Carolina as he tries to address this legislation immediately. I thank him for all of his hard work to get us here today.

I have not seen anybody dig into an issue to the level that he has, to get the expertise that he has in a very difficult area. We were pleased when he came over from the House to be part of the Senate and brought the expertise on this kind of bill with him. He has done a tremendous job, and I appreciate the way he has reached out to get something done.

It is my understanding that there might be an objection to going ahead and doing this today. Normally, at this point we would read a unanimous consent request to get on the bill, but it is my understanding that no one is going to come down from the other side of the aisle to object, and I can tell you I am not going to object to that on anybody's behalf.

Civility in the Senate says if the other side doesn't show up to object, somebody is supposed to object on their behalf. I am not going to do that. Instead, I am going to put off the request until later, until somebody can actually be here to object because I have difficulty imagining that people would object to this kind of national security at this point in the history of the United States.

So with that announcement, I will allocate the remainder of the time to the chairman, who has been working diligently on this bill, and let him give a few more informational views and comments and allocate the rest of the time.

I thank Senator BURR for his tremendous efforts, the tremendous work that has gone on up to this point. We do need to finish it now.

I yield the floor.

The PRESIDING OFFICER. The Senator is recognized. There is 12 minutes remaining.

Mr. BURR. Mr. President, I thank the chairman of the committee, and I also thank the ranking member, Senator KENNEDY, who has been extremely helpful throughout this whole process. If it were left up to the three of us, this bill would have become law and would have been signed by the President months ago, because in fact 50 percent of this bill was passed unanimously in the House of Representatives. But as you begin to see now the interest of my colleagues who think this is a vehicle leaving the Senate, some of the amendments that have popped up are not even germane to the issue of what we are here to talk about.

More importantly, I think we need to focus on why we are here—because of the threat of terrorism, the power of Mother Nature, what we have learned from the destruction of Katrina, what we continue to hear from the voices of individuals whose intent is every day to kill Americans.

This morning, the World Health Organization confirmed that the H5N1 bird flu strain has mutated. As you know, we don't have a vaccine today, but we are desperately trying to get there.

This Congress has made some exceptions as it relates to our development of a vaccine for pandemic flu because of the urgency. Yet, they do not see the same urgency as it relates to e. coli, or smallpox, or anthrax, or the ability to genetically modify any of them to overcome anything that we might have in our arsenal to defeat them today. Yet this morning the World Health Organization announced that in areas of China they have established that bird flu has mutated. That mutation means we do not have a vaccine; it means that the antivirals Tamiflu and Relenza that we have don't protect against this strain. It means we are completely unprotected.

In addition to that, reported today by the head of al-Qaida in Iraq, he put out an audio message that said this: "We are in urgent need for you as American bases are the perfect place for nonconventional experiments of biologic and dirty warfare."

But some argue that is not a real threat, that al-Qaida never participated in that. However, this quote is from the head of al-Qaida calling on his brothers, his scientists, to bring their research and development and see how well it works. If it can be used there, it can be used here.

In this bill, our attempt was to make sure that we have in place a robust research and development process that is focused on threats that might be intentional, threats that might be accidental, or threats that are natural. We certainly saw the power of the natural threats 1 year ago with Hurricane Katrina. As we sit here almost on the fifth anniversary of the anthrax attacks on the Congress, I think it is worth reminding our colleagues that this threat hasn't gone away. This threat continues yet today, and 5 years later we do not have the vaccines and drugs to defeat these threats. And if in fact terrorists have spent any time to genetically modify it, we have to question whether we have an antiviral capability to treat individuals who are infected and reverse that course and make sure there is no loss of life.

We are headed into a new season of pandemic flu. As that season starts and we detect those infected birds, how long will it be before one bird finds the shore of the United States, be it through Canada or Alaska?

We need to continue. We need to pass this legislation. We need to catch up with what the House did this week.

Members will come to the floor and say, "We didn't debate it enough; we didn't have enough hearings; my voice wasn't heard." Let me assure you I have reached out to every Member of this body. I have continuously solicited their input, and most of that is incorporated into this bill. I will assure you there has been some input that I could not accept in the bill because it wouldn't maintain what we tried to accomplish; that is, to assure the American people we are doing everything within our power to make sure they are safe.

The legislation we have developed focuses on strategies to address public health and medical needs of at-risk individuals. Every person in this body learned after Hurricane Katrina that we have to better prepare to meet the needs of at-risk individuals, children and older Americans, in a totally different way than our current response plans. In our bill, we require that to be part of our national preparedness goals. We set up an at-risk individuals advisory committee to continually remind those responsible for responding to disasters of what in fact they need to do for at-risk populations.

In addition, we require of every State emergency response plan to incorporate at-risk individuals into their plans. We have not left them behind. We have made them a centerpiece of our focus in this legislation.

We also strengthen the State and local public health infrastructure in this bill by reauthorizing over $1 billion a year in Federal funding for grants from Health and Human Services for public health and medical preparedness.

The last thing we do, which I will focus on, is the single most important thing in this bill. We put somebody in charge. We made one individual responsible for the health care response of the Federal Government. And where we had those responsibilities fragmented before, with the help of the chairman of the Department of Homeland Security Appropriations Committee, we began to move those things. And where there needed to be greater consultation with agencies such as the Centers for Disease Control and Prevention in Atlanta, we built in that concentration.

I am convinced that with one person in charge when there is another disaster in America, we will not have fingerpointing. We will know exactly who to go to and who to hold responsible for execution of the plan, for creation of the plan, but, more importantly for how that plan dovetails with 50 State plans, thousands of communities, regardless of what the threat is, whether it be natural, intentional, or accidental.

We truly have lived up to what the chairman of the committee asked us to do—that was create the ability for an all-hazards response. Don't put us in a situation where we create something for a known threat only to have to go back and recreate the wheel when all of a sudden a threat appears that we didn't anticipate. This sets up a framework that allows us to do that.

It is my hope that later today the chairman will offer a unanimous consent request. I believe it will be objected to, but we will continue to try to improve our security level and put in place these changes so that the American people have that comfort of knowing we are doing our job.

I yield the floor.

The PRESIDING OFFICER. The Senator is advised that under the unanimous consent order currently only a member of the majority who is allocated time without a unanimous consent request is Senator CRAIG of Idaho. The Senator could be recognized by virtue of another unanimous consent request.

Mr. GREGG. Mr. President, I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GREGG. Mr. President, I commend the chairman of the HELP Committee, Chairman ENZI, and Senator BURR, who is the energy and author of this bill.

I don't think there is a bill that comes to this floor that isn't important. Obviously, it wouldn't make it to this point in legislation. So calling something "important" becomes sort of a common phrase around here. But when you are talking about the issue of whether America is prepared for either a pandemic flu, or a terrorist attack using a biological agent which could threaten thousands and thousands—potentially tens of thousands—of Americans, you are talking about something that is really important. Senator BURR has focused on this issue.

We have in place laws that Senator ENZI and I helped structure a few years ago on Bioshield, to try to get this process started of getting ready for that kind of a biological attack. But the process didn't work the way it was supposed to work. It wasn't getting the industry involved, which has been devastated in our country—literally wiped out for all intents and purposes—by lawsuits. It was not willing to get started up again because they didn't feel there was, first, an adequate source of resources in the area of dealing with a biological attack and, secondly, they feared the huge potential liability that might fall on them for the production of what would be not a major item within their market.

Senator BURR has spent a year addressing these issues: How do we get more manufacturers and more entrepreneurs and more medical specialists into the business of developing and being positioned to develop vaccines which will deal with potential pandemic flu or a terrorist attack.

In addition, he recognized that is not enough, that you have to get the communities—especially State and local communities—thinking about how they will handle a situation where they may have literally tens of thousands of people they have to care for all at once, that type of a surge, or that they have to isolate from the community. The Federal Government clearly wasn't orchestrated correctly. It was diffused, as Senator BURR pointed out, as to who was responsible and how these plans were going to be developed.

This piece of legislation has evolved here through a superior exercise in legislative activity by Senator BURR and Senator ENZI, chairman of the full committee, in a bipartisan effort, a bicameral effort to address these very significant problems which we have found within our health care delivery system when it comes to dealing with a potential threat of a pandemic event or biological event.

This legislation should be passed. There is no reason it shouldn't pass. It passed in the House overwhelmingly. It came out of our committee unanimously. There is no reason it should not move across this floor. The other side of the aisle may have a couple of reservations about it. There is plenty of time to go back and address those if those reservations have any legs. But the point is the basic legislation here is excellent, it is agreed to, it is bipartisan but, most importantly and most significantly, it is needed now.

Obviously, we hope we don't get hit with a pandemic flu, but we have to start getting ready now if that happens. We can never predict when a terrorist attack is going to occur. Should it occur with biological weapons, we need to get ready now for that. This bill does that.

I congratulate the Senator from North Carolina, and I congratulate the chairman of the committee, a superb chairman, who did a great job. But the smartest thing he did was to turn it over to the Senator from North Carolina to straighten it out. This is a good bill and should be passed. I hope the Senate will pass it today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, first, I thank Senator BURR. Senator BURR and I served on the Commerce and Health committees in the House together. He also served on Intelligence in the House, and we have his expertise, his experience, and his tremendous insight into what needs to be done, and the risks.

I find it ironic that since we talk about all the issues that face our country in terms of risk, this is potentially one of the most deadly risks our country faces—not just from a natural occurrence such as bird flu but from the intentional use of manipulating biological, of manipulating viruses and bacteria. We know the intent of the people we are now fighting. It is to use fully any means at any time in any way to cause great disruption not only to the lives of Americans but on the economy of America.

The fact that someone would hold up this bill to give us the capability to direct resources to become prepared says one of two things: Either they don't believe there is a real threat either from Mother Nature or the leaders of the "Islamo-fascist" terrorists who want to attack us today or that they think we are prepared. And we are not prepared.

We heard Senator GREGG talk about the vaccine industry. We need a program to redevelop our capabilities. I am a practicing physician. What we do know is vaccine costs are higher today because we have no industry. We have a limited supply of vaccine manufacturers. We need research into vaccines at every area of every virus and every bacteria that could possibly be used against us, and then we need a way to get that out and a way to utilize it. We need research into new antiviral drugs for many of the viruses that could be posed as a biological weapon against this country.

I find it ironic, kind of like last night, we are trying to do something for victims of HIV, and those who want to object will not come to the floor and object; they want to hide in secrecy. They do not want to say what is really wrong. What they want to do is stop the process, hold up the process, and not accept the responsibility. There is no one in this Senate who holds up more things than I do, but everybody knows that I am the person doing it and they know why I do it.

This is within the responsibility of the Federal Government. It is within the priority of making a decision on where we spend money and what should be spent first. Protecting this country should be one of the No. 1 things we do. Protecting the lives of American citizens should be one of the No. 1 things we do.

To not come here and defend why we think this bill is not appropriate, to not come here and stand up and take credit for stopping prevention of accidents and terrorism in this country says a whole lot about the lack of transparency in this Senate. They should come to the Senate and say what is wrong and why they object. We should have a debate. If they want to object after that, let them do it. But to not come to the floor to make a formal objection as a courtesy to Senator ENZI, who does respect the rights of other Members of this Senate, it means those Members who will not come hide in the shadows, and the American people do not get to know what others might think is wrong with proceeding. That does an injustice to the country and to this Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I don't see additional Members in the Senate, so I will take the opportunity to ask unanimous consent to address the Senate for 5 minutes. If I do see additional Members seeking recognition, I will certainly accommodate them.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Mr. President, I was reminded, as Dr. COBURN spoke, that we do have a blueprint that guides us as it relates to pandemic flu. It is "The Great Influenza." Most of us in the Senate were not here in 1918. I daresay we have few Members who were here at that time. This book is the greatest recap of what happened at that time and the significant impact on the lives of the American people and how many individuals died. Unlike what we might expect in a flu season, those affected were not the old and at risk. They were the young and healthy. They were the ones who were attacked with this case of pneumonia which was a strain which could not be overcome with any medicine they had available.

One walks away from this historical lesson realizing, if we think it could happen—which nobody questions—then we should do everything within our means to make sure we are not left in the same position we were in 1918 with no stable of products to defeat this virus.

What do we do in this bill? We develop a partnership between the Federal Government and private companies, between the Federal Government and academic institutions, between the Federal Government and any researcher who might have research that leads us to believe they might hold the key to a cure. We enter into that partnership with the belief that as long as the research and development shows promise in the right direction, we will continue to be a good partner, but if at any point, in real time, we see it is not headed where we want, we stop our funding. We are fiscally responsible.

We make sure one person is in charge of the health response in the United

States versus a multitude of individuals at multiple agencies. For the first time, this country would have an approach to our health response and to our development of antivirals and vaccines to defeat these agents that is not limited to one area but covers all hazards.

We build on the State preparedness plans. We do not trump the State plan. We do not create two separate plans. We integrate into that State plan to make sure we are there to support the replenishment of supplies, with the logistic needs. We have to make sure, in fact, that in the first 72 hours after a disaster, individuals feel the full effects of local, State, and Federal resources.

We rebuild the public health infrastructure in America. I challenge anyone to look at the community they live in and compare the public health infrastructure they grew up with to the one they have today. It is impossible to believe we can have a nationwide plan of response if, in fact, our public health infrastructure varies as greatly as it does today from the inoculation point for low-income children to the only place, in some cases, where health care can be delivered.

We strengthen our surveillance, which, as we look at the bird flu, is absolutely crucial, our ability to identify at the earliest possible point whether, in fact, an infection and a threat is alive and well.

We allow for the surge capacity of health care professionals. I see my colleague from Louisiana is in the Senate. She would be the first to know that one of the challenges when Katrina dramatically affected this country was that health care professionals around the country who intended to go to Louisiana and supply that very important medical surge capacity had a licensing problem in Louisiana. I forget the exact reason. But the question is, How can we overcome this challenge in the future? We create in this bill a voluntary network that health care professionals can sign in to get their credentials verified ahead of time, where the United States can then deploy these approved health care professionals on a moment's notice without any additional hurdles.

I see my colleagues. Since we do have individuals who could execute their objection, it would probably be an appropriate time to offer the unanimous-consent request.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina controls the floor.

Mr. BURR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous-consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 3678

Mr. BURR. Mr. President, I ask unanimous-consent that the HELP Committee be discharged from further consideration of S. 3678 and the Senate proceed to its immediate consideration. I also ask unanimous-consent that the substitute at the desk be agreed to; the bill, as amended, be read the third time and passed, and the motion to reconsider be laid upon the table.

Mrs. MURRAY. Mr. President, reserving the right to object, I ask unanimous-consent that the majority leader, with the concurrence of the Democratic leader, may at any time turn to the consideration of S. 3678; that it be considered under the following limitations: that the managers' amendment be withdrawn and a managers' amendment that has been agreed to by both managers and both leaders be agreed to for purposes of the original text; that the first-degree amendments deal with similar subject matter as contained in the text of the bill, except where noted; and that relevant second-degree amendments be in order thereto. The amendments are as follows: Durbin, single food agency; Conrad, national emergency telehealth task force; Lieberman, at-risk populations; Lautenberg, mass-transit preparedness; Wyden, FOIA; Leahy, compensation fund; Dorgan, one amendment; Leahy, two amendments; Obama, one amendment; Levin, one amendment; that in addition to any time limits on amendments, there be 6 hours of debate on the bill——

The PRESIDING OFFICER. The Senator's unanimous-consent request is out of order by merely reserving the right to object. The Senator has to object to the pending unanimous-consent request by the Senator from North Carolina.

Mrs. MURRAY. Mr. President, reserving the right to object, I ask unanimous-consent to modify the request of the Senator from North Carolina with another unanimous-consent request.

The PRESIDING OFFICER. As the Chair understands it, the Senator from Washington would still have to object to the pending unanimous-consent request in order to make it a substitute.

Mrs. MURRAY. I believe the other Senator will have to object to my request.

The PRESIDING OFFICER. If the Senator would pause, is the Senator's second request to modify the pending unanimous-consent request of the Senator from North Carolina?

Mrs. MURRAY. That is correct.

The PRESIDING OFFICER. That would be in order.

Mrs. MURRAY. I ask consent to modify the unanimous-consent request of the Senator from North Carolina to the extent I just outlined, and also I add that there be 6 hours for debate on the bill to be equally divided between the two leaders or their designees; and that upon the disposition of these amendments and the use or yielding back of time, the Senate bill be read a third time and the Senate proceed to vote on passage of the bill.

I ask unanimous-consent that the Senator from North Carolina modify his request to include this consent.

The PRESIDING OFFICER. Is there objection to the motion?

Mr. BURR. Mr. President, reserving the right to object, as Members may have missed the over 30 minutes many of us have been in the Senate Chamber, a significant amount of time and effort has gone into this bill. A very general solicitation and at times a very specific solicitation for input has been sought from my colleagues, without a response.

Yesterday, a list of possible amendments was supplied. Most of those amendments were not even applicable to what is in the bill. We are not in a position right now to know what the specific modifications are that are being suggested, since we have not seen the actual amendments. Therefore, I object to the unanimous-consent request.

The PRESIDING OFFICER. The objection is heard.

Mrs. MURRAY. Knowing they would object to our asking for a number of our Senators to be allowed to have amendments, I object to the Senator's request as well.

The PRESIDING OFFICER. The objection is heard to both the modification and the original unanimous-consent request.

The Senator from Louisiana is recognized for 10 minutes.

OFFSHORE ENERGY

Ms. LANDRIEU. Mr. President, we are trying to wrap up many important issues before we leave. One issue that has remained elusive at this point is the solution for our offshore energy bill. The House has passed a version; the Senate has passed a version. I am here to talk about the benefits of the Senate approach to this subject since there seems to be some real confusion on the part of some of the House members about the Senate approach. I have had many private conversations and many meetings, but I thought I might try to clarify a few things as we seek to understand each other a little better.

I have great respect for many Members on the House side. Chairman POMBO and others have worked very hard. I know they are very sincere about trying to find new avenues for domestic production. It is most certainly a goal I share and that many

Senators in the Senate share, Republicans and Democrats.

We have had our arguments, knockdown, drag-out arguments about ANWR. I am clearly on the side that supports production in ANWR. I happen to be in a minority of Democrats on that, and we could never pass that in the Senate, or have not to date. We have been debating it now for 30 years. But there is consensus—there is consensus—in the Senate about opening a significant area in the Gulf of Mexico to help bring much-needed oil and natural gas to this country.

I wish to put into the RECORD from the Consumer Alliance for Energy Security what they say about natural gas:

> Natural gas is used to make fertilizer for ethanol.

For those who are arguing for more ethanol, ethanol needs sugarcane, ethanol needs corn. We need fertilizer to grow sugarcane and corn.

> Natural gas is used as a substitute for diesel fuel in our buses and fleet vehicles.
>
> Electric utilities use natural gas to generate clean power.
>
> Natural gas is a raw material that goes into lightweight cars for fuel efficiency, wind power blades, solar panels, building insulation and other energy efficient materials.
>
> Natural gas is used to make hydrogen fuel necessary for fuel cells.

They say:

> In the face of declining natural gas production, consumers are hungry for a solution to our energy crisis.

The Senate has provided a solution. Democrats and Republicans agree—we need more natural gas. So we have carved out an area. Shown on this map, is an area that is under leasing moratoria right now and which has been under leasing for the last 15 or 20 years. It has been closed off to production—8 million acres.

But this Senate, in a historic vote, has decided that we need the natural gas. We believe in what the Consumer Alliance and thousands of organizations have stepped up to say. We need natural gas. We are prepared to open this section—8 million acres.

To put this in perspective, ANWR is only 2,000 acres. So when critics of our approach say the Senate bill does not do anything, then, why did we debate for 30 years over nothing? If we debated 30 years only 2,000 acres, why is 8 million acres nothing? I do not think that is true. It is obviously incorrect. Eight million acres is a great many more than 2,000 acres. The reserves here are thought to be substantial.

Shown on this map is the oil discovery that was announced 3 weeks or 4 weeks ago announced: the Jack well, as it is commonly known, discovered by a Chevron partnership. This one well, drilled 28,000 feet—10,000 feet of water and 18,000 feet of land—will double the reserves of oil and gas in the United States of America. This one little square, right here.

So when people in the House of Representatives say, opening up 8 million acres here will do nothing, they are dead wrong. We might find four or five "Jack" wells in here. We could find 100. How would we know? Because no one will let us go look. And if we do not pass this bill, which the Presiding Officer helped to pass and helped to craft, we will never know, and our industries will continue to lose jobs and lose their competitive edge. We are losing thousands of jobs.

Experts estimate that there is enough gas in this section alone to run 1,000 chemical plants for 40 years. That lessens the need to go drilling in ANWR. But this bill is not about ANWR. And the good news about this is, the States of Florida, Alabama, Mississippi, Louisiana, and Texas are all in agreement. Republicans and Democrats are in agreement. They understand the need. They want to step up and help America. This money generated by this bill will go to support these coastal communities and reduce the deficit.

Mr. President, I ask unanimous consent for 3 more minutes. I see my colleague from California.

Mrs. BOXER. No problem.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I appreciate that.

Instead, the House of Representatives has proposed a bill that is breathtaking in its reach, and then wonders why we cannot pass it. In the House bill, the House committee decided to open up drilling along the entire Atlantic seaboard, and they took it upon themselves to redraw state boundary lines. Very few people have seen these state boundary lines, so I decided I would go ahead and show this map so people can see it.

These lines have not been approved by the Commerce Department. They have not been approved by the Interior Department. They have not been seen by the Defense Department. And MMS does not certify these lines. There are 200 years of maritime law that went into developing the original lines that looked like this, as shown on this official Interior Department map. The lines shown on this Interior Department map are the lines that we are all governed by now. But the House committee decided to go into a room and redraw the lines without talking to the Governors of these States, the Senators from these States, and I am not even sure the House Members from these States ever saw these lines.

They ask me why I can't pass this bill on the floor of the Senate. What is wrong with Senator DOMENICI and Senator LANDRIEU. They can't get this bill passed. I would suggest it is going to take a few hearings, a few public meetings, and a little bit of work over there before we can get something such as this passed. I will help them. I actually believe in what they want to do. I may be in the minority over here. I will help. But I do not think I can get this done this weekend. But what I can get done this weekend—what we can get done this weekend—is to open up 8 million acres filled with the natural gas and oil this country desperately needs. We can send a positive signal and a necessary signal to the marketplace that America is serious about finding more domestic reserves for oil and gas. And we can send a hopeful signal—as the Saints did when they carried that ball across the goal line earlier this week several times; an extraordinary game—to the people of the gulf coast that we still know they are suffering, and we are going to pass a bill that helps to generate jobs in this region, saves their wetlands, builds their levees, and reduces the Federal deficit.

Our bill respects the coast of Florida, it reduces the deficit, it saves the wetlands, it builds levees, and it gives everybody in America natural gas—and there is a problem with this bill?

I do not know what the problem is. We had 72 Senators who worked all year on it. I respect the House of Representatives. I understand what they want to do. But it is too broad of a reach.

The Senator from California is on the floor, and she has been very gracious, and I will only take 1 more minute. I did not have time to go get the model they have for the west coast, of which their bill wants to open up west coast drilling. With all due respect to Congressman POMBO, he does not even have the support of his own Governor in his own party. And he wonders why Senator DOMENICI cannot get his bill passed? He cannot get it past his California legislature. How am I supposed to get it past the Senate?

So I am asking the House colleagues, please be reasonable. Take this a step at a time. Some people object to drilling on the Atlantic coast. I do not happen to be one of them. I will help them, but we cannot get that done this weekend. And it may never happen because you have to get political support from these States.

But I will conclude with this: We have a great coalition in the gulf coast. The people of the gulf coast know how to drill for oil and gas. The technology is superb. We minimize the environmental footprint. We know where the gas is. Let us go get it. Then we can use that money to continue to help us restore our coast.

So I am pleading with my colleagues. I will work with you. I will continue to work with you. So will Senator DOMENICI. And I think I can speak for the Senators from Florida, as well as the Senators from Mississippi, Alabama, and Texas. We will put our shoulders to the wheel to do what we can, but let us go forward.

In the Senate, the Gulf Coast States came together and created a formula that is fair to all. Each coastal-producing State shares in the revenues received according to the length of their coastline, their proximity to oil and gas development—and the likely impacts from that development.

Also, the Senate formula recognizes that some of the Gulf States have provided oil and natural gas to the country for decades, receiving the brunt of the impacts, and few of the benefits. For that reason, States that have hosted the industry for the longest would have secured marginally more of the revenues by way of compensation.

The Senate bill also recognizes that the minerals of the Outer Continental Shelf are a national resource—belonging to the Nation as a whole. That is why every State receives the majority share of the revenues: 50 percent would go directly to the Federal Treasury; 12.5 percent would go into the Land and Water Conservation Fund—a conservation royalty that benefits all 50 States.

Arriving at a formula that was fair and equitable was not easy: each of the Senators from the four gulf-producing States met on a daily basis over a series of weeks.

Ultimately, the gulf coast was able to stand united: all ten Senators from the Gulf States voted in favor of the Senate bill. But it was not an easy feat.

Agreement among neighboring States is critical—and difficult to achieve. What is at stake are billions of dollars and the Nation's energy security.

The House bill creates State boundary lines that would divide the Federal OCS into zones controlled by the closest State. Under the House proposal, States have the power to authorize or halt energy development activities within this zone. They also have claim to the lion's share of the revenues generated within this zone.

The Senate and the House take fundamentally different approaches to two key issues:

The Domenici-Landrieu bill would open 8.3 million acres in the Gulf of Mexico—a region that has continuously been one of the most productive oil and natural gas basins in North America.

Since the world's first offshore oil well was drilled near Creole, LA, in 1933, the Gulf of Mexico has provided the Nation with more than 15 billion barrels of oil and 165 trillion cubic feet of natural gas.

Each year, offshore production from the Gulf of Mexico offshore accounts for more than 560 million barrels of oil and 4 trillion cubic feet of natural gas. If you add in the onshore production from the neighboring Gulf States, this region produces more than 1 billion barrels of oil each year. That is more than the imports from Saudi Arabia and Venezuela combined.

Conservative estimates show that the Senate bill will increase the Nation's supply of affordable, domestically produced energy by 1.3 billion barrels of oil and 5.8 trillion cubic feet of natural gas.

That much crude oil will produce enough gasoline to drive 1.7 billion cars from DC to New York—with plenty left over to heat 1.2 million homes for more than a decade.

These lines were drawn without any input from the coastal States, without input from the Minerals Management Service, the Coast Guard, or other stewards of America's oceans.

In fact, the Minerals Management Service had painstakingly crafted "State Administrative Boundaries" in an effort to clarify which State has the most interest in the area seaward of its coastline because of the increasing number of commercial activities on the Federal OCS.

These boundary lines—which were crafted in consultation with the MMS, the National Ocean Service, the Department of State, as well as in accordance with past Federal and Supreme Court decisions, and significant public input—were disregarded in the House bill.

States that were deemed more likely to drill off their coasts seem to have been granted more territory. States that have made their opposition to OCS activity well known, seem to have had their territories trimmed down significantly.

Virginia's gain was Maryland's and North Carolina's loss. Georgia's gain was Florida's loss.

I support increased access to the Nation's offshore energy resources. I believe strongly that we need to make this Nation more energy independent and less reliant on foreign sources of oil.

But I am also a pragmatist and know that we cannot overturn 30 years of poor energy management policy overnight—without consulting the States, without consulting our Federal natural resource managers.

I encourage our neighbors on the east and west coasts to re-examine their failed policy on moratoria on developing energy resources from the Federal Outer Continental Shelf. But I cannot force them to do so. Instead, we need to have an open dialogue on this issue and work to improve U.S. policy in this critical arena.

That much natural gas will sustain 1,000 chemical plants for 40 years—and those plants would provide jobs for about 400,000 Americans.

The potential of future drilling in the Gulf was recently underscored by a massive oil discovery miles of the coast of Louisiana.

Some analysts believe that this single find in the deepwater Gulf of Mexico could produce more than 15 billion barrels of oil.

By 2012, daily production from this single prospect could total 800,000 barrels of oil per day of light, and more than 1 billion cubic feet per day of natural gas.

This discovery effectively increased the total proven oil reserves of the United States by 50 percent.

While the "Jack" discovery is not directly adjacent to the 181 and 181 South area, some geologists have speculated that these mineral-rich ridges could extend eastward into the 181 and 181 South area.

This find shows that the Gulf of Mexico remains one of the most promising oil and natural gas regions in North America and the world.

It is likely that major finds such as the "Jack" prospect will spur an increase in exploration and production activity in the ultradeep waters of the Gulf of Mexico.

It is highly likely that this discovery—and other major finds in the Gulf of Mexico—will cause bonus bids to escalate at future lease sales, and increase revenues flowing to the Federal Treasury.

In contrast to the bounty available in the Gulf of Mexico, the MMS anticipates that the total production off Virginia will be about 560 million barrels of oil and 327 billion cubic feet of natural gas.

Compare this to the resources opened by the Senate's Domenici-Landrieu bill in the Gulf of Mexico which the MMS estimates will total 1.3 billion barrels of oil and 5.7 trillion cubic feet of natural gas. The Virginia proposal has 4.7 million acres.

Domenici-Landrieu is adjacent to existing infrastructure—pipelines, ports, and refineries. The area off Virginia is not adjacent to industrial infrastructure.

Virginians may want to open their shores to offshore oil and gas production—a goal that I share and support—but Virginia's waters are quite close to the shores of North Carolina, Maryland, and Delaware.

Why is this a problem? In 1990, the State of North Carolina successfully forced several oil companies to cease all activity and relinquish their rights to drill more than 50 miles from shore, far out of sight from shore.

Similarly, California, Maine, and Florida have repeatedly proven that they can shut down production, even when it is far from their shores.

Today, the President has acquiesced to his brother's request that no new drilling be allowed within 100 miles of Florida. As a result, no new leases are allowed off Alabama—despite the fact that their oil and gas has been safely produced in that region for more than 30 years.

Mr. President, I ask unanimous consent that excerpts of document from the Consumer Alliance for Energy Security and other relevant material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Consumer Alliance for Energy Security]

VOTE ON AN OCS ENERGY BILL

WHY?

A vote for an Outer Continental Shelf (OCS) energy bill is a vote for clean, alternative energy. America must develop alternative and clean sources of energy. But it can't happen without natural gas. Congress can make it happen by safely accessing the abundant supplies of American natural gas on the Outer Continental Shelf (OCS).

Natural gas is used to make fertilizer for ethanol.

Natural gas is used as a substitute for diesel fuel in our buses and fleet vehicles.

Electric utilities use natural gas to generate clean power.

Natural gas is a raw material that goes into lightweight cars for fuel efficiency, wind power blades, solar panels, building insulation and other energy efficient materials.

Natural gas is used to make hydrogen fuel necessary for fuel cells.

If Congress is serious about pursuing alternative energies, then it must get serious about safely accessing America's own natural gas supplies. We urge you to send an OCS bill to President Bush this month. Doing so, Congress can reverse a more than 25-year 'Just Say No' energy policy. Congress holds the key to ending the current energy crisis in the U.S.

In the face of declining natural gas production, consumers are hungry for a solution to our energy crisis. Both H.R. 4761 and S. 3711 break new ground. Time is running out. We strongly urge you to get the job done.

American consumers are counting on your action.

BUSINESS ROUNDTABLE,
Washington, DC, July 24, 2006.

TO MEMBERS OF THE SENATE: . . . S. 3711 represents a crucial building block for our long-term vision of greater energy security and economic vitality. As you know, our country is blessed with abundant supplies of deep-water oil and natural gas in the Gulf of Mexico, much of which is currently off-limits to development. S. 3711, which reflects a strong bipartisan consensus, would open more than eight million acres of the Outer Continental Shelf (OCS) to leasing within one year. Estimates suggest that such action would make nearly six trillion cubic feet of natural gas and 1.25 billion barrels of oil newly available for production. The availability of new supplies of natural gas, in particular, would be a boon for industrial companies who rely on natural gas as a critical raw material, and I consumers, who depend on natural gas for home heating and electricity. . . .

Sincerely,

MICHAEL G. MORRIS,
Chairman, President and Chief Executive Officer, American Electric Power, Chairman, Energy Task Force, Business Roundtable.

ATLANTIC COAST GOVERNORS PLEDGE TO OPPOSE OFFSHORE DRILLING

"Energy independence is something we're all after, but we think it makes more sense in the long run to pursue that goal through focusing on alternative forms of energy rather than fossil fuels. Tourism is our state's number one industry, and we don't think it makes sense to undertake something that could potentially damage our coast."—South Carolina Governor Mark Sanford (R).

"While it is clear that the United States must become more energy independent, such independence must not come at the cost of the fragile ecosystems and vital tourism economy of our coast."—North Carolina Governor Mike Easley (D).

"Drilling in our ocean waters should be a last resort, not a first step toward achieving energy independence. Before we sanction further exploration and drilling off our shores, we need to aggressively pursue strategies to reduce our dependence on oil and natural gas, regardless of where it is produced."—Delaware Governor Ruth Ann Miner (D).

"We urge the United States Congress not to take any action that would have the effect of undermining or undoing the legislative and administrative moratoria that have protected our shore from the risk of drilling for 25 years."—Connecticut Governor M. Jodi Rell (R).

"Any pollution associated with offshore drilling incidents could easily spread from one state to adjacent states that have chosen to ban exploration and production. This would expose Maine's coastal ecosystem and economy to unacceptable levels of risk from potential drilling and associated accidents over which we would have no control."—Maine Governor John E. Baldacci (D).

"New Jersey and its elected officials—at the federal, state and local levels—have demonstrated their leadership on coastal protection, whether by enacting land use laws to preserve our shoreline, working for sustainable management of our fishery resources, protecting endangered marine and other species, or leading the fight to end ocean dumping of human and other wastes. We must, once again, stand united against this latest threat to our shore ecosystem."—New Jersey Governor Jon Corzine (D).

Ms. LANDRIEU. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to add 5 minutes to the time I was allocated, so it would be 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I say to my colleague, Senator LANDRIEU——

Mrs. MURRAY. Mr. President, if I could ask unanimous consent that following the Senator from Idaho—I believe right now the Senator from California is to be followed by the Senator from Idaho—I ask unanimous consent that following the Senator from Idaho, I be allowed 15 minutes, and that following me, the Senator from Massachusetts be allocated 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. Thank you, Mr. President. I trust my 15 minutes will start at this point.

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Thank you so much.

Mr. President, I say to my colleague Senator LANDRIEU, I think she made a very clear statement about where we stand on oil drilling in this country. And she is so right. A narrow bill passed here that is going to help her State. It is going to help the country. It stays away from the hot-button issues. It stays away from the California coastline, which Republicans and Democrats in our State are united in saying we need that coastline protected for our economy. It is quite different than my friend's. We respect each other, and we understand it.

So what she is simply saying to the House is: We want to do something. We do not want to be a do-nothing Congress. Let's do something. Let's do the bill the Senate crafted, which again, I say to the Presiding Officer, you were involved in.

Just before she left the Chamber, I wanted to say how strongly I appreciate her explanation of where we are.

AGRICULTURAL EMERGENCY

Mrs. BOXER. Well, Mr. President, we have a very narrow bill before us, the border fence bill, which we cannot broaden; and that is why I opposed cloture on that bill. I do not oppose building a fence where you need to do it, where the border is porous. I do not have a problem with that. What I have a problem with is this narrow approach to the immigration issue which precludes us from truly fixing our problems.

We are ignoring a lot of problems in this Congress, but I will tell you what is emerging as an enormous problem, and that is, the problem that farms are having all across this country because we have neglected to take care of the issue of farm labor.

In California, our farm community is in serious trouble. I sat with my dairy folks, my ranchers, my farmers. We grow over 80 crops in our State. Senator FEINSTEIN was eloquent in laying out how huge an industry it is. These are folks who never come to me with fear in their eyes. They are frightened because their crops are dying on the vine and in the fields across the State of California, and from what I have heard, in other States as well.

This is tragic for us. We could lose these farmers. We could lose agriculture. And we have a chance—Senator CRAIG, Senator FEINSTEIN, and I, and others, have teamed up and said: Let's use this opportunity to broaden our approach. Senator KENNEDY, of course, was the first to craft a comprehensive piece of legislation, which we voted out of here.

Now, I do not understand—I spoke with Senator FRIST, and he seemed to acknowledge there is a problem—why we cannot permit as part of this fence bill a very simple emergency piece of legislation that will sunset but just says let's make sure our agriculture community can survive, can continue.

Let me show you a photograph of one of my constituents looking at her crop of pears, which is rotting on the ground. You look at her face, and you see what this means to her.

Let me tell you what it means to the people of our Nation. We export these fruits and vegetables all throughout the Nation and, of course, throughout the world. It is going to mean higher prices, that decreased availability of products. But this Congress will not let us address this issue.

To the Republican leadership, I beg you one more time—and even some in your own party are begging you—we have to do more than one thing at a time. You have to take the problem and solve it. So this whole notion of we will take care of the fence first, and in a few years we will take care of something else—let me tell you, these farmers cannot last. They are facing economic disaster.

As I said before, this is not a Democratic or Republican issue. I can assure you that the people who have come to see me are part of the Republican base. They are perplexed. They do not understand it. They are the owners, entrepreneurs, the family farmers, the large farmers, and they have come together with labor. It was intense to get the two sides together. It started in the late nineties.

I remember when Senators CRAIG and KENNEDY came with great excitement and said that we have a deal between labor and management, everyone supports AgJobs. We went out to the floor and we have more than 60 votes for this. Yet because of the maneuvers on the floor by the Republican leadership, we cannot offer the AgJobs bill. No one can explain it to me.

Republicans are facing the charge of being a do-nothing Congress. We want to do something for our farmers. We want to help you. Let's please take care of our farmers. Take care of this woman who is looking at her whole life disappear in front of her because she doesn't have enough labor to pick these pears.

The United Fresh Produce Association wrote Senator FRIST a letter. It has a headline that I have never seen in a letter:

> Farmers to Congress: Support a Safe and Secure American Food Supply, Pass an Immigration Fix Before the Election of 2006.

These are people who don't really get that involved in politics, but they get it. They know an election is coming, and they are sending us a message to fix this. Further, they say:

> A safe and domestic food supply is a national priority at risk. With real labor shortages emerging, agriculture needs legislative relief now. The choice is simple: Import needed labor, or import our food.

What they are saying is, at the end of the day, we will not have a safe, secure, and healthy food supply. This is not the time, it seems to me, that we want to lose that. With all of the talk about terrorism—and we all fear it—we want a safe food supply. We don't want to have to depend on food coming in from other places. We want to depend on our farmers and their great history and their great legacy.

We also will lose three to four American jobs for every farm worker job. Mr. President, I will say that again. We will lose three to four American jobs for every farm worker job.

They say:

> Any solution must recognize agriculture's uniqueness—perishable crops and products, rural nature, significant seasonality, and nature of the work.

Building a fence is not going to help our people. I am not against it; I voted for it. It is not a problem to me to build a fence. But don't come out here and say: Aren't we great and doing something; we are building a fence and now everything is fine. That is hogwash.

We must pass an AgJOBS bill, and we can do it today. Our farmers and our ranchers are begging us to do it. They need a solution. Our farm economy in some areas is becoming paralyzed. I showed you Toni Skully. They were unable to harvest 35 percent of their crop. This is what is happening all over California. I have been told it is also happening to my lemon growers in San Diego. They are experiencing a 15- to 20-percent harvest loss. Avocado farmers in Ventura County are worried about workers for the December planting season. Tree fruit growers in Fresno County have seen the labor force decrease by as much as 50 percent. In Sonoma, as many as 17,000 seasonal farm workers have not returned to work in the fields.

Again, I don't have a problem with the fence. We need to build it where we have a porous border. But that doesn't help our people.

Agriculture is a $239 billion-a-year industry, and if we refuse to provide a solution to labor shortages now, we are jeopardizing our domestic economy and our foreign export market. We are driving up production costs that get passed on to consumers. Our consumers are already having trouble with health care costs, with gasoline costs, with college tuition—oh, and now they are going to have problems putting food on the table.

This is not the time to turn away from our farmers. All of this is happening for absolutely no reason. There is no problem in allowing us to proceed with this amendment to offer AgJOBS. I have been on the AgJOBS bill, probably since 2000, 2001, and we continue to have strong support for it. But, again, because this Republican Congress can, apparently, only do one thing at a time, when it comes to immigration, we are precluded from offering this amendment.

Mr. President, my farmers are proud, as are yours. My ranchers and my dairy families are proud. They don't ask for much. But when they came to meet with me—and they have come several times—and I saw the look on their faces.

I said: What is it?

They finally said: You have to act.

I said: The fence bill is coming up.

They said: Maybe that is a chance now. We can get AgJOBS attached to it.

I went to Senator KENNEDY, and I said to him at a caucus luncheon: They are bringing up the fence bill, so why don't we move forward?

He said: I am working on it, and I hope we can have a comprehensive approach. A lot of people care about this.

Apparently, there are not enough Republican leaders who care about it because we are being told there won't be an amendment for AgJOBS. This is certainly a place where Democrats and Republicans should come together. I simply don't understand why they allow our farmers to suffer, to worry, to wonder, to lose money, and then they have to come to us and ask for emergency help. They don't want emergency help.

AgJOBS is supported by United Fresh Fruit and Vegetable Association, the Agricultural Coalition for Immigration Reform, the National Council of Agricultural Employers, the Western United Dairymen, the California Grape and Tree Fruit League, California Citrus Mutual, the California Strawberry Commission, the California Association of Wine-Grape Growers, and the California Canning Peach Association.

The AgJOBS bill has pulled together both the owners and the workers. I thank Senators CRAIG and KENNEDY for doing that. All they need is for us to do our job. The Senate is choosing to neglect a major sector of our Nation's economy—a bill supported by 62 Senators.

Again, the farm community has been a traditional Republican stronghold. So this isn't even good politics. I say to my friends it is bad politics, and it is bad policy. At the end of the day, we can still insist that Senator FRIST allow us to offer the Craig-Kennedy-Feinstein-Boxer measure, and all of us who care about this bill have a chance to do it. We don't want lip-service. We don't want calming talk. We want action. We want action now. We want to help the farmers, the consumers, the workers.

We don't want to see another industry fall apart right beneath our noses. We have enough problems going on with people losing their health care, they cannot afford college, and the housing market is in a precarious situation. Why would we not come together and take care of this important constituency?

In closing, a headline from last Friday's New York Times reads:

> Pickers Are Few, and Growers Blame Congress

And they should blame Congress. Pretty soon it will be consumers blaming Congress, and they should. So let's get our act together. Let's get it done. Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, under the unanimous consent, the Senator from Idaho is next, but he is not on the Senate floor. I ask unanimous consent that I may proceed next in line.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPROPRIATIONS

Mrs. MURRAY. Mr. President, I rise this afternoon as we go into the last hours of this session, before we are apparently going to adjourn for an entire 5 or 6 weeks, until after the election, to join with my leader on the Appropriations Committee, Senator BYRD, who spoke earlier today, and explain how the Republicans' failure to act on the annual funding bills is going to hurt all of our communities.

As Senators, we have a job to do in passing the annual spending bills that fund essentially all of our Government. It is one of the most basic responsibilities we have. On the Appropriations Committee, under the leadership of Chairman COCHRAN and Ranking Member BYRD, we have done our job. But on the Senate floor, the Senate Republican leadership has blocked our progress.

American families are going to pay the price. When I go home and talk to constituents in my State of Washington, they tell me they want our country to be strong again. The way that we can be strong again is to invest at home. That is what I have been fighting to do on the Appropriations Committee. But now the Republican leadership is refusing to allow us to move forward on the investments that we have agreed on in a bipartisan way in the Appropriations Committee. In fact, they are not even allowing us to debate making those investments. That is how wrong I see the priorities by this leadership.

Some people may suggest that if we pass this continuing resolution, everything is going to be fine. I hear the claims that there is no real difference between passing the bills we have worked so hard to put together and just putting our Government on autopilot for a couple of months. Nobody should believe that. It is simply not true.

There is a real cost to failing to act on the appropriations bills. This country is going to pay a price in airline safety. We are not going to be able to rapidly hire the air traffic controllers or safety inspectors we need. We are going to pay a price in highway safety because we are not going to be able to rapidly reverse the high increase in traffic fatalities. We are going to pay a price in the fight against terrorism. We are not going to be able to fund the Treasury Department's efforts to stop terrorist financing. We are going to pay a price in educating our kids, improving our communities, and training our workforce.

Almost everywhere you look, we are going to pay a price if the Republican leadership succeeds in blocking action on the annual appropriations bills.

I want to share some specific examples. First, I will say a word about why this is happening. It is not because of partisan gridlock or because we have not had enough time to act. All of our bills have been ready to go since August. It is because this Republican leadership does not want to have a public debate about America's priorities just weeks before an election. I suspect it is because they realize their priorities are out of step with the American people.

There may be another reason to stall these bills. It hides the true cost of their wrong priorities. When we bring these bills up on the floor, we have a chance—all of us in America—to see what is funded and what is not. We have a chance to offer amendments and debate about priorities that deserve more support. By blocking that debate, the Republican leadership is hiding the true cost of their policies. Just as they have used supplemental spending bills to hide the true cost of the war, they are failing to act on the annual spending bills to hide the cost of their misplaced priorities. They prefer to mask from the voters the tough funding choices their policies will require.

They prefer to deny almost three-quarters of this Senate the opportunity to have any input on the appropriations bills by sending these bills directly from the committee to a conference. They prefer to set up an end-of-the-year train wreck that will require a massive Omnibus appropriations bill that will shortchange America's needs with a minimum amount of debate.

I personally thank Senator BYRD for taking the time this morning to call this issue to the attention of the entire Senate, as well as to the entire Nation. I thank our committee chairman, Senator COCHRAN, for his very capable leadership of our committee. I only wish Senator COCHRAN was in power to control the floor schedule and not just the committee schedule.

Last year, Senator COCHRAN surprised many of us and earned the respect of all of us in doing what seemed impossible: he succeeded in sending 11 appropriations bills to the White House for signature. He showed us how it should be done.

This year, when it came to the management of our committee, Senator COCHRAN actually improved on last year's record. Last year, the Appropriations Committee reported all but one appropriations bill to the Senate floor before the August recess. This year, Chairman COCHRAN saw to it that each and every one of our appropriations bills was reported to the Senate floor before the August recess. That involved a lot of very hard work and some very long markups. No one worked harder than Chairman COCHRAN himself.

Unfortunately, this year, the Senate Republican leadership didn't share Chairman COCHRAN's commitment. That is a change from last year. Last year, the Senate Republican leadership saw to it that all 12 appropriations bills were considered on the floor prior to adjournment. Today, we are just a few hours away from the beginning of a very long fall recess, and yet the Senate Republican leadership has seen fit to call up only 2 of our 12 appropriations bills that the committee reported back in June and July. That record is shameful.

The full Senate has only debated two funding bills this year—Defense and Homeland Security. They are certainly really important, but they are just 2 of the 12 bills that we are charged with passing.

The others are critically important as well. Those bills ensure that the care of our veterans returning home from Iraq is met. They ensure that we educate our children, that we meet the housing needs of the people we represent, and that we deal with the health care of all of our families, particularly our seniors. Those bills support our efforts to fight crime and drug abuse, provide disaster assistance to struggling family farmers, and invest in our roads, our bridges, and our rail system.

It seems, as far as the Republican leadership is concerned, that those issues this year can rot on the vine. According to their plan, these functions of Government will be subjected to a continuing resolution that guarantees them only the lowest possible funding level.

I have had the privilege of serving on the Appropriations Committee for every one of my 14 years in the Senate, and I am certainly aware that Congress does not have a great track record when it comes to finishing all the appropriations work before the beginning of a fiscal year. But in my 14 years, I cannot remember a time when the Senate has made so little progress in executing its most basic responsibilities. The new fiscal year starts this coming Saturday, tomorrow. I had my staff go back and check the record, and I can tell my colleagues that in the last 14 years, we have never begun a new fiscal year having passed as few as two of the appropriations bills out of the Senate. This year, we have a deplorable record.

Looking forward, we are now hearing rumors that the other 10 appropriations bills are never going to come to the Senate floor for debate. We are hearing rumors they are going to be sent straight to a conference with the

House of Representatives to put together some kind of massive omnibus appropriations bill. I hope that is not the case. That approach, frankly, is an insult to the 72 Members of this Senate who do not serve on the Appropriations Committee. As a member of that committee, I had the opportunity to review each of those bills the committee reported. I had an opportunity to offer amendments in committee and full committee markups, but 72 of my Senate colleagues never had that opportunity.

Those 72 Senators were elected by the people of their State to oversee and influence decisions regarding the way their tax dollars are spent. By denying these 72 Senators the opportunity to debate these important bills, the Senate Republican leadership is denying those Senators' constituents the right to be heard. That is not the way this Senate ought to be doing its business.

Our country will pay a high price if we fail to act on these appropriations bills.

Some people are claiming it doesn't matter when we get around to actually finalizing the appropriations process. Mr. President, as the ranking member on the Appropriations Subcommittee on Transportation, Treasury, the Judiciary, and HUD, I want to tell my colleagues that it does matter. I will give a couple of examples.

Last month, we experienced a tragic plane crash in Lexington, KY. The NTSB has not yet reported to us on the actual cause of that crash, but it was revealed that the air traffic control tower at Lexington had only one controller on duty—one controller on duty—contrary to the FAA's own policy. When this incident occurred, it was discovered that several other towers were also operating with only one air traffic controller.

Everyone involved in aviation policy knows the FAA needs to hire more controllers. They have to fill the vacancies, and they have to replace a growing number of retirees. There is money in the FAA budget to hire more controllers. We put the money in the House and Senate appropriations bills to hire those controllers. But until the FAA Administrator gets a final budget, she won't know how many controllers she can hire or how quickly she can hire them. This is a basic issue of safety and people's lives. But it is the safety issue that the Senate Republican leadership is now happy to have wait on the back burner for a few more months.

A similar situation existed in the hiring of more air traffic safety inspectors. We desperately need more safety inspectors to ensure that our financially strapped airlines are operating safely. An increasing amount of airline maintenance for U.S.-flagged airlines is now being conducted overseas. We need inspectors to visit those foreign repair stations to make sure all of the appropriate procedures are being followed.

Just this week, the National Academy of Sciences reported that the FAA needs to modernize its system for determining how many inspectors they need and whom to hire. But the FAA cannot address any of those deficiencies until it gets its final budget for the year. This is just another safety issue that the Senate Republican leadership is now happy to have wait on the back burner for a few more months.

The Republican leadership's failure to act could also hurt our efforts to fight terrorism. The Treasury Department has a critical role in combating terrorist financing. They are on the job morning, noon, and night trying to interrupt the cashflow between the terrorists and those who fund them.

Ever since 9/11, the Treasury Department has been seeking increased resources from our subcommittee to fight terrorist funding. Our subcommittee has provided every dollar the Treasury Department has requested, including the funding for increased personnel and infrastructure for fiscal year 2007.

The Treasury Department is now being told that the increased funding they had asked for will have to wait a few more months. Why? Because the Senate Republican leadership doesn't want us to debate the Transportation-Treasury bill before the election.

One of the issues being discussed in the closing days of this session is the security of our courts and our judges. An effort is being made to provide authorization for additional court security in the Department of Defense authorization bill. The brutal murder of a father and mother of a Federal judge in Chicago showed us the urgent need for better security.

The Transportation-Treasury appropriations bill, as passed by the House and Senate committees, included sizable increases for that court security. We are not talking about an authorization; we are talking about cold, hard cash that will go out to better protect our judges. But you know what. That money can't go out until our appropriations bill is signed into law, and that can't happen if the Senate Republican leadership slows this appropriations process to a crawl.

Finally, I want to talk about the critical need for improved safety on our highways. One month ago, our Nation received a wake-up call from the National Highway Traffic Safety Administration.

For many years, our country was making steady progress in reducing the overall fatality rate. But last month, the fatality rate on our highways started to move back up. Deaths from motor vehicle crashes jumped up 1.4 percent over the level in 2004. We had 43,443 deaths on America's highways in 2005. That is the highest number since 1990.

We also have begun to see a number of road fatalities involving large trucks head back up. We made progress between 1998 and 2002, but since that time, the number of large truck fatalities is moving in the wrong direction.

More and more people are dying on our highways, and Congress is working to respond. There are increased levels of funding, consistent with the SAFETEA-LU authorization law—both for highway safety and motor carrier safety in both the House and Senate appropriations bills. But those additional resources that save lives on our highways have to wait. Why? Because the Senate Republican leadership didn't want to debate this Transportation appropriations bill before this election.

These decisions by the Senate Republican leadership to stall the appropriations process can and are having very real consequences.

I want to state today my deep disappointment that the Senate Republican leadership has done such an abysmal job in fulfilling its most basic responsibility to fund our Government.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. MURRAY. I ask for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, it doesn't have to be this way. Rather than spending the month of July and September debating bills for political reasons, we could have been debating these appropriations bills that are critically needed for the Nation's safety and security. We could have been fighting for the people we represent. We could have been meeting their basic needs, protecting their livelihoods, and ensuring their safety. But our leadership said no, and now our families are paying a price.

I think the Senate deserves better, but more importantly, the people we represent deserve better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

EXTENSION OF MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the period for the transaction of morning business be extended until 3:30 p.m. today, with time equally divided in the usual form, and the order of speakers remain in place.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGJOBS

Mr. CRAIG. Mr. President, I will be brief because I have already spoken on the issue with Senator FEINSTEIN of California earlier before the noon hour. I did want to come back and conclude my concerns.

My original cosponsor, Senator KENNEDY, is in the Chamber. He and I worked collectively on the issue of a guest worker program for this country that would create a legality, a transparency, and a reasonableness to the management of it in a reformed H–2A worker program that he and I worked on and shaped and which became known as AgJOBS, along with how we dealt with the issue of those in the country today who are illegal and who remain a critical part of the American workforce, and especially with agriculture, an industry that has become increasingly dependent upon migrant workers, guest workers and, in this instance, tragically enough, illegal workers. Let me cite a couple of examples because I, like Senator FEINSTEIN and others, Senator BOXER; the State of California, the State of Idaho, the State of Oregon, the State of Washington; in fact, the State of the Nation where agriculture exists today—the Presiding Officer, Senator MARTINEZ, has just gone through a situation in the State of Florida where literally millions and millions of dollars' worth of oranges have rotted simply because they couldn't find the hands to pick them to put them through the process of packing and distribution.

America's agriculture is dependent on hand labor. When we think of agriculture in the Midwest, we think of large machines doing all the work. It is simply not true. In the fruits and vegetables and nuts areas and many of the varieties of fruits we find abundant upon the supermarket shelves of America, we are dependent on hand labor, and that hand labor over the last many decades has become predominantly foreign labor and, tragically enough, it has become illegal foreign labor. But because of a failure of government—and it is important I say this: It is not American agriculture's fault. It is a failure of government to appropriately and necessarily police our borders and devise and cause to work a reasonable, flexible, transparent guest worker program that brings us to the crisis American agriculture is beginning to experience as we speak.

The Senator from California spoke earlier of the literally billions of dollars' worth of crops that are going to be left in the fields of the greater San Joaquin Valley of California this year because there is no one to pick them.

I am always frustrated when it happens in my State that some of my citizens say: LARRY, we have all these people on welfare. Get them out and get them to work. Well, we reformed the welfare program dramatically, and literally millions of people who were once on welfare are working. We are at full employment in our country today. That means those who can and will are working. In my State of Idaho, we are almost beyond full employment. Finally, finally, after fairly heavy criticism for what I was doing to lead an area of immigration reform that was critical to my State, and much of that criticism came from my State, now Idaho agriculture is beginning to step up and say: My goodness, where are these workers we have grown to depend on?

We believe we are 18 to 20 percent underemployed in the State of Idaho. That means our packing sheds this fall and some of our produce, our fruits, and our vegetables have not and will not get harvested. Our potato industry is beginning to feel the impact of fewer people there to help them, and as a result their timely harvest and their timely packing simply will not occur.

So whether it is Idaho or California or Florida or anywhere else in the Nation, American agriculture exists. Whether it is with the nursery industry or the landscaping industry, they too are now experiencing the great difficulty of this country doing what it should have done a long time ago; that is, control its borders.

The shortages today are a result of our southern border beginning to close. We have made a commitment to the American people that we will secure that border. Part of the debate which will occur this afternoon when we get back on the fence bill will be that kind of debate: how we can further secure our borders. But if you only secure your borders and you do not create a legal and transparent program by which foreign nationals can enter our country to enter our workforce legally, then we will create an economic schism in this country that is, without question, real. It is showing up in agriculture today because agriculture has historically been a threshold economy for a foreign worker. They come here, they work in agriculture for a couple years, they move out, and they move on to the service industry, the construction industry, the homebuilding industry.

In part, with our borders now tightening and the nearly $2 billion a year we are spending on that security and that increasing security, they have moved out of agriculture and there is no one to move in. Also, the displacement occurred after Katrina when many of that level of worker left the fields of agriculture and went south into Mississippi and Louisiana to help with the cleanup down there. In fact, many Mississippians and Louisianans will tell you that if it hadn't been for migrant workers and, in this instance, illegal workers, we wouldn't be as far along with the cleanup and the beginning of the rehabilitation of what has gone on in the tragic area affected by Katrina.

Mr. President, when we proceed to the fence bill, I am going to attempt to bring up AgJOBS. I am going to ask unanimous consent that the Senate allow us to do that. I don't know that it will happen. It probably won't. But I think it is important for America and agriculture to see we are trying. Because one of the quotes I handed in earlier when I asked unanimous consent for some material to go into the RECORD, along with the letter Senator FEINSTEIN and I sent out to our colleagues, was, I thought, a necessary and appropriate headline from an article that talks about the impact of what is going on across agricultural America. It says: "Pickers are Few, and Growers Blame Congress." And the growers ought to blame Congress. They ought to blame a government that has been dysfunctional in the area of immigration for decades.

That is why I began to work on this issue back in 1999 when American agriculture came to me and said: Senator, we have a problem, and we know it is a problem. We don't like it. We want to be legal. We want our workers to be legal, and we want to treat them justly. But the workers, by their effort to get here, are being treated unjustly. We know they are not legal, and yet we are nearly wholly dependent upon them.

I had hopes that we could keep the cart and the horse connected appropriately. There is now a very real disconnect occurring—a disconnect between the security of the border, which is critical and necessary, and a legal process by which those workers can move through that secured border to the farms and fields of American agriculture. I don't know what it is going to end up like at the end of the harvest season across America, but my guess is—and it is now being predicted—we could lose $4 billion or $5 billion or $6 billion at the farm gate, and of course there is the multiplier then beyond the farm gate to the processing, to the distribution, and to the supermarket. We all know what happens when it gets to the supermarket and there is less of it: the American consumer is going to pay double the price for that produce that simply was left in the fields to rot.

Now, that is what is going on now. When we get back in November, we will have accurate figures—this Congress isn't going to deal with it—and we will know whether it was $3 billion or $4 billion or $5 billion or $6 billion, and shame on us, because the Senator from California is right. We could deal with it today. The bill has been well heard. The bill has been appropriately vetted. It has been around a long time. It has been accepted by 60 Members of this body. But we are now politically bound up until after the American people speak in the election, and then we will find out how much further we can move on this issue.

So we will know in November about the harvest of September and October.

What about the winter months? What about the farmer who is now going to go out into the field in January to plant for a February or March fresh vegetable crop across Florida, parts of the South, certainly Arizona, the Imperial Valley of California, where last year we left over $1 billion of fresh green vegetables in the field? I will tell my colleagues what the farmers are telling me, and it is a tragedy if it happens, but it probably is going to happen. Senator, they say, if we can't plant that fresh vegetable crop that requires hand labor, we will plant winter grain. We will simply go to the fields and plant a crop of phenomenally less value to the American agricultural market, in the intensive sense, because we know it isn't going to require hand labor. One farmer told me: If I can't have the labor come to me, I will go where the labor is. So he is moving his operations out of California. He is headed to Brazil. He is headed to Argentina. There goes that economy, there go those jobs, because this Congress could not understand and function in an appropriate fashion.

So be it. That is the tragedy of it. I had hoped we could think differently. We need a legal workforce. We need a reformed H-2A program. We need a guest worker program. We worked out those differences amongst ourselves. Some have agreed, some have not agreed, but we have attempted to resolve the problem.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRAIG. Mr. President, in closing, I am going to give the Senate one more opportunity to say no because it is important that the RECORD show where we are because history and this month will dictate where we need to go in November.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

BIOTERRORISM

Mr. KENNEDY. Mr. President, a short while ago on the floor of the U.S. Senate, my friends and colleagues on the Health, Education, Labor and Pensions Committee, our chairman, Senator ENZI, and Senator BURR brought to the Senate's attention what we call the bioterrorism BARDA legislation, S. 3678. I am a strong supporter of that legislation. I believe that legislation provides a rather unique process by which outstanding opportunities for breakthroughs in vaccines and other medical technologies can be developed and furthered. This can be enormously valuable and helpful against any bioterrorist threats, pandemic flu, or other kinds of diseases or pandemics we might face in the future.

There are several of our colleagues who want to have an opportunity to improve and strengthen that legislation. Obviously, they are entitled to do so. But I want to underscore the strong work that has been done to date by our chairman, Senator ENZI and also by Senator BURR in developing this legislation. The BARDA concept is very close to what was done a number of years ago with DARPA, the Department of Defense's advanced research program, which has demonstrated enormous success in finding new technologies that are used by the military. It is a very commendable concept and offers us great hope down the line.

This legislation also recognizes that we are going to develop capacity to contain whatever danger there may be in local communities by strengthening support for hospitals, containment, and the public health infrastructure. Prevention, detection, containment, and support for the health facilities, are all interrelated—they are enormously important.

So I hope that as soon as we return in the lame duck session, this will be a first order of business. I have talked with our leader about this issue. I look forward to, in the course of these next few weeks, talking to some of our colleagues who have offered amendments to see how we might be able to proceed, even in this limited amount of time, to ensure that we have effective legislation.

SECURE FENCE ACT

Mr. KENNEDY. Mr. President, on a second matter, the issue which is currently before the Senate—I know we are in a period of morning business, but the underlying issue is the Secure Fence Act of 2006.

I listened to my friend and colleague from Idaho speak very eloquently about the AgJOBS bill. I enjoyed the opportunity to work with him in helping to fashion that legislation. We worked very closely together and were able to convince our colleagues on the Democratic and Republican side of the value of this legislation.

It demonstrates very clearly a problem we are facing with the underlying bill, which is called the Secure Fence Act of 2006. Rather than focusing on comprehensive legislation to deal with the immigration ordeal with the AgJOBS bill, as the Senator has mentioned, which would be valuable and very important in terms of the agriculture industry and also providing important protections for the workers themselves—a compromise that was worked out over a period of years—we are effectively saying no, we are not going to deal with that. We are just not going to deal with it. The leadership has decided they won't have an opportunity to deal with it, even though there are more than 60 Members, Republicans and Democrats alike, who would like to deal with it.

I join comments that have been made by the Senator from Idaho, but also by my friends Senator BOXER, Senator FEINSTEIN, and others. We are going to have the time here this afternoon. As Senators pointed out, this is legislation which is understood and which is very important. One cannot pick up the newspapers without reading the adverse results of our failing to act. This is something we should be addressing as an amendment—I think it is much more valuable than the underlying legislation, but we certainly should have had the opportunity as an amendment.

On the issue of the Secure Fence Act, immigration reform is one of the most pressing issues we face today. It is a security issue, an economic issue, and a moral issue. President Bush told us that it was a top domestic priority.

Many Members in the Senate understood the importance of the issue and devoted an unprecedented number of weeks to hearings, markups and extensive floor debate to this priority. In May, the Senate passed a historic bipartisan bill supported by 64 Senators.

The House however passed a very different bill last December one that has been roundly condemned as cruel and ineffective by religious leaders, Latino leaders, and immigration and security experts. It focuses only on enforcement and makes it a felony for any Good Samaritan to help immigrants. As one religious leader described it this week, you could go to jail for giving an undocumented immigrant a cup of water in Jesus' name.

What's more, the bill does nothing about the 12 million undocumented immigrants who are here already, and it does nothing about the Nation's future immigration needs both vital ingredients to an effective immigration policy.

Common sense tells us that enforcement alone is not the solution to today's complex immigration challenges. We can build fences, but people will come around them. We can put high tech devices on our borders and they will deter some people, but we all know that many others still will find a way to come. We can make criminals of the pastors and priests who help immigrants, but that is not only contrary to our values, it will have little impact on immigration.

The logical next step would have been for Congress to appoint conferees so we could begin negotiating a compromise. That is what we do—pass a Senate bill and pass a House bill. Then conferees are appointed from both Houses to reconcile their differences on the bill. That is what Congress does on critical issues.

But, instead of rolling up their sleeves and doing the work necessary to get legislation to the President's desk that deals with the key elements of the immigration problem—that will bolster national security, ensure economic prosperity; and protect families—the Republican leadership in the

House frittered away the summer, preferring to embark on a political road show—featuring 60 cynical one-sided hearings, and wasting millions of precious taxpayer dollars. And after the bunting came down and the klieg lights were removed, after all the political hoopla and hot rhetoric, what did they produce? A fence.

Did they do anything about the millions of people who come here on airplanes with visas, and stay here illegally after their visas expire? No. Just a fence.

Did they do anything to ensure that employers don't hire people who are here illegally? No. Just a fence.

Did they do anything about the 12 million undocumented immigrants who are here already, living in the shadows while working hard to support their families? No. Just a fence.

Yes, Republican leaders wasted time, opportunity, and your money. For a $9 billion fence that won't do the job.

That is just a bumper sticker solution for a complex problem. It's a feel good plan that will have little effect in the real world.

We all know what this is about. It may be good politics, but it's bad immigration policy.

That is not what Americans want. They deserve something better than a fence.

Over and over and over again, the American people have told us that they want our immigration system fixed, and fixed now. They have told us that this complex problem requires a comprehensive solution. The American people want tough but fair laws that will strengthen our borders and crack down on employers who hire undocumented workers, but at the same time provide a practical solution that will allow undocumented immigrants to become taxpaying legal workers who perform tasks needed by our economy.

Today or tomorrow, this Republican Congress will recess for the elections, and leave this issue still unresolved.

I hope that we can use the next few weeks productively to work together on compromises that can be adopted when we return in November.

What is the solution? How do we control our borders effectively? How do we restore the rule of law and make sure that immigrants come to this country with a visa, not with a smuggler?

The bipartisan bill passed by the Senate is the only practical way to cure what ails us. The only way we can truly bring illegal immigration under control and achieve border security is to combine enforcement and border protection with a realistic framework for legal immigration.

It's obvious that we have insufficient legal avenues for immigrant workers and families to come to this country, and no path to citizenship for the 12 million undocumented workers and families already here. The problem is fueling a black market of smugglers and fake document-makers, to the peril of citizens and immigrants alike.

Rather than saber-rattling, chest-thumping, and ranting, the American people would like to see both parties and both Houses of Congress come together to negotiate a realistic and enforceable policy for immigration.

Piecemeal proposals won't work. They will only make a bad situation worse. Those who are here illegally will not leave, but will go deeper underground, and those seeking to enter will take even more dangerous routes and be less likely to survive. Employers will have an unstable workforce of men and women who are afraid to speak up when abused. The dysfunctions and pathologies of the current failed system will continue to worsen.

On this specific proposal for a fence, let's consider the facts:

Never mind that months ago the Senate voted to approve a 370-mile fence exactly what Secretary Chertoff said he needed for targeted urban areas.

Never mind that the Senate has voted to fund the fence Secretary Chertoff requested. It is in the appropriations bill for the Department of Homeland Security that we will pass this afternoon.

Never mind that DHS has not requested additional fencing. Last week, in promoting his "Secure Border Initiative", Secretary Chertoff said, "What we are looking to build is a virtual fence, a 21st century virtual fence . . . one that does not involve old-fashioned fencing."

Never mind that fencing is manpower intensive—you need border patrol agents to continuously monitor them to apprehend illegal crossers. But this bill will require DHS to construct up to 850 miles of fencing in remote, desolate areas, in desert and wilderness areas, and even across rivers—where it will serve no security purpose whatsoever.

Never mind that it will cost billions of dollars. The Congressional Budget Office estimate the cost at roughly $3 million a mile, which may be on the low end—the first 11 miles of the San Diego fence cost $3.8 million a mile and the final 3.5 mile section cost approximately $9 million a mile.

As the Congressional Research Service recently noted, the costs may be even higher. You need to take into account the terrain, land acquisition, environmental planning, private contractors, double layering, fence design, procurement costs and a number of other factors. We also can't forget the annual maintenance costs, which could be as high as $1 billion a year.

Never mind that fences don't work. Undocumented immigrant entries have increased tenfold since the strategy of fencing was introduced in the mid-1990s. Since that time, the probability of apprehending an unauthorized border crosser fell from 20 percent to 5 percent. The United States now spends $1700 per border apprehension, up from $300 in 1992. San Diego's wall has been a boon for the smuggling industry, and increased the loss of immigrant lives by shifting entry to the desert.

Never mind that fencing will do nothing to stop the 40–50 percent of the people currently in the United States who entered the country with legal visas and have now overstayed their visas.

Never mind that fences won't keep out criminals or terrorists. The 9/11 terrorists didn't come across the Mexican border illegally—they entered the U.S. with visas.

Never mind that fences won't stop immigrants from coming here to work. As Governor Napolitano of Arizona recently said:

> You show me a 50-foot wall and I'll show you a 51-foot ladder at the border to get over it.

Narrow, shortsighted, enforcement-only proposals like a fence will never fix our broken immigration system.

We should listen to Tom Ridge, former Secretary of Homeland Security, who recently said:

> Trying to gain operational control of the borders is impossible unless our enhanced enforcement efforts are coupled with a robust Temporary Guest Worker program and a means to entice those now working illegally out of the shadows into some type of legal status.

A group of former high-ranking government officials has said unequivocally:

> The reality is that stronger enforcement and a more sensible approach to the 10–12 million illegal aliens in the country today are inextricably interrelated. One cannot succeed without the other.

President Bush agreed. In May, he got it right when he declared:

> An immigration reform bill needs to be comprehensive because all elements of this problem must be addressed together, or none of them will be solved at all.

What the Republican leadership doesn't seem to get, is that comprehensive immigration reform is all about security: Homeland security; economic security; family security.

That is what the vast majority of our people want. They want realistic solutions that effectively protect our Nation. They don't want piecemeal, feel-good measures that will waste billions of precious taxpayer dollars and do nothing to correct the serious problems.

What can we expect in the next month?

The Republican leadership has two choices. They can bring us together to work out effective compromises for a comprehensive bill.

Or they can continue to use hard working immigrants as political pawns for November's elections.

I hope that they will not choose the politically expedient choice—to embark on another slanderous campaign, featuring more political stunts, misleading press releases, and glossy campaign ads about how tough they are on the border.

The Chicago Tribune editorial page understands this tactic. Earlier this week they wrote that "Immigrant bashing is so much easier than immigration reform."

Sacrificing good immigration policy for political expediency and hateful rhetoric is not just shameful—it is cowardly.

We have the bill to solve this problem now.

We owe the American people a serious answer on the issue, and our Republican leadership should be held accountable for their inaction and their inability to address this pressing issue facing our Nation.

Let's stop this farce. Let's stop playing politics with immigration. We know they are wrong. Their scheme will leave us weaker and less secure. We can't allow them to derail our strong bipartisan reforms.

I urge my colleagues to choose good policy over political expedience and oppose this bill.

Mr. President, I ask unanimous consent to have printed in the Record a document that reflects the 50 organizations that are in opposition to this particular proposal. They include the LUCAC, MALDEF, La Raza, a great number of the religious organizations and others that have expressed their views about it.

Mr. President, I further ask unanimous consent to have printed a document that includes a number of editorials in the newspapers, editorials about the fence from the Atlanta Journal-Constitution, Idaho Statesman, LA Times, and Orlando Sentinel. Then the Tucson Citizen, the Waco Tribune—a number of editorials from around the country.

There being no objection, the material was ordered to be printed in the Record, as follows:

Dear Senator: The Senate will soon consider H.R. 6061 PCS, the "Secure Fence Act of 2006," which has erroneously been referred to as the "fence bill." This bill goes far beyond the construction of border barriers. It provides unprecedented authorities to the Secretary of the Department of Homeland Security (DHS) "to take all actions necessary and appropriate to prevent all unlawful entries into the U.S."

The consequences of such an immense and vague mandate to the Secretary could result in policies and procedures that would adversely affect American communities at the Northern and Southern borders, and maritime states—wherever "border" might be defined. United States citizens and lawful permanent residents would not be immune to the consequences of the extraordinary powers granted DHS in this bill. We must remember that the border is not simply a delineation line; communities live along the border and their rights must be respected. Moreover, DHS must be held accountable for actions taken in these communities.

Finally, we question the wisdom of delegating such sweeping authority to a government agency. Numerous GAO and CRS reports to Congress cite accountability and management problems at DHS, showing that DHS requires the same Congressional and legal oversight as other agencies of the government.

H.R. 6061 is a broad bill with potentially harmful consequences for American communities. We strongly urge the Senate to oppose H.R. 6061.

Signed by over 50 organizations.

EDITORIALS WARN: NO HIDING BEHIND WALLS AND FENCES VOTERS WANT LEADERS WITH SPINE, NOT SPIN

Atlanta Journal Constitution (Editorial): 'Big fence' blunder: Immigration bill won't root out ills, but it'll fail voters. Put focus on jobs and legalization, as well as security, September 28, 2006

The only immigration proposal that stands a reasonable chance of clearing Congress this year is a sham aimed at deceiving voters in November.

The "big fence" bill—its centerpiece is 700 miles of real and virtual fences—is a law-enforcement-only approach that ignores the economic underpinnings that have led 12 million to 14 million immigrants to live and work in this country illegally. The bill won't fix anything.

Frist believes there is a chance for a lame-duck session that might pass some of the Senate's ideas for more comprehensive reform. But his position, and that of the chamber he leads, have been irreparably harmed by going along with the House's insistence that immigration is more about security than it is economics.

Tucson Citizen (Editorial): Our Opinion: Latest chapter in silly saga of border wall—A wall on the U.S.-Mexico border is meant to secure only one thing: the re-election of Members of Congress, September 28, 2006

The congressional pre-election ploy of pushing construction of a border fence to make voters believe something is being done about immigration reform is a farce.

"It's not going to deter people from coming across looking for jobs, people coming to work," said T.J. Bonner, president of the union that represents most Border Patrol agents.

Time, effort and money should instead be spent on something that will work—a comprehensive immigration reform plan that includes a guest worker program and a way to deal with the estimated 12 million people already in the country illegally.

Legislation passed by the Senate earlier this year deals with those issues. It's the way to deal with this complex issue.

Dallas Morning News (Editorial): Memo of Understanding Bush needs commitment on immigration, September 28, 2006

Before President Bush agrees to the border security measures Congress is rushing to put on his desk, he should make sure of one thing—that House and Senate leaders are committed to taking up the other critical parts of the immigration solution after the November elections.

Without that agreement, which can be struck in private if that's the only way conservative Republicans will sign it, Americans won't get a better answer to what to do about the 12 million illegal immigrants living here and 400,000 coming annually.

Otherwise, Congress can build all the fences in the world and place agent on top of agent, and still not stop illegal immigration.

The president is right: America can't solve its immigration challenge without a comprehensive answer. He's not going to get it unless he plays hardball.

Hartford Courant (Editorial): Immigration Politics, September 28, 2006

Senate and House Republican leaders might as well forget about immigration legislation before adjourning for the November election. The issue is important, but illegal immigration doesn't constitute an imminent national threat. The issue deserves dispassionate consideration that's absent in this election season.

Chicago Tribune: Border bashing, September 27, 2006

Many of the bits and pieces are already included in the Senate's bill, but they need to be balanced by measures that address the country's dependence on immigrant labor. Take that $2 billion border fence. Arizona Gov. Janet Napolitano has no confidence it would stop immigrants from crossing into her state illegally in search of jobs. "Show me a 50-foot wall, and I'll show you a 51-foot ladder," she has said.

The Senate's comprehensive plan is rooted in reality. It would open channels through which enough workers could arrive legally, and it would offer a way for many of the 12 million who are already here to stay.

The House is having none of that, at least until after the election. Immigrant bashing is so much easier than immigration reform.

Orlando Sentinel: Barrier to success Our position: Building a fence along the Mexican border is not the answer to immigration reform. September 27, 2006

With the Senate considering a proposal to build a 700-mile fence along the southern border, the symbolism is obvious: Our leaders are squeezing themselves into a corner regarding serious immigration reform. The enforcement-only concept echoes the sentiments of the House, which passed a similar bill earlier this month. Bipartisan support is a good thing when addressing viable solutions. This isn't one of them.

Several members of the Senate, including Mel Martinez of Florida, have concerns about the cost of fencing and mandating locations without consulting state and local governments. Building a fence also endangers the chances for comprehensive reform because the House will not be motivated to move from its position. Meanwhile, the dicey issue of how to effectively get a handle on an estimated 12 million illegal immigrants in the United States remains unanswered.

Santa Fe New Mexican: Playing with figures to close our borders, September 27, 2006

In its rush to pass a slam-the-door and fence-'em-out immigration bill, some members of the House of Representatives are touting the measure's fiscal responsibility. One Senate version of immigration reform, moribund for the moment amid the border-wall debate, but still salvageable, includes provisions that would give undocumented workers a chance to work here legally—a notion also supported by President Bush, the former Texas governor.

We can't afford it, say representatives touting instead a 700-mile addition to the border fence, forgetting for a moment that so much steel and concrete carries its own li'l cost. Instead, they pull out a study by the Congressional Budget Office saying that the Senate bill would set our country back by more than $120 billion over 10 years. Even that amount is chicken feed compared with the cost of our Iraq invasion. But it turns out that they're fudging those figures. Robert Greenstein and James Homey of the Center on Budget and Policy Priorities recently reported what they figure is the real cost of sensible immigration reform:

Nothing—or maybe even a slight monetary gain.

(Tucson) Arizona Daily Star: Border series' findings are a call to reason

Our view: We believe it demonstrates that building fences would accelerate havoc without halting illegal immigration, September 27, 2006

The Star sent a six-member investigative reporting team to the U.S.-Mexican border for three weeks this summer. It explored the border's geography, ecology, economy and culture from the Pacific Ocean to the Gulf of Mexico.

The results of the Star team's work, which has been presented during an in-depth, four-part series that began Sunday and concludes today, came to a single conclusion: Sealing the border won't work.

South Florida Sun-Sentinel: Immigration, September 27, 2006; Issue: Some "reforms" move forward.

Why is all this important? Because while hardliners in Congress have demanded tough immigration reform year after year, they haven't provided the funding to support those efforts. As a result, Americans are right to be skeptical that the attention on immigration reform, which leaves out resolving the status of those undocumented immigrants already in the country without permission, is more about November politics than sound public policy.

Bottom Line: Half-measures and poor funding suggest playing politics is the priority here.

Lowell (MA) Sun: Political posturing, September 27, 2006

The U.S.-Mexico border-fence proposal is midterm election posturing by politicians hoping to come across as tough on illegal immigration. U.S. Rep. Marty Meehan was exactly right when he said the Secure Fence Act does nothing to protect our borders; instead it delays long-overdue, comprehensive immigration reform.

Regrettably, House Republicans this summer blocked a broader immigration overhaul spearheaded by U.S. Sens. Ted Kennedy, D-Mass., and John McCain, R-Ariz. Their plan holds out the promise of fixing a broken system while bringing honor to the American people for trying to help those seeking a better quality of life.

Philadelphia Inquirer: Immigration Reform: Congress' sound and fury, September 26, 2006

After doing almost nothing, and as session's end looms before an all-out sprint to Election Day, solons want to have "something to show" prospective voters.

So they're throwing up a wall—or at least the Secure Fence Act. They hope voters think it's proof they're doing something. It's not. As mural art goes, this bill's a whitewash, a smear, legal wallpaper. A leaky, look-nice wall just won't substitute for real, hard work. To Congress: Cut the vague talk of "filling in the blanks" once you return. There are far too many gaps in the wall. If you don't really address immigration, voters should brick you up and wall you out of Washington.

New York Times: Immigration Reform, in Pieces, September 26, 2006

Republican leaders want you to think they are hard at work overhauling the broken immigration system in the last days before going home. But don't be fooled by the noise and dust. These are piecemeal rehashes of legislation the House passed last December. . . . Once again it's up to the Senate to resist the restrictionist free-for-all. Republicans have been trying to make this difficult by seeking to slip their toxic measures into must-pass bills for the Homeland Security and Defense Departments. The senators who have held out for comprehensive reform, which includes giving immigrants a realistic way to work and get right with the law, must stick together to defeat the House campaign.

Seattle Times: Broad immigration reform, not fences, September 26, 2006

Immigration reform is urgent, but not so urgent the U.S. Senate should abandon its responsible approach and embrace shortsighted House bills this week.

That appears to be Senate Majority Leader Bill Frist's plan as he presses for a vote just weeks before a contentious election. He wants the Senate to vote on items common to the House's enforcement-only approach and the broader Senate version. But that would leave out a critical element for meaningful immigration reform.

Judiciary Committee Chairman Arlen Specter is right to resist Frist's approach and insist on a common-ground compromise. The Pennsylvania Republican has been a wise voice for a holistic approach to the dilemma that is immigration reform. . . The other senators who voted for the broader bill should hold their ground.

Idaho Statesman: Our View: Fence is hardly immigration "reform", September 26, 2006

If Congress fails to pass meaningful and realistic immigration reform this session, voters should hold lawmakers accountable for their embarrassing performance. Voters should not be swayed by tough talk that doesn't even come with the spending commitments needed to back it up.

Yet, as Congress gets ready to adjourn for the year—and return home for the November election—the centerpiece of immigration "reform" could well be a 700-mile fence built along the U.S.-Mexican border.

St. Petersburg Times: Fence fallacies: On immigration, Congress can't get beyond simplistic solutions, September 26, 2006

Beware of members of Congress offering simplistic solutions to complex problems days before leaving town and just weeks before an election. That's what is happening on illegal immigration . . .

While a fence on certain stretches of border might be part of an overall security plan, to suggest that it solves any significant portion of the immigration puzzle is a ruse. Congress doesn't have the backbone to address the real issues and honestly negotiate the differences between a narrow House bill that addresses border security and a more comprehensive Senate bill that also provides an avenue to citizenship for some of the illegal immigrants who are already here.

A recent poll found that 1 person in 4 approves of the way Congress is handling its job. Is that person paying attention?

Boston Globe: Good fences make bad law, September 25, 2006

President Bush has said he would sign the House-backed bills as "an interim step." And Senate majority leader Bill Frist has called the fence bill a "first step." This is a tactical error. If enforcement-only bills pass now, the House will have no motivation to follow up with real reform.

The Senate should vote down the fence bill, which it is expected to take up this week, and similar short-sighted House bills. There's still a chance to make history instead of self-serving headlines.

Santa Cruz (CA) Sentinel: As We See It: Getting tough not enough on immigration, September 25, 2006

Yes, border security must be improved. But if nothing more than walls and fences and more enforcement happens before November, then both the Senate and House, and President Bush, must start over on meaningful immigration reform in 2007.

The real answer is to provide people who want to work a way to get to America, even to stay here, to fill jobs that need workers. Providing for such immigrants is an American value that should be a campaign issue.

San Diego Union-Tribune: Running scared GOP leadership warily awaits voters' verdicts, September 25, 2006

Predictably, lawmakers are focused like lasers on getting over that hurdle and either keeping power or taking it. That's not what they should be concerned about. The public is furious and frustrated with the folks they hired to represent them. And, it seems to us, public servants should be responsive to that and make it a point to do things differently from here. Not because it would spare them one fate or another in six weeks, but because the demands of leadership require it.

Above all, they should learn the real lesson in all this—that it's better to roll up your sleeves and do something and try to make it work than to do nothing and hope no one notices. Because someone always does.

Miami Herald: Wanted: effective, comprehensive reform Immigration: Our Opinion: Reject Punitive Bills, Political Games, September 24, 2006

The resurgence of these measures only confirms that the bipartisan push for comprehensive reforms, led by the Senate, is dead this year. What's left is a misguided move by Republican House leaders trying to maintain their majority. Their goal is to gain political capital in November elections by passing punitive immigration laws.

Yet both parties risk a voter backlash by not addressing the central immigration issue: that the U.S. economy creates more jobs than natives can fill. When Americans see unpicked crops rotting (as has happened with Florida oranges, California pears and Idaho potatoes), restaurants' stacked-up dirty dishes and unmanned construction sites, they should hold Congress accountable. These objectionable bills will make matters worse:

L.A. Daily News: Inde-fence-ible: Fixing immigration problem requires a lot more than a fence, September 24, 2006

While it's too late for comprehensive immigration reform before the midterm elections, the fence can't be the last word on immigration reform. U.S. lawmakers must not be allowed to let this issue fade because of its political difficulty.

Of course, the safety and security of Americans means that we must have some sort of control over the borders, and have a reasonable knowledge of who is in the country. But we also need a sane system of bringing workers to the United States for agriculture and other jobs traditionally held by immigrants, as well as a way to bring the illegal immigrants here out of the shadows.

The (Nashville) Tennessean: Fence sign of failure on immigration issue, September 24, 2006

With no practical use, the fence will be a constant, costly reminder of Congress' failure on immigration. And so this nation's lie will continue: As politicians vow to take measures to prevent illegal immigration, U.S. businesses and farms will keep hiring needed workers.

Senators seem to believe that a fence is better than no immigration legislation at all. But if they pass this bill, they give away all their leverage to the lawmakers—and there are plenty of them—who only want the fence because it allows them to brag about being tough on immigration without enraging the businesses that benefit from the dysfunctional system.

The Senate bill is called the Secure Fence Act; a better name would be the Whitewash Bill.

Palm Beach Post: A fence, but no solution, September 24, 2006

Arizona Gov. Janet Napolitano understands better than anyone in Washington the limits of fences. "You show me a 50-foot wall," she says, "and I'll show you a 51-foot ladder at the border." Last week, Boeing won a $67 million government contract to supplement the metal fence with a high-tech "virtual fence" using cameras, sensors and unmanned planes. Eventually, someone is sure to invent the 51-foot virtual ladder.

Voters won't get anything resembling an honest debate on comprehensive immigration reform until Congress reconvenes after the election, which is the time line House Republicans want for themselves.

Washington Post: Immigration Ugliness Without objection from the president, September 22, 2006

The cynical immigration endgame of the 109th Congress isn't particularly surprising. But after a session in which the Senate actually managed to produce a bipartisan, comprehensive measure to overhaul the existing system, the latest, enforcement-only developments are nonetheless disappointing and dangerous . . .

Yesterday, the House passed another batch of immigration-related measures, the worst of which would deputize state and local law enforcement officers to enforce federal immigration laws. The measure would permit, but not require, state and local police to arrest and detain illegal immigrants for even civil violations of federal immigration law. This would undermine the ability of law enforcement to deter and prosecute violent crime. As New York Mayor Michael R. Bloomberg told the Senate Judiciary Committee in July, "Do we really want people who could have information about criminals—including potential terrorists—to be afraid to go to the police?"

New York Daily News: GOP barriers to reforms, September 22, 2006

The 700-mile fence that the Republicans plan to build on the Mexican border at a cost of billions has a place on the immigration to-do list. But they now appear on their way to converting "enforcement first" reform into a policy of enforcement only. Some of their ideas are just plain awful.

True immigration reform—as President Bush proposed this year—would offer more opportunities for legal entry, even as the government gets tough with those who trespass. That means creating guest worker programs and giving undocumented aliens already in the country the opportunity to come out of the shadows, pay a fine and eventually earn citizenship. Only by relieving the pressure for more legal immigration can we ever hope to regain control of our borders.

If Congress fails to revisit immigration after Election Day, we'll be stuck with the illusion of reform. Millions of hardworking immigrants will be treated as criminals rather than as future citizens. And millions more will join them, fence or no fence.

Arizona Republic: House fumbles reforms, September 22, 2006

But lawmakers get no prize for resurrecting—piecemeal—some of the elements of the enforcement-only bill the House passed late last year. That bill sparked national protests in the spring.

If House leadership believed that approach was the solution, the House should have joined in conference this summer to resolve differences with the Senate's comprehensive immigration reform bill. That's how Congress handles competing bills.

Instead, the House rejected the hard and politically risky work of negotiation, and held a series of lopsided presentations around the country. In Arizona, the so-called hearings were highly staged, excluded real debate and relegated the public to the status of spectator.

Now we get a flurry of enforcement-only bills that let House members crow about doing "something." It is the wrong "something."

Wall Street Journal: The Great Wall of America, Review & Outlook, September 21, 2006

The only real way to reduce the flow of illegal Mexican immigration is to provide a legal, orderly process to match open American jobs with workers who want to fill them. Mr. Bush is for that, and so is the Senate, but House Republicans have concluded that they're better off building fences. When Ronald Reagan spoke of America being a "shining city on a hill," he wasn't thinking of one surrounded by electrified barbed-wire fences.

Los Angeles Times: Tear Down This Wall Bill, A 700-mile fence without comprehensive reform does nothing to address the root causes of illegal immigration, September 21, 2006

A wall is fine, but not by itself. Addressing border security alone won't fulfill the economy's need for a legal supply of labor, and it will leave millions of illegal immigrants already here hidden in a vast underground. And fence or no fence, the 45% of illegal immigrants who overstay legal visas instead of returning across the border would continue to do so.

If the Senate passes piecemeal enforcement measures, it will erode its ability to negotiate a more comprehensive approach with House leaders who myopically insist on treating immigration solely as a law enforcement issue

San Antonio Express-News: Fence along border only half a solution, September 20, 2006

But until the House is willing to work out its impasse with the Senate—and the White House—over a comprehensive immigration overhaul, any suggestion that a fence alone will stop the bleeding is merely wishful election-year thinking.

New York Times: Immigration's Lost Year September 19, 2006

Real immigration security means separating the harmful from the hard-working. It means imposing the rule of law on the ad hoc immigrant economy. It means freeing up resources so that overburdened law-enforcement agencies can restore order at the border and in the workplace. It means holding employers, not just workers, responsible for obeying the law. And it means tapping the energy of vast numbers of immigrants who dream of becoming citizens and who can make the country stronger.

These are huge tasks, and the anti-immigrant forces have nothing to contribute. They are out of ideas, except about getting re-elected. Their calculated inaction and half-measures mock Americans' support for comprehensive reform, which has been repeatedly confirmed in opinion polls.

Tucson Citizen: Our Opinion: No remedy for immigration woes this year, September 19, 2006

Indeed, if U.S. representatives believe a 700-mile fence will shut down immigration along our 2,000-mile border, we have a swell bridge we'd like to sell them.

What would a border fence cost?

At least $2.2 billion—enough to add 2,500 Border Patrol agents for five years, or to increase by 15 times U.S. spending on economic development in Mexico over the next five years. . . .

The push for a fence is political, not productive.

We urge House members to forget about appealing to voters and focus on a realistic, effective and comprehensive approach to reform our illegal immigration policy. Nothing will improve until they do.

The (Springfield, MA) Republican: With eye on elections, House votes on fence, September 19, 2006

There has been much nonsensical talk around the matter of illegal immigration. And now there's been an extraordinarily nonsensical vote to go with all that blather.

Waco (TX) Tribune: Border fence more stunt than solution, September 18, 2006

On a vote of 283-138, the House passed a Republican-written bill authorizing the construction of about 700 miles of fence along the 2,000–mile border with Mexico.

That's it. Shell out more than a billion tax dollars to build a partial fence along the U.S.-Mexico border. This legislation doesn't come within shouting distance of meaningful.

Voters should consider the unfunded partial-fence bill passed last week by the House as little more than an election-year stunt.

San Francisco Chronicle: Border fences—and fantasies, September 17, 2006

So when House Speaker Dennis Hastert, R-Ill., said last week that "Republicans believe we can have a no-penetration border" and that "if we build a fence, they will no longer come illegally," he was operating in the realm of politics, not reality.

What's needed is a far more sophisticated response to the immigration problem. A fence is likely to exacerbate the problem rather than resolve it.

Orlando Sentinel: Stall game, September 17, 2006

It's time the House and Senate tear down the partisan fencing that keeps America divided, and find a solution to a problem that is theirs—and theirs alone—to fix.

Inland Valley Daily Bulletin (Ontario, CA): Border policies review welcome, but fence is not, September 17, 2006

The fence strikes us as pre-election pandering so that lawmakers can go home to their districts and say they're cracking down on illegal immigration. But a wall won't cut it, if history is any guide.

East Valley Tribune (Scottsdale/Mesa, AZ): A meeting at the fence, September 17, 2006

Just as the 1986 reforms failed to stop illegal immigration because promised border and workplace enforcement didn't follow, a single-minded approach now to this complex program would drive illegal immigrants and human smugglers to take even greater risks to scale fences and sneak past border agents, while ignoring a huge shadow underclass of people living and working among us.

Arizona and all Americans deserve better from Washington.

Boston Herald: House hammers its message home, September 16, 2006

The House had an opportunity to achieve real reform on immigration, but the hard business of negotiating a compromise with the Senate doesn't make for a pithy campaign slogan. Easier to say "I voted in favor of a fence along the border. Twice."

South Florida Sun-Sentinel: More 'part' measures on immigration, September 16, 2006

Congress has had plenty of time to address this issue, but has chosen to use it as a political football in the upcoming elections. Now the GOP leadership says it wants changes approved in bits and pieces.

Piecemeal approaches, however, are what stymied immigration reform in the first place.

Lompoc (CA) Record: Immigration, long fences and workers, September 15, 2006

This nation needs immigration reform and secure borders, but it needs a law that makes sense. Building a new fence doesn't make sense, and will only line the pockets of fencing contractors, while having little or no effect on the flow of illegal immigrants.

The Tennessean: Why no immigration bill?, September 12, 2006

Leaders from both parties vowed that 2006 would be the year for immigration reform. Yet by their inaction, members of Congress have marked 2006 only as the year for immigration rhetoric.

The House and Senate have passed vastly different versions of immigration reform. Leaders now say that the differences are too great to be reconciled.

That's not true. Both bills include serious provisions about border security. Those provisions create enough common ground for Congress to reach compromise on other elements, including a guest worker program.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, could I ask for 2 minutes?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

NATIONAL INTELLIGENCE ESTIMATE—IRAQ

Mr. KENNEDY. Mr. President, to bring to the attention of the Senate, during the consideration of the DOD appropriations, I offered an amendment with my colleague Senator REID about an NIE for Iraq. We have not had an NIE—National Intelligence Estimate—just for Iraq. The one that has been printed in the newspapers, or the reports in the newspapers have been an NIE about global terrorism, of which Iraq was a part, but we have not had an NIE on Iraq in the last 2½ years. This was accepted in the conference report.

Yesterday I sent a letter to Mr. Negroponte, with Senator ROCKEFELLER, Senator LEVIN, Senator BIDEN, Senator REID, and Senator REED, urging him to move forward. It outlines the areas to be covered in the assessment. I had that letter printed in the RECORD.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, we have four unanimous consent requests that I think have been cleared. I also want to reserve time for Senator LEAHY and Senator CORNYN, after the unanimous consent request, to say whatever they wish to say.

WRIGHT AMENDMENT REFORM ACT OF 2006

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 563, S. 3661.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3661) to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. FINDINGS.

The Congress finds the following:

(1) The Dallas-Fort Worth region is served by two large airports, Dallas-Fort Worth International Airport and Love Field. American Airlines and Southwest Airlines each have their headquarters, respectively, at these two airports.

(2) Dallas-Fort Worth International Airport ranks fourth nationally and had more than 28 million enplanements in 2005. Love Field ranks fifty-sixth and had nearly 3 million enplanements in 2005.

(3) The history of the development and creation of the Dallas-Fort Worth International Airport and the subsequent use of Love Field has been one of continuous disagreement, frequent litigation, and constant uncertainty within the local communities. As a result of these factors, this has been the only time that Congress has intervened, with the consent of the local communities, to promulgate specific rules relating to the scope of a locally owned airport. Having done so, the dispute cannot end without a change in federal statutes. Therefore, Congress recognizes the completely unique historical circumstances involving these two airport and cities and the previous unprecedented history of legislation. This legislation is based on the compelling consensus of the civic parties to resolve the dispute on a permanent basis, assure the end of litigation, and establish long-term stability.

(4) In 1979, Congress intervened and passed legislation known as the Wright Amendment which imposed restrictions at Love Field limiting service from the airport to points within the State of Texas and States contiguous to Texas. Congress has since allowed service to the additional States of Alabama, Kansas, Mississippi, and Missouri. At the urging of Congressional leaders, local community leaders have reached consensus on a proposal for eliminating the restrictions at Love Field in a manner deemed equitable by the involved parties. That consensus is reflected in an agreement dated July 11, 2006.

(5) The agreement dated July 11, 2006, does not limit an air carrier's access to the Dallas Fort Worth metropolitan area, and in fact may increase access opportunities to other carriers and communities. It is not Congressional intent to limit any air carrier's access to either airport.

(6) At the urging of the Civil Aeronautics Board (CAB), the communities originally intended to create one large international airport, and close Love Field to commercial air transportation. Funding for the new airport was, in part, predicated on the closing of Love Field to commercial service, and was agreed to by the carriers then serving Love Field. Southwest Airlines, created after the local decision was made, asserted its rights and as a result a new international airport was built, and Love Field remained open.

(7) Congress also recognizes that the agreement, dated July 11, 2006, does not harm any city that is currently being served by these airports, and thus the agreement does not adversely affect the airline industry or other communities that are currently receiving service, or hope to receive service in the future.

(8) Congress finds that the agreement, dated July 11, 2006, furthers the public interest as consumers in, and accessing, the Dallas and Fort Worth areas should benefit from increased competition.

(9) Congress also recognizes that each of the parties was forced to make concessions to reach an agreement. The two carriers, Southwest Airlines and American Airlines, did so independently, determining what is in each of their interests separately. The negotiations between the two communities forced each carrier to respond, individually, to a host of options, which ultimately were included, as part of the agreement dated July 11, 2006.

(10) Nothing in the agreement dated July 11, 2006, is intended to eliminate the jurisdiction of the U.S. Department of Transportation, the Federal Aviation Administration and the Transportation Security Administration with respect to the aviation safety and security responsibilities of those agencies.

SEC. 2. MODIFICATION OF PROVISIONS REGARDING FLIGHTS TO AND FROM LOVE FIELD, TEXAS.

(a) EXPANDED SERVICE.—Section 29(c) of the International Air Transportation Competition Act of 1979 is amended by striking "carrier, if (1)" and all that follows and inserting "carrier. Air carriers and, with regard to foreign air transportation, foreign air carriers, may offer for sale and provide through service and ticketing to or from Love Field, Texas, and any domestic or foreign destination through any point within Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, or Alabama.".

(b) REPEAL.—Section 29 of the International Air Transportation Competition Act of 1979 (Public Law 96–192; 94 Stat. 48 et seq.) is repealed on the date that is 8 years after the date of enactment of this Act.

SEC. 3. TREATMENT OF INTERNATIONAL NONSTOP FLIGHTS TO AND FROM LOVE FIELD, TEXAS.

No person may provide, or offer to provide, air transportation of passengers for compensation or hire between Love Field, Texas, and any point or points outside the 50 States or the District of Columbia on a non-stop basis, and no officer or employee of the United States Government may take any action to make or designate Love Field, Texas, an initial point of entry into the United States or a last point of departure from the United States.

SEC. 4. CHARTER FLIGHTS AT LOVE FIELD, TEXAS.

(a) IN GENERAL.—Charter flights (as defined in section 212.1 of title 14, Code of Federal Regulations) at Love Field, Texas, shall be limited to destinations within the 50 States and the District of Columbia and shall be limited to no more than 10 per month per air carrier for charter

flights beyond Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, or Alabama.

(b) Carriers That Lease Gates.—Except for a flight operated by a Federal agency or by an air carrier under contract to a Federal agency or in extraordinary circumstances or irregular operations, all flights operated by air carriers that lease terminal gate space at Love Field, Texas, shall depart from and arrive at one of those leased gates.

(c) Carriers That Do Not Lease Gates.—A charter flight operated by an air carrier that does not lease terminal space at Love Field, Texas, may operate from non-terminal facilities or one of the terminal gates.

SEC. 5. AGREEMENT OF THE PARTIES.

(a) In General.—Except as provided in subsection (b), any action taken by the City of Dallas, the City of Fort Worth, Southwest Airlines, American Airlines, or the Dallas-Fort Worth International Airport Board (referred to in this section as the "parties") that is reasonably necessary to implement the provisions of the agreement dated July 11, 2006, and titled "Contract among the City of Dallas, the City of Fort Worth, Southwest Airlines Co., American Airlines, Inc., and DFW International Airport Board Incorporating the Substance of the Terms of the June 15, 2006 Joint Statement Between the Parties To Resolve the 'Wright Amendment' Issues", and such agreement, shall be deemed to comply in all respects with the parties' obligations under title 49, United States Code, and any other competition laws.

(b) Limitations on Statutory Construction.—Nothing in this section shall be construed—

(1) to limit the obligations of the parties under the existing programs of the United States Department of Transportation and the Federal Aviation Administration relating to aviation safety, labor, environmental, national historic preservation, civil rights, small business concerns (including disadvantaged business enterprise), veteran's preference, and disability access;

(2) to limit the obligations of the parties under the existing aviation security programs of the Department of Homeland Security and the Transportation Security Administration at Love Field, Texas; or

(3) to authorize the parties to offer marketing incentives that are in violation of Federal law, rules, orders, agreements, and other requirements.

(c) Love Field Gates.—The number of gates available for passenger air service at Love Field, Texas, shall be reduced, as soon as practicable, to no more than 20 gates, and thereafter shall not exceed a maximum of 20 gates.

(d) General Aviation.—Nothing in the agreement described in subsection (a) shall affect general aviation service at Love Field, Texas, including flights to or from Love Field by general aviation aircraft for air taxi service, private or sport flying, aerial photography, crop dusting, corporate aviation, medical evacuation, flight training, police or fire fighting, and similar general aviation purposes, or by aircraft operated by any Federal agency or by any airline under contract to any Federal agency.

(e) Enforcement.—Notwithstanding any other provision of law, the Secretary of Transportation and the Administrator of the Federal Aviation Administration are prohibited from making findings or determinations, promulgating orders or rules, withholding airport improvement grants or approvals thereof, denying passenger facility charge applications, or taking any other action either self-initiated or on behalf of third parties, that is inconsistent with the provisions of the agreement described in subsection (a), or that challenge the legality of any of its provisions.

SEC. 6. JURISDICTION.

The Department of Transportation shall have exclusive jurisdiction with respect to the agreement described in section 5(a) of this Act.

SEC. 7. APPLICABILITY.

(a) In General.—The provisions of this Act shall apply only to actions taken with respect to Love Field, Texas, or air transportation to or from Love Field, Texas, under the agreement described in section 5(a) of this Act and shall have no application to any other airport.

(b) Safety Review.—The provisions of this Act shall not take effect if, within 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration determines and notifies Congress that aviation operations in the airspace serving Love Field, Texas, and the Dallas-Fort Worth area that will be facilitated by the agreement described in section 5(a) and by this Act, cannot be accommodated in compliance with FAA safety standards in accordance with section 40101 of title 49, United States Code.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HUTCHISON. I ask unanimous consent the amendment at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5107) was agreed to, as follows:

AMENDMENT NO. 5107

Strike all after enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wright Amendment Reform Act of 2006".

SEC. 2. MODIFICATION OF PROVISIONS REGARDING FLIGHTS TO AND FROM LOVE FIELD, TEXAS.

(a) Expanded Service.—Section 29(c) of the International Air Transportation Competition Act of 1979 (Public Law 96-192; 94 Stat. 35) is amended by striking "carrier, if (1)" and all that follows and inserting the following: "carrier. Air carriers and, with regard to foreign air transportation, foreign air carriers, may offer for sale and provide through service and ticketing to or from Love Field, Texas, and any United States or foreign destination through any point within Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, or Alabama.".

(b) Repeal.—Section 29 of the International Air Transportation Competition Act of 1979 (94 Stat. 35), as amended by subsection (a), is repealed on the date that is 8 years after the date of enactment of this Act.

SEC. 3. TREATMENT OF INTERNATIONAL NONSTOP FLIGHTS TO AND FROM LOVE FIELD, TEXAS.

No person shall provide, or offer to provide, air transportation of passengers for compensation or hire between Love Field, Texas, and any point or points outside the 50 States or the District of Columbia on a nonstop basis, and no official or employee of the Federal Government may take any action to make or designate Love Field as an initial point of entry into the United States or a last point of departure from the United States.

SEC. 4. CHARTER FLIGHTS AT LOVE FIELD, TEXAS.

(a) In General.—Charter flights (as defined in section 212.2 of title 14, Code of Federal Regulations) at Love Field, Texas, shall be limited to—

(1) destinations within the 50 States and the District of Columbia; and

(2) no more than 10 per month per air carrier. for charter flights beyond the States of Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, and Alabama.

(b) Carriers Who Lease Gates.—All flights operated to or from Love Field by air carriers that lease terminal gate space at Love Field shall depart from and arrive at one of those leased gates; except for—

(1) flights operated by an agency of the Federal Government or by an air carrier under contract with an agency of the Federal Government; and

(2) irregular operations.

(c) Carriers Who Do Not Lease Gates.—Charter flights from Love Field, Texas, operated by air carriers that do not lease terminal space at Love Field may operate from nonterminal facilities or one of the terminal gates at Love Field.

SEC. 5. LOVE FIELD GATES.

(a) In General.—The city of Dallas, Texas, shall reduce as soon as practicable, the number of gates available for passenger air service at Love Field to no more than 20 gates. Thereafter, the number of gates available for such service shall not exceed a maximum of 20 gates. The city of Dallas, pursuant to its authority to operate and regulate the airport as granted under chapter 22 of the Texas Transportation Code and this Act, shall determine the allocation of leased gates and manage Love Field in accordance with contractual rights and obligations existing as of the effective date of this Act for certificated air carriers providing scheduled passenger service at Love Field on July 11, 2006. To accommodate new entrant air carriers, the city of Dallas shall honor the scarce resource provision of the existing Love Field leases.

(b) Removal of Gates at Love Field.—No Federal funds or passenger facility charges may be used to remove gates at the Lemmon Avenue facility, Love Field, in reducing the number of gates as required under this Act, but Federal funds or passenger facility charges may be used for other airport facilities under chapter 471 of title 49, United States Code.

(c) General Aviation.—Nothing in this Act shall affect general aviation service at Love Field, including flights to or from Love Field by general aviation aircraft for air taxi service, private or sport flying, aerial photography, crop dusting, corporate aviation, medical evacuation, flight training, police or fire fighting, and similar general aviation purposes, or by aircraft operated by any agency of the Federal Government or by any air carrier under contract to any agency of the Federal Government.

(d) Enforcement.—

(1) In general.—Notwithstanding any other provision of law, the Secretary of Transportation and the Administrator of the Federal Aviation Administration may not make findings or determinations, issue orders or rules, withhold airport improvement grants or approvals thereof, deny passenger facility charge applications, or take any other actions, either self-initiated or on behalf of third parties—

(A) that are inconsistent with the contract dated July 11, 2006, entered into by the city of Dallas, the city of Fort Worth, the DFW

International Airport Board, and others regarding the resolution of the Wright Amendment issues, unless actions by the parties to the contract are not reasonably necessary to implement such contract; or

(B) that challenge the legality of any provision of such contract.

(2) COMPLIANCE WITH TITLE 49 REQUIREMENTS.—A contract described in paragraph (1)(A) of this subsection, and any actions taken by the parties to such contract that are reasonably necessary to implement its provisions, shall be deemed to comply in all respects with the parties' obligations under title 49, United States Code.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this Act shall be construed—

(A) to limit the obligations of the parties under the programs of the Department of Transportation and the Federal Aviation Administration relating to aviation safety, labor, environmental, national historic preservation, civil rights, small business concerns (including disadvantaged business enterprise), veteran's preference, disability access, and revenue diversion;

(B) to limit the authority of the Department of Transportation or the Federal Aviation Administration to enforce the obligations of the parties under the programs described in subparagraph (A);

(C) to limit the obligations of the parties under the security programs of the Department of Homeland Security, including the Transportation Security Administration, at Love Field, Texas;

(D) to authorize the parties to offer marketing incentives that are in violation of Federal law, rules, orders, agreements, and other requirements; or

(E) to limit the authority of the Federal Aviation Administration or any other Federal agency to enforce requirements of law and grant assurances (including subsections (a)(1), (a)(4), and (s) of section 47107 of title 49, United States Code) that impose obligations on Love Field to make its facilities available on a reasonable and nondiscriminatory basis to air carriers seeking to use such facilities, or to withhold grants or deny applications to applicants violating such obligations with respect to Love Field.

(2) FACILITIES.—Paragraph (1)(E)—

(A) shall only apply with respect to facilities that remain at Love Field after the city of Dallas has reduced the number of gates at Love Field as required by subsection (a); and

(B) shall not be construed to require the city of Dallas, Texas—

(i) to construct additional gates beyond the 20 gates referred to in subsection (a); or

(ii) to modify or eliminate preferential gate leases with air carriers in order to allocate gate capacity to new entrants or to create common use gates, unless such modification or elimination is implemented on a nationwide basis.

SEC. 6. APPLICABILITY.

The provisions of this Act shall apply to actions taken with respect to Love Field, Texas, or air transportation to or from Love Field, Texas, and shall have no application to any other airport (other than an airport owned or operated by the city of Dallas or the city of Fort Worth, or both).

SEC. 7. EFFECTIVE DATE.

Sections 1 through 6, including the amendments made by such sections, shall take effect on the date that the Administrator of the Federal Aviation Administration notifies Congress that aviation operations in the airspace serving Love Field and the Dallas-Fort Worth area which are likely to be conducted after enactment of this Act can be accommodated in full compliance with Federal Aviation Administration safety standards in accordance with section 40101 of title 49, United States Code, and, based on current expectations, without adverse effect on use of airspace in such area.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

NEW ENGLAND WILDERNESS ACT OF 2006

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 4001, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4001) to designate certain land in New England as wilderness for inclusion in the National Wilderness Survey system and certain land as a National Recreation Area, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HUTCHISON. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4001) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "New England Wilderness Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Section 1. Short title; table of contents
Sec. 2. Definition of Secretary

TITLE I—NEW HAMPSHIRE

Sec. 101. Definition of State
Sec. 102. Designation of wilderness areas
Sec. 103. Map and description
Sec. 104. Administration

TITLE II—VERMONT

Sec. 201. Definitions

Subtitle A—Designation of Wilderness Areas

Sec. 211. Designation
Sec. 212. Map and description
Sec. 213. Administration

Subtitle B—Moosalamoo National Recreation Area

Sec. 221. Designation
Sec. 222. Map and description
Sec. 223. Administration of National Recreation Area

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

TITLE I—NEW HAMPSHIRE

SEC. 101. DEFINITION OF STATE.

In this title, the term "State" means the State of New Hampshire.

SEC. 102. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) Certain Federal land managed by the Forest Service, comprising approximately 23,700 acres, as generally depicted on the map entitled "Proposed Wild River Wilderness—White Mountain National Forest", dated February 6, 2006, which shall be known as the "Wild River Wilderness".

(2) Certain Federal land managed by the Forest Service, comprising approximately 10,800 acres, as generally depicted on the map entitled "Proposed Sandwich Range Wilderness Additions—White Mountain National Forest", dated February 6, 2006, and which are incorporated in the Sandwich Range Wilderness, as designated by the New Hampshire Wilderness Act of 1984 (Public Law 98-323; 98 Stat. 259).

SEC. 103. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by section 102 with the committees of appropriate jurisdiction in the Senate and the House of Representatives.

(b) FORCE AND EFFECT.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 104. ADMINISTRATION.

(a) ADMINISTRATION.—Subject to valid existing rights, each wilderness area designated under this title shall be administered by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to any wilderness area designated by this title, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(c) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title affects any jurisdiction or responsibility of the State with respect to wildlife and fish in the State.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the wilderness areas designated by section 102 are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing laws (including geothermal leasing laws).

TITLE II—VERMONT

SEC. 201. DEFINITIONS.

In this title:

(1) MANAGEMENT PLAN.—The term "Management Plan" means the Green Mountain National Forest Land and Resource Management Plan.

(2) STATE.—The term "State" means the State of Vermont.

Subtitle A—Designation of Wilderness Areas

SEC. 211. DESIGNATION.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Certain Federal land managed by the United States Forest Service, comprising approximately 22,425 acres, as generally depicted on the map entitled "Glastenbury Wilderness—Proposed", dated September 2006, which shall be known as the "Glastenbury Wilderness".

(2) Certain Federal land managed by the United States Forest Service, comprising approximately 12,333 acres, as generally depicted on the map entitled "Joseph Battell Wilderness—Proposed", dated September 2006, which shall be known as the "Joseph Battell Wilderness".

(3) Certain Federal land managed by the United States Forest Service, comprising approximately 3,757 acres, as generally depicted on the map entitled "Breadloaf Wilderness Additions—Proposed", dated September 2006, which shall be known as the "Breadloaf Wilderness".

(4) Certain Federal land managed by the United States Forest Service, comprising approximately 2,338 acres, as generally depicted on the map entitled "Lye Brook Wilderness Additions—Proposed", dated September 2006, which shall be known as the "Lye Brook Wilderness".

(5) Certain Federal land managed by the United States Forest Service, comprising approximately 752 acres, as generally depicted on the map entitled "Peru Peak Wilderness Additions—Proposed", dated September 2006, which shall be known as the "Peru Peak Wilderness".

(6) Certain Federal land managed by the United States Forest Service, comprising approximately 47 acres, as generally depicted on the map entitled "Big Branch Wilderness Additions—Proposed", dated September 2006, which shall be known as the "Big Branch Wilderness".

SEC. 212. MAP AND DESCRIPTION.

(a) In General.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by section 211 with—

(1) the Committee on Resources of the House of Representatives;

(2) the Committee on Agriculture of the House of Representatives; and

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) Force of Law.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) Public Availability.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 213. ADMINISTRATION.

(a) Administration.—Subject to valid rights in existence on the date of enactment of this Act, each wilderness area designated under this subtitle and in the Green Mountain National Forest (as of the date of enactment of this Act) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) Fish and Wildlife.—Nothing in this subtitle affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State, including the stocking of fish in rivers and streams in the State to support the Connecticut River Atlantic Salmon Restoration Program.

(c) Trails.—The Forest Service shall allow the continuance of —

(1) the Appalachian National Scenic Trail;

(2) the Long Trail;

(3) the Catamount Trail; and

(4) the marking and maintenance of associated trails and trail structures of the Trails referred to in this subsection, consistent with the management direction (including objectives, standards, guidelines, and agreements with partners) established for the Appalachian National Scenic Trail, Long Trail, and Catamount Trail under the Management Plan.

Subtitle B—Moosalamoo National Recreation Area

SEC. 221. DESIGNATION.

Certain Federal land managed by the United States Forest Service, comprising approximately 15,857 acres, as generally depicted on the map entitled "Moosalamoo National Recreation Area—Proposed", dated September 2006, is designated as the "Moosalamoo National Recreation Area".

SEC. 222. MAP AND DESCRIPTION.

(a) In General.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the national recreation area designated by section 221 with—

(1) the Committee on Resources of the House of Representatives;

(2) the Committee on Agriculture of the House of Representatives; and

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) Force of Law.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) Public Availability.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 223. ADMINISTRATION OF NATIONAL RECREATION AREA.

(a) In General.—Subject to valid rights existing on the date of enactment of this Act, the Secretary shall administer the Moosalamoo National Recreation Area in accordance with—

(1) laws (including rules and regulations) applicable to units of the National Forest System; and

(2) the management direction (including objectives, standards, and guidelines) established for the Moosalamoo Recreation and Education Management Area under the Management Plan.

(b) Fish and Wildlife.—Nothing in this subtitle affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State.

(c) Escarpment and Ecological Areas.—Nothing in this subtitle prevents the Secretary from managing the Green Mountain Escarpment Management Area and the Ecological Special Areas, as described in the Management Plan.

THE CALENDAR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the Senate proceed to an immediate en bloc consideration of the following bills: Calendar No. 393 to 400, 403 to 410, 420, 533, and 584.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senate will proceed en bloc.

Mr. COBURN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection? The Senator from Oklahoma.

Mr. COBURN. I do not intend to object in the final analysis on this, but I think the American public needs to hear how this bill got here and the associated processes with it. I want to share my concerns over it. It will take me a few minutes to do that, but I think it is important that we do this.

Before I lift my objection to the authorization in this package, I think it is important to know that this obligates the American people for $1.5 billion. The majority leader originally sought consent for this package in May and again in July. After carefully reviewing the package, considering the oath that I took in January of 2005, I could not give that consent.

I immediately sat down with the chairman of the Energy Committee. I outlined in detail my concerns with him. And I am committed by putting my objections in writing, and I did so.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

UNITED STATES SENATE,
Washington, DC, May 25, 2006.

Hon. Pete Domenici,
Committee on Energy and Natural Resources
U.S. Senate.

Dear Chairman Domenici: I want to thank you for agreeing to meet with me late last week. As follow-up to our conversation and per my commitment to you, I am providing a more thorough review of the concerns that prompted me to place a hold on the committee package.

First and foremost, as we discussed during our meeting, I want to underscore my concern that the package gives very little consideration to the future impact on spending and the growing deficit. With rare exception, each bill in the package creates or expands' authorized spending levels, with no consideration for finding similarly authorized programs that have failed to meet Congressional intent or which have outlived their usefulness. In other words, in creating these authorizations—eventual recommendations for appropriations—we have given little or no thought to finding offsets or attempted to prioritize diminishing federal resources.

For example, S. 1913, "the Indiana Dunes Visitors Center" would authorize the National Park Service to lease space and construct a gift shop and theater at an estimated cost of $1.2 million. H.R. 318, "the Castle Nugent Farms study" would spend an estimated $500,000 to determine the feasibility of designating the area a unit of the National Park Service (NPS). Similarly, H.R. 1728 would study the feasibility of establishing a NPS unit to preserve historic homes in Ste Genevieve, Missouri. S. 200, S.

204, S 163, and S 249 would establish National Heritage Areas (NHA) at an estimated initial cost of $40 million. I am very concerned about authorizing new spending on parks and associated buildings when our nation already is more than $8 trillion in debt and when we already have millions of acres of federal lands that we are already unable to maintain properly.

I specifically question why there has been no attempt to offset the new authorizations, or in any way review the priorities of agency spending. The Department of the Interior—where each of these new programs will be administered—is replete with wasteful and ineffective spending, and provides ample opportunity for this Congress to prioritize its spending. Consider the following: In adding to the 672 million acres that it currently. owns, the Department of the Interior and related land management agencies have spent over $1.1 billion on land acquisition since 2002, and an estimated $113 million last year alone. Additionally, the Administration estimates that the agency carries over $4.5 billion in unobligated balances. Surely, we can find a way to prioritize spending in these agencies, and to ensure that these new authorizations don't add to the already crushing debt that our children will inherit.

Furthermore, I am concerned that many of the bills lack sufficient justification for federal involvement. For example, S 1346 "the Michigan Lighthouse and Maritime Heritage Act" would authorize $500,000 for the Department of the Interior "to study and report on Michigan maritime heritage resource preservation and interpretation, including: potential economic and tourism benefits of preservation of these resources . . ." The tourism industry in Michigan already generates an estimated $16 billion, and while I do not question the importance of these local preservation and promotion efforts, I fail to see a federal responsibility.

Finally, I am concerned that a bill (S 1970) that I offered to amend the Trail of Tears Historic Trail Act, was modified from its original version. In the bill that I introduced, I specifically prohibited any new federal appropriations for the update of the trail study. First, the bulk of the study has already been completed by researchers, and simply needs updating. Second, I felt it was important that any expenditures for the trail come from existing trail funding, and not burden other NPS resources. In amending my bill, the committee undermined a basic condition of my support for the bill and opened up the possibility for new spending—something I will aggressively oppose.

I am prepared to drop my objections to the hotlined package if the committee is willing to consider other measures to offset the proposed new authorizations. In briefly reviewing offsetting measures within the Department of the Interior, I have identified several billion dollars in potential offsets. I am including an overview below:

The President has proposed the elimination or reduction of several programs within the Department of the Interior. Total savings are projected to be $260,000,000. *http://www.whitehouse.gov/omb/budget/fy2007/pdf/savings.pdf*. These savings will pay for all but one of the bills contained in the hotlined package.

The Department of the Interior spent $218.7 million on conferences and travel in FY 2004, up $12 million since FY 2000; Reducing these expenditures by 10% will entirely pay for 9 of the bills included in this package.

The Department of the Inteior has over $4.5 billion in unobligated funds already appropriated by Congress. We can pay for the entire authorization package simply by requiring that all future appropriations be paid for from the agency's unobligated balances.

These suggestions are by no means exhaustive, and I am certainly open to other alternative offsets. We can and we should find a way to prioritize spending in these areas, and I look forward to working with you to accomplish this goal.

Again, I want to thank: you for taking the time to meet with me to hear my concerns, and for this opportunity to work with you to preserve and protect the great heritage of sacrifice that was given to us by our forefathers.

Sincerely,

TOM A. COBURN,
U.S. Senator.

Mr. COBURN. Mr. President, I will repeat today what I said in person and in writing. It authorizes $1.5 billion spending with not one offset and zero consideration for prioritization of how we spend money in this country.

Mr. CONRAD. Mr. President, what is the regular order?

The PRESIDING OFFICER. There is a unanimous-consent request pending before the Senate.

Is there objection?

Mr. CONRAD. Is the Senator required to register an objection or not?

The PRESIDING OFFICER. That is correct.

Is there objection?

Mr. COBURN. Mr. President, I will try again, reserving my right to object. I will finish this statement one way or the other; otherwise, I will object.

The PRESIDING OFFICER. The Senator does not have the right to object upon reservation. It is an accommodation that exists only with the consent of other Senators.

Mr. COBURN. Mr. President, I ask unanimous-consent after the unanimous-consent on this bill that I be allowed 15 minutes to speak on this bill.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. I will not object to that.

Mrs. HUTCHISON. Mr. President, I respectfully ask the Senator from Oklahoma if I could do the other two pending unanimous-consent requests and then allow the Senator from Oklahoma to speak for 15 minutes; and then, after that allow either Senator CORNYN or Senator LEAHY, or both, along with myself, to speak on the previously agreed to bill for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. I object to that, unless we can have a more comprehensive agreement. I was told that a number of us concerned about drought could come to the floor at 11:30 this morning. Then we were told 1:30. Now it is 1:45. It is fine with me if we can reach an agreement that extends to those of us who are from states suffering from a natural disaster. I totally appreciate the Senator's right to at some point have a chance to express himself. As a matter of procedure, when a Senator has raised an objection, it is my understanding of the rules of the Senate that you have to promptly object or not. It is not a time to speak. I would be fully in agreement having a unanimous-consent agreement to give you the right to express your views. You certainly have that right at some point.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, I will object unless we have a chance to reach a more comprehensive agreement on what follows.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Texas has the floor. Is there objection to the en bloc consideration of the bills listed by the Senator from Texas?

Mr. CONRAD. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that we finish the unanimous-consent requests that have been cleared on both sides, that there be speakers recognized in the following order: Senator COBURN, Senator CHAMBLISS, Senator CONRAD, and a Republican slot; further, that Senator CORNYN and Senator LEAHY and myself be allowed to have 15 minutes following that to discuss legislation previously passed.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. Mr. President, I amend my unanimous-consent request to put Senator DORGAN following the Republicans.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, I reserve the right to object. I understand the recognition is Senator CONRAD and then a Republican slot at which point I would be recognized.

Mrs. HUTCHISON. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, I think it would be very important here to have time specified for these names because that is the only way we can have an understanding here. I will object unless we have time associated with the names.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous-consent that the two agreed-to energy en bloc requests be granted first; following that, Senator COBURN for 15 minutes, Senator

CHAMBLISS for 10 minutes, Senator **CONRAD** for up to 30 minutes, a Republican slot for 10 minutes, and Senator **DORGAN** for 20 minutes. I need to also have time reserved for Senator **LEAHY**, Senator **CORNYN**, and myself following that order for up to 30 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object—and I shall not object—I believe the Senator from Texas is discussing time for a colloquy that Senator **CORNYN** and I intend to do which will take about 5 to 10 minutes. When would we have our colloquy?

Mrs. HUTCHISON. It would be approximately an hour and half before that would occur unless there would be a unanimous consent agreement that the colloquy could be moved up.

Mr. LEAHY. I don't want to interfere with others who are on the floor already planning things. I wonder if there would be a difficulty if Senator **CORNYN** and I did our colloquy. I can assure the Senate that I will keep my time to 2 minutes. I do not know how much time the Senator from Texas would request.

Mrs. HUTCHISON. Mr. President, I amend my unanimous consent to allow us to do the two energy en banc requests that have been agreed to by both sides; Senator **CORNYN** and Senator **LEAHY** for up to 5 minutes; Senator **COBURN** for 15 minutes; Senator **CHAMBLISS** for 10 minutes; Senator **CONRAD** for up to 30 minutes; a Republican slot for 10 minutes; Senator **DORGAN** for 20 minutes; and Senator **HUTCHISON** for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator may proceed with the en banc unanimous consent requests.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate en bloc consideration of the following bills: Calendar Nos. 393 to 400, 403 to 410, 420, 533, and 584.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the amendments at the desk be agreed to; the committee-reported amendments as amended, if amended, be agreed to; the bills as amended, if amended, be read a third time and passed en bloc; the resolution be agreed to; and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOY SCOUTS OF AMERICA LAND TRANSFER ACT OF 2005

The Senate proceeded to consider the bill (S. 476) to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Boy Scouts of America Land Transfer Act of 2006".

SEC. 2. DEFINITIONS.

In this Act:

(1) BOY SCOUTS.—The term "Boy Scouts" means the Utah National Parks Council of the Boy Scouts of America.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. BOY SCOUTS OF AMERICA LAND EXCHANGE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Subject to subsection (c) and notwithstanding the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.), the Boy Scouts may convey to Brian Head Resort, subject to valid existing rights and, except as provided in paragraph (2), any rights reserved by the United States, all right, title, and interest granted to the Boy Scouts by the original patent to the parcel described in subsection (b)(1) in exchange for the conveyance by Brian Head Resort to the Boy Scouts of all right, title, and interest in and to the parcels described in subsection (b)(2).

(2) REVERSIONARY INTEREST.—On conveyance of the parcel of land described in subsection (b)(1), the Secretary shall have discretion with respect to whether or not the reversionary interests of the United States are to be exercised.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are—

(1) the 120-acre parcel that is part of a tract of public land acquired by the Boy Scouts under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) for the purpose of operating a camp, which is more particularly described as the W½SE¼ and SE¼SE¼ sec. 26, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(2) the 2 parcels of private land owned by Brian Head Resort that total 120 acres, which are more particularly described as—

(A) NE¼NW¼ and NE¼NE¼ sec. 25, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(B) SE¼SE¼ sec. 24, T. 35. S., R. 9 W., Salt Lake Base and Meridian.

(c) CONDITIONS.—On conveyance to the Boy Scouts under subsection (a)(1), the parcels of land described in subsection (b)(2) shall be subject to the terms and conditions imposed on the entire tract of land acquired by the Boy Scouts for a camp under the Bureau of Land Management patent numbered 43-75-0010.

(d) MODIFICATION OF PATENT.—On completion of the exchange under subsection (a)(1), the Secretary shall amend the original Bureau of Land Management patent providing for the conveyance to the Boy Scouts under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) numbered 43-75-0010 to take into account the exchange under subsection (a)(1).

The committee amendment in the nature of a substitute was agreed to.

The bill S. 476 was ordered to be engrossed for a third reading, was read a third time; and passed.

IDAHO LAND ENHANCEMENT ACT

The Senate proceeded to consider the bill (S. 1131) to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Idaho Land Enhancement Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the agreement executed in April 2005 entitled "Agreement to Initiate, Boise Foothills—Northern Idaho Land Exchange", as modified by the agreement executed in March 2006 entitled "Amendment No. 1", and entered into by—

(A) the Bureau of Land Management;

(B) the Forest Service;

(C) the State; and

(D) the City.

(2) BUREAU OF LAND MANAGEMENT LAND.—The term "Bureau of Land Management land" means the approximately 605 acres of land administered by the Bureau of Land Management (including all appurtenances to the land) that is proposed to be acquired by the State, as identified in exhibit A2 of the Agreement and as generally depicted on the maps.

(3) BOARD.—The term "Board" means the Idaho State Board of Land Commissioners.

(4) CITY.—The term "City" means the city of Boise, Idaho.

(5) FEDERAL LAND.—The term "Federal land" means the Bureau of Land Management land and the National Forest System land.

(6) MAPS.—The term "maps" means maps 1 through 7 entitled "Parcel Identification Map: Idaho Lands Enhancement Act Land Exchange" and dated February 28, 2006.

(7) NATIONAL FOREST SYSTEM LAND.—The term "National Forest System land" means the approximately 7,220 acres of land (including all appurtenances to the land) that is—

(A) administered by the Secretary of Agriculture in the Idaho Panhandle National Forests and the Clearwater National Forest;

(B) proposed to be acquired by the State;

(C) identified in exhibit A2 of the Agreement; and

(D) generally depicted on the maps.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(9) STATE.—The term "State" means the State of Idaho, Department of Lands.

(10) STATE LAND.—The term "State land" means the approximately 11,815 acres of land (including all appurtenances to the land) administered by the State that is proposed to be acquired by the United States, as identified in exhibit A1 of the Agreement and as generally depicted on the maps.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—In accordance with the Agreement and this Act, if the State offers to convey the State land to the United States, the Secretary and the Secretary of Agriculture shall—

(1) accept the offer; and

(2) on receipt of title to the State land, simultaneously convey to the State the Federal land.

(b) VALID EXISTING RIGHTS.—The conveyance of the Federal land and State land shall be subject to all valid existing rights.

(c) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The value of the Federal land and State land to be exchanged under this Act—

(A) shall be equal; or

(B) shall be made equal in accordance with subsection (d).

(2) APPRAISALS.—The value of the Federal land and State land shall be determined in accordance with appraisals—

(A) conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice;

(B) reviewed by an interdepartmental review team comprised of representatives of Federal and State agencies; and

(C) approved by the Secretary or the Secretary of Agriculture, as appropriate.

(d) CASH EQUALIZATION.—

(1) IN GENERAL.—If the value of the Federal land and State land is not equal, the value may be equalized by the payment of cash to the United States or to the State, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) DISPOSITION AND USE OF PROCEEDS.—

(A) DISPOSITION OF PROCEEDS.—Any cash equalization payments received by the United States under paragraph (1) shall be deposited in the fund established under Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(B) USE OF PROCEEDS.—Amounts deposited under subparagraph (A) shall be available to the Secretary of Agriculture, without further appropriation and until expended, for the acquisition of land and interests in land for addition to the National Forest System in the State.

(e) TIMING.—It is the intent of Congress that the land exchange authorized and directed by this Act shall be completed not later than 180 days after the date of enactment of this Act.

(f) RIGHTS-OF-WAY.—

(1) RIGHTS-OF-WAY TO NATIONAL FOREST SYSTEM LAND.—The Secretary of Agriculture, under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), shall convey to the State any easements or other rights-of-way to National Forest System land that are—

(A) appropriate to provide access to the National Forest System land acquired by the State; and

(B) agreed to by the Secretary of Agriculture and the State.

(2) RIGHTS-OF-WAY TO STATE LAND.—The State shall convey to the United States any easements or other rights-of-way to land owned by the State that are—

(A) appropriate to provide access to the State land acquired by the United States; and

(B) agreed to by—

(i) the Secretary or the Secretary of Agriculture; and

(ii) the State.

(g) COSTS.—The City, either directly or through a collection agreement with the Secretary and the Secretary of Agriculture, shall pay the administrative costs associated with the conveyance of the Federal land and State land, including the costs of any field inspections, environmental analyses, appraisals, title examinations, and deed and patent preparations.

SEC. 4. MANAGEMENT OF FEDERAL LAND.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—There is transferred from the Secretary to the Secretary of Agriculture administrative jurisdiction over the land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 2,110 acres of land that is administered by the Bureau of Land Management and located in Shoshone County, Idaho, as generally identified in exhibit A3 of the Agreement.

(3) WILDERNESS STUDY AREAS.—Any land designated as a Wilderness Study Area that is transferred to the Secretary of Agriculture under paragraph (1) shall be managed in a manner that preserves the suitability of land for designation as wilderness until Congress determines otherwise.

(b) ADDITIONS TO THE NATIONAL FOREST SYSTEM.—The Secretary of Agriculture shall administer any land transferred to, or conveyed to the United States for administration by, the Secretary of Agriculture in accordance with—

(1) the Act of March 1, 1911 (commonly known as the "Weeks Act") (16 U.S.C. 480 et seq.); and

(2) the laws (including regulations) applicable to the National Forest System.

(c) LAND TO BE MANAGED BY THE SECRETARY.—The Secretary shall administer any State land conveyed to the United States under this Act for administration by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) other applicable laws.

(d) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Idaho Panhandle National Forests and the Clearwater National Forest shall be considered to be the boundaries of the Idaho Panhandle National Forests and the Clearwater National Forest, respectively, as of January 1, 1965.

SEC. 5. MISCELLANEOUS PROVISIONS.

(a) LEGAL DESCRIPTIONS.—The Secretary, the Secretary of Agriculture, and the Board may modify the descriptions of land specified in the Agreement to—

(1) correct errors; or

(2) make minor adjustments to the parcels based on a survey or other means.

(b) REVOCATION OF ORDERS.—Subject to valid existing rights, any public land orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(c) WITHDRAWALS.—

(1) FEDERAL LAND.—Subject to valid existing rights, pending completion of the land exchange, the Federal land is withdrawn from—

(A) all forms of location, entry, and patent under the mining and public land laws; and

(B) disposition under the mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(2) STATE LAND.—Subject to valid existing rights, the land transferred to the United States under this Act is withdrawn from—

(A) all forms of location, entry, and patent under the mining and public land laws; and

(B) disposition under the mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(3) EFFECT.—Nothing in this section precludes the Secretary or the Secretary of Agriculture from using common varieties of mineral materials for construction and maintenance of Federal roads and facilities on the State land acquired under this Act.

The amendment (No. 5108) was agreed to, as follows:

AMENDMENT NO. 5108

(Purpose: To add a provision relating to the term of approval of appraisals by the interdepartmental review team)

On page 15, between lines 22 and 23, insert the following:

(3) TERM OF APPROVAL.—The term of approval of the appraisals by the interdepartmental review team is extended to September 13, 2008.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill S. 1131 was ordered to be engrossed for a third reading, was read the third time; and passed, as follows:

S. 1131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Idaho Land Enhancement Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the agreement executed in April 2005 entitled "Agreement to Initiate, Boise Foothills—Northern Idaho Land Exchange", as modified by the agreement executed in March 2006 entitled "Amendment No. 1", and entered into by—

(A) the Bureau of Land Management;

(B) the Forest Service;

(C) the State; and

(D) the City.

(2) BUREAU OF LAND MANAGEMENT LAND.—The term "Bureau of Land Management land" means the approximately 605 acres of land administered by the Bureau of Land Management (including all appurtenances to the land) that is proposed to be acquired by the State, as identified in exhibit A2 of the Agreement and as generally depicted on the maps.

(3) BOARD.—The term "Board" means the Idaho State Board of Land Commissioners.

(4) CITY.—The term "City" means the city of Boise, Idaho.

(5) FEDERAL LAND.—The term "Federal land" means the Bureau of Land Management land and the National Forest System land.

(6) MAPS.—The term "maps" means maps 1 through 7 entitled "Parcel Identification Map: Idaho Lands Enhancement Act Land Exchange" and dated February 28, 2006.

(7) NATIONAL FOREST SYSTEM LAND.—The term "National Forest System land" means the approximately 7,220 acres of land (including all appurtenances to the land) that is—

(A) administered by the Secretary of Agriculture in the Idaho Panhandle National Forests and the Clearwater National Forest;

(B) proposed to be acquired by the State;

(C) identified in exhibit A2 of the Agreement; and

(D) generally depicted on the maps.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(9) STATE.—The term "State" means the State of Idaho, Department of Lands.

(10) STATE LAND.—The term "State land" means the approximately 11,815 acres of land (including all appurtenances to the land) administered by the State that is proposed to be acquired by the United States, as identified in exhibit A1 of the Agreement and as generally depicted on the maps.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—In accordance with the Agreement and this Act, if the State offers to convey the State land to the United States, the Secretary and the Secretary of Agriculture shall—

(1) accept the offer; and

(2) on receipt of title to the State land, simultaneously convey to the State the Federal land.

(b) VALID EXISTING RIGHTS.—The conveyance of the Federal land and State land shall be subject to all valid existing rights.

(c) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The value of the Federal land and State land to be exchanged under this Act—

(A) shall be equal; or

(B) shall be made equal in accordance with subsection (d).

(2) APPRAISALS.—The value of the Federal land and State land shall be determined in accordance with appraisals—

(A) conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice;

(B) reviewed by an interdepartmental review team comprised of representatives of Federal and State agencies; and

(C) approved by the Secretary or the Secretary of Agriculture, as appropriate.

(3) TERM OF APPROVAL.—The term of approval of the appraisals by the interdepartmental review team is extended to September 13, 2008.

(d) CASH EQUALIZATION.—

(1) IN GENERAL.—If the value of the Federal land and State land is not equal, the value may be equalized by the payment of cash to the United States or to the State, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) DISPOSITION AND USE OF PROCEEDS.—

(A) DISPOSITION OF PROCEEDS.—Any cash equalization payments received by the United States under paragraph (1) shall be deposited in the fund established under Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(B) USE OF PROCEEDS.—Amounts deposited under subparagraph (A) shall be available to the Secretary of Agriculture, without further appropriation and until expended, for the acquisition of land and interests in land for addition to the National Forest System in the State.

(e) TIMING.—It is the intent of Congress that the land exchange authorized and directed by this Act shall be completed not later than 180 days after the date of enactment of this Act.

(f) RIGHTS-OF-WAY.—

(1) RIGHTS-OF-WAY TO NATIONAL FOREST SYSTEM LAND.—The Secretary of Agriculture, under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), shall convey to the State any easements or other rights-of-way to National Forest System land that are—

(A) appropriate to provide access to the National Forest System land acquired by the State; and

(B) agreed to by the Secretary of Agriculture and the State.

(2) RIGHTS-OF-WAY TO STATE LAND.—The State shall convey to the United States any easements or other rights-of-way to land owned by the State that are—

(A) appropriate to provide access to the State land acquired by the United States; and

(B) agreed to by—

(i) the Secretary or the Secretary of Agriculture; and

(ii) the State.

(g) COSTS.—The City, either directly or through a collection agreement with the Secretary and the Secretary of Agriculture, shall pay the administrative costs associated with the conveyance of the Federal land and State land, including the costs of any field inspections, environmental analyses, appraisals, title examinations, and deed and patent preparations.

SEC. 4. MANAGEMENT OF FEDERAL LAND.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—There is transferred from the Secretary to the Secretary of Agriculture administrative jurisdiction over the land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 2,110 acres of land that is administered by the Bureau of Land Management and located in Shoshone County, Idaho, as generally identified in exhibit A3 of the Agreement.

(3) WILDERNESS STUDY AREAS.—Any land designated as a Wilderness Study Area that is transferred to the Secretary of Agriculture under paragraph (1) shall be managed in a manner that preserves the suitability of land for designation as wilderness until Congress determines otherwise.

(b) ADDITIONS TO THE NATIONAL FOREST SYSTEM.—The Secretary of Agriculture shall administer any land transferred to, or conveyed to the United States for administration by, the Secretary of Agriculture in accordance with—

(1) the Act of March 1, 1911 (commonly known as the "Weeks Act") (16 U.S.C. 480 et seq.); and

(2) the laws (including regulations) applicable to the National Forest System.

(c) LAND TO BE MANAGED BY THE SECRETARY.—The Secretary shall administer any State land conveyed to the United States under this Act for administration by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) other applicable laws.

(d) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Idaho Panhandle National Forests and the Clearwater National Forest shall be considered to be the boundaries of the Idaho Panhandle National Forests and the Clearwater National Forest, respectively, as of January 1, 1965.

SEC. 5. MISCELLANEOUS PROVISIONS.

(a) LEGAL DESCRIPTIONS.—The Secretary, the Secretary of Agriculture, and the Board may modify the descriptions of land specified in the Agreement to—

(1) correct errors; or

(2) make minor adjustments to the parcels based on a survey or other means.

(b) REVOCATION OF ORDERS.—Subject to valid existing rights, any public land orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(c) WITHDRAWALS.—

(1) FEDERAL LAND.—Subject to valid existing rights, pending completion of the land exchange, the Federal land is withdrawn from—

(A) all forms of location, entry, and patent under the mining and public land laws; and

(B) disposition under the mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(2) STATE LAND.—Subject to valid existing rights, the land transferred to the United States under this Act is withdrawn from—

(A) all forms of location, entry, and patent under the mining and public land laws; and

(B) disposition under the mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(3) EFFECT.—Nothing in this section precludes the Secretary or the Secretary of Agriculture from using common varieties of mineral materials for construction and maintenance of Federal roads and facilities on the State land acquired under this Act.

NATURAL RESOURCE PROTECTION COOPERATIVE AGREEMENT ACT

The Senate proceeded to consider the bill (S. 1288) to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows: (The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 1288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Natural Resource Protection Cooperative Agreement Act".

SEC. 2. COOPERATIVE AGREEMENTS FOR NATIONAL PARK NATURAL RESOURCE PROTECTION.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the "Secretary") may enter into cooperative agreements with State, local, or tribal governments, *other Federal agencies*, other public entities, educational institutions, private nonprofit organizations, or willing private landowners to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of National Park System units.

(b) TERMS AND CONDITIONS.—A cooperative agreement entered into under subsection (a) shall—

(1) provide for—

[(A) the conservation of natural resources in units of the National Park System;**]**

(A) clear and direct benefits to natural resources of a unit of the National Park System;

(B) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(C) preventing, controlling or eradicating invasive exotic species that occupy land within a unit of the National Park System or adjacent to a unit of the National Park System; or

(D) restoration of natural resources, including native wildlife habitat;

(2) include a statement of purpose demonstrating how the agreement will—

(A) enhance science-based natural resource stewardship at the unit of the National Park System; and

(B) benefit the parties to the agreement;

(3) specify any staff required and technical assistance to be provided by the Secretary or other parties to the agreement in support of activities inside and outside the unit of the National Park System that will—

(A) protect natural resources of the unit; and

(B) benefit the parties to the agreement;

(4) identify any materials, supplies, or equipment that will be contributed by the parties to the agreement or by other Federal agencies;

(5) describe any financial assistance to be provided by the Secretary or the partners to implement the agreement;

(6) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to support the purposes of natural resource stewardship at a unit of the National Park System; and

(7) shall include such terms and conditions that are agreed to by the Secretary and the other parties to the agreement.

(c) LIMITATIONS.—The Secretary shall not use any amounts associated with an agreement entered into under subsection [(b)] *(a)* for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendments were agreed to.

The bill S. 1288 was ordered to be engrossed for a third reading, was read the third time; and passed, as follows:

S. 1288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Natural Resource Protection Cooperative Agreement Act".

SEC. 2. COOPERATIVE AGREEMENTS FOR NATIONAL PARK NATURAL RESOURCE PROTECTION.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the "Secretary") may enter into cooperative agreements with State, local, or tribal governments, other Federal agencies, other public entities, educational institutions, private nonprofit organizations, or willing private landowners to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of National Park System units.

(b) TERMS AND CONDITIONS.—A cooperative agreement entered into under subsection (a) shall—

(1) provide for—

(A) clear and direct benefits to natural resources of a unit of the National Park System;

(B) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(C) preventing, controlling or eradicating invasive exotic species that occupy land within a unit of the National Park System or adjacent to a unit of the National Park System; or

(D) restoration of natural resources, including native wildlife habitat;

(2) include a statement of purpose demonstrating how the agreement will—

(A) enhance science-based natural resource stewardship at the unit of the National Park System; and

(B) benefit the parties to the agreement;

(3) specify any staff required and technical assistance to be provided by the Secretary or other parties to the agreement in support of activities inside and outside the unit of the National Park System that will—

(A) protect natural resources of the unit; and

(B) benefit the parties to the agreement;

(4) identify any materials, supplies, or equipment that will be contributed by the parties to the agreement or by other Federal agencies;

(5) describe any financial assistance to be provided by the Secretary or the partners to implement the agreement;

(6) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to support the purposes of natural resource stewardship at a unit of the National Park System; and

(7) shall include such terms and conditions that are agreed to by the Secretary and the other parties to the agreement.

(c) LIMITATIONS.—The Secretary shall not use any amounts associated with an agreement entered into under subsection (a) for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

MICHIGAN LIGHTHOUSE AND MARITIME HERITAGE ACT

The Senate proceeded to consider the bill (S. 1346) to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Michigan Lighthouse and Maritime Heritage Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STATE.—The term "State" means the State of Michigan.

SEC. 3. STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the State, the State Historic Preservation Officer, and other appropriate State and local public agencies and private organizations, shall conduct a special resource study of resources related to the maritime heritage of the State.

(b) PURPOSE.—The purpose of the study is to determine—

(1) suitable and feasible options for the long-term protection of significant maritime heritage resources in the State; and

(2) the manner in which the public can best learn about and experience the resources.

(c) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) review Federal, State, and local maritime resource inventories and studies to establish the potential for interpretation and preservation of maritime heritage resources in the State;

(2) recommend management alternatives that would be most effective for long-term resource protection and providing for public enjoyment of maritime heritage resources;

(3) address how to assist regional, State, and local partners in increasing public awareness of and access to maritime heritage resources;

(4) identify sources of financial and technical assistance available to communities for the preservation and interpretation of maritime heritage resources; and

(5) identify opportunities for the National Park Service and the State to coordinate the activities of appropriate units of national, State, and local parks and historic sites in furthering the preservation and interpretation of maritime heritage resources.

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes—

(1) the results of the study; and

(2) any findings and recommendations of the Secretary.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill S. 1346 was ordered to be engrossed for a third reading, was read the third time; and passed.

NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS ACT OF 2005

The Senate proceeded to consider the bill (S. 1378) to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows: (The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Historic Preservation Act Amendments Act of [2005] *2006*".

(b) REFERENCE.—A reference in this Act to "the Act" shall be a reference to the National Historic Preservation Act *(16 U.S.C. 470 et seq.)*.

(c) HISTORIC PRESERVATION FUND.—Section 108 of the Act (16 U.S.C. 470h) is amended by striking "2005" and inserting "[2011] *2015*".

(d) MEMBERSHIP OF ADVISORY COUNCIL ON HISTORIC PRESERVATION.—

(1) ADDITIONAL MEMBERS.—Section 201(a)(4) of the Act (16 U.S.C. 470i(a)(4)) is amended by striking "four" and inserting "seven".

(2) ALLOWING DESIGNEE FOR GOVERNOR MEMBER.—Section 201(b) of the Act (16 U.S.C. 470i(b)) is amended by striking "(5) and".

(3) QUORUM.—Section 201(f) of the Act (16 U.S.C. 470i(f)) is amended by striking "Nine" and inserting "[Eleven] *12*".

(e) FINANCIAL AND ADMINISTRATIVE SERVICES FOR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION.—Section 205(f) of the Act (16 U.S.C. 470m(f)) is amended to read as follows:

"(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior or, at the discretion of the Council, such other agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance or by reimbursement from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the head of the agency or, in the case of a private entity, the authorized representative of the private entity that will provide the services. When a Federal agency affords such services, the regulations of that agency for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 5514(b)) shall apply to the collection of erroneous payments made to or on behalf of a Council employee and regulations of that agency for the administrative control of funds (31 U.S.C. 1513(d), 1514) shall apply to appropriations of the Council. The Council shall not be required to prescribe such regulations.".

[(f) Donation Authority of the Advisory Council on Historic Preservation. Section 205(g) of the Act (16 U.S.C. 470m(g)) is amended—

[(1) by striking "obtain," and inserting "solicit and obtain,"; and

[(2) by striking "may also receive" and inserting "may also solict and receive".

[(g)**]** *(f)* Appropriation Authorization of the Advisory Council on Historic Preservation.—Section 212(a) of the Act (16 U.S.C. 470t(a)) is amended by striking "for purposes of this title not to exceed $4,000,000 for each fiscal year 1997 through 2005" and inserting "such amounts as may be necessary to carry out this title".

[(h)**]** *(g)* Effectiveness of Federal Grant and Assistance Programs in Meeting the Purposes and Policies of the National Historic Preservation Act.—Title II of the Act is amended by adding at the end the following new section:

"SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS.

"(a) Cooperative Agreements.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of such program in meeting the purposes and policies of this Act. Such cooperative agreements may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this Act or that allow the Council to participate in the selection of recipients, if such provisions are not inconsistent with the grant or assistance program's statutory authorization and purpose.

"(b) Review of Grant and Assistance Programs.—The Council may—

"(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of such program in meeting the purposes and policies of this Act;

"(2) make recommendations to the head of any Federal agency that administers such program to further the consistency of the program with the purposes and policies of the Act and to improve its effectiveness in carrying out those purposes and policies; and

"(3) make recommendations to the President and Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this Act, including recommendations with regard to appropriate funding levels.".

The committee amendments were agreed to.

The bill S. 1378 was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS.

(a) Short Title.—This Act may be cited as the "National Historic Preservation Act Amendments Act of 2006".

(b) Reference.—A reference in this Act to "the Act" shall be a reference to the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(c) Historic Preservation Fund.—Section 108 of the Act (16 U.S.C. 470h) is amended by striking "2005" and inserting "2015".

(d) Membership of Advisory Council on Historic Preservation.—

(1) Additional members.—Section 201(a)(4) of the Act (16 U.S.C. 470i(a)(4)) is amended by striking "four" and inserting "seven".

(2) Allowing designee for governor member.—Section 201(b) of the Act (16 U.S.C. 470i(b)) is amended by striking "(5) and".

(3) Quorum.—Section 201(f) of the Act (16 U.S.C. 470i(f)) is amended by striking "Nine" and inserting "12".

(e) Financial and Administrative Services for the Advisory Council on Historic Preservation.—Section 205(f) of the Act (16 U.S.C. 470m(f)) is amended to read as follows:

"(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior or, at the discretion of the Council, such other agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance or by reimbursement from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the head of the agency or, in the case of a private entity, the authorized representative of the private entity that will provide the services. When a Federal agency affords such services, the regulations of that agency for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 5514(b)) shall apply to the collection of erroneous payments made to or on behalf of a Council employee and regulations of that agency for the administrative control of funds (31 U.S.C. 1513(d), 1514) shall apply to appropriations of the Council. The Council shall not be required to prescribe such regulations.".

(f) Appropriation Authorization of the Advisory Council on Historic Preservation.—Section 212(a) of the Act (16 U.S.C. 470t(a)) is amended by striking "for purposes of this title not to exceed $4,000,000 for each fiscal year 1997 through 2005" and inserting "such amounts as may be necessary to carry out this title".

(g) Effectiveness of Federal Grant and Assistance Programs in Meeting the Purposes and Policies of the National Historic Preservation Act.—Title II of the Act is amended by adding at the end the following new section:

"SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS.

"(a) Cooperative Agreements.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of such program in meeting the purposes and policies of this Act. Such cooperative agreements may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this Act or that allow the Council to participate in the selection of recipients, if such provisions are not inconsistent with the grant or assistance program's statutory authorization and purpose.

"(b) Review of Grant and Assistance Programs.—The Council may—

"(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of such program in meeting the purposes and policies of this Act;

"(2) make recommendations to the head of any Federal agency that administers such program to further the consistency of the program with the purposes and policies of the Act and to improve its effectiveness in carrying out those purposes and policies; and

"(3) make recommendations to the President and Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this Act, including recommendations with regard to appropriate funding levels.".

REPEAL OF CERTAIN SECTIONS OF AN ACT PERTAINING TO THE VIRGIN ISLANDS

The bill (S. 1829), to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF CERTAIN LAWS PERTAINING TO THE VIRGIN ISLANDS.

(a) Repeal.—Sections 1 through 6 of the Act of May 26, 1936 (48 U.S.C. 1401 et seq.), are repealed.

(b) Effective Date.—The amendment made by this section takes effect on July 22, 1954.

COMPACT OF FREE ASSOCIATION AMENDMENTS ACT OF 2005

The Senate proceeded to consider the bill (S. 1830) to amend the Compact of Free Association Amendments Act of 2003, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 1830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Compacts of Free Association Amendments Act of 2005".

SEC. 2. APPROVAL OF AGREEMENTS.

Section 101 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921) is amended—

(1) in the first sentence of subsection (a), by inserting before the period at the end the following: ", including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Federated States of Micronesia, as amended under the Agreement to Amend Article X that was signed by those 2 Governments on June 30, 2004, which shall serve as the authority to implement the provisions thereof"; and

(2) in the first sentence of subsection (b), by inserting before the period at the end the following: ", including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands, as amended under the Agreement to Amend Article X that was signed by those 2 Governments on June 18,

2004, which shall serve as the authority to implement the provisions thereof".

SEC. 3. CONFORMING AMENDMENT.

Section 105(f)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)) is amended by striking subparagraph (A) and inserting the following:

"(A) EMERGENCY AND DISASTER ASSISTANCE.—

"(i) IN GENERAL.—Subject to clause (ii), section 221(a)(6) of the U.S.-FSM Compact and section 221(a)(5) of the U.S.-RMI Compact shall each be construed and applied in accordance with the 2 Agreements to Amend Article X of the Federal Programs and Service Agreements signed on June 30, 2004, and on June 18, 2004, respectively.

"(ii) DEFINITION OF WILL PROVIDE FUNDING.—In the second sentence of paragraph 12 of each of the Agreements described in clause (i), the term 'will provide funding' means will provide funding through a transfer of funds using Standard Form 1151 or a similar document or through an interagency, reimbursable agreement.".

SEC. 4. CLARIFICATIONS REGARDING PALAU.

Section 105(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)) is amended—

(1) in clause (ii)(II), by striking "and its territories" and inserting ", its territories, and the Republic of Palau";

(2) in [clause (iii)] *clause (iii)(II)*, by striking ", or the Republic of the Marshall Islands" and inserting ", the Republic of the Marshall Islands, or the Republic of Palau"; and

(3) in clause (ix)—

(A) by striking "Republic" both places it appears and inserting "government, institutions, and people"; [and]

(B) by striking "2007" and inserting "2009"; and

[(B)] *(C)* by striking "was" and inserting "were".

SEC. 5. AVAILABILITY OF LEGAL SERVICES.

Section 105(f)(1)(C) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C)) is amended by inserting before the period at the end the following: ", which shall also continue to be available to the citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands who *legally* reside in the United States (including territories and possessions)".

SEC. 6. TECHNICAL AMENDMENTS.

(a) TITLE I.—

(1) SECTION 177 AGREEMENT.—Section 103(c)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is amended by striking "section 177" and inserting "Section 177".

(2) INTERPRETATION AND UNITED STATES POLICY.—Section 104 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c) is amended—

(A) in subsection (b)(1), by inserting "the" before "U.S.-RMI Compact,";

(B) in subsection (e)—

(i) in the matter preceding subparagraph (A) of paragraph (8) , by striking "to include" and inserting "and include";

(ii) in paragraph (9)(A), by inserting a comma after "may"; and

(iii) in paragraph (10), by striking "related to service" and inserting "related to such services"; and

(C) in the first sentence of subsection (j), by inserting "the" before "Interior".

(3) SUPPLEMENTAL PROVISIONS.—Section 105(b)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(b)(1)) is amended by striking "Trust Fund" and inserting "Trust Funds".

(b) TITLE II.—

(1) U.S.-FSM COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia (as provided in section 201(a) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2757)) is amended—

(A) in section 174—

(i) in subsection (a), by striking "courts" and inserting "court"; and

(ii) in subsection (b)(2), by striking "the" before "November";

(B) in section 177(a), by striking ", or Palau" and inserting "(or Palau)";.

(C) in section 179(b), strike "amended Compact" and inserting "Compact, as amended,";

(D) in section 211—

(i) in the fifth sentence of subsection (a), by striking "Trust Fund Agreement," and inserting "Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund (Trust Fund Agreement),";

(ii) in subsection (b)—

(I) in the first sentence, by striking "Government of the" before "Federated"; and

[(II) in the second sentence, by striking "Sections 321 and 323 of the Compact" and inserting "Sections 211(b), 321, and 323. The Compact, as amended,"; and]

(II) in the second sentence, by striking "Sections 321 and 323 of the Compact of Free Association, as Amended" and inserting "Sections 211(b), 321, and 323 of the Compact of Free Association, as amended,"; and

(iii) in the last sentence of subsection (d), by inserting before the period at the end the following: "and the Federal Programs and Services Agreement referred to in section 231";

(E) in the first sentence of section 215(b), by striking "subsection(a)" and inserting "subsection (a)";

(F) in section 221—

(i) in subsection (a)(6), by inserting "(Federal Emergency Management Agency)" after "Homeland Security"; and

(ii) in the first sentence of subsection (c), by striking "agreements" and inserting "agreement";

(G) in the second sentence of section 222, by inserting "in" after "referred to";

(H) in the second sentence of [the first undesignated paragraph of] section 232, by striking "sections 102 (c)" and all that follows through "January 14, 1986)" and inserting "section 102(b) of Public Law 108-188, 117 Stat. 2726, December 17, 2003";

(I) in the second sentence of section 252, by inserting ", as amended," after "Compact";

(J) in the first sentence of the first undesignated paragraph of section 341, by striking "Section 141" and inserting "section 141";

(K) in section 342—

(i) in subsection (a), by striking "14 U.S.C. 195" and inserting "section 195 of title 14, United States Code"; and

(ii) in subsection (b)—

(I) by striking "46 U.S.C. 1295(b)(6)" and inserting "section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))"; and

(II) by striking "46 U.S.C. 1295b(b)(6)(C)" and inserting "section 1303(b)(6)(C) of that Act";

(L) in the third sentence of section 354(a), by striking "section 442 and 452" and inserting "sections 442 and 452";

(M) in section 461(h), by striking "Telecommunications" and inserting "Telecommunication";

(N) in section 462(b)(4), by striking "of Free Association" the second place it appears; and

(O) in section 463(b), by striking "Articles IV" and inserting "Article IV".

(2) U.S.-RMI COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands (as provided in section 201(b) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2795)) is amended—

(A) in section 174(a), by striking "court" and inserting "courts";

(B) in section 177(a), by striking the comma before "(or Palau)";

(C) in section 179(b), by striking "amended Compact," and inserting "Compact, as amended,";

(D) in section 211—

(i) in the first sentence of subsection (b), by striking "Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Miliary Use and Operating Rights" and inserting "Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended (Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights)"; and

(ii) in the last sentence of subsection (e), by inserting before the period at the end the following: "and the Federal Programs and Services Agreement referred to in section 231";

(E) in section 221(a)—

(i) in the matter preceding paragraph (1), by striking "Section 231" and inserting "section 231"; and

(ii) in paragraph (5), by inserting "(Federal Emergency Management Agency)" after "Homeland Security";

(F) in the second sentence of section 232, by striking "sections 103(m)" and all that follows through "(January 14, 1986)" and inserting "section 103(k) of Public Law 108-188, 117 Stat. 2734, December 17, 2003";

(G) in the first sentence of section 341, by striking "Section 141" and inserting "section 141";

(H) in section 342—

(i) in subsection (a), by striking "14 U.S.C. 195" and inserting "section 195 of title 14, United States Code"; and

(ii) in subsection (b)—

(I) by striking "46 U.S.C. 1295(b)(6)" and inserting "section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))"; and

(II) by striking "46 U.S.C. 1295b(b)(6)(C)" and inserting "section 1303(b)(6)(C) of that Act";

(I) in the third sentence of section 354(a), by striking "section 442 and 452" and inserting "sections 442 and 452";

(J) in the first sentence of section 443, by inserting ", as amended," after "the Compact";

(K) in the matter preceding paragraph (1) of section 461(h)—

(i) by striking "1978" and inserting "1998"; and

(ii) by striking "Telecommunications" and inserting "Telecommunication"; and

(L) in section 463(b), by striking "Article" and inserting "Articles".

SEC. 7. TRANSMISSION OF VIDEOTAPE PROGRAMMING.

Section 111(e)(2) of title 17, United States Code, is amended by striking "or the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands".

SEC. 8. PALAU ROAD MAINTENANCE.

The Government of the Republic of Palau may deposit the payment otherwise payable to the Government of the United States under section 111 of Public Law 101-219 (48 U.S.C. 1960) into a trust fund if—

(1) the earnings of the trust fund are expended solely for maintenance of the road system constructed pursuant to section 212 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note); and

(2) the trust fund is established and operated pursuant to an agreement entered into between the Government of the United States and the Government of the Republic of Palau.

The amendment (No. 5109) was agreed to, as follows:

On page 7, between lines 1 and 2, insert the following:

(i) in the fourth sentence of subsection (a), by striking "Compact, as Amended, of Free Association" and inserting "Compact of Free Association, as amended";

On page 7, line 2, strike "(i)" and insert "(ii)".

On page 7, line 11, strike "(ii)" and insert "(iii)".

On page 8, line 1, strike "(iii)" and insert "(iv)".

On page 10, between lines 17 and 18, insert the following:

(i) in the fourth sentence of subsection (a), by striking "Compact, as Amended, of Free Association" and inserting "Compact of Free Association, as amended";

On page 10, line 18, strike "(i)" and insert "(ii)".

On page 11, line 9, strike "(ii)" and insert "(iii)".

On page 12, strike line 21 and insert the following: "inserting ', as amended.' after 'the Compact';".

On page 13, strike line 2 and insert the following: "and inserting 'Telecommunication Union'; and".

On page 13, after line 25, add the following:

SEC. 9. CLARIFICATION OF TAX-FREE STATUS OF TRUST FUNDS.

In the U.S.-RMI Compact, the U.S.-FSM Compact, and their respective trust fund subsidiary agreements, for the purposes of taxation by the United States or its subsidiary jurisdictions, the term "State" means "State, territory, or the District of Columbia".

The committee amendments were agreed to.

The bill S. 1830 was ordered to be engrossed for a third reading, was read the third time; and passed, as follows:

S. 1830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Compacts of Free Association Amendments Act of 2005".

SEC. 2. APPROVAL OF AGREEMENTS.

Section 101 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921) is amended—

(1) in the first sentence of subsection (a), by inserting before the period at the end the following: ", including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Federated States of Micronesia, as amended under the Agreement to Amend Article X that was signed by those 2 Governments on June 30, 2004, which shall serve as the authority to implement the provisions thereof"; and

(2) in the first sentence of subsection (b), by inserting before the period at the end the following: ", including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands, as amended under the Agreement to Amend Article X that was signed by those 2 Governments on June 18, 2004, which shall serve as the authority to implement the provisions thereof".

SEC. 3. CONFORMING AMENDMENT.

Section 105(f)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)) is amended by striking subparagraph (A) and inserting the following:

"(A) EMERGENCY AND DISASTER ASSISTANCE.—

"(i) IN GENERAL.—Subject to clause (ii), section 221(a)(6) of the U.S.-FSM Compact and section 221(a)(5) of the U.S.-RMI Compact shall each be construed and applied in accordance with the 2 Agreements to Amend Article X of the Federal Programs and Service Agreements signed on June 30, 2004, and on June 18, 2004, respectively.

"(ii) DEFINITION OF WILL PROVIDE FUNDING.—In the second sentence of paragraph 12 of each of the Agreements described in clause (i), the term 'will provide funding' means will provide funding through a transfer of funds using Standard Form 1151 or a similar document or through an interagency, reimbursable agreement.".

SEC. 4. CLARIFICATIONS REGARDING PALAU.

Section 105(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)) is amended—

(1) in clause (ii)(II), by striking "and its territories" and inserting ", its territories, and the Republic of Palau";

(2) in clause (iii)(II), by striking ", or the Republic of the Marshall Islands" and inserting ", the Republic of the Marshall Islands, or the Republic of Palau"; and

(3) in clause (ix)—

(A) by striking "Republic" both places it appears and inserting "government, institutions, and people";

(B) by striking "2007" and inserting "2009"; and

(C) by striking "was" and inserting "were".

SEC. 5. AVAILABILITY OF LEGAL SERVICES.

Section 105(f)(1)(C) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C)) is amended by inserting before the period at the end the following: ", which shall also continue to be available to the citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands who legally reside in the United States (including territories and possessions)".

SEC. 6. TECHNICAL AMENDMENTS.

(a) TITLE I.—

(1) SECTION 177 AGREEMENT.—Section 103(c)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is amended by striking "section 177" and inserting "Section 177".

(2) INTERPRETATION AND UNITED STATES POLICY.—Section 104 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c) is amended—

(A) in subsection (b)(1), by inserting "the" before "U.S.-RMI Compact,";

(B) in subsection (e)—

(i) in the matter preceding subparagraph (A) of paragraph (8), by striking "to include" and inserting "and include";

(ii) in paragraph (9)(A), by inserting a comma after "may"; and

(iii) in paragraph (10), by striking "related to service" and inserting "related to such services"; and

(C) in the first sentence of subsection (j), by inserting "the" before "Interior".

(3) SUPPLEMENTAL PROVISIONS.—Section 105(b)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(b)(1)) is amended by striking "Trust Fund" and inserting "Trust Funds".

(b) TITLE II.—

(1) U.S.-FSM COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia (as provided in section 201(a) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2757)) is amended—

(A) in section 174—

(i) in subsection (a), by striking "courts" and inserting "court"; and

(ii) in subsection (b)(2), by striking "the" before "November";

(B) in section 177(a), by striking ", or Palau" and inserting "(or Palau)";

(C) in section 179(b), strike "amended Compact" and inserting "Compact, as amended,";

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking "Compact, as Amended, of Free Association" and inserting "Compact of Free Association, as amended";

(ii) in the fifth sentence of subsection (a), by striking "Trust Fund Agreement," and inserting "Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund (Trust Fund Agreement),";

(iii) in subsection (b)—

(I) in the first sentence, by striking "Government of the" before "Federated"; and

(II) in the second sentence, by striking "Sections 321 and 323 of the Compact of Free Association, as Amended" and inserting "Sections 211(b), 321, and 323 of the Compact of Free Association, as amended,"; and

(iv) in the last sentence of subsection (d), by inserting before the period at the end the following: "and the Federal Programs and Services Agreement referred to in section 231";

(E) in the first sentence of section 215(b), by striking "subsection(a)" and inserting "subsection (a)";

(F) in section 221—

(i) in subsection (a)(6), by inserting "(Federal Emergency Management Agency)" after "Homeland Security"; and

(ii) in the first sentence of subsection (c), by striking "agreements" and inserting "agreement";

(G) in the second sentence of section 222, by inserting "in" after "referred to";

(H) in the second sentence of section 232, by striking "sections 102 (c)" and all that follows through "January 14, 1986)" and inserting "section 102(b) of Public Law 108-188, 117 Stat. 2726, December 17, 2003";

(I) in the second sentence of section 252, by inserting ", as amended," after "Compact";

(J) in the first sentence of the first undesignated paragraph of section 341, by striking "Section 141" and inserting "section 141";

(K) in section 342—

(i) in subsection (a), by striking "14 U.S.C. 195" and inserting "section 195 of title 14, United States Code"; and

(ii) in subsection (b)—

(I) by striking "46 U.S.C. 1295(b)(6)" and inserting "section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))"; and

(II) by striking "46 U.S.C. 1295b(b)(6)(C)" and inserting "section 1303(b)(6)(C) of that Act";

(L) in the third sentence of section 354(a), by striking "section 442 and 452" and inserting "sections 442 and 452";

(M) in section 461(h), by striking "Telecommunications" and inserting "Telecommunication";

(N) in section 462(b)(4), by striking "of Free Association" the second place it appears; and

(O) in section 463(b), by striking "Articles IV" and inserting "Article IV".

(2) U.S.-RMI COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands (as provided in section 201(b) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2795)) is amended—

(A) in section 174(a), by striking "court" and inserting "courts";

(B) in section 177(a), by striking the comma before "(or Palau)";

(C) in section 179(b), by striking "amended Compact," and inserting "Compact, as amended,";

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking "Compact, as Amended, of Free Association" and inserting "Compact of Free Association, as amended";

(ii) in the first sentence of subsection (b), by striking "Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Miliary Use and Operating Rights" and inserting "Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended (Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights)"; and

(iii) in the last sentence of subsection (e), by inserting before the period at the end the following: "and the Federal Programs and Services Agreement referred to in section 231";

(E) in section 221(a)—

(i) in the matter preceding paragraph (1), by striking "Section 231" and inserting "section 231"; and

(ii) in paragraph (5), by inserting "(Federal Emergency Management Agency)" after "Homeland Security";

(F) in the second sentence of section 232, by striking "sections 103(m)" and all that follows through "(January 14, 1986)" and inserting "section 103(k) of Public Law 108–188, 117 Stat. 2734, December 17, 2003";

(G) in the first sentence of section 341, by striking "Section 141" and inserting "section 141";

(H) in section 342—

(i) in subsection (a), by striking "14 U.S.C. 195" and inserting "section 195 of title 14, United States Code"; and

(ii) in subsection (b)—

(I) by striking "46 U.S.C. 1295(b)(6)" and inserting "section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))"; and

(II) by striking "46 U.S.C. 1295b(b)(6)(C)" and inserting "section 1303(b)(6)(C) of that Act";

(I) in the third sentence of section 354(a), by striking "section 442 and 452" and inserting "sections 442 and 452";

(J) in the first sentence of section 443, by inserting ", as amended." after "the Compact";

(K) in the matter preceding paragraph (1) of section 461(h)—

(i) by striking "1978" and inserting "1998"; and

(ii) by striking "Telecommunications" and inserting "Telecommunication Union"; and

(L) in section 463(b), by striking "Article" and inserting "Articles".

SEC. 7. TRANSMISSION OF VIDEOTAPE PROGRAMMING.

Section 111(e)(2) of title 17, United States Code, is amended by striking "or the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands".

SEC. 8. PALAU ROAD MAINTENANCE.

The Government of the Republic of Palau may deposit the payment otherwise payable to the Government of the United States under section 111 of Public Law 101–219 (48 U.S.C. 1960) into a trust fund if—

(1) the earnings of the trust fund are expended solely for maintenance of the road system constructed pursuant to section 212 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note); and

(2) the trust fund is established and operated pursuant to an agreement entered into between the Government of the United States and the Government of the Republic of Palau.

SEC. 9. CLARIFICATION OF TAX-FREE STATUS OF TRUST FUNDS.

In the U.S.-RMI Compact, the U.S.-FSM Compact, and their respective trust fund subsidiary agreements, for the purposes of taxation by the United States or its subsidiary jurisdictions, the term "State" means "State, territory, or the District of Columbia".

DOROTHY BUELL MEMORIAL VISITOR CENTER LEASE ACT

The Senate proceeded to consider the bill (S. 1913) to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Table of contents.

TITLE I—DOROTHY BUELL MEMORIAL VISITOR CENTER

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Memorandum of understanding.
Sec. 104. Lease agreement.
Sec. 105. Authorization of appropriations.

TITLE II—PUBLIC LAND TECHNICAL AMENDMENTS

Sec. 201. Short title.
Sec. 202. Gaylord Nelson Wilderness.
Sec. 203. Arlington House land transfer.
Sec. 204. Cumberland Island Wilderness.
Sec. 205. Petrified Forest boundary.
Sec. 206. Commemorative works.
Sec. 207. Ojito Wilderness.

TITLE I—DOROTHY BUELL MEMORIAL VISITOR CENTER

SEC. 101. SHORT TITLE.

This title may be cited as the "Dorothy Buell Memorial Visitor Center Lease Act".

SEC. 102. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the Porter County Convention, Recreation and Visitor Commission.

(2) LAKESHORE.—The term "Lakeshore" means the Indiana Dunes National Lakeshore.

(3) LAKESHORE CENTER.—The term "Lakeshore Center" means the visitor center for the Lakeshore authorized under section 104(a).

(4) MEMORIAL CENTER.—The term "Memorial Center" means the Dorothy Buell Memorial Visitor Center located south of the Lakeshore boundary on Indiana Route 49.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 103. MEMORANDUM OF UNDERSTANDING.

(a) IN GENERAL.—The Secretary may enter into a memorandum of understanding with the Commission to establish a joint partnership with respect to the management of the Memorial Center.

(b) REQUIREMENTS.—The memorandum of understanding shall—

(1) identify the overall goals and purposes of the Memorial Center;

(2) describe the allocation of management and operational duties between the Secretary and the Commission with respect to the Memorial Center;

(3) identify how activities of the Memorial Center will be funded;

(4) identify the parties responsible for providing amenities at the Memorial Center;

(5) establish procedures for changing or dissolving the joint partnership; and

(6) address any other issues determined to be appropriate by the Secretary or the Commission.

SEC. 104. LEASE AGREEMENT.

(a) IN GENERAL.—After entering into a memorandum of understanding under section 103(a), the Secretary may enter into an agreement with the Commission to lease space in the Memorial Center for use as a visitor center for the Lakeshore.

(b) STAFF.—The Secretary may use employees of the Lakeshore to provide visitor information and education at the Lakeshore Center.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this title.

TITLE II—PUBLIC LAND TECHNICAL AMENDMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Public Land Technical Amendments Act of 2006".

SEC. 202. GAYLORD NELSON WILDERNESS.

(a) REDESIGNATION.—Section 140 of division E of the Consolidated Appropriations Act, 2005 (16 U.S.C. 1132 note; Public Law 108–447), is amended—

(1) in subsection (a), by striking "Gaylord A. Nelson" and inserting "Gaylord Nelson"; and

(2) in subsection (c)(4), by striking "Gaylord A. Nelson Wilderness" and inserting "Gaylord Nelson Wilderness".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other

record of the United States to the "Gaylord A. Nelson Wilderness" shall be deemed to be a reference to the "Gaylord Nelson Wilderness".

SEC. 203. ARLINGTON HOUSE LAND TRANSFER.

Section 2863(h)(1) of Public Law 107–107 (115 Stat. 1333) is amended by striking "the George Washington Memorial Parkway" and inserting "Arlington House, the Robert E. Lee Memorial,".

SEC. 204. CUMBERLAND ISLAND WILDERNESS.

Section 2(a)(1) of Public Law 97–250 (16 U.S.C. 1132 note; 96 Stat. 709) is amended by striking "numbered 640/20,038I, and dated September 2004" and inserting "numbered 640/20,038K, and dated September 2005".

SEC. 205. PETRIFIED FOREST BOUNDARY.

Section 2(1) of the Petrified Forest National Park Expansion Act of 2004 (16 U.S.C. 119 note) is amended by striking "numbered 110/80,044, and dated July 2004" and inserting "numbered 110/80,045, and dated January 2005".

SEC. 206. COMMEMORATIVE WORKS.

Section 8908(b)(1) of title 40, United States Code, is amended in the second sentence by striking "House Administration" and inserting "Resources".

SEC. 207. OJITO WILDERNESS.

Section 2(1) of the Ojito Wilderness Act (16 U.S.C. 1132 note; Public Law 109–94) is amended by striking "October 1, 2004" and inserting "January 24, 2006".

The amendment (No. 5110) was agreed to, as follows:

(Purpose: To strike the section relating to the Ojito Wilderness)

Strike the item in the table of contents relating to section 207.

Strike section 207.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill S. 1913 was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL PARK SYSTEM STUDY—CASTLE NUGENT FARMS, ST. CROIX, VIRGIN ISLANDS

The bill (H.R. 318) to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

YUMA CROSSING NATIONAL HERITAGE AREA ACT OF 2000 AMENDMENTS ACT

The bill (H.R. 326) to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

SIERRA NATIONAL FOREST LAND EXCHANGE ACT OF 2005

The Senate proceeded to consider the bill (H.R. 409) to provide for the exchange of land within the Sierra National Forest, California, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sierra National Forest Land Exchange Act of 2006".

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term "Council" means the Sequoia Council of the Boy Scouts of America.

(2) FEDERAL LAND.—The term "Federal land" means the parcel of land comprising 160 acres and located in E½SW¼ and W½SE¼, sec. 30, T. 9 S., R. 25 E., Mt. Diablo Meridian, California.

(3) NON-FEDERAL LAND.—The term "non-Federal land" means a parcel of land comprising approximately 80 acres and located in N½NW¼, sec. 29, T. 8 S., R. 26 E., Mt. Diablo Meridian, California.

(4) PROJECT NO. 67.—The term "Project No. 67" means the hydroelectric project licensed pursuant to the Federal Power Act (16 U.S.C. 791a et seq.) as Project No. 67.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. LAND EXCHANGE, SIERRA NATIONAL FOREST, CALIFORNIA.

(a) EXCHANGE AUTHORIZED.—

(1) IN GENERAL.—If, during the 1-year period beginning on the date of enactment of this Act, the owner of the non-Federal land offers to convey to the United States title to the non-Federal land and to make a cash equalization payment of $50,000 to the United States, the Secretary shall convey to the owner of the non-Federal land, all right, title, and interest of the United States in and to the Federal land, except as provided in subsection (d), subject to valid existing rights, and under such terms and conditions as the Secretary may require.

(2) CORRECTION AND MODIFICATION OF LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—The Secretary, in consultation with the owner of the non-Federal land, may agree to make corrections to the legal descriptions of the Federal land and non-Federal land.

(B) MODIFICATIONS.—The Secretary and the owner of the non-Federal land may agree to make minor modifications to the legal descriptions if the modifications do not affect the overall value of the exchange by more than 5 percent.

(b) VALUATION OF LAND TO BE CONVEYED.—For purposes of this section, during the period referred to in subsection (a)(1)—

(1) the value of the non-Federal land shall be considered to be $200,000; and

(2) the value of the Federal land shall be considered to be $250,000.

(c) ADMINISTRATION OF LAND ACQUIRED BY UNITED STATES.—On acquisition by the Secretary, the Secretary shall manage the non-Federal land in accordance with—

(1) the Act of March 1, 1911 (commonly known as the "Weeks Act") (16 U.S.C. 480 et seq.); and

(2) any other laws (including regulations) applicable to the National Forest System.

(d) CONDITIONS ON CONVEYANCE OF FEDERAL LAND.—The conveyance by the Secretary under subsection (a) shall be subject to the conditions that—

(1) the recipient of the Federal land convey all 160 acres of the Federal land to the Council not later than 120 days after the date on which the recipient receives title to the Federal land;

(2) in accordance with section 4(a), the Secretary grant to the owner of Project No. 67 an easement; and

(3) in accordance with section 4(b), the owner of Project No. 67 has the right of first refusal regarding any reconveyance of the Federal land by the Council.

(e) DISPOSITION AND USE OF CASH EQUALIZATION FUNDS.—

(1) IN GENERAL.—The Secretary shall deposit the cash equalization payment received under subsection (a)(1) in the fund established by Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(2) USE.—Amounts deposited under paragraph (1) shall be available to the Secretary until expended, without further appropriation, for the acquisition of land and any interests in land for the National Forest System in the State of California.

(f) COST COLLECTION FUNDS.—

(1) IN GENERAL.—The owner of the non-Federal land shall pay to the Secretary all direct costs associated with processing the land exchange under this section.

(2) COST COLLECTION ACCOUNT.—

(A) IN GENERAL.—Any amounts received by the Secretary under paragraph (1) shall be deposited in a cost collection account.

(B) USE.—Amounts deposited under subparagraph (A) shall be available to the Secretary until expended, without further appropriation, for the costs associated with the land exchange.

(C) REFUND.—The Secretary shall provide to the owner of the non-Federal land a refund of any amounts remaining in the cost collection account after completion of the land exchange that are not needed to cover expenses of the land exchange.

(g) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Sierra National Forest shall be considered to be the boundaries of the Sierra National Forest as of January 1, 1965.

SEC. 4. GRANT OF EASEMENT AND RIGHT OF FIRST REFUSAL.

(a) EASEMENT REQUIRED.—

(1) IN GENERAL.—As part of the exchange authorized by this Act, the Secretary shall, without consideration, grant to the owner of Project No. 67 an easement for the right to enter, occupy, and use for hydroelectric power purposes the Federal land currently within the licensed boundary for Project No. 67.

(2) REQUIRED TERMS AND CONDITIONS.—The easement granted under paragraph (1) shall contain such terms and conditions as are agreed to by the Secretary, the Council, and the owner of Project No. 67.

(b) RIGHT OF FIRST REFUSAL.—As a condition of the conveyance of the Federal land under section 3(a)(1) and the reconveyance of the Federal land to the Council, the Council shall provide to the owner of Project No. 67, under such terms and conditions as are agreed to by the Council and the owner of Project No. 67, a right of first refusal to obtain the Federal land, or portion of the Federal land, that the Council proposes to sell, transfer, or otherwise convey.

SEC. 5. EXERCISE OF DISCRETION.

In exercising any discretion necessary to carry out this Act, the Secretary shall ensure that the public interest is well served.

The amendment (No. 5111) was agreed to, as follows:

(Purpose: To modify the section relating to the grant of an easement and right of first refusal to the owner of Project No. 67)

Strike section 4 and insert the following:

SEC. 4. GRANT OF EASEMENT AND RIGHT OF FIRST REFUSAL.

In accordance with the agreement entered into by the Forest Service, the Council, and the owner of Project No. 67 entitled the "Agreement to Convey Grant of Easement and Right of First Refusal" and executed on April 17, 2006—

(1) the Secretary shall grant an easement to the owner of Project No. 67; and

(2) the Council shall grant a right of first refusal to the owner of Project No. 67.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill H.R. 409, as amended, was read the third time and passed.

UKRAINIAN MANMADE FAMINE MEMORIAL ESTABLISHMENT ACT

The bill (H.R. 562) to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932–1933, was considered, ordered to a third reading, read the third time, and passed.

PITKIN COUNTY LAND EXCHANGE ACT OF 2005

The Senate proceeded to consider the bill (H.R. 1129), to authorize the exchange of certain land in the State of Colorado, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pitkin County Land Exchange Act of 2006".

SEC. 2. PURPOSE.

The purpose of this Act is to authorize, direct, expedite, and facilitate the exchange of land between the United States, Pitkin County, Colorado, and the Aspen Valley Land Trust.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASPEN VALLEY LAND TRUST.—

(A) IN GENERAL.—The term "Aspen Valley Land Trust" means the Aspen Valley Land Trust, a nonprofit organization as described in section 501(c)(3) of the Internal Revenue Code of 1986.

(B) INCLUSIONS.—The term "Aspen Valley Land Trust" includes any successor, heir, or assign of the Aspen Valley Land Trust.

(2) COUNTY.—The term "County" means Pitkin County, a political subdivision of the State of Colorado.

(3) FEDERAL LAND.—The term "Federal land" means—

(A) the approximately 5.5 acres of National Forest System land located in the County, as generally depicted on the map entitled "Ryan Land Exchange-Wildwood Parcel Conveyance to Pitkin County" and dated August 2004;

(B) the 12 parcels of National Forest System land located in the County totaling approximately 5.92 acres, as generally depicted on maps 1 and 2 entitled "Ryan Land Exchange-Smuggler Mountain Patent Remnants Conveyance to Pitkin County" and dated August 2004; and

(C) the approximately 40 acres of Bureau of Land Management land located in the County, as generally depicted on the map entitled "Ryan Land Exchange-Crystal River Parcel Conveyance to Pitkin County" and dated August 2004.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means—

(A) the approximately 35 acres of non-Federal land in the County, as generally depicted on the map entitled "Ryan Land Exchange-Ryan Property Conveyance to Forest Service" and dated August 2004; and

(B) the approximately 18.2 acres of non-Federal land located on Smuggler Mountain in the County, as generally depicted on the map entitled "Ryan Land Exchange-Smuggler Mountain-Grand Turk & Pontiac Claims Conveyance to Forest Service" and dated August 2004.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 4. LAND EXCHANGE.

(a) IN GENERAL.—If the County offers to convey to the United States title to the non-Federal land that is acceptable to the Secretary, the Secretary and the Secretary of the Interior shall—

(1) accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, simultaneously convey to the County, or at the request of the County, to the Aspen Valley Land Trust, all right, title, and interest of the United States in and to the Federal land, except as provided in section 5(d), subject to all valid existing rights and encumbrances.

(b) TIMING.—It is the intent of Congress that the land exchange directed by this Act shall be completed not later than 1 year after the date of enactment of this Act.

SEC. 5. EXCHANGE TERMS AND CONDITIONS.

(a) EQUAL VALUE EXCHANGE.—The value of the Federal land and non-Federal land—

(1) shall be equal; or

(2) shall be made equal in accordance with subsection (c).

(b) APPRAISALS.—The value of the Federal land and non-Federal land shall be determined by the Secretary through appraisals conducted in accordance with—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions;

(2) the Uniform Standards of Professional Appraisal Practice; and

(3) Forest Service appraisal instructions.

(c) EQUALIZATION OF VALUES.—

(1) SURPLUS OF NON-FEDERAL LAND.—If the final appraised value of the non-Federal land exceeds the final appraised value of the Federal land, the County shall donate to the United States the excess value of the non-Federal land, which shall be considered to be a donation for all purposes of law.

(2) SURPLUS OF FEDERAL LAND.—

(A) IN GENERAL.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the value of the Federal land and non-Federal land may, as the Secretary and the County determine to be appropriate, be equalized by the County—

(i) making a cash equalization payment to the Secretary;

(ii) conveying to the Secretary certain land located in the County, comprising approximately 160 acres, as generally depicted on the map entitled "Sellar Park Parcel" and dated August 2004; or

(iii) using a combination of the methods described in clauses (i) and (ii).

(B) DISPOSITION AND USE OF PROCEEDS.—

(i) DISPOSITION OF PROCEEDS.—Any cash equalization payment received by the Secretary under clause (i) or (iii) of subparagraph (A) shall be deposited in the fund established by Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(ii) USE OF PROCEEDS.—Amounts deposited under clause (i) shall be available to the Secretary, without further appropriation, for the acquisition of land or interests in land in Colorado for addition to the National Forest System.

(d) CONDITIONS ON CERTAIN CONVEYANCES.—

(1) CONDITIONS ON CONVEYANCE OF CRYSTAL RIVER PARCEL.—

(A) IN GENERAL.—As a condition of the conveyance of the parcel of Federal land described in section 3(3)(C) to the County, the County shall agree to—

(i) provide for public access to the parcel; and

(ii) require that the parcel shall be used only for recreational, fish and wildlife conservation, and public open space purposes.

(B) REVERSION.—At the option of the Secretary of the Interior, the parcel of land described in section 3(3)(C) shall revert to the United States if the parcel is used for a purpose other than a purpose described in subparagraph (A)(ii).

(2) CONDITIONS ON CONVEYANCE OF WILDWOOD PARCEL.—In the deed of conveyance for the parcel of Federal land described in section 3(3)(A) to the County, the Secretary shall, as determined to be appropriate by the Secretary, in consultation with the County, reserve to the United States a permanent easement for the location, construction, and public use of the East of Aspen Trail.

SEC. 6. MISCELLANEOUS PROVISIONS.

(a) INCORPORATION, MANAGEMENT, AND STATUS OF ACQUIRED LAND.—

(1) IN GENERAL.—Land acquired by the Secretary under this Act shall become part of the White River National Forest.

(2) MANAGEMENT.—On acquisition, land acquired by the Secretary under this Act shall be administered in accordance with the laws (including rules and regulations) generally applicable to the National Forest System.

(3) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the White River National Forest shall be deemed to be the boundaries of the White River National Forest as of January 1, 1965.

(b) REVOCATION OF ORDERS AND WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(2) WITHDRAWAL OF FEDERAL LAND.—On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn, subject to valid existing rights, until the date of the conveyance of the Federal land to the County.

(3) WITHDRAWAL OF NON-FEDERAL LAND.—On acquisition of the non-Federal land by the Secretary, the non-Federal land is permanently withdrawn from all forms of appropriation and disposal under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(c) BOUNDARY ADJUSTMENTS.—The Secretary, the Secretary of the Interior, and the County may agree to—

(1) minor adjustments to the boundaries of the parcels of Federal land and non-Federal land; and

(2) modifications or deletions of parcels and mining claim remnants of Federal land or non-Federal land to be exchanged on Smuggler Mountain.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill H.R. 1129, as amended was read the third time, and passed.

STE. GENEVIEVE COUNTY NATIONAL HISTORIC SITE STUDY ACT OF 2005

The bill (H.R. 1728) to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND ACT OF 2005

The bill (H.R. 2107) to amend Public Law 104–329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

NORTHERN COLORADO WATER DISTRIBUTION FACILITIES CONVEYANCE ACT

The bill (H.R. 3443) to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District, was considered, ordered to a third reading, read the third time, and passed.

SALT CEDAR AND RUSSIAN OLIVE CONTROL DEMONSTRATION ACT

The bill (H.R. 2720) to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

NORTHERN CALIFORNIA COASTAL WILD HERITAGE WILDERNESS ACT

The bill (H.R. 233) to designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes was considered, read the third time, and passed.

SECTION 10

Mr. BINGAMAN. Mr. President, I would like to enter into a colloquy with Senators DOMENICI, BOXER, and FEINSTEIN concerning a provision in H.R. 233, the Northern California Wild Heritage Wilderness Act. Although I strongly supported the Senate companion measure, S. 128, which passed the Senate last year, I am concerned with some of the changes made by bill as passed by the House of Representatives. Of particular concern is section 10, dealing with commercial fishing permits in Redwood National and State Parks in California. The section directs the Secretary of the Interior to issue permits for authorized vehicle access for commercial surf fishing at designated beaches within both the National and State Parks. The section provides that the number of permits shall be limited to the number of valid permits that are held on the date of enactment of this Act, and that the permits "so issued shall be perpetual and subject to the same conditions as the permits held on the date of enactment of this Act."

I understand from the National Park Service and the bill sponsors that presently 15 permits are issued for commercial surf fishing within the park. I was concerned that the language stating that the permits shall be perpetual might be construed as creating a right vesting in the permit holder, which would be contrary to the way permits are issued throughout the National Park System. However, I understand that the intent of this language is simply to ensure that the National Park Service not reduce the number of permits issued below the current level of valid permits, assuming there is sufficient demand for the remaining permits. Furthermore, I understand that there is no intent for the requirements of section 10 to be construed as an implied waiver of applicable laws, including the National Park Service Organic Act and the Endangered Species Act, but rather a directive to the Park Service to discontinue its plan to completely phase out these permits. I would like to ask Senator DOMENICI, the chairman of the Committee on Energy and Natural Resources, and Senators BOXER and FEINSTEIN, the Senate sponsors, whether they agree with me that it is their intent that the language in section 10 does not create a property right and whether they also agree that the sole purpose of the language is to limit the number of permits to the number of valid permits in existence as of the date of enactment of H.R. 233.

Mrs. BOXER. I agree with Senator BINGAMAN's understanding. It is not our intent to create any new right with respect to these permits.

Mrs. FEINSTEIN. I agree with the Senator from New Mexico.

Mr. DOMENICI. I agree.

Mr. BINGAMAN. The language in section 10 requires the Secretary of the Interior to issue permits allowing for authorized vehicle access to designated beaches, including Gold Bluff Beach, within Prairie Creek Redwoods State Park, which is located within the broader national park boundary. This provision is unusual in that, on its face, it appears to require the Secretary to authorize access to a beach that is within a State Park and managed by the California Department of Parks and Recreation. However, I understand that nothing in this section is intended to override the responsibilities of the State of California and its management of state park. Is that the understanding of the chairman and bill sponsors as well?

Mrs. BOXER. I agree. The language in this bill does not impose requirements on the State of California.

Mrs. FEINSTEIN. I agree.

Mr. DOMENICI. I agree.

Mr. BINGAMAN. I thank my colleagues for helping to clarify this issue. I ask unanimous consent that a letter from Congressman THOMPSON, the sponsor of H.R. 233, be printed in the RECORD. His letter indicates his agreement with our colloquy. Based on the common understanding of the purpose and intent of section 10, I will support passage of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 27, 2006.

Hon. JEFF BINGAMAN,
Ranking Member, Senate Energy and Natural Resources Committee,
Dirksen Senate Office Building, Washington, DC.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR RANKING MEMBER BINGAMAN, SENATOR FEINSTEIN AND SENATOR BOXER: I would like to take this opportunity to clarify my intent on a provision in H.R. 233, the Northern California Wild Heritage Act.

Section 10, which deals with commercial fishing permits in Redwood National and State Parks in California, directs the Secretary of the Interior to issue permits for authorized vehicle access for commercial surf fishing at designated beaches within both the National and State Parks. The section provides that the number of permits shall be limited to the number of valid permits that are held on the date of enactment of this Act, and that the permits "so issued shall be perpetual and subject to the same conditions as the permits held on the date of enactment of this Act."

I want to clarify that this language should not be construed as creating a right vesting in the permit holder, which would be contrary to the way permits are issued throughout the National Park System. The intent of this language is simply to ensure that the National Park Service not reduce the number of permits issued below the current level of valid permits, assuming there is sufficient demand for the remaining permits. Furthermore, there is no intent for the requirements of Section 10 to be construed as an implied waiver of applicable laws, including the National Park Service Organic Act and the Endangered Species Act, but rather a directive to the Park Service to discontinue its plan to completely phase out these permits. The language in Section 10 does not create a property right and the sole purpose of the language is to limit the number of permits to the number of valid permits in existence as of the date of enactment of H.R. 233.

In addition, the language in Section 10 requires the Secretary of the Interior to issue permits allowing for authorized vehicle access to designated beaches, including Gold Bluff Beach, within Prairie Creek Redwoods State Park, which is located within the broader national park boundary. However, nothing in this section is intended to override the responsibilities of the State of California and its the management of the state park.

Thank you very much for all your time and effort on this very important bill. I appreciate the opportunity to clarify this issue.

Sincerely,

MIKE THOMPSON,
Member of Congress.

Mrs. BOXER. Mr. President, this is a great day for California.

After years of hard work by my colleagues, Senator FEINSTEIN and Congressman MIKE THOMPSON and I, the Northern California Coastal Wild Heritage Wilderness Act passed the Congress today. It now goes to the President's desk for his signature.

I want to thank my colleague, Senator FEINSTEIN, and Congressman MIKE THOMPSON for all of their great work on this bill. Without their tireless support, we would not have gotten to this point.

Anyone who has ever visited California or been fortunate enough to live there is keenly aware of the State's natural beauty indeed, more than most States, California's wild beauty—is an essential part of its identity.

California's natural beauty and way of life has enticed millions to come and live there but that very enticement is now threatened by exponential growth—35,900,000 people live in my State, according to the 2004 U.S. Census estimate, and that figure is growing by leaps and bounds daily.

That is why so many Californians have come together to support this bill and protect some of the last great natural places in the State.

Thousands of average citizens and over 200 local businesses, outdoor groups, and other interests support the bill these include Harwood Industries, the Adventures Edge Mountain Bike Store, and K.B. Homes, the largest homebuilder in California.

There have been 23 supportive votes or resolutions from city councils, county boards of supervisors, tribal councils, and other boards since 2001.

Our Governor, Arnold Schwarzenegger, supports it, as do 40 former or current local elected officials of both parties in Lake, Mendocino, Napa, and Humboldt Counties.

When one considers what we are trying to preserve, it is easy to see why Congressman THOMPSON and I have such broad support for our legislation. I would like to share a few examples.

First and foremost is the spectacular King Range, the wildest portion of California's coast—it boasts the longest stretch of undeveloped coastline in the lower 48 States. Next, I would like to share Cache Creek it is home to the second largest wintering bald eagle population in California and a herd of rare Tule elk, which is the world's smallest elk. Cache Creek is popular with white water rafters for its rapids and scenery.

Next, the Middle Fork Eel River, which hosts 30 to 50 percent of the State's summer-run steelhead trout population, an endangered species, and critical to California's fishermen and tribes. It also has spectacular ancient forests of oak pine and fir. Our bill provides improved protections for this pristine area.

These are but three of the dozens of examples I could show you today. Californians want to protect the sanctity of these lands, and our bill does just that.

Before I conclude, there are some people I need to thank. First, I again thank Senator FEINSTEIN, my partner in the Senate on this bill. Her work on the Energy and Natural Resources Committee was invaluable, and John Watts of her staff helped greatly. Congressman THOMPSON tirelessly championed this bill in the House, and Jonathan Birdsong, his legislative director, put in countless hours of work to accomplish this.

I also thank Senators BINGAMAN and DOMENICI of the Energy and Natural Resources Committee. They, along with Senators CRAIG and WYDEN, have worked very well with me to protect these special places and helped me move this bill forward. Finally I need to thank David Brooks and Frank Gladics of the Energy Committee staff for working so carefully and conscientiously on this bill.

God has given Americans an exceptionally beautiful treasure in its wild landscape, and my State is blessed with some of its best.

We must be good stewards of that gift and share it with future generations that is what Theodore Roosevelt, John Muir, John Wesley Powell, Ansel Adams, and other great Americans did, and we have places like Yosemite and Yellowstone to cherish because of their actions.

Mr. President, because the Congress passed this bill today, future generations will be thanking us for preserving places like the King Range and other parts of the stunning, wild, and unspoiled northern California coast.

CORRECTING THE ENROLLMENT OF S. 203

The concurrent resolution (H. Con. Res. 456) was considered and passed.

OJITO WILDERNESS ACT AMENDMENT

NATIONAL TRAILS SYSTEM ACT AMENDMENT

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 4841 and H.R. 3085, and the Senate proceed to their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4841) to amend the Ojito Wilderness Act to make a technical correction.

A bill (H.R. 3085) to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bills, as amended, if amended, be read a third time and passed, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5113) was agreed to, as follows:

(Purpose: To clarify that additional funds are not authorized to be appropriated to carry out the feasibility and suitability study)

On page 3, strike lines 1 through 3 and insert the following:

"(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).

"(D) No additional funds are authorized to be appropriated to carry out subparagraph (C). The Secretary may accept donations for the Trail from private, nonprofit, or tribal organizations.".

The amendment was ordered to be engrossed and the bill to be read a third time. The bill (H.R. 3085), as amended, was read the third time, and passed.

The bill (H.R. 4841) was ordered to be read a third time, was read the third time and passed.

NATIONAL HERITAGE AREAS ACT OF 2006

Mrs. HUTCHISON. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 203) to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 203

Resolved, That the bill from the Senate (S. 203) entitled "An Act to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Heritage Areas Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SODA ASH ROYALTY REDUCTION

Sec. 101. Short title.
Sec. 102. Reduction in royalty rate on soda ash.
Sec. 103. Study.

TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS

Subtitle A—Northern Rio Grande National Heritage Area

Sec. 201. Short title.
Sec. 202. Congressional findings.
Sec. 203. Definitions.
Sec. 204. Northern Rio Grande National Heritage Area.
Sec. 205. Authority and duties of the Management Entity.
Sec. 206. Duties of the Secretary.
Sec. 207. Private property protections; savings provisions.
Sec. 208. Sunset.
Sec. 209. Authorization of appropriations.

Subtitle B—Atchafalaya National Heritage Area

Sec. 211. Short title.
Sec. 212. Definitions.
Sec. 213. Atchafalaya National Heritage Area.
Sec. 214. Authorities and duties of the local coordinating entity.
Sec. 215. Management Plan.
Sec. 216. Requirements for inclusion of private property.
Sec. 217. Private property protection.
Sec. 218. Effect of subtitle.
Sec. 219. Reports.
Sec. 220. Authorization of appropriations.
Sec. 221. Termination of authority.

Subtitle C—Arabia Mountain National Heritage Area

Sec. 231. Short title.
Sec. 232. Findings and purposes.
Sec. 233. Definitions.
Sec. 234. Arabia Mountain National Heritage Area.
Sec. 235. Authorities and duties of the local coordinating entity.
Sec. 236. Management Plan.
Sec. 237. Technical and financial assistance.
Sec. 238. Effect on certain authority.
Sec. 239. Authorization of appropriations.
Sec. 240. Termination of authority.
Sec. 241. Requirements for inclusion of private property.
Sec. 242. Private property protection.

Subtitle D—Mormon Pioneer National Heritage Area

Sec. 251. Short title.
Sec. 252. Findings and purpose.
Sec. 253. Definitions.
Sec. 254. Mormon Pioneer National Heritage Area.
Sec. 255. Designation of Alliance as local coordinating entity.
Sec. 256. Management of the Heritage Area.
Sec. 257. Duties and authorities of Federal agencies.
Sec. 258A. Requirements for inclusion of private property.
Sec. 258B. Private property protection.
Sec. 259. Authorization of appropriations.
Sec. 260. Termination of authority.

Subtitle E—Freedom's Frontier National Heritage Area

Sec. 261. Short title.
Sec. 262. Purpose.
Sec. 263. Definitions.
Sec. 264. Freedom's Frontier National Heritage Area.
Sec. 265. Technical and financial assistance; other Federal agencies.
Sec. 266. Private property protection.
Sec. 267. Savings provisions.
Sec. 268. Authorization of appropriations.
Sec. 269. Termination of authority.

Subtitle F—Upper Housatonic Valley National Heritage Area

Sec. 271. Short title.
Sec. 272. Findings and purposes.
Sec. 273. Definitions.
Sec. 274. Upper Housatonic Valley National Heritage Area.
Sec. 275. Authorities, prohibitions, and duties of the Management Entity.
Sec. 276. Management Plan.
Sec. 277. Duties and authorities of the Secretary.
Sec. 278. Duties of other Federal agencies.
Sec. 279. Requirements for inclusion of private property.
Sec. 280. Private property protection.
Sec. 280A. Authorization of appropriations.
Sec. 280B. Sunset.

Subtitle G—Champlain Valley National Heritage Partnership

Sec. 281. Short title.
Sec. 282. Findings and purposes.
Sec. 283. Definitions.
Sec. 284. Heritage Partnership.
Sec. 285. Requirements for inclusion of private property.
Sec. 286. Private property protection.
Sec. 287. Effect.
Sec. 288. Authorization of appropriations.
Sec. 109. Termination of authority.

Subtitle H—Great Basin National Heritage Route

Sec. 291. Short title.
Sec. 291A. Findings and purposes.
Sec. 291B. Definitions.
Sec. 291C. Great Basin National Heritage Route.
Sec. 291D. Memorandum of understanding.
Sec. 291E. Management Plan.
Sec. 291F. Authority and duties of local coordinating entity.
Sec. 291G. Duties and authorities of Federal agencies.
Sec. 291H. Land use regulation; applicability of Federal law.
Sec. 291I. Authorization of appropriations.
Sec. 291J. Termination of authority.
Sec. 291K. Requirements for inclusion of private property.
Sec. 291L. Private property protection.

Subtitle I—Gullah/Geechee Heritage Corridor

Sec. 295. Short title.
Sec. 295A. Purposes.
Sec. 295B. Definitions.
Sec. 295C. Gullah/Geechee Cultural Heritage Corridor.
Sec. 295D. Gullah/Geechee Cultural Heritage Corridor Commission.
Sec. 295E. Operation of the local coordinating entity.
Sec. 295F. Management Plan.
Sec. 295G. Technical and financial assistance.
Sec. 295H. Duties of other Federal agencies.
Sec. 295I. Coastal Heritage Centers.
Sec. 295J. Private property protection.
Sec. 295K. Authorization of appropriations.
Sec. 295L. Termination of authority.

Subtitle J—Crossroads of the American Revolution National Heritage Area

Sec. 297. Short title.
Sec. 297A. Findings and purposes.
Sec. 297B. Definitions.
Sec. 297C. Crossroads of the American Revolution National Heritage Area.
Sec. 297D. Management Plan.
Sec. 297E. Authorities, duties, and prohibitions applicable to the local coordinating entity.
Sec. 297F. Technical and financial assistance; other Federal agencies.
Sec. 297G. Authorization of appropriations.
Sec. 297H. Termination of authority.
Sec. 297I. Requirements for inclusion of private property.
Sec. 297J. Private property protection.

TITLE III—NATIONAL HERITAGE AREA STUDIES

Subtitle A—Western Reserve Heritage Area Study

Sec. 301. Short title.
Sec. 302. National Park Service study regarding the Western Reserve, Ohio.

Subtitle B—St. Croix National Heritage Area Study

Sec. 311. Short title.
Sec. 312. Study.

Subtitle C—Southern Campaign of the Revolution

Sec. 321. Short title.
Sec. 322. Southern Campaign of the Revolution Heritage Area study.
Sec. 323. Private property.

TITLE IV—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR ACT AMENDMENTS

Sec. 401. Short title.
Sec. 402. Transition and provisions for new local coordinating entity.
Sec. 403. Private property protection.
Sec. 404. Technical amendments.

TITLE V—MOKELUMNE RIVER FEASIBILITY STUDY

Sec. 501. Authorization of Mokelumne River Regional Water Storage and Conjunctive Use Project Study.
Sec. 502. Use of reports and other information.
Sec. 503. Cost shares.
Sec. 504. Water rights.
Sec. 505. Authorization of appropriations.

TITLE VI—DELAWARE NATIONAL COASTAL SPECIAL RESOURCES STUDY

Sec. 601. Short title.
Sec. 602. Study.
Sec. 603. Themes.
Sec. 604. Report.

TITLE VII—JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR REAUTHORIZATION

Sec. 701. Short title.
Sec. 702. John H. Chafee Blackstone River Valley National Heritage Corridor.

TITLE VIII—CALIFORNIA RECLAMATION GROUNDWATER REMEDIATION INITIATIVE

Sec. 801. Short title.
Sec. 802. Definitions.
Sec. 803. California basins remediation.
Sec. 804. Sunset of authority.

TITLE IX—NATIONAL COAL HERITAGE AREA

Sec. 901. National Coal Heritage Area amendments.

TITLE I—SODA ASH ROYALTY REDUCTION

SEC. 101. SHORT TITLE.

This title may be cited as the "Soda Ash Royalty Reduction Act of 2006".

SEC. 102. REDUCTION IN ROYALTY RATE ON SODA ASH.

Notwithstanding section 102(a)(9) of the Federal Land Policy Management Act of 1976 (43

U.S.C. 1701(a)(9)), section 24 of the Mineral Leasing Act (30 U.S.C. 262), and the terms of any lease under that Act, the royalty rate on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market from Federal land in the 5-year period beginning on the date of enactment of this Act shall be 2 percent.

SEC. 103. STUDY.

After the end of the 4-year period beginning on the date of enactment of this Act, and before the end of the 5-year period beginning on that date, the Secretary of the Interior shall report to Congress on the effects of the royalty reduction under this title, including—

(1) the amount of sodium compounds and related products at the point of shipment to market from Federal land during that 4-year period;

(2) the number of jobs that have been created or maintained during the royalty reduction period;

(3) the total amount of royalty paid to the United States on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market produced during that 4-year period, and the portion of such royalty paid to States; and

(4) a recommendation of whether the reduced royalty rate should apply after the end of the 5-year period beginning on the date of enactment of this Act.

TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS

Subtitle A—Northern Rio Grande National Heritage Area

SEC. 201. SHORT TITLE.

This subtitle may be cited as the "Northern Rio Grande National Heritage Area Act".

SEC. 202. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) northern New Mexico encompasses a mosaic of cultures and history, including 8 Pueblos and the descendants of Spanish ancestors who settled in the area in 1598;

(2) the combination of cultures, languages, folk arts, customs, and architecture make northern New Mexico unique;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local governments and interested individuals to establish a National Heritage Area to coordinate and assist in the preservation and interpretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several alternatives consistent with the establishment of a National Heritage Area, including conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in northern New Mexico would assist local communities and residents in preserving these unique cultural, historical and natural resources.

SEC. 203. DEFINITIONS.

As used in this subtitle—

(1) the term "heritage area" means the Northern Rio Grande Heritage Area; and

(2) the term "Secretary" means the Secretary of the Interior.

SEC. 204. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.

(a) Establishment.—There is hereby established the Northern Rio Grande National Heritage Area in the State of New Mexico.

(b) Boundaries.—The heritage area shall include the counties of Santa Fe, Rio Arriba, and Taos.

(c) Management Entity.—

(1) The Northern Rio Grande National Heritage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the management entity for the heritage area.

(2) The Board of Directors for the management entity shall include representatives of the State of New Mexico, the counties of Santa Fe, Rio Arriba and Taos, tribes and pueblos within the heritage area, the cities of Santa Fe, Espanola and Taos, and members of the general public. The total number of Board members and the number of Directors representing State, local and tribal governments and interested communities shall be established to ensure that all parties have appropriate representation on the Board.

SEC. 205. AUTHORITY AND DUTIES OF THE MANAGEMENT ENTITY.

(a) Management Plan.—

(1) Not later than 3 years after the date of enactment of this Act, the management entity shall develop and forward to the Secretary a management plan for the heritage area.

(2) The management entity shall develop and implement the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(3) The management plan shall, at a minimum—

(A) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(B) identify sources of funding;

(C) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(D) provide recommendations for educational and interpretive programs to inform the public about the resources of the heritage area; and

(E) include an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this subtitle.

(4) If the management entity fails to submit a management plan to the secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal funding under this subtitle until such time as a plan is submitted to the Secretary.

(5) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission. If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the plan.

(6) The management entity shall periodically review the management plan and submit to the Secretary any recommendations for proposed revisions to the management plan. Any major revisions to the management plan must be approved by the Secretary.

(b) Authority.—The management entity may make grants and provide technical assistance to tribal and local governments, and other public and private entities to carry out the management plan.

(c) Duties.—The management entity shall—

(1) give priority in implementing actions set forth in the management plan;

(2) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

(3) assist local and tribal governments and non-profit organizations in—

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological and natural resources and sits in the heritage area;

(D) the restoration of historic structures related to the heritage area; and

(E) carrying out other actions that the management entity determines appropriate to fulfill the purposes of this subtitle, consistent with the management plan.

(d) Prohibition on Acquiring Real Property.—The management entity may not use Federal funds received under this subtitle to acquire real property or an interest in real property.

(e) Public Meetings.—The management entity shall hold public meetings at least annually regarding the implementation of the management plan.

(f) Annual Reports and Audits.—

(1) For any year in which the management entity receives Federal funds under this subtitle, the management entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.

(2) The management entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

SEC. 206. DUTIES OF THE SECRETARY.

(a) Technical and Financial Assistance.—The Secretary may, upon request of the management entity, provide technical and financial assistance to develop and implement the management plan.

(b) Priority.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, archaeological, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities consistent with the resources and associated values of the heritage area.

SEC. 207. PRIVATE PROPERTY PROTECTIONS; SAVINGS PROVISIONS.

(a) Private Property Protection.—

(1) Notification and consent of property owners required.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation or promotion to the management entity.

(2) Landowner withdrawal.—Any owner of private property included within the boundary of the heritage area, shall have their property immediately removed from within the boundary by submitting a written request to the management entity.

(3) Access to private property.—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(4) Liability.—Designation of the heritage area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(5) Recognition of authority to control land use.—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(6) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the heritage area to participate in or be associated with the heritage area.

(b) EFFECT OF ESTABLISHMENT.—The boundaries designated for the heritage area represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended. The establishment of the heritage area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the heritage area or its viewshed by the Secretary, the National Park Service, or the management entity.

(c) TRIBAL LANDS.—Nothing in this subtitle shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

(d) TRUST RESPONSIBILITIES.—Nothing in this subtitle shall diminish the Federal Government's trust responsibilities or government-to-government obligations to any federally recognized Indian tribe.

SEC. 208. SUNSET.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent.

Subtitle B—Atchafalaya National Heritage Area

SEC. 211. SHORT TITLE.

This subtitle may be cited as the "Atchafalaya National Heritage Area Act".

SEC. 212. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term "Heritage Area" means the Atchafalaya National Heritage Area established by section 213(a).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by section 213(c).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 215.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of Louisiana.

SEC. 213. ATCHAFALAYA NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Atchafalaya National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of the whole of the following parishes in the State: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, East Baton Rouge, and Ascension Parish.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The Atchafalaya Trace Commission shall be the local coordinating entity for the Heritage Area.

(2) COMPOSITION.—The local coordinating entity shall be composed of 14 members appointed by the governing authority of each parish within the Heritage Area.

SEC. 214. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—For the purposes of developing and implementing the management plan and otherwise carrying out this subtitle, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, units of local government, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—The local coordinating entity shall—

(1) submit to the Secretary for approval a management plan;

(2) implement the management plan, including providing assistance to units of government and others in—

(A) carrying out programs that recognize important resource values within the Heritage Area;

(B) encouraging sustainable economic development within the Heritage Area;

(C) establishing and maintaining interpretive sites within the Heritage Area; and

(D) increasing public awareness of, and appreciation for the natural, historic, and cultural resources of, the Heritage Area;

(3) adopt bylaws governing the conduct of the local coordinating entity; and

(4) for any year for which Federal funds are received under this subtitle, submit to the Secretary a report that describes, for the year—

(A) the accomplishments of the local coordinating entity; and

(B) the expenses and income of the local coordinating entity.

(c) ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds received under this subtitle to acquire real property or an interest in real property.

(d) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly.

SEC. 215. MANAGEMENT PLAN.

(a) IN GENERAL.—The local coordinating entity shall develop a management plan for the Heritage Area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, scenic, cultural, historic, and recreational resources of the Heritage Area.

(b) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the local coordinating entity shall—

(1) take into consideration State and local plans; and

(2) invite the participation of residents, public agencies, and private organizations in the Heritage Area.

(c) CONTENTS.—The management plan shall include—

(1) an inventory of the resources in the Heritage Area, including—

(A) a list of property in the Heritage Area that—

(i) relates to the purposes of the Heritage Area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the Heritage Area;

(2) provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with this subtitle;

(3) an interpretation plan for the Heritage Area; and

(4) a program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the Heritage Area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(d) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this subtitle until a management plan for the Heritage Area is submitted to the Secretary.

(e) APPROVAL.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (d)(1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(f) REVISION.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 216. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the local coordinating entity and has given written consent to the local coordinating entity for such preservation, conservation, or promotion.

(b) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the Heritage Area shall have that private property immediately removed from the boundary by submitting a written request to the local coordinating entity.

SEC. 217. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on that private property.

(c) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

SEC. 218. EFFECT OF SUBTITLE.

Nothing in this subtitle or in establishment of the Heritage Area—

(1) grants any Federal agency regulatory authority over any interest in the Heritage Area, unless cooperatively agreed on by all involved parties;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act;

(3) grants any power of zoning or land use to the local coordinating entity;

(4) imposes any environmental, occupational, safety, or other rule, standard, or permitting process that is different from those in effect on the date of enactment of this Act that would be applicable had the Heritage Area not been established;

(5)(A) imposes any change in Federal environmental quality standards; or

(B) authorizes designation of any portion of the Heritage Area that is subject to part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) as class 1 for the purposes of that part solely by reason of the establishment of the Heritage Area;

(6) authorizes any Federal or State agency to impose more restrictive water use designations, or water quality standards on uses of or discharges to, waters of the United States or waters of the State within or adjacent to the Heritage Area solely by reason of the establishment of the Heritage Area;

(7) abridges, restricts, or alters any applicable rule, standard, or review procedure for permitting of facilities within or adjacent to the Heritage Area; or

(8) affects the continuing use and operation, where located on the date of enactment of this Act, of any public utility or common carrier.

SEC. 219. REPORTS.

For any year in which Federal funds have been made available under this subtitle, the local coordinating entity shall submit to the Secretary a report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

SEC. 220. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to carry out this subtitle $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) Cost-Sharing Requirement.—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent unless the Secretary determines that no reasonable means are available through which the local coordinating entity can meet its cost sharing requirement for that activity.

SEC. 221. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance to the local coordinating entity under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle C—Arabia Mountain National Heritage Area

SEC. 231. SHORT TITLE.

This subtitle may be cited as the "Arabia Mountain National Heritage Area Act".

SEC. 232. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds the following:

(1) The Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use.

(2) The best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities.

(3) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species.

(4) Panola Mountain, a national natural landmark, located in the 860-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop.

(5) The archaeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity.

(6) The city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States.

(7) The community of Klondike is eligible for designation as a National Historic District.

(8) The city of Lithonia has 2 structures listed on the National Register of Historic Places.

(b) Purposes.—The purposes of this subtitle are as follows:

(1) To recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural, historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant sites and communities.

(2) To assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

SEC. 233. DEFINITIONS.

In this subtitle:

(1) Heritage Area.—The term "heritage area" means the Arabia Mountain National Heritage Area established by section 234(a).

(2) Local Coordinating Entity.—The term "local coordinating entity" means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) Management Plan.—The term "management plan" means the management plan for the heritage area developed under section 236.

(4) Secretary.—The term "Secretary" means the Secretary of the Interior.

(5) State.—The term "State" means the State of Georgia.

SEC. 234. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.

(a) Establishment.—There is established the Arabia Mountain National Heritage Area in the State.

(b) Boundaries.—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled "Arabia Mountain National Heritage Area", numbered AMNHA-80,000, and dated October 2003.

(c) Availability of Map.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) Local Coordinating Entity.—The Arabia Mountain Heritage Area Alliance shall be the local coordinating entity for the heritage area.

SEC. 235. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) Authorities.—For purposes of developing and implementing the management plan, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) Duties.—

(1) Management Plan.—

(A) In General.—The local coordinating entity shall develop and submit to the Secretary the management plan.

(B) Considerations.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

(2) Priorities.—The local coordinating entity shall give priority to implementing actions described in the management plan, including the following:

(A) Assisting units of government and nonprofit organizations in preserving resources within the heritage area.

(B) Encouraging local governments to adopt land use policies consistent with the management of the heritage area and the goals of the management plan.

(3) Public Meetings.—The local coordinating entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(4) Annual Report.—For any year in which Federal funds have been made available under this title, the local coordinating entity shall submit to the Secretary an annual report that describes the following:

(A) The accomplishments of the local coordinating entity.

(B) The expenses and income of the local coordinating entity.

(5) Audit.—The local coordinating entity shall—

(A) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(B) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of those funds.

(c) Use of Federal Funds.—

(1) In General.—The local coordinating entity shall not use Federal funds made available under this title to acquire real property or an interest in real property.

(2) Other Sources.—Nothing in this title precludes the local coordinating entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 236. MANAGEMENT PLAN.

(a) In General.—The local coordinating entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(b) Basis.—The management plan shall be based on the preferred concept in the document entitled "Arabia Mountain National Heritage Area Feasibility Study", dated February 28, 2001.

(c) Consideration of Other Plans and Actions.—The management plan shall—

(1) take into consideration State and local plans; and

(2) involve residents, public agencies, and private organizations in the heritage area.

(d). Requirements.—The management plan shall include the following:

(1) An inventory of the resources in the heritage area, including—

(A) a list of property in the heritage area that—

(i) relates to the purposes of the heritage area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the heritage area.

(2) Provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this subtitle.

(3) An interpretation plan for the heritage area.

(4) A program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(5) A description and evaluation of the local coordinating entity, including the membership and organizational structure of the local coordinating entity.

(e) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this subtitle until such date as a management plan for the heritage area is submitted to the Secretary.

(f) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (e), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) REVISION.—If the Secretary disapproves a management plan submitted under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(g) REVISION OF MANAGEMENT PLAN.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 237. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—At the request of the local coordinating entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, scenic, and recreational resources that support the purposes of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

SEC. 238. EFFECT ON CERTAIN AUTHORITY.

(a) OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.—Nothing in this subtitle—

(1) imposes an occupational, safety, conservation, or environmental regulation on the heritage area that is more stringent than the regulations that would be applicable to the land described in section 234(b) but for the establishment of the heritage area by section 234(a); or

(2) authorizes a Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the heritage area that is more stringent than the regulations applicable to the land described in section 234(b) as of the date of enactment of this Act, solely as a result of the establishment of the heritage area by section 234(a).

(b) LAND USE REGULATION.—Nothing in this subtitle—

(1) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act; or

(2) grants powers of zoning or land use to the local coordinating entity.

SEC. 239. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using funds made available under this subtitle shall not exceed 50 percent.

SEC. 240. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subsubtitle terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 241. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 242. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this subtitle may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

Subtitle D—Mormon Pioneer National Heritage Area

SEC. 251. SHORT TITLE.

This subtitle may be cited as the "Mormon Pioneer National Heritage Area Act".

SEC. 252. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the historical, cultural, and natural heritage legacies of Mormon colonization and settlement are nationally significant;

(2) in the area starting along the Highway 89 corridor at the Arizona border, passing through Kane, Garfield, Piute, Sevier, Wayne, and Sanpete Counties in the State of Utah, and terminating in Fairview, Utah, there are a variety of heritage resources that demonstrate—

(A) the colonization of the western United States; and

(B) the expansion of the United States as a major world power;

(3) the great relocation to the western United States was facilitated by—

(A) the 1,400-mile trek from Illinois to the Great Salt Lake by the Mormon pioneers; and

(B) the subsequent colonization effort in Nevada, Utah, the southeast corner of Idaho, the southwest corner of Wyoming, large areas of southeastern Oregon, much of southern California, and areas along the eastern border of California;

(4) the 250-mile Highway 89 corridor from Kanab to Fairview, Utah, contains some of the best features of the Mormon colonization experience in the United States;

(5) the landscape, architecture, traditions, beliefs, folk life, products, and events along Highway 89 convey the heritage of the pioneer settlement;

(6) the Boulder Loop, Capitol Reef National Park, Zion National Park, Bryce Canyon National Park, and the Highway 89 area convey the compelling story of how early settlers—

(A) interacted with Native Americans; and

(B) established towns and cities in a harsh, yet spectacular, natural environment;

(7) the colonization and settlement of the Mormon settlers opened up vast amounts of natural resources, including coal, uranium, silver, gold, and copper;

(8) the Mormon colonization played a significant role in the history and progress of the development and settlement of the western United States; and

(9) the artisans, crafters, innkeepers, outfitters, farmers, ranchers, loggers, miners, historic landscape, customs, national parks, and architecture in the Heritage Area make the Heritage Area unique.

(b) PURPOSE.—The purpose of this subtitle is to establish the Heritage Area to—

(1) foster a close working relationship with all levels of government, the private sector, residents, business interests, and local communities in the State;

(2) empower communities in the State to conserve, preserve, and enhance the heritage of the

communities while strengthening future economic opportunities;

(3) conserve, interpret, and develop the historical, cultural, natural, and recreational resources within the Heritage Area; and

(4) expand, foster, and develop heritage businesses and products relating to the cultural heritage of the Heritage Area.

SEC. 253. DEFINITIONS.

In this subtitle:

(1) Alliance.—The term "Alliance" means the Utah Heritage Highway 89 Alliance.

(2) Heritage area.—The term "Heritage Area" means the Mormon Pioneer National Heritage Area established by section 254(a).

(3) Local coordinating entity.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by section 255(a).

(4) Management plan.—The term "management plan" means the plan developed by the local coordinating entity under section 256(a).

(5) Secretary.—The term "Secretary" means the Secretary of the Interior.

(6) State.—The term "State" means the State of Utah.

SEC. 254. MORMON PIONEER NATIONAL HERITAGE AREA.

(a) Establishment.—There is established the Mormon Pioneer National Heritage Area.

(b) Boundaries.—

(1) In general.—The boundaries of the Heritage Area shall include areas in the State—

(A) that are related to the corridors—

(i) from the Arizona border northward through Kanab, Utah, and to the intersection of Highway 89 and Highway 12, including Highway 12 and Highway 24 as those highways loop off Highway 89 and rejoin Highway 89 at Sigurd;

(ii) from Highway 89 at the intersection of Highway 12 through Panguitch, Junction, Marysvale, and Sevier County to Sigurd;

(iii) continuing northward along Highway 89 through Axtell and Sterling, Sanpete County, to Fairview, Sanpete County, at the junction with Utah Highway 31; and

(iv) continuing northward along Highway 89 through Fairview and Thistle Junction, to the junction with Highway 6; and

(B) including the following communities: Kanab, Mt. Carmel, Orderville, Glendale, Alton, Cannonville, Tropic, Henrieville, Escalante, Boulder, Teasdale, Fruita, Hanksville, Torrey, Bicknell, Loa, Hatch, Panquitch, Circleville, Antimony, Junction, Marysvale, Koosharem, Sevier, Joseph, Monroe, Elsinore, Richfield, Glenwood, Sigurd, Aurora, Salina, Mayfield, Sterling, Gunnison, Fayette, Manti, Ephraim, Spring City, Mt. Pleasant, Moroni, Fountain Green, and Fairview.

(2) Map.—The Secretary shall prepare a map of the Heritage Area, which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(3) Notice to local governments.—The local coordinating entity shall provide to the government of each city, town, and county that has jurisdiction over property proposed to be included in the Heritage Area written notice of the proposed inclusion.

(c) Administration.—The Heritage Area shall be administered in accordance with this subtitle.

SEC. 255. DESIGNATION OF ALLIANCE AS LOCAL COORDINATING ENTITY.

(a) In General.—The Board of Directors of the Alliance shall be the local coordinating entity for the Heritage Area.

(b) Federal Funding.—

(1) Authorization to receive funds.—The local coordinating entity may receive amounts made available to carry out this subtitle.

(2) Disqualification.—If a management plan is not submitted to the Secretary as required under section 256 within the time period specified in that section, the local coordinating entity may not receive Federal funding under this subtitle until a management plan is submitted to the Secretary.

(c) Use of Federal Funds.—The local coordinating entity may, for the purposes of developing and implementing the management plan, use Federal funds made available under this subtitle—

(1) to make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(3) to hire and compensate staff;

(4) to obtain funds from any source under any program or law requiring the recipient of funds to make a contribution in order to receive the funds; and

(5) to contract for goods and services.

(d) Prohibition of Acquisition of Real Property.—The local coordinating entity shall not use Federal funds received under this subtitle to acquire real property or any interest in real property.

SEC. 256. MANAGEMENT OF THE HERITAGE AREA.

(a) Heritage Area Management Plan.—

(1) Development and submission for review.—Not later than 3 years after the date on which funds are made available to carry out the subtitle, the local coordinating entity, with public participation, shall develop and submit for review to the Secretary a management plan for the Heritage Area.

(2) Contents.—The management plan shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration Federal, State, county, and local plans;

(C) involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area;

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(F) include—

(i) an inventory of resources in the Heritage Area that—

(I) includes a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the historical, cultural, or natural significance of the property as the property relates to the themes of the Heritage Area; and

(II) does not include any property that is privately owned unless the owner of the property consents in writing to the inclusion;

(ii) a recommendation of policies for resource management that consider the application of appropriate land and water management techniques, including policies for the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability;

(iii) a program for implementation of the management plan, including plans for restoration and construction;

(iv) a description of any commitments that have been made by persons interested in management of the Heritage Area;

(v) an analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this subtitle; and

(vi) an interpretive plan for the Heritage Area.

(3) Approval or disapproval of the management plan.—

(A) In general.—Not later than 180 days after submission of the management plan by the local coordinating entity, the Secretary shall approve or disapprove the management plan.

(B) Disapproval and revisions.—

(i) In general.—If the Secretary disapproves the management plan, the Secretary shall—

(I) advise the local coordinating entity, in writing, of the reasons for the disapproval; and

(II) make recommendations for revision of the management plan.

(ii) Approval or disapproval.—The Secretary shall approve or disapprove proposed revisions to the management plan not later than 60 days after receipt of the revisions from the local coordinating entity.

(b) Priorities.—The local coordinating entity shall give priority to the implementation of actions, goals, and policies set forth in the management plan, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations in—

(A) conserving the historical, cultural, and natural resources of the Heritage Area;

(B) establishing and maintaining interpretive exhibits in the Heritage Area;

(C) developing recreational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for the historical, cultural, and natural resources of the Heritage Area;

(E) restoring historic buildings that are—

(i) located within the boundaries of the Heritage Area; and

(ii) related to the theme of the Heritage Area; and

(F) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means, including encouraging and soliciting the development of heritage products.

(c) Consideration of Interests of Local Groups.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse units of government, businesses, private property owners, and nonprofit organizations in the Heritage Area.

(d) Public Meetings.—The local coordinating entity shall conduct public meetings at least annually regarding the implementation of the management plan.

(e) Annual Reports.—For any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, the local coordinating entity shall submit to the Secretary an annual report that describes—

(1) the accomplishments of the local coordinating entity;

(2) the expenses and income of the local coordinating entity; and

(3) the entities to which the local coordinating entity made any grants during the year for which the report is made.

Cooperation With Audits.—For any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, the local coordinating entity shall—

(1) make available for audit by Congress, the Secretary, and appropriate units of government all records and other information relating to the expenditure of the Federal funds and any matching funds; and

(2) require, with respect to all agreements authorizing expenditure of the Federal funds by

other organizations, that the receiving organizations make available for audit all records and other information relating to the expenditure of the Federal funds.

(g) DELEGATION.—

(1) IN GENERAL.—The local coordinating entity may delegate the responsibilities and actions under this subtitle for each area identified in section 254(b)(1).

(2) REVIEW.—All delegated responsibilities and actions are subject to review and approval by the local coordinating entity.

SEC. 257. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to—

(A) units of government, nonprofit organizations, and other persons, at the request of the local coordinating entity; and

(B) the local coordinating entity, for use in developing and implementing the management plan.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this subtitle, require any recipient of the technical assistance or a grant to enact or modify any land use restriction.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall determine whether a unit of government, nonprofit organization, or other person shall be awarded technical assistance or grants and the amount of technical assistance—

(A) based on the extent to which the assistance—

(i) fulfills the objectives of the management plan; and

(ii) achieves the purposes of this subtitle; and

(B) after giving special consideration to projects that provide a greater leverage of Federal funds.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the public with information concerning the location and character of the Heritage Area.

(c) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this subtitle.

(d) DUTIES OF OTHER FEDERAL AGENCIES.—A Federal entity conducting any activity directly affecting the Heritage Area shall—

(1) consider the potential effect of the activity on the management plan; and

(2) consult with the local coordinating entity with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

SEC. 258A. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 258B. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority. on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 259. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any activity carried out using funds made available under this subtitle shall not exceed 50 percent.

SEC. 260. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle E—Freedom's Frontier National Heritage Area

SEC. 261. SHORT TITLE.

This subtitle may be cited as the "Freedom's Frontier National Heritage Area Act".

SEC. 262. PURPOSE.

The purpose of this subtitle is to use preservation, conservation, education, interpretation, and recreation in eastern Kansas and Western Missouri in heritage development and sustainability of the American story recognized by the American people.

SEC. 263. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term "Heritage Area" means the Freedom's Frontier National Heritage Area in eastern Kansas and western Missouri.

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means Territorial Kansas Heritage Alliance, recognized by the Secretary, in consultation with the Governors of the States, that agrees to perform the duties of a local coordinating entity under this subtitle, so long as that Alliance is composed of not less than 25 percent residents of Missouri.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 264(e).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means each of the States of Kansas and Missouri.

(6) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means the government of a State, a political subdivision of a State, or an Indian tribe.

SEC. 264. FREEDOM'S FRONTIER NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the States the Freedom's Frontier National Heritage Area.

(b) BOUNDARIES.—The Heritage Area may include the following:

(1) An area located in eastern Kansas and western Missouri, consisting of—

(A) Allen, Anderson, Atchison, Bourbon, Chautauqua, Cherokee, Clay, Coffey, Crawford, Douglas, Franklin, Geary, Jackson, Johnson, Labette, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Riley, Shawnee, Wabaunsee, Wilson, Woodson, Jefferson, Montgomery, Osage, and Wyandotte Counties in Kansas; and

(B) Buchanan, Platte, Clay, Ray, Lafayette, Jackson, Cass, Johnson, Bates, Vernon, Barton, and St. Clair Counties in Missouri.

(2) Contributing sites, buildings, and districts within the area that are recommended by the management plan.

(c) MAP.—The final boundary of the Heritage Area within the counties identified in subsection (b)(1) shall be specified in the management plan. A map of the Heritage Area shall be included in the management plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The local coordinating entity for the Heritage Area shall be Territorial Kansas Heritage Alliance, a nonprofit organization established in the State of Kansas, recognized by the Secretary, in consultation with the Governors of the States, so long as that Alliance is composed of not less than 25 percent residents of Missouri and agrees to perform the duties of the local coordinating entity under this subtitle.

(2) AUTHORITIES.—For purposes of developing and implementing the management plan, the local coordinating entity may—

(A) make grants to, and enter into cooperative agreements with, the States, political subdivisions of the States, and private organizations;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and submit to the Secretary a management plan reviewed by participating units of local government within the boundaries of the proposed Heritage Area.

(2) CONTENTS.—The management plan shall—

(A) present a comprehensive program for the conservation, interpretation, funding, management, and development of the Heritage Area, in a manner consistent with the existing local, State, and Federal land use laws and compatible economic viability of the Heritage Area;

(B) establish criteria or standards to measure what is selected for conservation, interpretation, funding, management, and development;

(C) involve residents, public agencies, and private organizations working in the Heritage Area;

(D) specify and coordinate, as of the date of the management plan, existing and potential sources of technical and financial assistance under this and other Federal laws to protect, manage, and develop the Heritage Area; and

(E) include—

(i) actions to be undertaken by units of government and private organizations to protect, conserve, and interpret the resources of the Heritage Area;

(ii) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that meets the establishing criteria (such as, but not exclusive to, visitor readiness) to merit preservation, restoration, management, development, or maintenance because of its natural, cultural, historical, or recreational significance;

(iii) policies for resource management including the development of intergovernmental cooperative agreements, private sector agreements, or any combination thereof, to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(iv) a program for implementation of the management plan by the designated local coordinating entity, in cooperation with its partners and units of local government;

(v) evidence that relevant State, county, and local plans applicable to the Heritage Area have been taken into consideration;

(vi) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this subtitle; and

(vii) a business plan that—

(I) describes in detail the role, operation, financing, and functions of the local coordinating entity for each activity included in the recommendations contained in the management plan; and

(II) provides, to the satisfaction of the Secretary, adequate assurances that the local coordinating entity is likely to have the financial resources necessary to implement the management plan for the Heritage Area, including resources to meet matching requirement for grants awarded under this subtitle.

(3) CONSIDERATIONS.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area.

(4) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall be ineligible to receive additional funding under this subtitle until the date on which the Secretary receives the proposed management plan.

(5) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove the proposed management plan submitted under this subtitle not later than 90 days after receiving such proposed management plan.

(6) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan, the Secretary shall advise the local coordinating entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(7) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve substantial amendments to the management plan. Funds appropriated under this subtitle may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

(8) IMPLEMENTATION.—

(A) PRIORITIES.—The local coordinating entity shall give priority to implementing actions described in the management plan, including—

(i) assisting units of government and nonprofit organizations in preserving resources within the Heritage Area; and

(ii) encouraging local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan.

(B) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly on the implementation of the management plan. Not less than 25 percent of the public meetings shall be conducted in Missouri.

(f) PUBLIC NOTICE.—The local coordinating entity shall place a notice of each of its public meetings in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

(g) ANNUAL REPORT.—For any year in which Federal funds have been made available under this subtitle, the local coordinating entity shall submit to the Secretary an annual report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

(h) AUDIT.—The local coordinating entity shall—

(1) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(2) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of the Federal funds and any matching funds.

(i) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—No Federal funds made available under this subtitle may be used to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this subtitle precludes the local coordinating entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 265. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, and natural resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) SPENDING FOR NON-FEDERAL PROPERTY.—The local coordinating entity may expend Federal funds made available under this subtitle on non-Federal property that—

(A) meets the criteria in the approved management plan; or

(B) is listed or eligible for listing on the National Register of Historic Places.

(4) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations to carry out this subsection.

(b) OTHER FEDERAL AGENCIES.—Any Federal entity conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consider the potential effect of the activity on the purposes of the Heritage Area and the management plan;

(2) consult with the local coordinating entity regarding the activity; and

(3) to the maximum extent practicable, conduct or support the activity to avoid adverse effects on the Heritage Area.

(c) OTHER ASSISTANCE NOT AFFECTED.—This subtitle does not affect the authority of any Federal official to provide technical or financial assistance under any other law.

(d) NOTIFICATION OF OTHER FEDERAL ACTIVITIES.—The head of each Federal agency shall provide to the Secretary and the local coordinating entity, to the extent practicable, advance notice of all activities that may have an impact on the Heritage Area.

SEC. 266. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREAS.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) LAND USE REGULATION.—

(1) IN GENERAL.—The local coordinating entity shall provide assistance and encouragement to State and local governments, private organizations, and persons to protect and promote the resources and values of the Heritage Area.

(2) EFFECT.—Nothing in this subtitle—

(A) affects the authority of the State or local governments to regulate under law any use of land; or

(B) grants any power of zoning or land use to the local coordinating entity.

(f) PRIVATE PROPERTY.—

(1) IN GENERAL.—The local coordinating entity shall be an advocate for land management practices consistent with the purposes of the Heritage Area.

(2) EFFECT.—Nothing in this subtitle—

(A) abridges the rights of any person with regard to private property;

(B) affects the authority of the State or local government regarding private property; or

(C) imposes any additional burden on any property owner.

(g) REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.—

(1) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(2) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity

SEC. 267. SAVINGS PROVISIONS.

(a) RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.—Nothing in this subtitle shall be construed to impose any environmental, occupational, safety, or other rule, regulation, standard, or permit process in the Heritage Area that is different from those that would be applicable if the Heritage Area had not been established.

(b) WATER AND WATER RIGHTS.—Nothing in this subtitle shall be construed to authorize or imply the reservation or appropriation of water or water rights.

(c) NO DIMINISHMENT OF STATE AUTHORITY.—Nothing in this subtitle shall be construed to diminish the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area.

SEC. 268. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle

$10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent.

SEC. 269. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle F—Upper Housatonic Valley National Heritage Area

SEC. 271. SHORT TITLE.

This subtitle may be cited as the "Upper Housatonic Valley National Heritage Area Act".

SEC. 272. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The upper Housatonic Valley, encompassing 29 towns in the hilly terrain of western Massachusetts and northwestern Connecticut, is a singular geographical and cultural region that has made significant national contributions through its literary, artistic, musical, and architectural achievements, its iron, paper, and electrical equipment industries, and its scenic beautification and environmental conservation efforts.

(2) The upper Housatonic Valley has 139 properties and historic districts listed on the National Register of Historic Places, including—

(A) five National Historic Landmarks—

(i) Edith Wharton's home, The Mount, Lenox, Massachusetts;

(ii) Herman Melville's home, Arrowhead, Pittsfield, Massachusetts;

(iii) W.E.B. DuBois' Boyhood Homesite, Great Barrington, Massachusetts;

(iv) Mission House, Stockbridge, Massachusetts; and

(v) Crane and Company Old Stone Mill Rag Room, Dalton, Massachusetts; and

(B) four National Natural Landmarks—

(i) Bartholomew's Cobble, Sheffield, Massachusetts, and Salisbury, Connecticut;

(ii) Beckley Bog, Norfolk, Connecticut;

(iii) Bingham Bog, Salisbury, Connecticut; and

(iv) Cathedral Pines, Cornwall, Connecticut.

(3) Writers, artists, musicians, and vacationers have visited the region for more than 150 years to enjoy its scenic wonders, making it one of the country's leading cultural resorts.

(4) The upper Housatonic Valley has made significant national cultural contributions through such writers as Herman Melville, Nathaniel Hawthorne, Edith Wharton, and W.E.B. DuBois, artists Daniel Chester French and Norman Rockwell, and the performing arts centers of Tanglewood, Music Mountain, Norfolk (Connecticut) Chamber Music Festival, Jacob's Pillow, and Shakespeare &amp; Company.

(5) The upper Housatonic Valley is noted for its pioneering achievements in the iron, paper, and electrical generation industries and has cultural resources to interpret those industries.

(6) The region became a national leader in scenic beautification and environmental conservation efforts following the era of industrialization and deforestation and maintains a fabric of significant conservation areas including the meandering Housatonic River.

(7) Important historical events related to the American Revolution, Shays' Rebellion, and early civil rights took place in the upper Housatonic Valley.

(8) The region had an American Indian presence going back 10,000 years and Mohicans had a formative role in contact with Europeans during the seventeenth and eighteenth centuries.

(9) The Upper Housatonic Valley National Heritage Area has been proposed in order to heighten appreciation of the region, preserve its natural and historical resources, and improve the quality of life and economy of the area.

(b) PURPOSES.—The purposes of this subtitle are as follows:

(1) To establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts.

(2) To implement the national heritage area alternative as described in the document entitled "Upper Housatonic Valley National Heritage Area Feasibility Study, 2003".

(3) To provide a management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the upper Housatonic Valley region to conserve the region's heritage while continuing to pursue compatible economic opportunities.

(4) To assist communities, organizations, and citizens in the State of Connecticut and the Commonwealth of Massachusetts in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations.

SEC. 273. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term "Heritage Area" means the Upper Housatonic Valley National Heritage Area, established in section 274.

(2) MANAGEMENT ENTITY.—The term "Management Entity" means the management entity for the Heritage Area designated by section 274(d).

(3) MANAGEMENT PLAN.—The term "Management Plan" means the management plan for the Heritage Area specified in section 276.

(4) MAP.—The term "map" means the map entitled "Boundary Map Upper Housatonic Valley National Heritage Area", numbered P17/80,000, and dated February 2003.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of Connecticut and the Commonwealth of Massachusetts.

SEC. 274. UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Upper Housatonic Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of—

(1) part of the Housatonic River's watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Colebrook, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut; and

(3) the towns of Alford, Becket, Dalton, Egremont, Great Barrington, Hancock, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(d) MANAGEMENT ENTITY.—The Upper Housatonic Valley National Heritage Area, Inc. shall be the management entity for the Heritage Area.

SEC. 275. AUTHORITIES, PROHIBITIONS, AND DUTIES OF THE MANAGEMENT ENTITY.

(a) DUTIES OF THE MANAGEMENT ENTITY.—To further the purposes of the Heritage Area, the management entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 276;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect and enhance important resource values within the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for natural, historical, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with heritage area themes;

(F) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations and individuals to further the purposes of the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the management entity receives Federal funds under this subtitle, setting forth its accomplishments, expenses, and income, including grants to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this subtitle, all information pertaining to the expenditure of such funds and any matching funds, and require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic development that is consistent with the purposes of the Heritage Area.

(b) AUTHORITIES.—The management entity may, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this subtitle to—

(1) make grants to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations and other persons;

(2) enter into cooperative agreements with or provide technical assistance to the State of Connecticut and the Commonwealth of Massachusetts, their subdivisions, nonprofit organizations, and other interested parties;

(3) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(4) obtain money or services from any source including any that are provided under any other Federal law or program;

(5) contract for goods or services; and

(6) undertake to be a catalyst for any other activity that furthers the purposes of the Heritage Area and is consistent with the approved management plan.

(c) PROHIBITIONS ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this subtitle to acquire real property, but may use any other source of funding, including other Federal funding outside this authority, intended for the acquisition of real property.

SEC. 276. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Area shall—

(1) include comprehensive policies, strategies and recommendations for conservation, funding, management and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area in the first 5 years of implementation;

(5) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area related to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained;

(6) describe a program of implementation for the management plan including plans for resource protection, restoration, construction, and specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of implementation; and

(7) include an interpretive plan for the Heritage Area.

(b) DEADLINE AND TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary for approval within 3 years after funds are made available for this subtitle.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal funding under this subtitle until such time as the management plan is submitted to the Secretary.

SEC. 277. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon the request of the management entity, provide technical assistance on a reimbursable or non-reimbursable basis and financial assistance to the Heritage Area to develop and implement the approved management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historical, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) CRITERIA FOR APPROVAL.—In determining the approval of the management plan, the Secretary shall consider whether—

(A) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(B) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area; and

(D) the management plan is supported by the appropriate State and local officials whose cooperation is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision within 60 days after the date it is submitted.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed by the Secretary and approved in the same manner as provided for the original management plan. The management entity shall not use Federal funds authorized by this subtitle to implement any amendments until the Secretary has approved the amendments.

SEC. 278. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this subtitle and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

SEC. 279. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 280. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this subtitle may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 280A. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this subtitle not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area under this subtitle.

(b) MATCHING FUNDS.—Federal funding provided under this subtitle may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this subtitle.

SEC. 280B. SUNSET.

The authority of the Secretary to provide assistance under this subtitle shall terminate on the day occurring 15 years after the date of the enactment of this subtitle.

Subtitle G—Champlain Valley National Heritage Partnership

SEC. 281. SHORT TITLE.

This subtitle may be cited as the "Champlain Valley National Heritage Partnership Act of 2006".

SEC. 282. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Champlain Valley and its extensive cultural and natural resources have played a significant role in the history of the United States and the individual States of Vermont and New York;

(2) archaeological evidence indicates that the Champlain Valley has been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Iroquois and Algonquin descent;

(3) the linked waterways of the champlain valley, including the richelieu river in canada, played a unique and significant role in the establishment and development of the United States and canada through several distinct eras, including—

(A) the era of European exploration, during which Samuel de Champlain and other explorers used the waterways as a means of access through the wilderness;

(B) the era of military campaigns, including highly significant military campaigns of the French and Indian War, the American Revolution, and the War of 1812; and

(C) the era of maritime commerce, during which canal boats, schooners, and steamships formed the backbone of commercial transportation for the region;

(4) those unique and significant eras are best described by the theme "The Making of Nations and Corridors of Commerce";

(5) the artifacts and structures associated with those eras are unusually well-preserved;

(6) the Champlain Valley is recognized as having one of the richest collections of historical resources in North America;

(7) the history and cultural heritage of the Champlain Valley are shared with Canada and the Province of Quebec;

(8) there are benefits in celebrating and promoting this mutual heritage;

(9) tourism is among the most important industries in the Champlain Valley, and heritage tourism in particular plays a significant role in the economy of the Champlain Valley;

(10) it is important to enhance heritage tourism in the Champlain Valley while ensuring that increased visitation will not impair the historical and cultural resources of the region;

(11) according to the 1999 report of the National Park Service entitled "Champlain Valley Heritage Corridor Project", "the Champlain Valley contains resources and represents a theme 'The Making of Nations and Corridors of Commerce', that is of outstanding importance in United States history"; and

(12) it is in the interest of the United States to preserve and interpret the historical and cultural resources of the Champlain Valley for the education and benefit of present and future generations.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York to recognize the importance of the historical, cultural, and recreational resources of the Champlain Valley region to the United States;

(2) to assist the States of Vermont and New York, including units of local government and nongovernmental organizations in the States, in preserving, protecting, and interpreting those resources for the benefit of the people of the United States;

(3) to use those resources and the theme "the making of nations and corridors of commerce" to—

(A) revitalize the economy of communities in the Champlain Valley; and

(B) generate and sustain increased levels of tourism in the Champlain Valley;

(4) to encourage—

(A) partnerships among State and local governments and nongovernmental organizations in the United States; and

(B) collaboration with canada and the province of quebec to—

(i) interpret and promote the history of the waterways of the Champlain Valley region;

(ii) form stronger bonds between the United States and Canada; and

(iii) promote the international aspects of the Champlain Valley region; and

(5) to provide financial and technical assistance for the purposes described in paragraphs (1) through (4).

SEC. 283. DEFINITIONS.

In this subtitle:

(1) HERITAGE PARTNERSHIP.—The term "Heritage Partnership" means the Champlain Valley National Heritage Partnership established by section 104(a).

(2) MANAGEMENT ENTITY.—The term "management entity" means the Lake Champlain Basin Program.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan developed under section 284(b)(1)(B)(i).

(4) REGION.—

(A) IN GENERAL.—The term "region" means any area or community in 1 of the States in which a physical, cultural, or historical resource that represents the theme is located.

(B) INCLUSIONS.—The term "region" includes

(i) THE LINKED NAVIGABLE WATERWAYS OF.—

(I) Lake Champlain;

(II) Lake George;

(III) the Champlain Canal; and

(IV) the portion of the Upper Hudson River extending south to Saratoga;

(ii) portions of Grand Isle, Franklin, Chittenden, Addison, Rutland, and Bennington Counties in the State of Vermont; and

(iii) portions of Clinton, Essex, Warren, Saratoga and Washington Counties in the State of New York.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—the term "State" means

(A) the State of Vermont; and

(B) the State of New York.

(7) THEME.—The term "theme" means the theme "The Making of Nations and Corridors of Commerce", as the term is used in the 1999 report of the National Park Service entitled "Champlain Valley Heritage Corridor Project", that describes the periods of international conflict and maritime commerce during which the region played a unique and significant role in the development of the United States and Canada.

SEC. 284. HERITAGE PARTNERSHIP.

(a) ESTABLISHMENT.—There is established in the region the Champlain Valley National Heritage Partnership.

(b) MANAGEMENT ENTITY.—

(1) DUTIES.—

(A) IN GENERAL.—The management entity shall implement this subtitle.

(B) MANAGEMENT PLAN.—

(i) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall develop a management plan for the Heritage Partnership.

(ii) EXISTING PLAN.—Pending the completion and approval of the management plan, the management entity may implement the provisions of this subtitle based on its federally authorized plan "Opportunities for Action, an Evolving Plan For Lake Champlain".

(iii) CONTENTS.—The management plan shall include—

(I) recommendations for funding, managing, and developing the Heritage Partnership;

(II) a description of activities to be carried out by public and private organizations to protect the resources of the Heritage Partnership;

(III) a list of specific, potential sources of funding for the protection, management, and development of the Heritage Partnership;

(IV) an assessment of the organizational capacity of the management entity to achieve the goals for implementation; and

(V) recommendations of ways in which to encourage collaboration with Canada and the Province of Quebec in implementing this subtitle.

(iv) CONSIDERATIONS.—In developing the management plan under clause (i), the management entity shall take into consideration existing Federal, State, and local plans relating to the region.

(v) SUBMISSION TO SECRETARY FOR APPROVAL.—

(I) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(II) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in subclause (I), the Secretary shall not provide any additional funding under this subtitle until a management plan for the Heritage Partnership is submitted to the Secretary.

(vi) APPROVAL.—Not later than 90 days after receiving the management plan submitted under clause (v)(I), the Secretary, in consultation with the States, shall approve or disapprove the management plan.

(vii) ACTION FOLLOWING DISAPPROVAL.—

(I) GENERAL.—If the Secretary disapproves a management plan under clause (vi), the Secretary shall—

(aa) advise the management entity in writing of the reasons for the disapproval;

(bb) make recommendations for revisions to the management plan; and

(cc) allow the management entity to submit to the Secretary revisions to the management plan.

(II) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subclause (I)(cc), the Secretary shall approve or disapprove the revision.

(viii) AMENDMENT.—

(I) IN GENERAL.—After approval by the Secretary of the management plan, the management entity shall periodically—

(aa) review the management plan; and

(bb) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any amendments to the management plan that the management entity considers to be appropriate.

(II) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any amendment proposed by the management entity under subclause (I) until the Secretary approves the amendments.

(2) PARTNERSHIPS.—

(A) IN GENERAL.—In carrying out this subtitle, the management entity may enter into partnerships with—

(i) the States, including units of local governments in the States;

(ii) nongovernmental organizations;

(iii) Indian Tribes; and

(iv) other persons in the Heritage Partnership.

(B) GRANTS.—Subject to the availability of funds, the management entity may provide grants to partners under subparagraph (A) to assist in implementing this subtitle.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(c) ASSISTANCE FROM SECRETARY.—To carry out the purposes of this subtitle, the Secretary may provide technical and financial assistance to the management entity.

SEC. 285. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan until

(1) the management entity notifies the owner of the private property in writing; and

(2) the owner of the private property provides to the management entity written consent for the preservation, conservation, or promotion.

(b) LANDOWNER WITHDRAWAL.—Private property included within the boundary of the Heritage Partnership shall immediately be withdrawn from the Heritage Partnership if the owner of the property submits a written request to the management entity.

SEC. 286. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle—

(1) requires a private property owner to allow public access (including access by the Federal Government or State or local governments) to private property; or

(2) modifies any provision of Federal, State, or local law with respect to public access to, or use of, private property.

(b) LIABILITY.—Designation of the Heritage Partnership under this subtitle does not create any liability, or have any effect on liability under any other law, of a private property owner with respect to any persons injured on the private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle modifies any authority of the Federal Government or State or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS.—Nothing in this subtitle requires the owner of any private property located within the boundaries of the Heritage Partnership to participate in, or be associated with the Heritage Partnership.

(e) EFFECT OF ESTABLISHMENT.—

(1) IN GENERAL.—The boundaries designated for the Heritage Partnership represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended.

(2) REGULATORY AUTHORITY.—The establishment of the Heritage Partnership and the boundaries of the Heritage Partnership do not

provide any regulatory authority that is not in existence on the date of enactment of this Act relating to land use within the Heritage Partnership or the viewshed of the Heritage Partnership by the Secretary, the National Park Service, or the management entity.

SEC. 287. EFFECT.

Nothing in this subtitle—

(1) grants powers of zoning or land use to the management entity; or

(2) obstructs or limits private business development activities or resource development activities.

SEC. 288. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to carry out this subtitle not more than a total of $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(b) Non-Federal Share.—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall be not less than 50 percent.

SEC. 109. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle H—Great Basin National Heritage Route

SEC. 291. SHORT TITLE.

This subtitle may be cited as the "Great Basin National Heritage Route Act".

SEC. 291A. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the natural, cultural, and historic heritage of the North American Great Basin is nationally significant;

(2) communities along the Great Basin Heritage Route (including the towns of Delta, Utah, Ely, Nevada, and the surrounding communities) are located in a classic western landscape that contains long natural vistas, isolated high desert valleys, mountain ranges, ranches, mines, historic railroads, archaeological sites, and tribal communities;

(3) the Native American, pioneer, ranching, mining, timber, and railroad heritages associated with the Great Basin Heritage Route include the social history and living cultural traditions of a rich diversity of nationalities;

(4) the pioneer, Mormon, and other religious settlements, and ranching, timber, and mining activities of the region played and continue to play a significant role in the development of the United States, shaped by—

(A) the unique geography of the Great Basin;

(B) an influx of people of Greek, Chinese, Basque, Serb, Croat, Italian, and Hispanic descent; and

(C) a Native American presence (Western Shoshone, Northern and Southern Paiute, and Goshute) that continues in the Great Basin today;

(5) the Great Basin housed internment camps for Japanese-American citizens during World War II, 1 of which, Topaz, was located along the Heritage Route;

(6) the pioneer heritage of the Heritage Route includes the Pony Express route and stations, the Overland Stage, and many examples of 19th century exploration of the western United States;

(7) the Native American heritage of the Heritage Route dates back thousands of years and includes—

(A) archaeological sites;

(B) petroglyphs and pictographs;

(C) the westernmost village of the Fremont culture; and

(D) communities of Western Shoshone, Paiute, and Goshute tribes;

(8) the Heritage Route contains multiple biologically diverse ecological communities that are home to exceptional species such as—

(A) bristlecone pines, the oldest living trees in the world;

(B) wildlife adapted to harsh desert conditions;

(C) unique plant communities, lakes, and streams; and

(D) native Bonneville cutthroat trout;

(9) the air and water quality of the Heritage Route is among the best in the United States, and the clear air permits outstanding viewing of the night skies;

(10) the Heritage Route includes unique and outstanding geologic features such as numerous limestone caves, classic basin and range topography with playa lakes, alluvial fans, volcanics, cold and hot springs, and recognizable features of ancient Lake Bonneville;

(11) the Heritage Route includes an unusual variety of open space and recreational and educational opportunities because of the great quantity of ranching activity and public land (including city, county, and State parks, national forests, Bureau of Land Management land, and a national park);

(12) there are significant archaeological, historical, cultural, natural, scenic, and recreational resources in the Great Basin to merit the involvement of the Federal Government in the development, in cooperation with the Great Basin Heritage Route Partnership and other local and governmental entities, of programs and projects to—

(A) adequately conserve, protect, and interpret the heritage of the Great Basin for present and future generations; and

(B) provide opportunities in the Great Basin for education; and

(13) the Great Basin Heritage Route Partnership shall serve as the local coordinating entity for a Heritage Route established in the Great Basin.

(b) Purposes.—The purposes of this subtitle are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities within White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation;

(2) to enable communities referred to in paragraph (1) to conserve their heritage while continuing to develop economic opportunities; and

(3) to conserve, interpret, and develop the archaeological, historical, cultural, natural, scenic, and recreational resources related to the unique ranching, industrial, and cultural heritage of the Great Basin, in a manner that promotes multiple uses permitted as of the date of enactment of this Act, without managing or regulating land use.

SEC. 291B. DEFINITIONS.

In this subtitle:

(1) Great basin.—The term "Great Basin" means the North American Great Basin.

(2) Heritage route.—The term "Heritage Route" means the Great Basin National Heritage Route established by section 291C(a).

(3) Local coordinating entity.—The term "local coordinating entity" means the Great Basin Heritage Route Partnership established by section 291C(c).

(4) Management plan.—The term "management plan" means the plan developed by the local coordinating entity under section 291E(a).

(5) Secretary.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 291C. GREAT BASIN NATIONAL HERITAGE ROUTE.

(a) Establishment.—There is established the Great Basin National Heritage Route to provide the public with access to certain historical, cultural, natural, scenic, and recreational resources in White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation in the State of Nevada, as designated by the local coordinating entity.

(b) Boundaries.—The local coordinating entity shall determine the specific boundaries of the Heritage Route.

(c) Local Coordinating Entity.—

(1) In general.—The Great Basin Heritage Route Partnership shall serve as the local coordinating entity for the Heritage Route.

(2) Board of directors.—The Great Basin Heritage Route Partnership shall be governed by a board of directors that consists of—

(A) 4 members who are appointed by the Board of County Commissioners for Millard County, Utah;

(B) 4 members who are appointed by the Board of County Commissioners for White Pine County, Nevada; and

(C) a representative appointed by each Native American Tribe participating in the Heritage Route.

SEC. 291D. MEMORANDUM OF UNDERSTANDING.

(a) In General.—In carrying out this subtitle, the Secretary, in consultation with the Governors of the States of Nevada and Utah and the tribal government of each Indian tribe participating in the Heritage Route, shall enter into a memorandum of understanding with the local coordinating entity.

(b) Inclusions.—The memorandum of understanding shall include information relating to the objectives and management of the Heritage Route, including—

(1) a description of the resources of the Heritage Route;

(2) a discussion of the goals and objectives of the Heritage Route, including—

(A) an explanation of the proposed approach to conservation, development, and interpretation; and

(B) a general outline of the anticipated protection and development measures;

(3) a description of the local coordinating entity;

(4) a list and statement of the financial commitment of the initial partners to be involved in developing and implementing the management plan; and

(5) a description of the role of the States of Nevada and Utah in the management of the Heritage Route.

(c) Additional Requirements.—In developing the terms of the memorandum of understanding, the Secretary and the local coordinating entity shall—

(1) provide opportunities for local participation; and

(2) include terms that ensure, to the maximum extent practicable, timely implementation of all aspects of the memorandum of understanding.

(d) Amendments.—

(1) In general.—The Secretary shall review any amendments of the memorandum of understanding proposed by the local coordinating entity or the Governor of the State of Nevada or Utah.

(2) Use of funds.—Funds made available under this subtitle shall not be expended to implement a change made by a proposed amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 291E. MANAGEMENT PLAN.

(a) In General.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and submit to the Secretary for approval a management plan for the Heritage Route that—

(1) specifies—

(A) any resources designated by the local coordinating entity under section 291C(a); and

(B) the specific boundaries of the Heritage Route, as determined under section 291C(b); and

(2) presents clear and comprehensive recommendations for the conservation, funding,

management, and development of the Heritage Route.

(b) CONSIDERATIONS.—In developing the management plan, the local coordinating entity shall—

(1) provide for the participation of local residents, public agencies, and private organizations located within the counties of Millard County, Utah, White Pine County, Nevada, and the Duckwater Shoshone Reservation in the protection and development of resources of the Heritage Route, taking into consideration State, tribal, county, and local land use plans in existence on the date of enactment of this Act;

(2) identify sources of funding;

(3) include—

(A) a program for implementation of the management plan by the local coordinating entity, including—

(i) plans for restoration, stabilization, rehabilitation, and construction of public or tribal property; and

(ii) specific commitments by the identified partners referred to in section 291D(b)(4) for the first 5 years of operation; and

(B) an interpretation plan for the Heritage Route; and

(4) develop a management plan that will not infringe on private property rights without the consent of the owner of the private property.

(c) FAILURE TO SUBMIT.—If the local coordinating entity fails to submit a management plan to the Secretary in accordance with subsection (a), the Heritage Route shall no longer qualify for Federal funding.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receipt of a management plan under subsection (a), the Secretary, in consultation with the Governors of the States of Nevada and Utah, shall approve or disapprove the management plan.

(2) CRITERIA.—In determining whether to approve a management plan, the Secretary shall consider whether the management plan—

(A) has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments associated with the Heritage Route;

(B) is consistent with and complements continued economic activity along the Heritage Route;

(C) has a high potential for effective partnership mechanisms;

(D) avoids infringing on private property rights; and

(E) provides methods to take appropriate action to ensure that private property rights are observed.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(A) advise the local coordinating entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 90 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(e) IMPLEMENTATION.—On approval of the management plan as provided in subsection (d)(1), the local coordinating entity, in conjunction with the Secretary, shall take appropriate steps to implement the management plan.

(f) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 291F. AUTHORITY AND DUTIES OF LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—The local coordinating entity may, for purposes of preparing and implementing the management plan, use funds made available under this subtitle to—

(1) make grants to, and enter into cooperative agreements with, a State (including a political subdivision), an Indian tribe, a private organization, or any person; and

(2) hire and compensate staff.

(b) DUTIES.—In addition to developing the management plan, the local coordinating entity shall—

(1) give priority to implementing the memorandum of understanding and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) establishing and maintaining interpretive exhibits along the Heritage Route;

(ii) developing recreational resources along the Heritage Route;

(iii) increasing public awareness of and appreciation for the archaeological, historical, cultural, natural, scenic, and recreational resources and sites along the Heritage Route; and

(iv) if requested by the owner, restoring, stabilizing, or rehabilitating any private, public, or tribal historical building relating to the themes of the Heritage Route;

(B) encourage economic viability and diversity along the Heritage Route in accordance with the objectives of the management plan; and

(C) encourage the installation of clear, consistent, and environmentally appropriate signage identifying access points and sites of interest along the Heritage Route;

(2) consider the interests of diverse governmental, business, and nonprofit groups associated with the Heritage Route;

(3) conduct public meetings in the region of the Heritage Route at least semiannually regarding the implementation of the management plan;

(4) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for approval by the Secretary; and

(5) for any year for which Federal funds are received under this subtitle—

(A) submit to the Secretary a report that describes, for the year—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity; and

(iii) each entity to which any loan or grant was made;

(B) make available for audit all records pertaining to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available for audit all records pertaining to the expenditure of the funds.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(d) PROHIBITION ON THE REGULATION OF LAND USE.—The local coordinating entity shall not regulate land use within the Heritage Route.

SEC. 291G. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, on request of the local coordinating entity, provide technical and financial assistance to develop and implement the management plan and memorandum of understanding.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall, on request of the local coordinating entity, give priority to actions that assist in—

(A) conserving the significant archaeological, historical, cultural, natural, scenic, and recreational resources of the Heritage Route; and

(B) providing education, interpretive, and recreational opportunities, and other uses consistent with those resources.

(b) APPLICATION OF FEDERAL LAW.—The establishment of the Heritage Route shall have no effect on the application of any Federal law to any property within the Heritage Route.

SEC. 291H. LAND USE REGULATION; APPLICABILITY OF FEDERAL LAW.

(a) LAND USE REGULATION.—Nothing in this subtitle—

(1) modifies, enlarges, or diminishes any authority of the Federal, State, tribal, or local government to regulate by law (including by regulation) any use of land; or

(2) grants any power of zoning or land use to the local coordinating entity.

(b) APPLICABILITY OF FEDERAL LAW.—Nothing in this subtitle—

(1) imposes on the Heritage Route, as a result of the designation of the Heritage Route, any regulation that is not applicable to the area within the Heritage Route as of the date of enactment of this Act; or

(2) authorizes any agency to promulgate a regulation that applies to the Heritage Route solely as a result of the designation of the Heritage Route under this subtitle.

SEC. 291I. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of any activity assisted under this subtitle shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of in-kind contributions, donations, grants, and loans from individuals and State or local governments or agencies.

SEC. 291J. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 291K. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Route until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Route shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 291L. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Route shall not be considered to create any liability, or to have any effect on any liability

under any other law, of any private property owner with respect to any persons injured on such private property.

(c) Recognition of Authority to Control Land Use.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) Participation of Private Property Owners in Heritage Route.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Route to participate in or be associated with the Heritage Route.

(e) Effect of Establishment.—The boundaries designated for the Heritage Route represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Route and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Route or its viewshed by the Secretary, the National Park Service, or the management entity.

Subtitle I—Gullah/Geechee Heritage Corridor

SEC. 295. SHORT TITLE.

This subtitle may be cited as the "Gullah/Geechee Cultural Heritage Act".

SEC. 295A. PURPOSES.

The purposes of this subtitle are to—

(1) recognize the important contributions made to American culture and history by African Americans known as the Gullah/Geechee who settled in the coastal counties of South Carolina, Georgia, North Carolina, and Florida;

(2) assist State and local governments and public and private entities in South Carolina, Georgia, North Carolina, and Florida in interpreting the story of the Gullah/Geechee and preserving Gullah/Geechee folklore, arts, crafts, and music; and

(3) assist in identifying and preserving sites, historical data, artifacts, and objects associated with the Gullah/Geechee for the benefit and education of the public.

SEC. 295B. DEFINITIONS.

In this subtitle:

(1) Local coordinating entity.—The term "local coordinating entity" means the Gullah/Geechee Cultural Heritage Corridor Commission established by section 295D(a).

(2) Heritage corridor.—The term "Heritage Corridor" means the Gullah/Geechee Cultural Heritage Corridor established by section 295C(a).

(3) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 295C. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR.

(a) Establishment.—There is established the Gullah/Geechee Cultural Heritage Corridor.

(b) Boundaries.—

(1) In general.—The Heritage Corridor shall be comprised of those lands and waters generally depicted on a map entitled "Gullah/Geechee Cultural Heritage Corridor" numbered GGCHC 80,000 and dated September 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and in an appropriate State office in each of the States included in the Heritage Corridor. The Secretary shall publish in the Federal Register, as soon as practicable after the date of enactment of this Act, a detailed description and map of the boundaries established under this subsection.

(2) Revisions.—The boundaries of the Heritage Corridor may be revised if the revision is—

(A) proposed in the management plan developed for the Heritage Corridor;

(B) approved by the Secretary in accordance with this subtitle; and

(C) placed on file in accordance with paragraph (1).

(c) Administration.—The Heritage Corridor shall be administered in accordance with the provisions of this subtitle.

SEC. 295D. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR COMMISSION.

(a) Establishment.—There is hereby established a local coordinating entity to be known as the "Gullah/Geechee Cultural Heritage Corridor Commission" whose purpose shall be to assist Federal, State, and local authorities in the development and implementation of a management plan for those land and waters specified in section 295C(b).

(b) Membership.—The local coordinating entity shall be composed of 15 members appointed by the Secretary as follows:

(1) Four individuals nominated by the State Historic Preservation Officer of South Carolina and two individuals each nominated by the State Historic Preservation Officer of each of Georgia, North Carolina, and Florida and appointed by the Secretary.

(2) Two individuals from South Carolina and one individual from each of Georgia, North Carolina, and Florida who are recognized experts in historic preservation, anthropology, and folklore, appointed by the Secretary.

(c) Terms.—Members of the local coordinating entity shall be appointed to terms not to exceed 3 years. The Secretary may stagger the terms of the initial appointments to the local coordinating entity in order to assure continuity of operation. Any member of the local coordinating entity may serve after the expiration of their term until a successor is appointed. A vacancy shall be filled in the same manner in which the original appointment was made.

(d) Termination.—The local coordinating entity shall terminate 10 years after the date of enactment of this Act.

SEC. 295E. OPERATION OF THE LOCAL COORDINATING ENTITY.

(a) Duties of the Local Coordinating Entity.—To further the purposes of the Heritage Corridor, the local coordinating entity shall—

(1) prepare and submit a management plan to the Secretary in accordance with section 295F;

(2) assist units of local government and other persons in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Corridor;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Corridor;

(C) developing recreational and educational opportunities in the Heritage Corridor;

(D) increasing public awareness of and appreciation for the historical, cultural, natural, and scenic resources of the Heritage Corridor;

(E) protecting and restoring historic sites and buildings in the Heritage Corridor that are consistent with Heritage Corridor themes;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the Heritage Corridor; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Corridor;

(3) consider the interests of diverse units of government, business, organizations, and individuals in the Heritage Corridor in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, setting forth its accomplishments, expenses, and income, including grants made to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this subtitle, all information pertaining to the expenditure of such funds and any matching funds, and require all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organization make available for audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic viability that is consistent with the purposes of the Heritage Corridor.

(b) Authorities.—The local coordinating entity may, for the purposes of preparing and implementing the management plan, use funds made available under this subtitle to—

(1) make grants to, and enter into cooperative agreements with, the States of South Carolina, North Carolina, Florida, and Georgia, political subdivisions of those States, a nonprofit organization, or any person;

(2) hire and compensate staff;

(3) obtain funds from any source including any that are provided under any other Federal law or program; and

(4) contract for goods and services.

SEC. 295F. MANAGEMENT PLAN.

(a) In General.—The management plan for the Heritage Corridor shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Corridor;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the historical, cultural, and natural resources of the Heritage Corridor;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Corridor in the first 5 years of implementation;

(5) include an inventory of the historical, cultural, natural, resources of the Heritage Corridor related to the themes of the Heritage Corridor that should be preserved, restored, managed, developed, or maintained;

(6) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the Heritage Corridor's historical, cultural, and natural resources;

(7) describe a program for implementation of the management plan including plans for resources protection, restoration, construction, and specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of implementation;

(8) include an analysis and recommendations for the ways in which Federal, State, or local programs may best be coordinated to further the purposes of this subtitle; and

(9) include an interpretive plan for the Heritage Corridor.

(b) Submittal of Management Plan.—The local coordinating entity shall submit the management plan to the Secretary for approval not later than 3 years after funds are made available for this subtitle.

(c) Failure to Submit.—If the local coordinating entity fails to submit the management plan to the Secretary in accordance with subsection (b), the Heritage Corridor shall not qualify for Federal funding until the management plan is submitted.

(d) Approval or Disapproval of Management Plan.—

(1) IN GENERAL.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(B) the resource preservation and interpretation strategies contained in the management plan would adequately protect the cultural and historic resources of the Heritage Corridor; and

(C) the Secretary has received adequate assurances from appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the local coordinating entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision not later than 60 days after the date it is submitted.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed and approved by the Secretary in the same manner as provided in the original management plan. The local coordinating entity shall not use Federal funds authorized by this subtitle to implement any amendments until the Secretary has approved the amendments.

SEC. 295G. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—Upon a request of the local coordinating entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(b) PRIORITY FOR ASSISTANCE.—In providing assistance under subsection (a), the Secretary shall give priority to actions that assist in—

(1) conserving the significant cultural, historical, and natural resources of the Heritage Corridor; and

(2) providing educational and interpretive opportunities consistent with the purposes of the Heritage Corridor.

(c) SPENDING FOR NON-FEDERAL PROPERTY.—

(1) IN GENERAL.—The local coordinating entity may expend Federal funds made available under this subtitle on nonfederally owned property that is—

(A) identified in the management plan; or

(B) listed or eligible for listing on the National Register for Historic Places.

(2) AGREEMENTS.—Any payment of Federal funds made pursuant to this subtitle shall be subject to an agreement that conversion, use, or disposal of a project so assisted for purposes contrary to the purposes of this subtitle, as determined by the Secretary, shall result in a right of the United States to compensation of all funds made available to that project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

SEC. 295H. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Corridor shall—

(1) consult with the Secretary and the local coordinating entity with respect to such activities;

(2) cooperate with the Secretary and the local coordinating entity in carrying out their duties under this subtitle and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner in which the local coordinating entity determines will not have an adverse effect on the Heritage Corridor.

SEC. 295I. COASTAL HERITAGE CENTERS.

In furtherance of the purposes of this subtitle and using the authorities made available under this subtitle, the local coordinating entity shall establish one or more Coastal Heritage Centers at appropriate locations within the Heritage Corridor in accordance with the preferred alternative identified in the Record of Decision for the Low Country Gullah Culture Special Resource Study and Environmental Impact Study, December 2003, and additional appropriate sites.

SEC. 295J. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Designation of the Heritage Corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE CORRIDOR.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Corridor to participate in or be associated with the Heritage Corridor.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Corridor represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended. The establishment of the Heritage Corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Corridor or its viewshed by the Secretary or the local coordinating entity.

(f) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Corridor until the owner of that private property has been notified in writing by the local coordinating entity and has given written consent for such preservation, conservation, or promotion to the local coordinating entity.

(g) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the Heritage Corridor shall have their property immediately removed from within the boundary by submitting a written request to the local coordinating entity.

SEC. 295K. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this subtitle not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Corridor under this subtitle.

(b) COST SHARE.—Federal funding provided under this subtitle may not exceed 50 percent of the total cost of any activity for which assistance is provided under this subtitle.

(c) IN-KIND CONTRIBUTIONS.—The Secretary may accept in-kind contributions as part of the non-Federal cost share of any activity for which assistance is provided under this subtitle.

SEC. 295L. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle J—Crossroads of the American Revolution National Heritage Area

SEC. 297. SHORT TITLE.

This subtitle may be cited as the "Crossroads of the American Revolution National Heritage Area Act of 2006".

SEC. 297A. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the State of New Jersey was critically important during the American Revolution because of the strategic location of the State between the British armies headquartered in New York City, New York, and the Continental Congress in the city of Philadelphia, Pennsylvania;

(2) General George Washington spent almost half of the period of the American Revolution personally commanding troops of the Continental Army in the State of New Jersey, including 2 severe winters spent in encampments in the area that is now Morristown National Historical Park, a unit of the National Park System;

(3) it was during the 10 crucial days of the American Revolution between December 25, 1776, and January 3, 1777, that General Washington, after retreating across the State of New Jersey from the State of New York to the Commonwealth of Pennsylvania in the face of total defeat, recrossed the Delaware River on the night of December 25, 1776, and went on to win crucial battles at Trenton and Princeton in the State of New Jersey;

(4) Thomas Paine, who accompanied the troops during the retreat, described the events during those days as "the times that try men's souls";

(5) the sites of 296 military engagements are located in the State of New Jersey, including—

(A) several important battles of the American Revolution that were significant to—

(i) the outcome of the American Revolution; and

(ii) the history of the United States; and

(B) several national historic landmarks, including Washington's Crossing, the Old Trenton Barracks, and Princeton, Monmouth, and Red Bank Battlefields;

(6) additional national historic landmarks in the State of New Jersey include the homes of—

(A) Richard Stockton, Joseph Hewes, John Witherspoon, and Francis Hopkinson, signers of the Declaration of Independence;

(B) Elias Boudinout, President of the Continental Congress; and

(C) William Livingston, patriot and Governor of the State of New Jersey from 1776 to 1790;

(7) portions of the landscapes important to the strategies of the British and Continental armies, including waterways, mountains, farms, wetlands, villages, and roadways—

(A) retain the integrity of the period of the American Revolution; and

(B) offer outstanding opportunities for conservation, education, and recreation;

(8) the National Register of Historic Places lists 251 buildings and sites in the National Park Service study area for the Crossroads of the American Revolution that are associated with the period of the American Revolution;

(9) civilian populations residing in the State of New Jersey during the American Revolution suffered extreme hardships because of—

(A) the continuous conflict in the State;

(B) foraging armies; and

(C) marauding contingents of loyalist Tories and rebel sympathizers;

(10) because of the important role that the State of New Jersey played in the successful outcome of the American Revolution, there is a

Federal interest in developing a regional framework to assist the State of New Jersey, local governments and organizations, and private citizens in—

(A) preserving and protecting cultural, historic, and natural resources of the period; and

(B) bringing recognition to those resources for the educational and recreational benefit of the present and future generations of citizens of the United States; and

(11) the National Park Service has conducted a national heritage area feasibility study in the State of New Jersey that demonstrates that there is a sufficient assemblage of nationally distinctive cultural, historic, and natural resources necessary to establish the Crossroads of the American Revolution National Heritage Area.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to assist communities, organizations, and citizens in the State of New Jersey in preserving—

(A) the special historic identity of the State; and

(B) the importance of the State to the United States;

(2) to foster a close working relationship among all levels of government, the private sector, and local communities in the State;

(3) to provide for the management, preservation, protection, and interpretation of the cultural, historic, and natural resources of the State for the educational and inspirational benefit of future generations;

(4) to strengthen the value of Morristown National Historical Park as an asset to the State by—

(A) establishing a network of related historic resources, protected landscapes, educational opportunities, and events depicting the landscape of the State of New Jersey during the American Revolution; and

(B) establishing partnerships between Morristown National Historical Park and other public and privately owned resources in the Heritage Area that represent the strategic fulcrum of the American Revolution; and

(5) to authorize Federal financial and technical assistance for the purposes described in paragraphs (1) through (4).

SEC. 297B. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term "Heritage Area" means the Crossroads of the American Revolution National Heritage Area established by section 297C(a).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by section 297C(d).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 297D.

(4) MAP.—The term "map" means the map entitled "Crossroads of the American Revolution National Heritage Area", numbered CRRE/80,000, and dated April 2002.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of New Jersey.

SEC. 297C. CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Crossroads of the American Revolution National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of the land and water within the boundaries of the Heritage Area, as depicted on the map.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) LOCAL COORDINATING ENTITY.—The Crossroads of the American Revolution Association, Inc., a nonprofit corporation in the State, shall be the local coordinating entity for the Heritage Area.

SEC. 297D. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and forward to the Secretary a management plan for the Heritage Area.

(b) REQUIREMENTS.—The management plan shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans;

(3) describe actions that units of local government, private organizations, and individuals have agreed to take to protect the cultural, historic, and natural resources of the Heritage Area;

(4) identify existing and potential sources of funding for the protection, management, and development of the Heritage Area during the first 5 years of implementation of the management plan; and

(5) include—

(A) an inventory of the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area relating to the themes of the Heritage Area that should be restored, managed, or developed;

(B) recommendations of policies and strategies for resource management that result in—

(i) application of appropriate land and water management techniques; and

(ii) development of intergovernmental and interagency cooperative agreements to protect the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area;

(C) a program of implementation of the management plan that includes for the first 5 years of implementation—

(i) plans for resource protection, restoration, construction; and

(ii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual;

(D) an analysis of and recommendations for ways in which Federal, State, and local programs, including programs of the National Park Service, may be best coordinated to promote the purposes of this subtitle; and

(E) an interpretive plan for the Heritage Area.

(c) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after the date of receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan.

(2) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the Board of Directors of the local coordinating entity is representative of the diverse interests of the Heritage Area, including—

(i) governments;

(ii) natural and historic resource protection organizations;

(iii) educational institutions;

(iv) businesses; and

(v) recreational organizations;

(B) the local coordinating entity provided adequate opportunity for public and governmental involvement in the preparation of the management plan, including public hearings;

(C) the resource protection and interpretation strategies in the management plan would adequately protect the cultural, historic, and natural resources of the Heritage Area; and

(D) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—

(A) advise the local coordinating entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 60 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(d) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended by the local coordinating entity to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

(e) IMPLEMENTATION.—On completion of the 3-year period described in subsection (a), any funding made available under this subtitle shall be made available to the local coordinating entity only for implementation of the approved management plan.

SEC. 297E. AUTHORITIES, DUTIES, AND PROHIBITIONS APPLICABLE TO THE LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—For purposes of preparing and implementing the management plan, the local coordinating entity may use funds made available under this subtitle to—

(1) make grants to, provide technical assistance to, and enter into cooperative agreements with, the State (including a political subdivision), a nonprofit organization, or any other person;

(2) hire and compensate staff, including individuals with expertise in—

(A) cultural, historic, or natural resource protection; or

(B) heritage programming;

(3) obtain funds or services from any source (including a Federal law or program);

(4) contract for goods or services; and

(5) support any other activity—

(A) that furthers the purposes of the Heritage Area; and

(B) that is consistent with the management plan.

(b) DUTIES.—In addition to developing the management plan, the local coordinating entity shall—

(1) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for cultural, historic, and natural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings that are—

(i) located in the Heritage Area; and

(ii) related to the themes of the Heritage Area;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are installed throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(2) in preparing and implementing the management plan, consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area;

(3) conduct public meetings at least semiannually regarding the development and implementation of the management plan;

(4) for any fiscal year for which Federal funds are received under this subtitle—

(A) submit to the Secretary a report that describes for the year—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity; and

(iii) each entity to which a grant was made;

(B) make available for audit all information relating to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing expenditures of Federal funds by any entity, that the receiving entity make available for audit all records and other information relating to the expenditure of the funds;

(5) encourage, by appropriate means, economic viability that is consistent with the purposes of the Heritage Area; and

(6) maintain headquarters for the local coordinating entity at Morristown National Historical Park and in Mercer County.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—

(1) FEDERAL FUNDS.—The local coordinating entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(2) OTHER FUNDS.—Notwithstanding paragraph (1), the local coordinating entity may acquire real property or an interest in real property using any other source of funding, including other Federal funding.

SEC. 297F. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance to the Heritage Area for the development and implementation of the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, natural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Morristown National Historical Park may, on request, provide to public and private organizations in the Heritage Area, including the local coordinating entity, any operational assistance that is appropriate for the purpose of supporting the implementation of the management plan.

(4) PRESERVATION OF HISTORIC PROPERTIES.—To carry out the purposes of this subtitle, the Secretary may provide assistance to a State or local government or nonprofit organization to provide for the appropriate treatment of—

(A) historic objects; or

(B) structures that are listed or eligible for listing on the National Register of Historic Places.

(5) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to carry out this subsection.

(b) OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consult with the Secretary and the local coordinating entity regarding the activity;

(2)(A) cooperate with the Secretary and the local coordinating entity in carrying out the of the Federal agency under this subtitle; and

(B) to the maximum extent practicable, coordinate the activity with the carrying out of those duties; and

(3) to the maximum extent practicable, conduct the activity to avoid adverse effects on the Heritage Area.

SEC. 297G. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity assisted under this subtitle shall be not more than 50 percent.

SEC. 297H. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 297I. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 297J. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

TITLE III—NATIONAL HERITAGE AREA STUDIES

Subtitle A—Western Reserve Heritage Area Study

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Western Reserve Heritage Areas Study Act".

SEC. 302. NATIONAL PARK SERVICE STUDY REGARDING THE WESTERN RESERVE, OHIO.

(a) FINDINGS.—The Congress finds the following:

(1) The area that encompasses the modern-day counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio with the rich history in what was once the Western Reserve, has made a unique contribution to the cultural, political, and industrial development of the United States.

(2) The Western Reserve is distinctive as the land settled by the people of Connecticut after the Revolutionary War. The Western Reserve holds a unique mark as the original wilderness land of the West that many settlers migrated to in order to begin life outside of the original 13 colonies.

(3) The Western Reserve played a significant role in providing land to the people of Connecticut whose property and land was destroyed during the Revolution. These settlers were descendants of the brave immigrants who came to the Americas in the 17th century.

(4) The Western Reserve offered a new destination for those who moved west in search of land and prosperity. The agricultural and industrial base that began in the Western Reserve still lives strong in these prosperous and historical counties.

(5) The heritage of the Western Reserve remains transfixed in the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio. The people of these counties are proud of their heritage as shown through the unwavering attempts to preserve agricultural land and the industrial foundation that has been embedded in this region since the establishment of the Western Reserve. Throughout these counties, historical sites, and markers preserve the unique traditions and customs of its original heritage.

(6) The counties that encompass the Western Reserve continue to maintain a strong connection to its historic past as seen through its preservation of its local heritage, including historic homes, buildings, and centers of public gatherings.

(7) There is a need for assistance for the preservation and promotion of the significance of the Western Reserve as the natural, historic and cultural heritage of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa and Ashland in Ohio.

(8) The Department of the Interior is responsible for protecting the Nation's cultural and historical resources. There are significant examples of such resources within these counties and what was once the Western Reserve to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the State of Ohio and other local governmental entities, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, acting through the National Park Service Rivers, Trails, and Conservation Assistance Program, Midwest Region, and in consultation with the State of Ohio, the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake,

Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland, and other appropriate organizations, shall carry out a study regarding the suitability and feasibility of establishing the Western Reserve Heritage Area in these counties in Ohio.

(2) Contents.—The study shall include analysis and documentation regarding whether the Study Area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity;

(H) has a conceptual boundary map that is supported by the public; and

(I) has potential or actual impact on private property located within or abutting the Study Area.

(c) Boundaries of the Study Area.—The Study Area shall be comprised of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio.

Subtitle B—St. Croix National Heritage Area Study

SEC. 311. SHORT TITLE.

This subtitle may be cited as the "St. Croix National Heritage Area Study Act".

SEC. 312. STUDY.

(a) In General.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the island of St. Croix as the St. Croix National Heritage Area. The study shall include analysis, documentation, and determination regarding whether the island of St. Croix—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the island of St. Croix that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(7) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) Report.—Not later than 3 fiscal years after the date on which funds are first made available for this section, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

(c) Private Property.—In conducting the study required by this section, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

Subtitle C—Southern Campaign of the Revolution

SEC. 321. SHORT TITLE.

This subtitle may be cited as the "Southern Campaign of the Revolution Heritage Area Study Act".

SEC. 322. SOUTHERN CAMPAIGN OF THE REVOLUTION HERITAGE AREA STUDY.

(a) Study.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, the South Carolina Department of Parks, Recreation, and Tourism, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the study area described in subsection (b) as the Southern Campaign of the Revolution Heritage Area. The study shall include analysis, documentation, and determination regarding whether the study area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the study area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(7) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) Study Area.—

(1) In general.—

(A) SOUTH CAROLINA.—The study area shall include the following counties in South Carolina: Anderson, Pickens, Greenville County, Spartanburg, Cherokee County, Greenwood, Laurens, Union, York, Chester, Darlington, Florence, Chesterfield, Marlboro, Fairfield, Richland, Lancaster, Kershaw, Sumter, Orangeburg, Georgetown, Dorchester, Colleton, Charleston, Beaufort, Calhoun, Clarendon, and Williamsburg.

(B) NORTH CAROLINA.—The study area may include sites and locations in North Carolina as appropriate.

(2) Specific sites.—The heritage area may include the following sites of interest:

(A) National park service site.—Kings Mountain National Military Park, Cowpens National Battlefield, Fort Moultrie National Monument, Charles Pickney National Historic Site, and Ninety Six National Historic Site as well as the National Park Affiliate of Historic Camden Revolutionary War Site.

(B) State-maintained sites.—Colonial Dorchester State Historic Site, Eutaw Springs Battle Site, Hampton Plantation State Historic Site, Landsford Canal State Historic Site, Andrew Jackson State Park, and Musgrove Mill State Park.

(C) Communities.—Charleston, Beaufort, Georgetown, Kingstree, Cheraw, Camden, Winnsboro, Orangeburg, and Cayce.

(D) Other key sites open to the public.—Middleton Place, Goose Creek Church, Hopsewee Plantation, Walnut Grove Plantation, Fort Watson, and Historic Brattonsville.

(c) Report.—Not later than 3 fiscal years after the date on which funds are first made available to carry out this subtitle, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

SEC. 323. PRIVATE PROPERTY.

In conducting the study required by this subtitle, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

TITLE IV—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR ACT AMENDMENTS

SEC. 401. SHORT TITLE.

This title may be cited as the "Illinois and Michigan Canal National Heritage Corridor Act Amendments of 2006".

SEC. 402. TRANSITION AND PROVISIONS FOR NEW LOCAL COORDINATING ENTITY.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98-398; 16 U.S.C. 461 note) is amended as follows:

(1) In section 103—

(A) in paragraph (8), by striking "and";

(B) in paragraph (9), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(10) the term 'Association' means the Canal Corridor Association (an organization described under section 501(c)(3) of the Internal Revenue

Code of 1986 and exempt from taxation under section 501(a) of such Code).''.

(2) By adding at the end of section 112 the following new paragraph:

''(7) The Secretary shall enter into a memorandum of understanding with the Association to help ensure appropriate transition of the local coordinating entity to the Association and coordination with the Association regarding that role.''.

(3) By adding at the end the following new sections:

''SEC. 119. ASSOCIATION AS LOCAL COORDINATING ENTITY.

''Upon the termination of the Commission, the local coordinating entity for the corridor shall be the Association.

''SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.

''For purposes of preparing and implementing the management plan developed under section 121, the Association may use Federal funds made available under this title—

''(1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person;

''(2) to hire, train, and compensate staff; and

''(3) to enter into contracts for goods and services.

''SEC. 121. DUTIES OF THE ASSOCIATION.

''The Association shall—

''(1) develop and submit to the Secretary for approval under section 123 a proposed management plan for the corridor not later than 2 years after Federal funds are made available for this purpose;

''(2) give priority to implementing actions set forth in the management plan, including taking steps to assist units of local government, regional planning organizations, and other organizations—

''(A) in preserving the corridor;

''(B) in establishing and maintaining interpretive exhibits in the corridor;

''(C) in developing recreational resources in the corridor;

''(D) in increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the corridor; and

''(E) in facilitating the restoration of any historic building relating to the themes of the corridor;

''(3) encourage by appropriate means economic viability in the corridor consistent with the goals of the management plan;

''(4) consider the interests of diverse governmental, business, and other groups within the corridor;

''(5) conduct public meetings at least quarterly regarding the implementation of the management plan;

''(6) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary; and

''(7) for any year in which Federal funds have been received under this title—

''(A) submit an annual report to the Secretary setting forth the Association's accomplishments, expenses and income, and the identity of each entity to which any loans and grants were made during the year for which the report is made;

''(B) make available for audit all records pertaining to the expenditure of such funds and any matching funds; and

''(C) require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

''SEC. 122. USE OF FEDERAL FUNDS.

''(a) IN GENERAL.—The Association shall not use Federal funds received under this title to acquire real property or an interest in real property.

''(b) OTHER SOURCES.—Nothing in this title precludes the Association from using Federal funds from other sources for authorized purposes.

''SEC. 123. MANAGEMENT PLAN.

''(a) PREPARATION OF MANAGEMENT PLAN.—Not later than 2 years after the date that Federal funds are made available for this purpose, the Association shall submit to the Secretary for approval a proposed management plan that shall—

''(1) take into consideration State and local plans and involve residents, local governments and public agencies, and private organizations in the corridor;

''(2) present comprehensive recommendations for the corridor's conservation, funding, management, and development;

''(3) include actions proposed to be undertaken by units of government and nongovernmental and private organizations to protect the resources of the corridor;

''(4) specify the existing and potential sources of funding to protect, manage, and develop the corridor; and

''(5) include—

''(A) identification of the geographic boundaries of the corridor;

''(B) a brief description and map of the corridor's overall concept or vision that show key sites, visitor facilities and attractions, and physical linkages;

''(C) identification of overall goals and the strategies and tasks intended to reach them, and a realistic schedule for completing the tasks;

''(D) a listing of the key resources and themes of the corridor;

''(E) identification of parties proposed to be responsible for carrying out the tasks;

''(F) a financial plan and other information on costs and sources of funds;

''(G) a description of the public participation process used in developing the plan and a proposal for public participation in the implementation of the management plan;

''(H) a mechanism and schedule for updating the plan based on actual progress;

''(I) a bibliography of documents used to develop the management plan; and

''(J) a discussion of any other relevant issues relating to the management plan.

''(b) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 2 years after the date that Federal funds are made available for this purpose, the Association shall be ineligible to receive additional funds under this title until the Secretary receives a proposed management plan from the Association.

''(c) APPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove a proposed management plan submitted under this title not later than 180 days after receiving such proposed management plan. If action is not taken by the Secretary within the time period specified in the preceding sentence, the management plan shall be deemed approved. The Secretary shall consult with the local entities representing the diverse interests of the corridor including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners prior to approving the management plan. The Association shall conduct semi-annual public meetings, workshops, and hearings to provide adequate opportunity for the public and local and governmental entities to review and to aid in the preparation and implementation of the management plan.

''(d) EFFECT OF APPROVAL.—Upon the approval of the management plan as provided in subsection (c), the management plan shall supersede the conceptual plan contained in the National Park Service report.

''(e) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan within the time period specified in subsection (c), the Secretary shall advise the Association in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan.

''(f) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve all substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan. Funds made available under this title may not be expended to implement any changes made by a substantial amendment until the Secretary approves that substantial amendment.

''SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

''(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon the request of the Association, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Association to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the Association and other public or private entities for this purpose. In assisting the Association, the Secretary shall give priority to actions that in general assist in—

''(1) conserving the significant natural, historic, cultural, and scenic resources of the corridor; and

''(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the corridor.

''(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting activities directly affecting the corridor shall—

''(1) consult with the Secretary and the Association with respect to such activities;

''(2) cooperate with the Secretary and the Association in carrying out their duties under this title;

''(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

''(4) to the maximum extent practicable, conduct or support such activities in a manner which the Association determines is not likely to have an adverse effect on the corridor.

''SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—To carry out this title there is authorized to be appropriated $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this title for any fiscal year.

''(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent of that cost.

''SEC. 126. SUNSET.

''The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this section.''.

SEC. 403. PRIVATE PROPERTY PROTECTION.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 is further amended by adding after section 126 (as added by section 402) the following new sections:

''SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

''(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the corridor until the owner of that private property has been notified in writing by the Association and has given written consent for such preservation, conservation, or promotion to the Association.

"(b) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the corridor, and not notified under subsection (a), shall have their property immediately removed from the boundary of the corridor by submitting a written request to the Association.

"SEC. 128. PRIVATE PROPERTY PROTECTION.

"(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

"(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

"(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

"(b) LIABILITY.—Designation of the corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

"(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

"(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN CORRIDOR.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the corridor to participate in or be associated with the corridor.

"(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the corridor represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the corridor or its viewshed by the Secretary, the National Park Service, or the Association.".

SEC. 404. TECHNICAL AMENDMENTS.

Section 116 of Illinois and Michigan Canal National Heritage Corridor Act of 1984 is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) by striking "(a)" and all that follows through "For each" and inserting "(a) For each";

(B) by striking "Commission" and inserting "Association";

(C) by striking "Commission's" and inserting "Association's";

(D) by redesignating paragraph (2) as subsection (b); and

(E) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

TITLE V—MOKELUMNE RIVER FEASIBILITY STUDY

SEC. 501. AUTHORIZATION OF MOKELUMNE RIVER REGIONAL WATER STORAGE AND CONJUNCTIVE USE PROJECT STUDY.

Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, not later than 2 years after the date of the enactment of this Act, the Secretary of the Interior (hereafter in this title referred to as the "Secretary"), through the Bureau of Reclamation, and in consultation and cooperation with the Mokelumne River Water and Power Authority, shall complete and submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate copies of a study to determine the feasibility of constructing a project to provide additional water supply and improve water management reliability through the development of new water storage and conjunctive use programs.

SEC. 502. USE OF REPORTS AND OTHER INFORMATION.

In developing the study under section 501, the Secretary shall use, as appropriate, reports and any other relevant information supplied by the Mokelumne River Water and Power Authority, the East Bay Municipal Utility District, and other Mokelumne River Forum stakeholders.

SEC. 503. COST SHARES.

(a) FEDERAL SHARE.—The Federal share of the costs of the study conducted under this title shall not exceed 50 percent of the total cost of the study.

(b) IN-KIND CONTRIBUTIONS.—The Secretary shall accept, as appropriate, such in-kind contributions of goods or services from the Mokelumne River Water and Power Authority as the Secretary determines will contribute to the conduct and completion of the study conducted under this title. Goods and services accepted under this section shall be counted as part of the non-Federal cost share for that study.

SEC. 504. WATER RIGHTS.

Nothing in this title shall be construed to invalidate, preempt, or create any exception to State water law, State water rights, or Federal or State permitted activities or agreements.

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $3,300,000 for the Federal cost share of the study conducted under this title.

TITLE VI—DELAWARE NATIONAL COASTAL SPECIAL RESOURCES STUDY

SEC. 601. SHORT TITLE.

This title may be cited as the "Delaware National Coastal Special Resources Study Act".

SEC. 602. STUDY.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this title as the "Secretary") shall conduct a special resources study of the national significance, suitability, and feasibility of including sites in the coastal region of the State of Delaware in the National Park System.

(b) INCLUSION OF SITES IN THE NATIONAL PARK SYSTEM.—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of designating 1 or more of the sites along the Delaware coast, including Fort Christina, as a unit of the National Park System that relates to the themes described in section 603.

(c) STUDY GUIDELINES.—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(d) CONSULTATION.—In preparing and conducting the study under subsection (a), the Secretary shall consult with—

(1) the State of Delaware;

(2) the coastal region communities;

(3) owners of private property that would likely be impacted by a National Park Service designation; and

(4) the general public.

SEC. 603. THEMES.

The study authorized under section 602 shall evaluate sites along the coastal region of the State of Delaware that relate to—

(1) the history of indigenous peoples, which would explore the history of Native American tribes of Delaware, such as the Nanticoke and Lenni Lenape;

(2) the colonization and establishment of the frontier, which would chronicle the first European settlers in the Delaware Valley who built fortifications for the protection of settlers, such as Fort Christina;

(3) the founding of a nation, which would document the contributions of Delaware to the development of our constitutional republic;

(4) industrial development, which would investigate the exploitation of water power in Delaware with the mill development on the Brandywine River;

(5) transportation, which would explore how water served as the main transportation link, connecting Colonial Delaware with England, Europe, and other colonies;

(6) coastal defense, which would document the collection of fortifications spaced along the river and bay from Fort Delaware on Pea Patch Island to Fort Miles near Lewes;

(7) the last stop to freedom, which would detail the role Delaware has played in the history of the Underground Railroad network; and

(8) the coastal environment, which would examine natural resources of Delaware that provide resource-based recreational opportunities such as crabbing, fishing, swimming, and boating.

SEC. 604. REPORT.

Not later than 2 years after funds are made available to carry out this title under section 605, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under section 602.

TITLE VII—JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR REAUTHORIZATION

SEC. 701. SHORT TITLE.

This title may be cited as the "John H. Chafee Blackstone River Valley National Heritage Corridor Reauthorization Act of 2006".

SEC. 702. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

(a) COMMISSION MEMBERSHIP.—Section 3(b) of Public Law 99–647 (16 U.S.C. 461 note) is amended—

(1) by striking "nineteen members" and inserting "25 members";

(2) in paragraph (2)—

(A) by striking "six" and inserting "6"; and

(B) by striking "Department of Environmental Management Directors from Rhode Island and Massachusetts" and inserting "the Director of the Rhode Island Department of Environmental Management and the Secretary of the Massachusetts Executive Office of Environmental Affairs";

(3) in paragraph (3)—

(A) by striking "four" each place it appears and inserting "5"; and

(B) by striking "and" after the semicolon;

(4) in paragraph (4)—

(A) by striking "two" each place it appears and inserting "3"; and

(B) by striking the period and inserting "; and"; and

(5) by inserting after paragraph (4) the following:

"(5) 1 representative of a nongovernmental organization from Massachusetts and 1 from Rhode Island, to be appointed by the Secretary, which have expertise in historic preservation, conservation, outdoor recreation, cultural conservation, traditional arts, community development, or tourism.".

(b) QUORUM.—Section 3(f)(1) of Public Law 99–647 (16 U.S.C. 461 note) is amended by striking "Ten" and inserting "13".

(c) UPDATE OF PLAN.—Section 6 of Public Law 99–647 (16 U.S.C. 461 note) is amended by adding at the end the following:

"(e) UPDATE OF PLAN.—(1) Not later than 2 years after the date of enactment of this subsection, the Commission shall update the plan under subsection (a).

"(2) In updating the plan under paragraph (1), the Commission shall take into account the findings and recommendations included in the Blackstone Sustainability Study conducted by the National Park Service Conservation Study Institute."

"(3) The update shall include—

"(A) performance goals; and

"(B) an analysis of—

"(i) options for preserving, enhancing, and interpreting the resources of the Corridor;

"(ii) the partnerships that sustain those resources; and

"(iii) the funding program for the Corridor.

"(4)(A) Except as provided in subparagraph (B), the Secretary shall approve or disapprove any changes to the plan proposed in the update in accordance with subsection (b).

"(B) Minor revisions to the plan shall not be subject to the approval of the Secretary.".

(d) EXTENSION OF COMMISSION.—Public Law 99-647 (16 U.S.C. 461 note) is amended by striking section 7 and inserting the following:

"SEC. 7. TERMINATION OF COMMISSION.

"The Commission shall terminate on the date that is 5 years after the date of enactment of the John H. Chafee Blackstone River Valley National Heritage Corridor Reauthorization Act of 2006.".

(e) SPECIAL RESOURCE STUDY.—Section 8 of Public Law 99-647 (16 U.S.C. 461 note) is amended by adding at the end the following:

"(d) SPECIAL RESOURCE STUDY.—

"(1) IN GENERAL.—The Secretary shall conduct a special resource study of sites and associated landscape features within the boundaries of the Corridor that contribute to the understanding of the Corridor as the birthplace of the industrial revolution in the United States.

"(2) EVALUATION.—Not later than 3 years after the date on which funds are made available to carry out this subsection, the Secretary shall complete the study under paragraph (1) to evaluate the possibility of—

"(A) designating 1 or more site or landscape feature as a unit of the National Park System; and

"(B) coordinating and complementing actions by the Commission, local governments, and State and Federal agencies, in the preservation and interpretation of significant resources within the Corridor.

"(3) COORDINATION.—The Secretary shall coordinate the Study with the Commission.

"(4) REPORT.—Not later than 30 days after the date on which the study under paragraph (1) is completed, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

"(A) the findings of the study; and

"(B) the conclusions and recommendations of the Secretary.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of Public Law 99-647 (16 U.S.C. 461 note) is amended—

(1) in subsection (a), by striking "$650,000" and inserting "$1,000,000"; and

(2) by striking subsection (b) and inserting the following:

"(b) DEVELOPMENT FUNDS.—There is authorized to be appropriated to carry out section 8(c) not more than $10,000,000 for the period of fiscal years 2006 through 2016, to remain available until expended.

"(c) SPECIAL RESOURCE STUDY.—There are authorized to be appropriated such sums as are necessary to carry out section 8(d).".

TITLE VIII—CALIFORNIA RECLAMATION GROUNDWATER REMEDIATION INITIATIVE

SEC. 801. SHORT TITLE.

This title may be cited as the "California Reclamation Groundwater Remediation Initiative".

SEC. 802. DEFINITIONS.

For the purposes of this title:

(1) GROUNDWATER REMEDIATION.—The term "groundwater remediation" means actions that are necessary to prevent, minimize, or mitigate damage to groundwater.

(2) LOCAL WATER AUTHORITY.—The term "local water authority" means the Santa Clara Valley Water District or a public water district, public water utility, public water planning agency, municipality, or Indian tribe located within the Santa Clara Valley; and a public water district, public water utility, public water planning agency, municipality, or Indian tribe located within the natural watershed of the Santa Ana river in the State of California.

(3) REMEDIATION FUND.—The term "Remediation Fund" means the California Basins Groundwater Remediation Fund established pursuant to section 803(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 803. CALIFORNIA BASINS REMEDIATION.

(a) CALIFORNIA BASINS REMEDIATION.—

(1) ESTABLISHMENT OF REMEDIATION FUND.—There shall be established within the Treasury of the United States an interest bearing account to be known as the California Basins Groundwater Remediation Fund.

(2) ADMINISTRATION OF REMEDIATION FUND.—The Remediation Fund shall be administered by the Secretary of the Interior, acting through the Bureau of Reclamation. The Secretary shall administer the Remediation Fund in cooperation with the local water authority.

(3) PURPOSES OF REMEDIATION FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), the amounts in the Remediation Fund, including interest accrued, shall be used by the Secretary to provide grants to the local water authority to reimburse the local water authority for the Federal share of the costs associated with designing and constructing groundwater remediation projects to be administered by the local water authority.

(B) COST-SHARING LIMITATION.—

(i) IN GENERAL.—The Secretary may not obligate any funds appropriated to the Remediation Fund in a fiscal year until the Secretary has deposited into the Remediation Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary for a project are from funds provided to the Secretary for that project by the non-Federal interests.

(ii) NON-FEDERAL RESPONSIBILITY.—Each local water authority shall be responsible for providing the non-Federal amount required by clause (i) for projects under that local water authority. The State of California, local government agencies, and private entities may provide all or any portion of the non-Federal amount.

(iii) CREDITS TOWARD NON-FEDERAL SHARE.—For purposes of clause (ii), the Secretary shall credit the appropriate local water authority with the value of all prior expenditures by non-Federal interests made after January 1, 2000, that are compatible with the purposes of this section, including—

(I) all expenditures made by non-Federal interests to design and construct groundwater remediation projects, including expenditures associated with environmental analyses and public involvement activities that were required to implement the groundwater remediation projects in compliance with applicable Federal and State laws; and

(II) all expenditures made by non-Federal interests to acquire lands, easements, rights-of-way, relocations, disposal areas, and water rights that were required to implement a groundwater remediation project.

(b) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate remediation and protection of any groundwater subbasin eligible for funding pursuant to this title. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Remediation Fund $25,000,000. Subject to the limitations in section 804, such funds shall remain available until expended.

SEC. 804. SUNSET OF AUTHORITY.

This title—

(1) shall take effect on the date of the enactment of this Act; and

(2) is repealed effective as of the date that is 10 years after the date of the enactment of this Act.

TITLE IX—NATIONAL COAL HERITAGE AREA

SEC. 901. NATIONAL COAL HERITAGE AREA AMENDMENTS.

Title I of Division II of the Omnibus Parks and Public Lands Management Act of 1996 is amended as follows:

(1) In section 103(b)—

(A) by striking "comprised of the counties" and inserting "shall be comprised of the following:

"(1) The counties; and".

(B) by inserting after paragraph (1) (as so designated by paragraph (1) of this subsection) the following new paragraphs:

"(2) Lincoln County, West Virginia.

"(3) Paint Creek and Cabin Creek within Kanawha County, West Virginia.".

(2) In section 104, by striking "Governor" and all that follows through "organizations" and inserting "National Coal Heritage Area Authority, a public corporation and government instrumentality established by the State of West Virginia, pursuant to which the Secretary shall assist the National Coal Heritage Area Authority".

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate concur in the House amendment and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

S. 3661

Mr. CORNYN. Mr. President, I thank the Senator from Vermont for being here so we can discuss briefly a bill that has just by unanimous consent been passed.

The reason we are here is to help clarify some concerns which I know he has with the legislation. I appreciate his willingness to work with Senator HUTCHISON and myself in expediting this passage.

This bill will ultimately repeal the Wright amendment, a law designed to reflect the compromise with respects to flights coming into and out of Love Field in Dallas, TX and, therefore, operating just a few miles down the road from Dallas-Ft. Worth Airport but which has proved a hindrance to competition among airlines; and has resulted in increased fares to those who travel through DFW Airport.

The legislation before us recognizes that the city of Dallas is the entity responsible for operating Love Field, and will reduce the gates there to 20 and will allocate those gates with existing commitments and obligations, including commitments to accommodate potential new entrants.

I point out that doing so will allow the city of Dallas to maintain an appropriate number of gates to address the critically important considerations of local noise, air pollution, congestion, and safety.

I yield to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate what the Senator from Texas has said. I appreciate the colloquy and the days we spent trying to work through this issue. He and I talked about this before the break in August. I knew working with him we would work out a solution. I believe we have. It is a complicated solution for competition law and obviously important for Texas.

The Senate Judiciary Committee is responsible for ensuring competition—and thereby protecting consumers—through enactment and enforcement of antitrust laws. I support repeal of the Wright amendment, but the bill originally introduced by Senator HUTCHISON went well beyond a simple repeal. It would have explicitly insulated from competition review private agreements among competitors. Such insulation is inappropriate and unprecedented, and it is bad for consumers.

I am sensitive to the hard work that the cities of Dallas and Fort Worth, and the airport authority there, have put in to craft a solution to the complicated web of problems created by the Wright amendment. It is more than unfortunate that Congress permitted such a clearly anticompetitive situation to exist in the first place, and it is certainly our obligation to try to rectify that problem. Doing so in a way that creates a new set of anticompetitive issues—and the resulting harm to consumers—would only be to repeat the errors of the past.

I appreciate the changes we have been able to agree to, stripping the explicit antitrust exemption from the bill, and speaking only to the obligations of the city of Dallas, rather than blessing the agreement among the cities, the airport authority, and two airlines. I am still concerned, however, because while Congress is no longer explicitly deeming the contract in compliance with competition laws, an implicit protection from those important guardians of consumer welfare may remain.

The parties to the contract, both public and private, all assure me that the contract is not anticompetitive, and that the statute should not be read to create an exemption. I would prefer to be more precise in the statutory language, but I trust that they are correct. Senator CORNYN and I share a concern about providing antitrust immunity to agreements involving private parties. While I would prefer greater clarity on this point in the bill, I am pleased that Senator CORNYN and I agree that this is an entirely unique situation, which should not be repeated. I understand that in the view of the Senators from Texas, this unique situation requires a unique, if inelegant solution. I disagree and would have preferred a solution that more clearly preserves the antitrust laws. I have worked hard both with the affected parties and Senator CORNYN, to craft such a solution.

The similar respect Senator CORNYN and I have for preserving competition laws has made our conversations productive and moved the legislative process forward. While my concerns remain about this legislation, I am prepared to accept it. We have come a long way from where this process started with an explicit antitrust exemption.

I expect that in the future, legislation that may have anticompetitive effects will be referred to, and vetted by, the Senate Judiciary Committee so that concerns over competition can be handled in regular order and addressed early.

Mr. CORNYN. I know the Senior Senator from Vermont has genuine concerns about the legislation. And while I do not take a position about the creation of an antitrust exemption, implicit or otherwise, share his view that this is a unique situation. I join him in saying that the solution is not perfect. We do not agree on many issues, but on some important ones—including intellectual property legislation—we share a commitment to promoting free market principles—and the goal of any arrangement such as this should be to maximize those principles.

The legislation contemplated here should not be a model for any future arrangement. In no way can I imagine a situation arising with a set of facts remotely similar to that created in Dallas by the passage of the Wright amendment. It is entirely unique and is precisely the reason for this legislation—legislation that moves the ball forward considerably with respect to increasing competition in the Dallas-Fort Worth area.

In addition, the proposed legislation reflects a Congressional sanction for the city of Dallas to manage Love Field in a manner that it deems in the best interests of its citizens, and in accordance with a hard fought local compromise, a sanction made necessary only by the existence of the Wright amendment itself. By doing so, while not perfect by any means, I am hopeful that we will afford literally millions of citizens in north Texas and elsewhere the enormous benefits of enhanced airline competition that they have long been denied because of the Wright amendment.

Mrs. HUTCHISON. Mr. President, I would like to talk a little bit about S. 3661 because I am the sponsor of the legislation and have worked for 12 years to try to explain the Wright amendment to every interested party in Congress. It is so important to North Texas, to DFW Airport, and Love Field that we have an agreement, a plan to move forward beyond the Wright amendment in a way that is going to increase competition immeasurably.

Most people do not realize the history of the Wright amendment. When DFW Airport was forced on the cities of Dallas and Ft. Worth by a Federal mandate, the cities made agreements with airlines that DFW Airport would be the only functioning major airport in the region. It was to be the international airport, and Love Field was to be closed. After litigation, Love Field was allowed to be an intrastate airport. The Wright amendment later opened Love Field to serve the contiguous States, but that became untenable as aviation traffic continued to grow. The Wright amendment was very confining and was not the best competitive situation.

There have been many attempts to expand the Wright amendment. There have also been attempts to repeal the Wright amendment. Many in Congress asked the mayors of the two cities to come up with a local solution, rather than have Congress once again pass legislation that may or may not take into consideration the interests of the people who live and work and pay taxes in the Dallas-Ft. Worth area. The mayors did just that.

Mayor Laura Miller and Mayor Mike Moncrief, the mayors of Dallas and Ft. Worth, did an incredible job. They came together and made an agreement. Cities can make agreements. Under State law, cities can make agreements and there is never an antitrust issue when cities make agreements.

The antitrust issue was raised because two airlines became part of the agreement. The cities brought them in because lease agreements that were in place with those air carriers were going to have to be compromised, they were going to have to be changed and broken.

Instead of pursuing condemnation, the parties were brought together to get a consensus of their willingness to give up some rights in order to settle this once and for all and open competition both at Love Field and at DFW Airport.

The cities did a great job. They made an agreement and they brought it to Congress. I have felt since the beginning, it was Congress's responsibility to take that agreement, ratify it and mandate that the agreement be kept in its entirety because it is so balanced. And if you did away with the Wright amendment, but you did not have the 20 gate limit and the implementation of the 20 gates, it could have gone out of balance.

So this act, regardless of anything else that has been said, authorizes, mandates, and protects all aspects of performance of the legislation's terms, including that the city of Dallas reduce and allocate gates according to this act, its contractual obligations as contemplated by the act, and the local compromise and the balance it has achieved.

This legislation will allow the DFW Metroplex to end decades of bitterness and infighting that have plagued the Wright amendment. It provides a solution that all parties affected have agreed to. And just about every party to this agreement has given something up for the good of the North Texas economy and the traveling public.

We can now move forward to allow immediate benefits to consumers and the traveling public because airline prices are going to go down when this bill is passed. Actually, the bill has already passed. I am very pleased to say it has passed the Senate. It is going to the House now. And you will see, when the bill becomes law, that the prices of tickets from Dallas Love Field are going to go down to every destination. That is going to increase competition and interest in flying, which is going to be good for everyone.

Mr. President, I have a letter that was sent to four of the ranking members and committee chairs on September 28, 2006. It is addressed to Senator SPECTER, Senator LEAHY, Congressman SENSENBRENNER, and Congressman CONYERS. And it is from the mayor of Dallas and the mayor of Fort Worth. I ask unanimous consent it be printed in the RECORD. It tells the history of the Wright amendment and how competition will be increased.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 28, 2006.

Re Repeal of the Wright Amendment—S. 3661; H.R. 5830.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. PATRICK J. LEAHY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.
Hon. JOHN CONYERS, Jr.,
Ranking Member, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR SENATORS AND REPRESENTATIVES: We are writing in response to letters from various detractors of the proposed legislation to repeal the Wright Amendment. As the duly-elected mayors and their city attorneys, and on behalf of the citizens of Dallas and Fort Worth, we offer the following observations for your consideration.

1. The suggestion by critics that the proposed legislation is somehow anticompetitive and would lead to higher fares and reduced service for consumers in the Dallas-Fort Worth area is patently incorrect. Not surprisingly, these suggestions are unaccompanied by any factual foundation or economic analysis. On the contrary, the proposed Agreement would enhance airline competition in the Dallas-Fort Worth area and benefit consumers and airlines seeking to provide service to the area. As we describe more fully below, independent studies confirm that, in the short term, passage of the proposed legislation would (1) increase the number of passengers traveling to and from North Texas by two million annually, (2) result in fare savings of approximately $260 million per year, and (3) produce overall economic benefits of $2.4 billion annually.

2. The detractors of the proposed legislation wholly fail to address the critically important considerations of aircraft noise, air quality, traffic congestion in the airport vicinity, and economic activity in the region. With few exceptions, airport operations reflect tradeoffs between economic and environmental considerations. The proposed legislation concerning Love Field is no different. The legislation reflects a carefully crafted balance of these considerations by the local governments principally responsible for managing these issues. Unlike the observations offered by certain critics, the compromise reflected in the proposed legislation is not confined to the issues of airline competition only, but rather reflects an accommodation of a full range of economic and environmental considerations that are important to Dallas and Fort Worth.

I. THE WRIGHT AMENDMENT COMPROMISE WAS FORGED BY LOCAL GOVERNMENT LEADERS AT THE URGING OF CONGRESS

As an initial matter, it bears emphasis that a number of Congressional leaders have long urged the cities of Dallas and Fort Worth to work towards a local compromise to resolve the longstanding controversies over the 1979 Wright Amendment and its restrictions on commercial air service to and from Dallas Love Field. Prompted by that Congressional call for action, the mayors of Dallas and Forth Worth spearheaded efforts to forge a compromise among local government leaders and representatives of the Dallas-Fort Worth International Airport Board ("DFW Board").

The mayors and representatives of the DFW Board first reached consensus among themselves on the propriety of a local solution for repeal of the Wright Amendment. Thereafter, the mayors and DFW Board persuaded Southwest Airlines and American Airlines (as the principal tenants of the main terminal at Love Field that would be called on to give up property rights at Love Field) of the virtues of a local solution, and that the solution the mayors and DFW Board proposed likely would be favorably received by Congress. As a consequence, Southwest and American each decided to support the Wright Amendment compromise forged by Dallas, Fort Worth, and the DFW Board.

II. THE WRIGHT AMENDMENT COMPROMISE IS GOOD FOR AIRLINE COMPETITION AND FOR CONSUMERS

After considerable study and examination, it is the view of Dallas and Fort Worth that the Wright Amendment compromise reflected in S. 3661 and H.R. 5830 would open the North Texas market to considerably more competition in air transportation.

To begin with, congressional approval of the Wright Amendment compromise would enable Southwest and other airlines serving Love Field immediately to begin selling "through tickets" for travel to and from Love Field. This would allow Love Field customers to travel on a one-stop basis to and from cities nationwide. By contrast, under the terms of the Wright and Shelby Amendments, airlines flying out of Love Field are limited to a handful of nearby states.

Detractors maintain that the proposed legislation could be anticompetitive, perhaps resulting in higher fares on many routes. This is conjecture unsubstantiated by any facts. Quite to the contrary, the Agreement, if implemented, would result in a reduction in fares and hundreds of millions of dollars in cost savings for consumers.

Two highly respected economic consulting firms, the Campbell-Hill Aviation Group and SH&E International Air Transport Consultancy, recently performed an economic analysis of the Wright Amendment compromise. Their joint findings show that "through ticketing" at Love Field would increase the number of passengers traveling to and from North Texas by two million, produce $259 million in fare savings, and generate $2.4 billion in overall economic benefits—all on an annual basis.

Equally unsupported are the arguments regarding the proposed reduction of gates at Love Field. However, these critics fail to acknowledge that the proposed reduction of gates at Love Field from 32 to 20 would still leave more gates in service than the 19 or fewer gates that airlines have utilized since the inception of the Wright Amendment.

More fundamentally, besides ignoring the economic analysis of the Wright Amendment Compromise set forth in the Campbell-Hill and SH&E study, these commentators also fail to acknowledge a study commissioned by the City of Dallas, which was prepared by DMJM Aviation and released on May 31, 2006. The DMJM Aviation study found that if the Wright Amendment is repealed, the optimal number of gates at Love Field would be 20 in order to prevent excessive noise, emissions, and traffic congestion in the local community. Repeal of the Wright Amendment, which limits long-haul service to aircraft of 56 seats or less, would result in more large aircraft carrying more passengers to and from Love Field. Thus, the study concluded a 20-gate limit without the Wright Amendment would be equivalent in noise, pollution, and congestion to the 32 gates now found at Love Field (again, only 19 of which are currently utilized).

Just as the prognostication of an increase in airfares is incorrect, so, too, is the speculation that the proposed elimination of twelve gates at Love Field would bar potential competitors from gaining access to the market. In truth, carriers would not be prevented from obtaining access to Love Field in the future. As set forth in the July 31, 2001 Airline Competition Plan submitted by the City of Dallas for Love Field, "the operational main terminal gates at Love Field are all subject to scarce resource provisions that, when invoked, render those gates preferential use gates." Thus, the "scarce resource" provision allows the City of Dallas to require incumbent airlines to share gates that are not fully used at Love Field. This provision is essentially the same as the procedures used at most other major U.S. airports to accommodate new entrant carriers.

The process for accommodating an airline seeking space involves three stages, as outlined in the Love Field Airline Competition

Plan. First, if the City of Dallas has space available to lease directly, it would do so. Second, in the absence of space available for direct lease, the City of Dallas would refer the requesting airline to parties who are known to have gates or gate capacity available. Finally, if neither of these approaches proves fruitful, the "scarce resource" provisions of the lease permit the City of Dallas to unilaterally require an incumbent airline to accommodate a requesting airline in its premises. Thus, the assertion that accommodation of new entrants resides solely within the good graces of the incumbent airlines is false.

In fact, the City of Dallas regularly offers its support to requesting carriers to assist in the negotiation of reasonable sublease terms. Significantly, there have been no cases in which an air carrier that was ready and willing to begin or expand service to Love Field has been unable to do so due to inability to secure reasonable access to needed facilities.

Moreover, as previously recognized in an unsuccessful antitrust case brought by the Department of Justice against American, "there are no structural barriers to entry at DFW, which can accommodate any domestic carrier that seeks to establish or expand service." *United States* v. *AMR Corp.*, 140 F. Supp. 2d 1141, 1210 (D. Kan. 2001), aff'd, 335 F. 3d 1109 (10th Cir. 2003). DFW has 15 gates that are currently available to be leased, and many other gates that are underutilized. In fact, DFW has one of the most aggressive Air Service Incentive Programs in the country. A carrier that is willing to offer new domestic air service to one of DFW's top 50 domestic markets is eligible to receive up to six months free landing fees, up to $100,000 in marketing support, and an additional $50,000 in marketing support if the carrier is new to DFW. See also *United States* v. *AMR Corp.*, 140 F. Supp. 2d at 1210.

In sum, there is ready access to both Love Field and DFW, and the proposed Wright Amendment compromise would ensure continued access to the marketplace by carriers seeking to provide service. Contrary to the suggestions of others, the economic analyses conducted to date demonstrate that the proposed legislation would foster competition among carriers, enable consumers to save hundreds of millions of dollars in air fares each year, and provide a carefully-constructed and sensible solution to a decades-old problem.

In essence, these critics apparently contend that Congress should simply repeal the Wright Amendment, while ignoring the other important issues resolved by the proposed legislation. That suggestion ignores the genesis and history of this local compromise, the practical reasons for its detailed terms, and the substantial tangible benefits this legislation would provide not only for the people of Dallas-Fort Worth, but for air travelers nationwide. The proposed legislation is the result of a local government initiative to forge a solution to a series of pressing and inter-related regional transportation issues. The cities of Dallas and Fort Worth spearheaded this effort not only to repeal the Wright Amendment and thereby improve air competition, but simultaneously to improve the regional transportation infrastructure serving Dallas and Fort Worth, to stimulate to the greatest extent possible regional economic growth, and to address community concerns about the noise, traffic, and air pollution associated with increased service at these airports. Balancing these interests was an enormously difficult endeavor, requiring years of economic and environmental study, planning, negotiation, and compromise. After much study and consideration, we strongly believe the result is a compromise that is good for the region and good for air competition. In short, these detractors simply do not recognize the complexity of the issues or the care with which local officials and various constituencies have addressed these important issues.

Again, thank you for your careful continued consideration of the proposed legislation concerning the repeal of the Wright Amendment. We stand ready to respond to any questions you or members of your staffs might have.

Sincerely,

LAURA MILLER,
Mayor, City of Dallas.
THOMAS P. PERKINS, Jr.,
City Attorney, City of Dallas.
MIKE MONCRIEF,
Mayor,
DAVID L. YETT,
City Attorney, City of Fort Worth.

Mrs. HUTCHISON. A lot of people—so many people—helped put this agreement together and hammer out the differences and views on the issues. We heard today that Senator LEAHY has one view. Senator CORNYN has a view. I have a view. Just about everybody in Congress who has dealt with this issue has a view.

But I think the law we are passing speaks for itself. The law is very clear in what it instructs the city of Dallas to do, as well as the FAA and the Department of Transportation in implementing this agreement. I think it is a major piece of legislation that is absolutely right.

I agree with Senator LEAHY and Senator CORNYN that this is not going to set a precedent. It is a unique situation that was brought on by a Federal mandate and then a Federal law. And the local community has had less input into its own aviation capabilities than maybe any other two major cities in America with major airports. I think today we have clarified the Wright amendment, and I do not think it is ever going to set a precedent because no other airport has a Wright amendment.

So as we phase it out gradually, in an orderly way, to protect the integrity of the DFW Airport, as well as increasing competition in both DFW and Love Field, this is, for the taxpayers and the consumers and the traveling public, a win all the way around.

I want to thank a few people because no one could have passed this bill alone. It took so much cooperation and so many things that were necessary to bring everyone together.

I thank Senator STEVENS and Senator INOUYE, the chairman and ranking member of the committee of jurisdiction, the Commerce Committee. I could not have asked for more help. The bill passed out of the Commerce Committee 21 to 1. Senator ROCKEFELLER was the only one who voted no, but he could not have been more accommodating and honorable in his objection. Once we passed the bill out of committee, we worked with him to make sure he was a part of everything we did. He has been wonderful to work with.

I thank Senator SPECTER and Senator LEAHY, who had concerns on the Judiciary Committee. I thank Senator BURNS, Senator FRIST, Senator REID, Senator ENSIGN, Senator MCCAIN, former Speaker Jim Wright, who also agrees the time has come to have an orderly repeal of the amendment that he put in place, and, of course, Senator CORNYN. I also want to say Senator SUNUNU was just a gentleman in these last couple of days to help us in the ultimate solution of this bill.

I want to say that staff people, who are pro-progress, who have innovation, and are willing to work so hard—which staff people in this Senate do on such a routine basis—I am so appreciative and so respectful of them. I want to mention a couple because without them we would never have gotten this done.

I thank Lisa Sutherland, Christine Kurth, Ken Nahagian, Sam Whitehorn, Jarrod Thompson, Gael Sullivan, and James Reid on the Commerce Committee. Every one of them had an immense impact on this legislation. I thank Harold Kim, Joe Jacquot, and Ivy Johnson, from Senator SPECTER's staff; J.P. Dowd, Susan Davies, and Ed Pagano from Senator LEAHY's staff;—all who were incredible and so helpful.

I want to take a moment to say that Senator DURBIN and Senator SCHUMER also helped in many of the negotiations on this issue. Senator LOTT was there from the very beginning.

But I also want to take a moment of personal privilege about my staff. I have never seen such dedication on such a tough issue as James Christoferson, Matthew Acock, Lindsey Dickinson, Dick Ribbentrop, and Marc Short made in contributing to this victory for my constituents in Texas. These five people worked on this bill, this negotiation, on a daily basis for the last 6 months. There was never a day when we did not have some item that we were trying to move forward to get this bill to the point that we could pass it on the Senate floor. I think the people of Texas owe a great deal of gratitude to these dedicated members of my staff for never giving up, even when it was bleak from time to time, and being as dedicated as I was to making sure the right result for all parties to this agreement became a part of the solution.

When you work on something for so long, and you know how important it is, and how many people are counting on you, you just feel honorbound to do your best to make sure the people who have worked hard are rewarded. When Mayor Miller and Mayor Moncrief made this agreement, and when they got the support they needed from the DFW Airport, from American Airlines, and from Southwest Airlines—because their rights were affected—everybody gave a little in order to do good for the populace.

I know in the coming years the traveling public in the North Texas area—in and out—are going to see the benefits of a great competitive atmosphere. The DFW Airport gives the greatest service. They are the mid-country airport that really is the stopping off point for so many travelers going to the rest of the world. That is going to increase, and it is going to increase with lower fares and more convenience. It is going to be more convenient even with the safety antiterrorism measures that are being taken, which we know can inconvenience the traveling public.

DFW Airport is going to be the long-haul service carrier that will be the window to the world for people who live in the middle part of our country. Love Field is going to be a dynamic, limited-use airport because it sits right in the middle of an area that is full of wonderful neighborhoods, schools, churches, and businesses. The right of the city of Dallas to protect the citizens who live in the area is well recognized in the law, and they are invoking it. The city is doing a great job of making sure we have more competition and better fares. Love Field, while a dynamic airport sitting in the middle of a neighborhood, also deserves the safety and the environmental protections of all of our citizens.

So, Mr. President, I thank you for the time. I am very pleased this bill has passed. I look forward to seeing the benefits.

I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). Under the previous order, the Senator from Oklahoma is recognized for 15 minutes.

Mr. COBURN. Mr. President, hopefully, I will not take all that time. I think the American people need to pay attention to what we have just done. The Energy bill, which was actually 41 bills wrapped into one, that we agreed to through unanimous consent, is going to cost the American taxpayer $1.5 billion.

The real question is, in light of where we find ourselves—fighting the war, trying to help the people in Louisiana, Mississippi, and Alabama, and running in excess of a $300 billion real deficit this year—should we be spending money on these priorities? A real problem in Washington is getting Congress to make tough decisions about what is a priority.

I will spend a few minutes outlining what is in the bill because the American people have no idea what was in the bill. The first thing is $500,000 to study lighthouses in Michigan for tourism. Tourism is already a $16 billion industry in Michigan. There is nothing in the Constitution that would say that is a Federal responsibility. We will do it anyway.

Indiana Dunes Visitor Center, $1.2 million to establish a building, construct a theater and a bookstore. Is that a priority right now when we are spending our grandkids' money? We are going to build a bookstore and create a visitor center now when we cannot even pay for the war that we are fighting and we are charging that to our children?

There are new national heritage designations. We have a backlog of over $4 billion in repairs to the National Parks we have today. We cannot even take care of the parks we have today, and we are going to create 10 new national heritage centers, spending over $100 million to do so.

This bothers me on several fronts. Most important, it isn't a priority. It isn't something we ought to be spending money on right now. We are getting ready to do it. We already have 30 national heritage centers. We are going to delete the resources that are going to those by adding 10 more.

Finally, the problem with national heritage areas is they undermine property rights because the money is used to change zoning laws to back the people who have property rights around the national heritages. We are using Federal dollars to create national heritage areas that will undermine individual property rights. That is wrong.

The other thing that is in this bill is a study to assess creating four more national heritages.

The process is broken under which we bring bills such as this to the Senate, at a time when we cannot afford to pay what we are doing today. We spent a ton of our time on appropriations. After what I was told through all this process, after having written a letter raising objections, meeting with the committee, meeting with our leadership, we had a leadership meeting this week which basically said: If you don't let all of these packages of spending of low priority and no priority go through, the Senate will come to a standstill and we will see everything else blocked by the minority.

I believe we ought to be making choices about the right priorities for our country. It is not that heritage areas are wrong. It is that we cannot afford them. We are going to spend money on things we cannot afford and borrow the money from our children and our grandchildren to pay for things that we have to do.

It is cheating our children and our grandchildren. It also is beneath the dignity of this Senate.

This process has to be fixed. We cannot continue to authorize, authorize, and authorize more spending without doing the hard work, looking at what we have authorized that is not working, is inefficient, or is duplicated. But we continue to do it, and I will continue to stand up for the next 4 years and raise this issue every time.

This is not a Democratic or Republican issue. This is an American issue that this Senate does not want to address. We seem to be blinded by the fact that we can just spend and authorize all the money we want and to have no impact. We do not authorize unless we expect it to get spent.

With this bill, through the chairman working with us, he agreed to deauthorize over $150 million. That is a start. But other bills that come to the Senate that have new spending in the future ought to meet a test; that is, have we looked at everything else in that area? Is it working well? Are we spending the money wisely? Are we spending it efficiently? Are there programs that are not working that we ought to deauthorize so we can afford to authorize this as a better priority?

We are not doing that in this country. That is something the American people deserve to have done rather than to hang our children and grandchildren out to dry with debt.

This year, 8 percent of our budget is for interest. In 2035, 29 years from now, 25 percent of our budget is going to be interest. That is $1 trillion. We spent $200 billion this year on interest because we will not be frugal with the American taxpayers' money. There is over $200 billion worth of fraud, waste, and abuse in the Government programs we have today, and we will not go and fix it. Instead, we will spend another $1.5 million because that is easy to do. It sounds good at home, but we will not do what is necessary to secure the financial future of this country.

The notice I am placing today is there is a precedent established with this bill. If you want to authorize new programs and you want this Senator not to object or to debate them on the floor, there better be deauthorizations of programs of that committee's jurisdiction before they can expect my vote on a unanimous consent agreement to spend into the future and to undermine the future of the next generation of Americans.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I rise to celebrate final passage of the National Heritage Areas of 2006. I am grateful that Congress finally has recognized the Upper Housatonic Valley in Connecticut and Massachusetts for its special contribution to the American experience. This new law designates the Upper Housatonic Valley as a National Heritage Area and authorizes $10 million to preserve its historic and cultural assets.

Today's victory has been a long time in coming. In 2000, I sponsored legislation directing the Secretary of the Interior to conduct a study of the feasibility of establishing the Upper Housatonic Valley as a National Heritage Area. After the Interior Department completed that report, Senator DODD and I in 2003 introduced the first bill to create the Upper Housatonic National Heritage Area. Last Congress, a bill that would have created that area and a dozen others passed the Senate but died in the House. In this Congress, we reintroduced the Senate bill, and Representative NANCY JOHNSON reintroduced its House companion. Finally, after 6 years of hard work, I can stand announce that legislation to create the Upper Housatonic National Heritage Area has passed the Senate and the House. The act now goes to the President, who is expected to sign it into law without delay.

The Upper Housatonic Valley's history is this Nation's history in microcosm—spanning Native American civilization, European settlement, the industrial revolution, and the present day. In contrast to many other areas of the country, the Upper Housatonic Valley's early historical and natural landscape remains largely intact. What is more, the area presents excellent opportunities for outdoor recreation, on waterways and greenways or trails, and a wide range of other activities for visitors or residents. For example, the section of the river below Falls Village, Connecticut is one of the Northeast's most prized fly-fishing centers.

This unique 950-square-mile region encompasses 29 towns in the Housatonic River watershed, extending 60 miles from Lanesboro, MA, to Kent, CT. The valley brims with more than 100 historically important sites—some dating back to pre-Revolutionary times—including five National Historic Landmarks and four National Natural Landmarks.

The Iron Heritage Trail celebrates the valley's distinctive role in iron production. During the Revolutionary War, cannons and rifles were forged for Gen. George Washington's Army from abundant local iron ore, and iron used in the USS *Constitution* also came from this area. More than 40 iron blast furnaces in the region fueled the Industrial Revolution.

Within Upper Housatonic Valley, the African-American Heritage Trail celebrates the region's significant contributions to our Nation's African-American history, including the abolitionist and civil rights movements. For example, the valley was home to Elizabeth "Mumbet" Freeman, a pioneer in the fight against slavery, W.E.B. Du Bois, a father of the modern civil rights movement, NAACP leader Mary White Ovington, and Frank Grant of the Negro Baseball League.

The valley has produced writers, painters, sculptors, photographers, and musicians, among them Herman Melville, Edith Wharton, Norman Rockwell, Daniel Chester French, James VanDerZee, and James Weldon Johnson. These artists have left the Nation a rich cultural inheritance. Today, the region remains a vibrant center for ongoing literary, artistic, musical, and architectural achievements.

Coordinated efforts to preserve the natural and cultural resources of this region are already well underway. The designation of the Upper Housatonic Valley National Heritage Area supports and enhances these local efforts to interpret, preserve, and showcase the diverse historic, cultural, and natural resources of the valley.

In closing, I would like to congratulate the many dedicated advocates in Connecticut, whose dogged efforts led to today's achievement.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized for 10 minutes.

H-2A PROGRAM

Mr. CHAMBLISS. Mr. President, I take a few minutes to respond to some of the comments made this afternoon by my colleagues from Idaho, from California, and Massachusetts. First of all, they are correct in stating the H-2A program, which is the existing temporary nonimmigrant worker program for agriculture, does not work the way it should.

However, what Senator CRAIG, Senator FEINSTEIN, Senator BOXER, and Senator KENNEDY propose to do, rather than make many of the necessary changes to make the H-2A program viable nationwide is, first of all, to grant an amnesty to virtually everyone who has passed through agricultural occupations in the past 2 years.

We all know that agriculture has been the traditional gateway occupation for illegal immigrants in the United States. I strongly disagree to large-scale adjustment of status for illegal aliens philosophically, particularly in the area of agriculture, but my objection has practical roots.

Agricultural work is the hardest, most backbreaking work in the United States today. As soon as we give illegal aliens who are currently working in agriculture lawful, permanent resident status, as the AgJOBS bill will do, they will no longer choose to work in the fields, packing sheds, groves, or processing facilities.

I come from the heart of agriculture country in the southeastern part of the United States. I have talked to farmers in my area not just for the 12 years I have been privileged to serve in Congress but even before that. Labor has been the most critical issue they have had to deal with year in and year out in addition to disasters, to too much rain, to not enough rain, to high gas prices.

The immigration issue has the potential to be the answer if we do the right thing. We know these folks will leave agriculture and move into the private sector because this is what happened in 1986 after Congress passed the Immigration Reform and Control Act. Included in that legislation was the special agricultural worker program that gave temporary legal status to illegal aliens who had worked a certain number of years in agriculture. Two years after obtaining a temporary status—and in some cases 1 year—those illegal workers were given permanent status. They soon left the fields and moved into the private sector in so many other areas where we find them today.

My position as chairman of the Senate Agriculture Committee has provided me the opportunity to travel across the United States and talk with farmers and ranchers. Recently, I have concluded eight field hearings from one end of the country to the other, from the east coast to the west coast. In every single hearing we held with farmers and ranchers across America I had any number of farmers who came up to me during the process of those hearings to talk about immigration. It is an issue on the west coast. It is an issue on the east coast and all parts in between. And to a farmer, the one thing I heard from him was: Senator, whatever you do, don't let the AgJOBS provision that grants amnesty to folks who come to this country to work in agriculture get passed because if you let that provision in, I assure you, the pool of agricultural workers that we need will not be there after they gain that permanent status in the United States.

Why should we expect this adjustment status to be any different than what we saw in 1986? It won't. I don't think it will be, and the folks who are involved in agriculture don't think it will be. All that would be left to our farmers and ranchers will be the H-2A program, and the revisions that Senators CRAIG, FEINSTEIN, BOXER, and KENNEDY make to the H-2A program are actually detrimental to the future success of that program.

I have talked to farmers, as late as the day before yesterday. I had a group of farmers from all over the country who were in my office, and every single one of them uses the H-2A program. What they tell me is the program, as they have used it, is cumbersome. It is expensive. But it works. And in the areas of the country where farmers have used the H-2A program, the labor shortage issues are not as acute as in those areas apparently such as in California and Idaho, where they use illegals crossing the border, and where now the border is being tightened up and they are feeling a pinch because they do not use legal workers.

In my part of the country, I went to our farmers who complained about not having a quality pool of workers from which to choose. And when they used illegal workers, and they had the INS come in and check on them, the illegals scattered from one end to the other, all of a sudden, and they were left naked and unable to harvest their crops. I said: What you have to do is get in compliance with the law. You have to use H-2A, irrespective of how inconvenient it is, irrespective of how bureaucratic it is, and irrespective of how expensive it is, if you want to be legal and if you want to have that quality pool of workers from which to choose.

By and large, farmers in my part of the world are now using H-2A, and they are finding that exactly what we thought would happen is happening. They do not have to look over their shoulder every year to see if ICE—now it is ICE—is coming in to check their workers. They know they are here legally. They know they are going to have to pay them a good wage. They know they are going to have to provide them with housing—all the things that H-2A provides. And they are willing to do that because they do have a quality pool from which to choose.

Now, finally, I point out that even though H-2A is not perfect—it is cumbersome, it is costly, it subjects employees who use it to lawsuits—in those areas where H-2A is used, they are not experiencing the shortage that others have found. So I think, rather than grant a large adjustment of status to illegal workers, we ought to sit down at the table and talk about ways we can make the H-2A program more workable for our farmers.

I am happy to sit down with my friends from California and Idaho and see if we cannot work through this. But let me say there are some fundamental problems with AgJOBS in addition to the adjustment of status provision, which does grant a pathway to becoming legal, a pathway to citizenship for those people who work in agriculture in this country under that program for a period of 2 years. We have to work through that. I do not think that is in the benefit of the American people, whether it is the American farmer or whether it is those people who are here legally trying to become citizens in the right way.

Secondly, there is an issue relative to the wage rate. Now we have the adverse effect wage rate under the H-2A program, which is not fair. It is not equitable to farmers in North Dakota versus farmers in Georgia, versus farmers in California and Idaho. In the recent immigration reform package we had on the floor, we sought to amend that bill to include what is known as a prevailing wage, "prevailing wage" being a wage that is determined by the Department of Labor to be applicable to agricultural workers in certain regions within a State, rather than in regions of the country. It is fair. It is equitable. We need to have that prevailing wage provision put into whatever amendment we make to the H-2A program.

Also, the AgJOBS bill does not eliminate what we call the 50-percent rule. Every farmer who uses H-2A knows and understands exactly what I am talking about and knows what a hindrance this is to them because, under AgJOBS, they would be forced to hire what is called a blue card worker who is treated like a U.S. worker for hiring purposes. If he shows up at the farm before 50 percent of the work is complete, then even though the farmer has an H-2A worker here, he has to send that individual back to wherever he came from and hire that domestic person or that blue card person under the AgJOBS program.

It gets complicated, but those folks who have been involved in this know exactly what I am talking about. What we should make sure of is that at the end of the day we have a program that is fair to farmers, that is fair to Americans—whether they are folks who are here looking for work in agriculture or whether they are folks who are trying to become citizens of this country in a lawful way, in the way that is set forth in our Constitution—that we should make sure we provide our farmers with a quality pool of workers from which to choose, and that we make sure our farmers are required to pay those individuals a fair wage and are required to either provide them housing or provide them a housing allowance, so while they are here working on their farms we do not have to worry about where they are out in the communities, and that they are able to take care of themselves while they are here.

All of these issues are critically important parts of any immigration reform package we take up. So I simply urge again my friends who want to give these folks who come to work in agriculture a pathway to citizenship that we sit down at the table and work out these differences. Let's amend H-2A and accomplish the goal we all have in common.

Mr. President, I yield back.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized for 30 minutes.

AGRICULTURE DISASTER RELIEF

Mr. CONRAD. Mr. President, I rise today on behalf of myself, Senator NELSON of Nebraska, Senator HAGEL, Senator DORGAN, Senator SALAZAR, Senator COLEMAN, Senator BAUCUS, Senator JOHNSON, Senator BURNS, Senator HARKIN, Senator CANTWELL, Senator CLINTON, Senator SCHUMER, Senator INOUYE, Senator THUNE, Senator DURBIN, Senator OBAMA, Senator REID of Nevada, Senator DAYTON, Senator MURRAY, Senator JEFFORDS, and Senator ENZI.

Mr. President, 21 Senators, on a fully bipartisan basis, have cosponsored this legislation to provide disaster relief for our Nation's farmers.

In North Dakota, last year, we faced what was then extraordinary flooding. As shown here, these were pictures all across eastern North Dakota. We had a million acres that were prevented from even being planted, hundreds of thousands of additional acres that were planted and then drowned out. There was no disaster assistance for those people.

This year—the irony of ironies—we have now had extraordinary drought. This is a picture from my home county, Burleigh County, in the center of North Dakota. This is a corn crop with absolutely nothing growing. This drought is now the third worst drought in our Nation's history.

This chart shows the U.S. drought monitor. It shows the severity of the drought across the entire midsection of the country. This shows, in the darkest colors, exceptional drought. You can see the exceptional areas of drought are these. North Dakota and South Dakota are the epicenter of this drought. It has been devastating. If assistance is not granted, thousands of farm families will be forced off the land. That is a fact.

I have had the independent bankers of my State say to the White House representative who was in my office: If assistance does not come, 5 to 10 percent of their clients in North Dakota will be forced out of business.

Thirty-four farm organizations—34 farm organizations—have now spoken and told the Congress of the United States: Take action on disaster assistance and take it now.

In addition, we have this letter from the State Commissioners of Agriculture from all across the country, saying that emergency agricultural disaster assistance is a high priority requiring action by Congress this year. It could not be more clear that assistance is needed, and it is needed now.

Last May, the Senate approved bipartisan emergency agricultural disaster assistance for the 2005 crop year. The President threatened to veto the bill if the farm assistance provisions were included. During the conference with the House, the majority leadership demanded the assistance provisions be removed.

In June, the Senate Appropriations Committee once again approved emergency disaster assistance as part of the agriculture appropriations bill for 2007. Again, the majority leadership has failed to bring that measure to the Senate floor for debate and vote.

Since that time, much of rural America has suffered from what USDA meteorologists have described as the third worst drought since records have been kept. Only the 1930s and 1950s exceed the severity of this drought.

In early September, I introduced a new bipartisan farm disaster relief bill to provide help for both 2005 and 2006. Senator NELSON and I offered that legislation as an amendment to include during the port security bill consideration. A vote on that amendment was denied by the Senate leadership.

Last week, I once again tried to get the Senate to adopt disaster relief legislation. Again, the efforts were thwarted by the majority leadership.

Today, as we are about to recess the Senate, I will offer a revised version of the important disaster legislation. Let me make clear to my colleagues, these are the disaster provisions that have already been approved by the Senate, but we have made a modification because the administration has said there are two provisions they object to. Those provisions—the economic assistance provisions to help offset the rising cost of energy, and the additional grants to the States to deal with the livestock losses—we have removed those two provisions the administration has objected to.

We retain the crop and livestock production loss provisions of the original legislation. Crop producers will still need to demonstrate a 35-percent loss before they get anything. Payments for the livestock compensation program will only be made to producers whose operations are in counties designated as disaster areas by the Secretary; and who can demonstrate they suffered a material loss.

It also contains additional funding for conservation programs to help restore and rehabilitate drought and wildlife losses on grazing lands.

As I have indicated, my new legislation eliminates the emergency economic assistance for program crop and dairy producers, and it strikes the supplemental grants to the States to assist other livestock and specialty crop producers.

These provisions were included in the original bill, but because the administration has objected, we have removed them. By making these changes, the Secretary's opposition no longer has any basis.

The cost of providing emergency disaster assistance for losses in 2005 and 2006 is reduced from $6.7 billion in my original bill to $4.9 billion in this legislation.

Farmers and ranchers need assistance for 2005 and 2006 natural disasters, and they need it now. If these emergencies are not dealt with, tens of thousands of farm families and main street businesses will suffer, some of them irretrievably. It is time for Congress to act and to allow this legislation to be voted on. Let's give our colleagues a chance to vote. We have removed the reasons for the objection from the administration.

I urge my colleagues to act.

Mr. President, I ask the Presiding Officer, how much time do I have remaining?

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator has 22 minutes remaining.

Mr. CONRAD. Mr. President, I ask the Senator from South Dakota if he could take 4 minutes? I yield 4 minutes to the Senator from South Dakota; and to the Senator from North Dakota, if I could give 4 minutes; and the Senator from Montana 4 minutes; and then the Senator from Nebraska 4 minutes as well.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I am glad to join my colleague from North Dakota today and support him and the other 20 Senators who are on this bill in moving disaster assistance through the Senate.

As the Senator from North Dakota has noted—you saw the drought chart he put up earlier—the Dakotas were the epicenter when it comes to drought this year. We had the bull's-eye, the area where the most severe drought hit.

I visited in South Dakota in June. At that point, we had no wheat crop. In all of central South Dakota, both winter wheat and spring wheat were all wiped out.

I went back in July to central South Dakota and looked at other parts of the State. By then, we could tell we were not going to have a corn crop. I went to western South Dakota in August with my colleague Senator JOHNSON. We traveled to areas west of the Missouri River and again to the central part of the State. We looked at corn that rivaled what the Senator from North Dakota showed that was about this tall—or about this tall—when it ought to have been in full bloom.

The livestock producers in western South Dakota had no hay crop. As a consequence, many of them had to liquidate their herds. What that means is that effect is felt not only directly by them and those families, but by the entire rural area, the entire farm economy in my State and States such as North Dakota.

It would be one thing if it were a 1-year deal. But this is successive years of drought, 6 years in a row, 1999, 2000, on through 2005. We have had these types of weather conditions in our States. The month of July was the hottest July on record in my State. In the months of May and June we normally would get precipitation. We had less precipitation than the average during the years of the Great Depression—the biggest disaster to ever hit farm country.

We respond as a country, as a Congress, when other areas of the country are impacted.

We do it when we have hurricanes. Many stepped up and supported the assistance for areas in the gulf. This is the same sort of disaster. It has the same sort of effect. It may not have the immediate aftermath you see when a hurricane strikes. It is a slow-motion disaster, but the effect on the economy in places in the Midwest is just as disastrous and devastating.

Mr. President, we need action. We need the Senate to do what it has done in the past; that is, step forward and provide relief for these hard-hit farmers and ranchers in the Midwest. It was noted by my colleague from North Dakota that the Senate has, on a couple occasions, passed drought disaster relief. We need to get it passed. I am happy to join in that effort.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. THUNE). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, my colleague said it well. This is a picture of Frank Barnick walking in a creekbed that used to provide water for his cattle. One day this summer, it was 112 degrees in North Dakota. You can see the devastating drought that has occurred. The land looks like a moonscape.

Frank Barnick said this:

> It is the worst drought I have ever seen. You do a lot of praying and wondering how you are going to get through it.

One way you get through these things is when Congress decides to reach out with a helping hand and say: We want to help you, you are not alone. We have always done that. Somehow, this year it hasn't been quite as urgent to do it. I don't understand that.

Senator BURNS and I have twice moved legislation through the Appropriations Committee. The Senate has twice passed agricultural disaster aid. It has moved through the Appropriations Committee a third time. My colleague, Senator CONRAD, taking the lead in drafting, with many of us assisting, created the disaster legislation now pending that we should, by consent, move through the Senate. Yet somehow it remains blocked. It is not urgent for some. This isn't about the major industries—the pharmaceutical industry, the oil industry, or about another big industry—this is about individual families living a hard life, trying to make a living during tough times.

Will Congress help? We have helped endangered species. We can deal with them—birds, bats, butterflies, black-footed ferrets, and prairie dogs. When they are endangered, we say: Let's help. There is a species called family farmers and family ranchers who are out on the land living alone, trying to make do by themselves. When tough times come, when weather-related disasters come, they need help.

With the Katrina victims, when those who live on farms in the gulf were devastated by Hurricane Katrina, this Congress passed agricultural disaster aid for them. This Congress said yes. So did this President. They just said to all the rest of you in the country out there on the farm or ranch who got hit by an agricultural disaster, a weather-related disaster: You are out of luck, we don't support you. That was the message from the President. So he blocked it.

These are Republicans and Democrats on the floor of the Senate today working together to say this needs to get done. This is a priority. I hear the President and others go all around the world when there is trouble to say: Let us help. We are there to help you. What about here at home? Do we need to help here? You bet your life we do. We need to do it now.

The question of whether these folks will farm and ranch next year depends on whether we do what we are required and responsible to do. The answer for the last year now, and recent months, is that somehow we don't have time or the urgency and that we cannot quite get this done. That is the wrong priority for this country. This country has a responsibility to reach out to help its own, reach out to help people who are in trouble.

These are American all-stars, the people who live on the farms. They produce food for a hungry world. They don't ask for very much. When a weather disaster strikes—a hurricane, a drought, or a flood—and their entire income is washed away, they would hope, I would hope, and I think the values of our country would expect, that we would reach out a helping hand and say: We want to do this now. It is a time-honored tradition.

We are not asking for something strange or different. We have always helped during tough times. Let's make this an urgent priority this afternoon; we can do this. Let's make this a priority and decide we are going to do the right thing for America's family farmers and ranchers.

I yield back my time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I don't know of anything more frustrating to all of us who come from farm and ranch country than to try to get this taken care of. We tried to take care of it last year and didn't get it done. There was no urgency. We had a fairly good crop this year. We were not the epicenter of the drought. We have been in that bull's-eye now for 6, going on 7 years. It takes its toll not only on wells but reservoirs and streams.

I am here in support of this because I will tell you that the Dakotas were the epicenter, and they helped us out when we needed it. We are going to try to help them out the best we can and do something.

This year in range country, we probably had more range fires burning—over 800,000 acres in Montana alone. We had a lot of growth to our grass in the first part of the year. We hit July when it was terribly hot, and it became crisp. When August came, we got the fires. They were devastating, taking out fall pastures, hayfields, fences, even livestock, and we had to move a lot of livestock.

We need to boost this legislation. We have it back down to where I think it is a pretty commonsense approach where nobody is getting rich. The only thing we are trying to do is just get the folks to next spring, get them into next year. That is what this piece of legislation is all about. There is nothing excessive in this piece of legislation or the money we will spend. There is not. All of that has been taken out. This is barebones. This is the basics to their operations. We need to pass it this afternoon. I call on the leadership from both sides of the aisle to urgently take a look at this and make sure we get it done before we go home.

Mr. President, I heartily support this, and I know the man in the chair right now, who probably knows his State about as good as anybody—he was raised "west of the river," as we call it, in South Dakota. I have never seen an area as devastated by drought as this area was. You could not raise a fence.

So I would call on the leadership to take a look at this, pass it this afternoon, and get them some money before next spring rolls around.

I thank my good friends from North Dakota for their leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I ask unanimous consent for an additional minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent that Senators DAYTON, MURRAY, JEFFORDS, ENZI, and THOMAS be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senator from South Dakota be given 4 minutes and the Senator from Minnesota, Mr. DAYTON, be given 4 minutes at the conclusion of Senator NELSON's remarks.

The PRESIDING OFFICER. Is that from the Senator's time?

Mr. CONRAD. Yes, out of my time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I rise to speak in support of S. 3991, the Emergency Farm Relief Act of 2006. I thank my colleague, Senator CONRAD, for his hard work and leadership in trying to get this bill passed. We have all been working together on a bipartisan basis.

The Presiding Officer spoke eloquently about the need for this relief. Today is the last day for this Congress to consider providing relief for our Nation's farmers and ranchers who have suffered through multiple years of drought and other natural disasters. This is the time we can do it, before we adjourn for the elections.

I am frustrated with our refusal to provide relief to farmers and ranchers suffering from this particular natural disaster even though we seem to have no problems providing relief for other natural disasters, such as hurricanes. I accept the fact that we do that, but I don't accept the fact that we do that and fail to do this.

Mr. President, I have a chart here which shows the extent of the drought in the Midwest and down into Texas. You can see where the hotspots are. I will tell you that this only tracks it most recently. It doesn't show the extent of the damage that has happened over 5 to 7 years. So if you just overlaid 5 or 7 years on this, you would see where the drought has continued.

I decided that maybe to get parity here for this kind of disaster it might be helpful to give the drought some identification. So, unilaterally, I decided to name it "Drought David," the same way we name hurricanes.

The unfortunate fact is that Drought David has, in some instances and in some locations, experienced its fifth birthday and, in some other areas, its seventh birthday.

Failure to provide this needed relief threatens many small rural businesses and communities as well as farmers and ranchers. It threatens our Nation's food and fuel security efforts. So today I join my colleagues and thank Senator CONRAD for his final push because this is, in fact, a bipartisan effort to try to take care of those who are experiencing losses that are far beyond their ability to sustain and, certainly, far beyond their control.

Over the last few years, I think we have begun to understand that a drought has devastating impacts in much the same way hurricanes do in other locations. The difference is that a hurricane or a flood is a fast-moving disaster; this is a slow-moving disaster that can go over the course of years, as I have indicated. Giving it a name, I hope, will somehow have the impact of our colleagues understanding that this is an incident which goes over a long period of time; nevertheless, the devastation can be considerable, and in some cases the economic losses can be the same as those who have other disasters.

We cannot prevent a drought, but Congress can help when a drought devastates large portions of our country. Some said maybe what we need to do is make sure the crop insurance program takes care of it. Well, the crop insurance program is for an occasional loss, not a continuing and sustained loss such as this. To give some sort of an analogy, you could not have insurance that would cover your house if it burned down every year, but occasional loss can be covered by insurance. This is just not coverable by insurance the way that it is right now. We cannot prevent it, but we can help. That is what we are all about today.

I am happy to report that we have taken some action that I think will be helpful. Just the other day, the Commerce Committee passed my NIDIS—National Integrated Drought Information System—legislation. That will help us create a system that will give us early warning so we will know how long droughts continue, give us better ideas about what drought conditions are predicted. This early warning system will give farmers and ranchers a better idea of what to expect. They can make planning decisions or livestock decisions based on the kind of information that will be available.

Unfortunately, at the present time, we are where we are, and we are not where we would like to be. We hope we will have the opportunity today with unanimous consent to move this bill forward. We can do it before we break, whether it is tonight, tomorrow, or Sunday. We need to get this done. There is no justification. We can ask the question: If not now, when? If not now, why?

I thank the Presiding Officer, and I thank Senator CONRAD for this time.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I thank the Senators from North Dakota, Mr. CONRAD and Mr. DORGAN, for their extraordinary leadership on this issue.

We have a crisis of enormous proportions across a large swath of America, from the Canadian border all the way to Mexico. My home State of South Dakota, as has been noted, is virtually the epicenter of what has been a drought, not just a catastrophic drought this year but the previous year and some portions of South Dakota going back to the year 2000. It has been devastating to our agricultural economy, but then as well to our Main Streets, to the economy of that entire region.

Recently, I joined with my colleague, Senator THUNE, in a joint drought tour around portions of South Dakota that have been worst hit. It was evident that the needs were urgent.

We saw herds being sold off entirely, calves being sold prematurely. We saw the factory, in effect, being sold off from the livestock sector of our State.

In the crop areas, we saw areas where there was corn that was perhaps 6 inches high with no ears. In other areas, you would have to get out of the pickup and kick the dust to tell what had been planted, whether it was soybeans, corn, whatever. It was entirely lost.

There are stock dams without water. Farming operations—good operations—that have been in the family for generations, some 100 years or more, are in great jeopardy.

So I am here today to share my support for getting on with disaster relief.

We passed disaster relief for the 2005 drought as part of the supplemental appropriations bill. Unfortunately, when it went to the House, the agriculture portion of it was largely stripped out. We provided money to rebuild Iraq and money to rebuild Katrina—and I wish them all well—but there is a lack of regard for the crisis that exists in rural America.

The administration is talking about rebuilding Iraqi agriculture in rural communities. That is fine. But we have American farmers and ranchers and American Main Streets that need some attention, and that need for attention is urgent.

We attempted to pass agriculture relief on the Agriculture appropriations bill, but that has now been delayed until after the election. Whether we are able to hold on to that funding remains to be seen.

Clearly, we will have progress if we continue the bipartisan support we have up to now exhibited in the Senate where there has been pretty good support, with Republicans and Democrats, Senators from all regions behind us on this issue. We need to have support from the White House as well.

It is my hope that the White House will recognize that this drought has only grown worse, the needs more urgent. Senator CONRAD, to his good credit, has worked very closely with the White House and with others to reduce the cost of this effort, to meet some of the objections that have been raised by the White House and by USDA.

So what we have here is a drought bill that would cost about the equivalent of 2 weeks' expenditure in Iraq for the entire Nation, for the entire year, for multiple drought years.

It is important we recognize droughts are disasters, just as much as earthquakes, hurricanes, and tornadoes. They are less dramatic because they happen through a drawn-out period of time, but they are just as devastating. Just as Americans come together to deal with disasters that occur in other parts of the country, we need to come together on this disaster as well. Americans looking after Americans.

We are now at the final shred of time left in this Congress. This is our last remaining hope to get this done. It is my hope we can set aside partisan politics and appreciate the losses that are being sustained are losses that are happening to American farmers and ranchers and American Main Streets, and it needs an American response.

If we pull together in this body, I am confident that we will, in fact, make some progress. There still is time, but we have to act now.

Again, Mr. President, I urge my colleagues, I urge USDA, the White House, and our friends in the other body to recognize the critical need, the urgent need for attention to this catastrophic string of drought years that our farmers and ranchers and Main Streets are facing.

I yield the floor.

Mr. CONRAD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Ten minutes.

Mr. CONRAD. Mr. President, I yield 4 minutes to the Senator from Minnesota. If he uses less, he can yield time back.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank my distinguished colleague from North Dakota, Mr. CONRAD, who championed this cause of disaster relief for not only his farmers in North Dakota but across the affected areas, which certainly includes my State of Minnesota.

As others noted, this is a bipartisan effort. I see my friend and colleague, Senator COLEMAN from Minnesota, is here also. We stand together to make this a bipartisan effort on behalf of the farmers throughout our State who have been devastated by these natural disasters over the last few years and particularly the last 2 years to which this bill applies.

I regret that this has been passed by the Senate before. I commend this body for doing so, again, on a very strong bipartisan basis. Unfortunately, the administration has not been willing to allow this funding to go forward or even some part of it. This is long overdue.

It is unfortunate that we are now at the 11th hour, the 59th minute of this session in this year, and we haven't even addressed the disaster relief necessary for the last calendar year. This legislation would deal with that and also this year's relief.

This disaster has afflicted our State, and some of our counties have lost three-fourths of our crops. In fact, almost half the counties in Minnesota have already been declared disaster areas.

The crisis is real. The suffering is acute. As others said, we have a magnitude of disaster in New Orleans after Hurricane Katrina, but a disaster is a disaster. A complete disaster is as devastating to a family in northwestern Minnesota as it is to a family in New Orleans.

I urge my colleagues, once again, to support this measure, and I plead with the House and the administration to work out these differences so that these farmers and their farms can be saved, and their families can be saved. It is only simple justice and humanity.

Mr. President, I yield the floor and yield back the remainder of my time.

Mr. CONRAD. Mr. President, I can yield 3 minutes to the Senator from Minnesota. We have now run down the clock.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I thank my colleague from North Dakota for yielding me time.

I stand with my colleague from Minnesota, Senator DAYTON, in bipartisan agreement. This is not a partisan issue, and it should not be a partisan issue. I consider this one of the most important pieces of legislation that has been left undone this year, agricultural disaster assistance.

While this body has come to the aid of producers in the gulf affected by hurricanes who need agricultural disaster assistance, Minnesota's farmers and families have been left to fend for themselves in the face of natural disasters—the flooding of 2005 and the record drought in 2006.

In the sugar sector alone, revenue was reduced by $60 million in Minnesota in 2005 thanks to this natural disaster. In one county, crop loss exceeded $52 million, and farmers were prevented from planting over 90,000 acres thanks to saturated fields. These are not just numbers; these are people's lives. These are their livelihoods. There is a sense of history and connection to the land, and the future is now at risk.

I was up at Lake Bronson, MN, in northwest Minnesota, and met with over 100 farmers. It is their lives. The farmers are calling my office desperate to save the family farm. Farmers are losing operations, pure and simple.

Some folks in Washington cited the overall success of agriculture in 2006, the aggregate numbers, as justification for withholding assistance. Congress didn't look at the overall economy in determining what sort of assistance to give those affected by the great disaster in the gulf. We didn't cite the Nation's robust GDP growth and low unemployment rate as a reason not to assist gulf communities whose local economies were devastated by natural disaster. Nor should we propose such a false standard for comprehensive agricultural disaster assistance.

It is true that the suffering in the gulf is great. I have seen the tremendous damage myself. I have come to this floor time and again to lend my hand to fellow Americans. I can't help but think of the 100-year flood in the Red River Valley. Senator DAYTON knows; he was there. We saw neighbors fighting a flood together one sand bag at a time, regardless of whose house was closest to the water.

Your State might not be the closest to the flooding that occurred in my State last year or the drought this year, but as a neighbor of mine, a fellow American, I just ask you to help me fight the natural disaster being endured in Minnesota, the Dakotas, and other parts of this country. None in this body can build a dike on our own. Please allow this assistance to go forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I have been advised that an objection will be raised when we make the request to go to this bill. I deeply regret that. I cannot tell colleagues how deeply I regret that because we have tried to meet now every objection that has been raised.

We were told that the only objection left to this legislation was that there were provisions that could conceivably help someone not damaged by natural disaster, even though they had been damaged by the sharp runup of energy costs.

The legislation as previously passed by the Senate could aid those who were not hurt by natural disaster. So we took out those provisions, with a savings of $1.9 billion.

Now what is left are the most basic disaster provisions that have been provided by Congress in disaster after disaster. This is national legislation; it is not regional. It is national. Nobody gets any assistance unless they have had at least a 35-percent loss. And if they have had at least a 35-percent loss, they get no help for that first 35-percent loss. They get nothing. Zero. It is only if they have had a loss of more than 35 percent that they get any help, and the assistance only then applies to after they have had the loss of 35 percent. Once you get beyond that, then assistance begins.

No one is made whole. No one is enriched. What people are given is a chance to make it to next year. That is what is in doubt.

The bankers of my State have told me that if there is a failure to provide this kind of assistance, 5 to 10 percent of the producers in my State will be forced off the land. That is the reality of what we confront.

Mr. President, I ask unanimous consent that the pending business be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CONRAD. Mr. President, I regret very much an objection has been raised. We have done everything we have been asked to do to alter this legislation to meet the objections previously raised.

So I ask one more time, Mr. President: I ask unanimous consent that the pending business be set aside.

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CONRAD. Mr. President, the Senator has that right. I regret that he has exercised that right. What we have done on a bipartisan basis now, 23 Senators have come endorsing this legislation on a fully bipartisan basis asking for help of the most basic sort. I must say, as one Senator, if we can't get assistance in this kind of circumstance, we are going to have to think long and hard when other colleagues come to us about assistance for their areas when they suffer disaster. Always before we have responded in kind. We have helped those who have had disaster, whether it is flood or hurricane or whatever disaster. And now we are told that a drought somehow is not worthy of assistance. I must say, I think it is shameful.

The people are about to lose their livelihoods. We have done everything we have been asked to do to reduce the cost of this bill, and now we are told: Sorry, there is no help. We won't even consider it. We won't even allow a vote to occur because we know what would happen if there was a vote. It would be overwhelmingly passed, as it has been in the past when it was far more expensive than the bill we come with today.

Mr. ROBERTS. Mr. President, will the gentleman yield?

Mr. CONRAD. I am happy to yield.

Mr. ROBERTS. I ask unanimous consent that I be added as a cosponsor to this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, the reason we know it would pass, I would say to the gentleman, and I thank him for introducing this—and I am a little out of breath because I didn't realize we were debating this, so I ran over here. But at any rate, I thank my colleague for introducing this bill.

The reason we know it would pass is it has already passed the Senate as part of the supplemental. It is about $4 billion. Everybody understood at that particular time we had an urgent need in farm country. Everybody understood at that particular time we had a lot of problems with disasters, but as others have pointed out, if you have a hurricane, you get in the headlines. If you have a forest fire, you are getting headlines. If you have those kinds of tragedies, like a flood or even a mudslide in a State where people build houses perhaps where they shouldn't build them—obviously it attracts attention

The PRESIDING OFFICER. The gentleman's time has expired.

Mr. ROBERTS. Mr. President, I ask unanimous consent that I be granted an additional 5 minutes. I know there are other Members waiting, but I would like to at least proceed with the Senator, my friend, for another 5 minutes, if that would be all right.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Mr. President, I ask unanimous consent that—I was to be the next speaker for 15 minutes, so I ask that I be granted 20 minutes on my time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERTS. I wish to thank Senator GREGG for his generosity in regard to allowing me, with the gentleman yielding to me, to make some additional comments.

I was saying that all of these tragedies end up in the headlines. We know, and all of us who are privileged to represent rural areas, especially the Plains, that we have had a drought not 1, not 2, but in some cases 5 or 7 years in a row, and we know we don't have any subsoil moisture. We also know energy prices have gone up 113 percent since 2002. It isn't exactly that we were rolling in clover to begin with, but now there is no clover that will come up.

We also know, although people may not want to talk about it right now, that the current farm bill doesn't work in this circumstance. I voted against the current farm bill. It is not my intent to come down here and discuss the farm bill, however, there are some very real problems. First, it is the countercyclical program. It means when a farmer doesn't have a crop, he gets no payment. It also means he has no real crop insurance because the average production history on his crop insurance has gone down. So no crop insurance, no payment. High and dry. This is the only way we are going to provide assistance to farmers.

Now, I regret it is the 11th hour and 59th minute. I fully expect an objection. I hope that would not take place. But at any rate, we are building a case that if we have to come back here during what is called a lameduck session, something can be done. I credit the Senator for his leadership in this regard.

A drought is a drought is a drought, and it doesn't get much attention, but the people affected suffer just as much as people who suffer from other tragedies. I again credit the Senator for bringing this up. I am a cosponsor. Whatever we get done, I look forward to working with him. We have done it in the past. We did it with the supplemental. It was taken out in the House, by the way. We need this relief, and we need it now.

As I said before, I will vote for the bill, and I will speak for it, as I have done. And quite frankly, if this is headed for a Presidential veto, I will vote to override it.

I thank the Senator.

Mr. CONRAD. Mr. President, I thank very much the Senator from Kansas, the former chairman of the House Agriculture Committee and a real leader on the Senate Agriculture Committee and my friend. I would advise him that an objection has already been raised, so we are going to be denied even a chance to vote. I regret that and I regret that deeply because I know what it means, after having been all across my State and having farmers tell me—some farmers who have been in the business for more than 30 years who have told me this will be their last year; to have had the bankers of my State come to Washington to tell me that if there is a failure to provide disaster assistance, 5 to 10 percent of the farm and ranch families of my State will be put out of business. That is the harsh reality. And this afternoon, an objection has been raised and raised in a way that will preclude us from even having a vote. I think we all know what would happen if a vote were held: this legislation would pass, and it would pass overwhelmingly.

We should advise our colleagues this will not be our last attempt. If there is a lameduck session, we will be here and we will insist on the chance to have consideration for this legislation.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. CONRAD. I am happy to yield.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 1 minute 20 seconds remaining.

Mr. DORGAN. Mr. President, let me just follow up on the point that this would be a bipartisan vote here in the Senate today. I want to point out that the piece of legislation Senator CONRAD has worked on and that I have added as an appropriations measure twice has passed the Senate. Twice I was in conference with that. Twice it was defeated in conference. I wish to make that point because the implication was the Department of Agriculture didn't have much to do with that. The fact is the House conferees defeated this because the President threatened to veto it, and the House conferees were listening to the Department of Agriculture, which also opposed it.

Look, it seems to me we need the administration to understand what is going on here. This is bipartisan on the floor of the Senate. We need some help downtown as well from the Department of Agriculture as well as the White House to get this done.

Mr. CONRAD. Mr. President, I have been asked to ask unanimous consent that Senator CLINTON be given 15 minutes at the end of the current queue.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Yes. I have a unanimous consent request that following Senator HUTCHISON, who will follow me, the following Senators be recognized in order: Senator CLINTON for 15 minutes, Senator CHAFEE for 5 minutes, Senator KYL for 15 minutes, and Senator BYRD for up to 45 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DAYTON. Mr. President, reserving the right to object, I ask unanimous consent that I be recognized to speak on the bill I believe is before the Senate, the Secure Fence Act, for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Hampshire is recognized for 20 minutes.

EFFECTS OF BUSH TAX CUTS

Mr. GREGG. Mr. President, I rise today to speak briefly on what is an interesting point that I think needs to be made a few times because there has been a bit of discussion in this Chamber and questions in the public's mind as to how the President's tax cuts have affected the economy and affected Americans.

If we were to listen to the mainstream press from the Northeast, for example, or to the mainstream commentary and to our colleagues on the other side, you would think the President's tax cuts were basically a benefit to the wealthy in America to the detriment to those who are not so wealthy. That is the basic theme—class warfare. That is what we hear day in and day out.

Well, the facts are in. The facts are in on the President's tax cuts, and they are very good for this country.

To begin with, let's put in context when those tax cuts occurred. At the end of the Clinton administration, we had seen the largest economic bubble in the history of America. The stock market went up dramatically, way past real values, based on basically paper, as a result of speculation around the Internet. That bubble collapsed, forcing us into a recession. That was followed by the attack of 9/11, which was not only a traumatic cultural event for us, involving a horrific loss of life, it was also a huge economic attack on the American economy. Those two things together should have thrown us into almost a depression or certainly an extraordinarily severe recession.

But what happened in the middle of this was that the President suggested cutting tax rates on all Americans. That tax cut came at just the right time because it softened the blow of those two huge economic events, those two extraordinarily recessionary events, and allowed the economy to bottom-out in a shallower and less harmful way and start to move back up dramatically. In fact, the practical effect of those tax cuts is the following because after 5 years, we know the facts, very interesting facts.

No. 1, the revenue to the Federal Government has increased dramatically as a result of the tax cuts.

No. 2, interestingly enough, high-income Americans, the highest income Americans, the top 20 percent of Americans in income are paying a higher share—a higher share of American income—of the income tax burden of America than they did under the Clinton years.

No. 3, low-income Americans, those people who are in the bottom 20 percent who don't pay any income tax to begin with, are actually getting back from the Government in the form of direct subsidy through something called the earned-income tax credit more money than they received in the Clinton years.

So you have the situation where the Federal share of revenue taken out of the economy is back to its historic level: 18.2 percent. So we have a situation where the Government is getting more revenue, where the tax laws are becoming more progressive, and where the economy recovered, creating 5.7 million jobs.

Now, how did that happen, one might ask. How can we get more tax revenues if we cut taxes? How can the high-income people in this country be paying a higher burden of the taxes if we cut taxes? The other side of the aisle rejects that concept. They say: You just have to keep raising taxes. Raise taxes, raise taxes; you always get more revenue.

Well, it doesn't work that way. Something that—if you just think for a moment, it is pretty obvious—is called human nature intervenes. If you raise taxes to a level that people perceive is unfair, and especially if they are high-income individuals, they can afford to, and they do, figure out ways to avoid paying taxes by investing in things which give them deductions. So tax revenues don't go up dramatically if you raise revenues. In fact, the way you raise revenues is by making the tax burden fair. You make it fair so that high-income individuals pay those taxes and are willing to go out and invest in activity which generates income, which is productive and actually creates jobs, which in turn generates economic activity, which in turn generates more revenue to the Federal Government.

That is exactly what has happened as a result of the President's tax cuts. We are now at a fair tax burden, so people, rather than avoiding taxes, are willing to pay taxes. People are now willing to invest in taxable activity, and the Federal Government is benefiting from a robust recovery, there is job creation, and more people are paying more taxes, and the high-income people are paying even more in taxes.

I brought along a few charts to explain this more precisely. This chart reflects the fact that in the last 2 years—these are the revenues to the Federal Government, and these are the increases in revenues—in the last 2 years—this is the period when we had the Internet bubble and we had the 9/11 attacks, when the war began. This is where the tax cuts came into place. There was a dip in revenue as a result of the recession, the Internet bubble, and the 9/11 attacks, and then those tax cuts started to work, and people started to produce more economic activity, make investments, create jobs. As a result, in the last 2 years, we have the 2 highest years of increase in revenues of the Federal Government in the history of our Government—the 2 highest years. So there has been a big jump in revenues to the Federal Government, another result of which is that our deficit has dropped precipitously. It has gone from a $450 billion estimate down to $270 billion this year.

This chart reflects the fact that we are now back, after the recessionary event—well, the blue line reflects the historical level of the percent of gross national product that is usually paid in taxes: 18.1 percent. That is the blue line here. The black line represents how much we are spending as a government. The red line represents how much we are receiving as a government. You can see it goes up and down.

What happened was, in the Internet bubble, when people were manufacturing money basically through paper, there was a huge amount of revenue generated as a result of mostly capital gains. But when that bubble collapsed and when we were hit with 9/11, the economy dropped, and the incomes dropped. Down here is where we made the tax cuts, and then the economy started to come back. So now we are back at a historical level of revenues for the Federal Government. We are actually above the historical level right now. We are getting 18.2 percent of gross national product into the Federal Government.

A very interesting fact is that the high-income individuals in America today—these are the different quadrants, the different groups, people who make $15,000, people who make about $34,000, $51,000, $77,000. And then people making over $184,000—that is the high-end income earner in America.

Those folks are now paying almost 85 percent, essentially 85 percent of the Federal income tax burden; the high-income Americans. That is a pretty progressive system when you have the low-income people, those with $34,000 or less, actually getting money back, and the high-income individuals paying the top 20 percent paying 84 percent of the tax burden. That is called progressive taxation. That is after the tax cuts.

In fact, prior to the tax cuts, during the Clinton years—this is a chart of that top 20 percent—the high-income individuals during the Clinton years were paying 81 percent of the taxes, whereas now, under the Bush tax cut, they are paying 85 percent of the taxes. Again, I point out, if you think about it, this is actually just common sense. If you have a fair tax law, people who are in the high incomes, who have the knowledge, the ability, and accountants to invest their money in a way that either pays taxes or doesn't pay taxes—if they believe the tax burden is unfair, they are going to invest in a way that avoids taxes. They are going to buy interest-free bonds or buy highly depreciating assets. So they reduce their tax burden. But if you give them a fair tax burden, they are going to do things that are taxable, and that is good for the Government and actually it makes the tax law more progressive—a very important fact.

As I mentioned, low-income individuals under this President are actually getting a better deal now than they did at any time in the history of the country. This is the line, what low-income people pay. Actually, it is a payment to them because this would be the line where they would pay something. Since this President has become President, low-income individuals are receiving more in direct payments as a result of the earned-income tax credit and other credits which they receive than they ever received before.

You can compare this to the Clinton years. Low-income people, the bottom 40 percent of earners in America, basically received about 1.5 percent back in payments to them. They weren't paying any taxes. Under President Bush's tax plan they are getting almost 3 percent back. So we have created a tax system now which seems to be doing everything right in that it is generating a historical level of Federal taxes—how much we should take out of the economy for Federal taxes; it is generating huge revenue for the Federal Government; the highest income people in America are paying by far the greatest share of it, 85 percent, much more than they paid in the Clinton years; and low-income Americans are getting a benefit from the tax rebates which we give them at the highest level in history and about twice what they got under the Clinton years.

Probably as important, if not most important, it has generated 18 consecutive quarters of economic growth. This has led to almost 5.7 million new jobs—and having a good job is the key to economic prosperity.

What we have accomplished is pretty impressive with these tax cuts. Yet we continue to hear them be vilified by the Democratic Party and our liberal colleagues. They just want to keep raising rates. They want to go back to the Clinton years when they would raise rates and thus reduce the amount of taxes that the high-income individuals would pay because they would invest in shelters or find ways to generate income that were not as taxable. As a result, it also impacted low-income people because under the Clinton years we actually had low-income people getting less benefit. It probably significantly reduces this economic recovery which is a direct result of the fact that there is a tax burden today which creates an incentive for the person who is willing to take a risk, an entrepreneur, that person who has a great idea, that man or woman who says: I want to go start a restaurant. I have an idea I want to try out to build and sell. That individual who is a risk taker and a job creator has a tax climate which says: If you are successful, we are going to give you a benefit. That would be curtailed.

The other side of the aisle, my liberal colleagues, they want to raise the tax on capital. They want to raise the tax on dividends. They want to raise the tax on income. All of those things are going to have the practical effect of stifling economic growth, stifling revenues to the Federal Treasury, and undermining the entrepreneurial spirit of America and the effective use of capital, which is a bit of an economic argument, but it should be pointed out.

When you maintain a low tax burden on capital—capital being savings and things people are willing to invest with, money people are willing to invest—that money flows to its most efficient use. But if you put a high tax on capital and savings, people put it in places where it is not efficiently used. They put it into tax shelters to put it in hard example terms. If you are an entrepreneur and you are going to go out and start something and you have a 15-percent tax rate on capital, you are going to take a risk. You are maybe going to invest in building that new software or that new computer technology system or starting that new restaurant with that money. You are going to invest. But if you have a 30-percent tax—which is what the Democratic Party and our liberal colleagues want to return to, on capital—you are going to say to yourself: I don't want to pay that much in taxes, so I am going to invest in a tax shelter. I am going to invest in something that probably doesn't make a whole lot of money, but at least it saves me taxes.

It is not an efficient way to use money, and it is not an efficient way for an economy to run and it skews investment arbitrarily, which is totally inappropriate and counterproductive and would certainly not lead to these types of numbers where you have economic growth for 18 quarters, where you have 5.7 million jobs created.

We have the Federal Treasury with the two largest tax revenue years, two largest years of revenue in the last 2 years, where you have the highest income people in this country paying the largest share of Federal taxes in the history of the country, 85 percent; where you have the lowest income people paying no taxes and actually getting more back as a result of credits and benefits under the tax law than at any time in history. And where you have an incentive, most important, for the entrepreneur, who is the essence of America's economic strength, to go out and take risks, invest, and create jobs.

The numbers are in. This hyperbole we hear from the other side of the aisle—which is a function of 1950s-Galbraith-Harvard University economics which says, if you just keep raising taxes on people you are going to get more revenue—a stake was put in that by John Kennedy when he cut taxes. Another stake was put in that concept by Ronald Reagan when he cut taxes and got economic growth. And certainly the final stake has been put in it by the fact that we have cut taxes, we have a fair tax system now which incentivizes people to go out and be productive and causes them to be willing to invest in things that generate revenue, thus creating jobs. So that idea doesn't work.

It only makes sense probably if you are a former theater critic who happens to be an editorial writer for the New York Times. There is no economic theory that can stand up any longer because it doesn't work. The tax burdens, as are shown by the numbers in this country, are pretty close to where they should be because we are generating huge growth, huge revenues, and we have an extraordinarily progressive system of taxation where the highest earners pay the most.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized for 20 minutes.

Mr. DORGAN. Mr. President, I didn't come to the floor to speak about our economic situation, but I get so inspired by my colleague from New Hampshire that it is hard not to respond to at least a portion of it. Let me just make a comment about where we are with this economy of ours because the implication in the presentation was, boy, these tax cuts for wealthy Americans really did help this country.

In 2004 the economy grew at 4.2 percent. Yet the median family income in this country fell and poverty increased. This is the first sustained period of economic growth since World War II that fails to provide real income growth for the average working family in this country. The fact is, wages and salaries are now at a lower percent of the GDP in this country than they have been since they started keeping score in 1947; some progress for working people.

I admit, the folks at the top of the ladder are doing really well because the economic program provided by the majority and by this President says "let's provide the largest tax cuts to the wealthiest Americans because we believe it will all trickle down someday to the rest of the American people." But, it will not and it has not and, regrettably, we now have a dramatic increase in indebtedness. We are going to borrow close to $600 billion in the coming year in budget policy and $800 billion in trade deficits. That is a total of $1.4 trillion in a $13 trillion economy. So, that puts us over 10 percent of red ink in a single year.

This is working real well? I'm sorry, that doesn't even pass remedial economics. That is not why I came to the floor to speak, but it is hard to ignore cheerleading for an economic policy that has put this country up to its neck in debt, hurt working families, and enriched the most wealthy Americans.

I came to the floor today and asked for some time because I wanted to talk about what I have been seeing in the newspapers and what I read this morning in the newspaper. The President, yesterday, went on another political trip, and the President, in Alabama, said that the party of Franklin Delano Roosevelt, the Democrats, are the cut-and-run party. That follows Congressman HASTERT, the Speaker of the House, suggesting Democrats are coddling terrorists. That follows comments by the majority leader of the House, Congressman BOEHNER, suggesting that Democrats care more about terrorists than the American people.

This stuff is way beyond the pale. Cut and run, the President says? Cut and run? What kind of talk is this? I don't understand that. Is someone in this Chamber suggesting that we cut and run someplace? Not that I am aware of. Not one person I know of is suggesting we cut and run.

But it would be worth us talking about whether our fight against terrorism is a fight that is tough and smart because I don't believe the current fight is very tough or very smart.

You know, it is probably useful for us to review some history. So, let me do a bit of that, since the President is suggesting that his party is the party that is muscular and the other party is weak.

Winston Churchill once said: The farther back you look, the farther forward you see.

Let's look back, August 6 in 2001. On August 6, 2001, the President received what is called a Presidential Daily Briefing which said that "Osama bin Laden was determined to strike in the United States." That was the heading of the briefing received by the President: "bin Laden determined to strike in U.S."

Here is what the 9/11 Commission report said, and I will give you the page numbers. After that briefing to the President on August 6 of 2001, "bin Laden Determined to Strike in the U.S.," here is what the 9/11 Commission said they found, on page 260: The President, "did not recall discussing the August 6 report with the Attorney General, nor did he recall whether his National Security Adviser, Condoleezza Rice, had done so."

On page 261, the 9/11 Commission found that the President's National Security Council never met to discuss the possible threat of a strike in the United States as a result of the PDB that said "bin Laden Determined to Strike in U.S." Imagine that, the President was told, on August 6, 2001, that "bin Laden determined to strike in the United States" and nothing was done.

In fact, the 9/11 Commission found, on page 262, no indication of any further discussion before September 11 among the President and his top advisers regarding the threat of an al-Qaida strike in the United States.

The Director of Central Intelligence, George Tenet, page 262, did not recall any discussions with the President of the domestic threat in the weeks prior to 9/11.

Finally, it says this, page 265 of the 9/11 Commission report:

> In sum, the domestic agencies never mobilized in response to the threat. They did not have direction, and did not have a plan to institute. The borders were not hardened. Transportation systems were not fortified. Electronic surveillance was not targeted against a domestic threat. State and local law enforcement were not marshaled to implement the FBI's effort. The public was not warned.

Those are the facts of what was and was not done by the President and his advisors after they were warned on August 6, 2001 that "bin Laden was determined to strike in the United States." Those are not my facts, but the facts on the record from a bipartisan commission that investigated following the specific warning of August 6.

Now the President is saying, "Cut and run." Let me describe a bit more history. The President and his advisers also said there were weapons of mass destruction in Iraq. We now know they were not. There were no weapons of mass destruction in Iraq.

He said the aluminum tubes were being purchased to reconstitute nuclear capability in Iraq. We now know those who told us those were facts knew that there were other facts at hand inside the administration that disagreed with their conclusion, but they never saw fit to offer that to the Congress or the American people.

Mobile chemical weapons labs, we were told, were a significant threat. The development of mobile chemical weapons labs in Iraq, we now know, came from a fellow code-named "Curve Ball." He was the only source. One source. A man named "Curve Ball," apparently someone who is probably an alcoholic and a fabricator. A single source tells this country there are mobile chemical weapons labs in Iraq, and this country, through the Secretary of State, tells the world that it's a fact. Yet, it turns out to be a fabrication. One source, a drinker and a fabricator, told someone about it and it becomes part of this country's national dialog.

Yellowcake. I don't need to go much further about yellowcake from Niger which turns out not to have been true either, with forged documents, mind you.

And Mohammed Atta, one of the hijackers, in Prague, turns out not to have been true.

As a result of all of that, the war on terrorism took a detour and we went to Iraq. We are now in Iraq. Saddam Hussein was found in a rat hole. He is now on trial. Is that good? Sure, it is good. He was a repressive, brutal dictator who murdered people. Sure, that is good that he's out of power.

We are now in the middle of a civil war. Yes, we can describe it that way, probably a low-grade civil war, but a civil war in Iraq. That is where we have American troops stationed at present. And the President just says, stay the course. If anyone suggests, maybe we ought to have a discussion about being smarter and tougher in winning that war, the President says you believe in cutting and running. Being at war deserves thoughtful debate, thoughtful debate about how to win that war, about the detour from the war on terror. Just saying cutting and running, that is thoughtless debate, in my judgment.

Stay the course? Stay the course? How? Where? When? For what? The fact is, it is a mess. We have ourselves in a mess. We cannot pull American troops out of Iraq. None of my colleagues, I believe, have suggested we should. None that I am aware of have suggested we should.

But stay the course? Shouldn't we be smarter, tougher, more effective, and make course corrections when necessary? Course corrections that will give this country a chance to succeed rather than fail? We have debates about wiretapping in the context of all of this because the President has decided he is going to speak about Iraq in the same context as the war on terrorism. Of course, they are different. They are related somewhat now because we went to Iraq, but they were different. So the President talks about wiretapping. I am for wiretapping conversations between al-Qaida and the United States.

I say, wiretap, eavesdrop, find out what terrorists are saying. But no President, no Republican and no Democratic President, ought to have the right to indiscriminate eavesdrop and wiretap on all Americans.

We do not even know what this has been about. We do not know how extensive it has been. We don't know how many Americans have been listened to, how many records have been looked at. Yes, let's wiretap and find out what al-Qaida operatives are saying in telephone calls. Let's also protect the basic liberties of this country as we do so.

Last week, we had three people testify before a policy committee hearing, with a combined service to this country of over 100 years. They were all combat veterans from Iraq. They led our troops. Two generals, two-two star generals and a colonel. One of the two star generals was offered a promotion to a third star and had a bright promising future, but he turned it down and resigned. He did that because he could no longer serve under the Secretary of Defense and follow a flawed strategy and policy.

Here is just one example of what they said. They repeatedly asked for more troops in Iraq. As commanders of their units they repeatedly asked for more troops and repeatedly were turned down.

That is at odds with what we, all of America, were told all along the way by GEN. Tommy Franks and General Myers. That is also at odds with what General Pace has stated standing next to Secretary Rumsfeld and standing next to President Bush. These Iraq combat veterans said we repeatedly asked for more troops. We needed more troops to finish the job and do the job, to prevent the growth of the insurgents in Iraq, and we were repeatedly denied. That is at odds with everything the American people have been told.

That's not all. Body armor? A young man told me he signed up to go to Iraq, felt it was his duty after 9/11, quit school to do it, and when he gets there his mother, an elementary schoolteacher, had to go online on the Internet to purchase body armor to send to her son in Iraq.

Colonel Hammas said, we know we have better armored vehicles to protect our soldiers than the up-armored Humvees. We know we have better armored vehicles. We have already produced 1,000 of them. Why are we not mass producing those vehicles? At the end of World War II we were producing 50,000 airplanes a year to support that war. This country mobilized and said, we are in a war, we are going to win it, we are going to produce what is necessary to support our troops, to protect our troops. Right now, we have better armored vehicles, but we are not producing them. We have not marshalled this country to fight this war, to protect our troops, to win. We have not mobilized this country.

Don't believe me, talk to the generals who have been there, who now are risking their reputations by being willing to speak out now on behalf of the troops who can't speak, who can't tell us these facts.

There is an old saying, "A lie travels halfway around the world before the truth gets its shoes on." But finally the truth is getting fully dressed. We need the truth and the facts to understand what this country confronts. This country has great capabilities. We should be one nation indivisible. We are not these days. There is too much shouting. There are too many slogans like cut and run.

We should be one nation as we confront this terrorism that threatens our country. We should be one nation as we search for ways to deal with the conflict in Iraq and to protect American soldiers who are there on behalf of their country.

Most importantly, we need to be tough and smart as we take on these challenges. This is a new war, a different war, the war against terrorism and the circumstances that our troops find themselves in, in Iraq, fighting a war against an insurgency that doesn't wear uniforms. This requires us to be smart and tough, requires us to change tactics and strategy when necessary and to have a national discussion about how we succeed as a country.

Yet this President will hear none of it. He will not hear and he will not listen. He is content to go to Alabama and say that those who openly question anything he does are people who suggest we should cut and run. I regret that.

What we need to do, it seems to me, is to accept advice from some of the best minds in this country. Bring people together, Republicans and Democrats, conservatives and liberals, academics and others, bring them together and let's get the best of what everyone has to offer instead of the worst of each.

Let's bring people together in this country. Let's stop this nonsense, one side is coddling terrorists, one side wants to cut and run. That is a playbook we have heard before. It is tired. It is limp. It makes no sense. It divides this country.

I ask the President, the Speaker of the House, the majority leader of the House and others, stop this sort of thing. Let's join together and work together to find ways to solve problems; to, as I said, be smart and tough in ways to defeat terrorists, take on these terrorists as one nation.

If I sound upset by what I read in the paper today, I am. I don't think it is worthy of the kind of debate we ought to experience in this country.

We have seen it twice leading up to the last two elections. We saw the fellow who lay on a battlefield losing one arm and two legs bleeding for his country. We saw him tarnished in television commercials. Political commercials equated him with Osama bin Laden, questioning his courage and commitment to his country. It made a lot of people sick to see that sort of thing.

Maybe we can have a national debate that elevates the discussion of this country a bit. Maybe we can have a national debate that sets a little higher tone. I hope so. We can agree that this country is in a tough fight, one we need to win. We will not win this fight if we have these kind of political tactics continued again, one more time, the next 30 days before the election, the third election in a row questioning someone's patriotism, questioning someone's commitment to their country.

They did that even with the generals. The general, the two-star general who refused a third star and resigned instead, who commanded the first infantry division in Iraq, had his commitment to his country questioned. Why? Because he had the temerity to speak out, to say, "I was there. I was leading my troops, I was asking for more troops and I was turned down." People need to know that.

We shouldn't be questioning the motives or patriotism of people who have committed themselves to their country, who have dedicated their lives to their country, our country.

Let's elevate this debate. Let's come together. Let's act as one America. And let's fight these terrorist groups. Let's succeed and prevail, together.

Yes, let's find a way to accomplish our objectives in Iraq. Let's do that. If it takes more troops, let's do that. If it takes a different strategy, if it takes changing the course, let's do that.

But let's do it together. Let's not get on Air Force One and go to a State six or eight States away and suggest that your political adversaries want to cut and run. That hardly serves thoughtful debate in this country. This country deserves better. Democrats and Republicans need to come together and speak out and speak up for the interests of this country.

But, to do that, we have to listen to each other. We have to listen to people like the generals. We have to listen to people who might disagree with us. We can't be stubborn. That's the only way, together, we will win against the terrorists.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized, under the previous order, for 15 minutes.

Mrs. CLINTON. Thank you, Mr. President.

RYAN WHITE CARE ACT

Mrs. CLINTON. In 1990, Congress enacted a law that has been a vital part of our national strategy to fight AIDS and HIV, the Ryan White CARE Act, which directs support and resources to the people and places most in need throughout our Nation.

It was an incredible act of compassion, smart decisionmaking, and bipartisanship. Members in this Chamber put aside politics, recognized the seriousness of the crisis, and took action.

How far we have come. Unfortunately, though, the recent debate around the Ryan White CARE Act has been marred by misconceptions and mired in politics. It is time to set the record straight.

First, some of my colleagues have alleged that New York receives more funding per case than the national average, suggesting that New York is somehow getting more than its fair share. But the numbers I heard being used on the Senate floor yesterday only represented part of the funding under the Ryan White CARE Act, skewing the data to make a political point.

When you look at the whole picture and see the funding under the whole bill, the story is very different.

According to an analysis prepared by the Communities Advocating for Emergency AIDS Relief Coalition, the CAEAR Coalition—as seen on this chart—the national per case allocation for people with AIDS is $4,745.

Here is the State-by-State breakdown. New York is by no means at the top. This analysis does not even account for the higher cost of living and treatment in my State.

Some of my colleagues have cried foul saying they get far less per person with AIDS than New York. I heard my friends and colleagues from Wyoming and Alabama making that point. But here are the facts, and they say otherwise.

When you look at all of the titles under the Ryan White CARE Act, Wyoming and Alabama actually receive more per person with AIDS than New York and more than the national average. The difference between Oklahoma and New York is about $100 per person living with AIDS. And, again, these numbers do not account for differences in costs.

Second, there are those making misleading statements about my State, that we misuse funding, or do not use the funding we receive, claims that are simply not true. Some have even asserted that New York has allowed dog walking to count under the CARE Act.

Well, let me set the record straight. New York is not using Federal dollars for such services. And to point fingers and make such outlandish assertions impugns my State and is profoundly unfair to the thousands of New Yorkers who rely each and every day on the CARE Act for treatment and needed services.

New York has been audited by the HHS—the Health and Human Services—inspector general. They said New York complies with all requirements and is not misspending or mismanaging its funds.

Another specious claim is that New York is somehow not even using the funds we receive, that we retain surpluses every year. Well, being fiscally responsible is good management.

In New York, a tiny percentage of unspent funds is carried from one year to the next. This year, New York carried about $3 million over, representing about 3 days' worth of expenses. That is exactly what I want States to do—manage resources wisely and avoid interruptions in care or create waiting lists. I don't believe sound fiscal management is something to denigrate.

Third, we are having a debate now over a shrinking pot of funding, at a time when I absolutely agree that more and more States have greater and greater needs. But to argue about the formula instead of arguing about the program and what it needs to be funded appropriately seems like a diversion. We are having a formula fight when we should be focused on fixing our strategy and strengthening our funding to meet the growing challenge and crisis of HIV/AIDS in America. That is the real debate we should be having on the floor of the Senate.

Here is a chart that shows the increase of people living with HIV/AIDS in the United States. That is this red line here. It shows the decline in funding for title I of the CARE Act. So you can see the disparity. I have a great deal of sympathy for my friends from States that are just realizing the full extent of the AIDS crisis in their communities, who are deeply concerned by the fast-growing number of such cases among poor women and among our African-American and Hispanic populations. But here is part of the reason we are in this dilemma. Here is the number of AIDS cases, and here is the amount of funding available to deal with them.

Instead of honoring our moral obligation, instead of strengthening our efforts as the epidemic continues to grow, State and local agencies and community groups have been forced to do more with less. This is especially true in New York, the State that has been hardest hit by the AIDS epidemic. Back in the 1980s and 1990s, people were moving from other States to be able to come to New York, where they thought somebody would care enough to try to take care of them. And New York still leads the Nation in both the number of overall HIV/AIDS cases as well as the number of new HIV infections each year.

What is this fight about? Well, I will tell you. New York stands to lose more than $78 million in funding over the next 5 years. We would see New York City alone lose $17 million next year. But we know who would really lose—the patients whose health and lives are on the line.

With the exception of the AIDS Drug Assistance Program—which still doesn't go nearly far enough, given the long waiting list for the poorest and sickest of those who cannot afford the drugs they need to stay healthy and alive—the CARE Act has been cut over the past 3 years, even as costs and the number of people with the virus have risen, adding to the pressure on New York, New Jersey, and other States with higher costs of living and the largest numbers of people living with HIV/AIDS.

In addition, the Ryan White CARE Act is the payer of last resort; it is the safety net for the safety net. And this Congress and the administration have spent years trying to cut big holes in both. In fact, the CARE Act is only part of the strategy against this terrible disease. The Medicaid Program serves nearly half of those living with HIV/AIDS in America. This Republican Congress and the Republican administration have tried time and time again to cut Medicaid and have succeeded in passing drastic reductions.

I have introduced bipartisan legislation with my colleague, Senator GORDON SMITH, the Early Treatment for HIV Act. This legislation would provide Federal funding to extend Medicaid eligibility to low-income Americans living with HIV before they develop symptoms, allowing them to access life-extending medical services.

There are those suggesting that somehow the epidemic has changed, trying to pit one part of the country against another, trying once again to divide us. My Republican colleagues have told me there is not enough money to prevent cutbacks for New York and other States that lose under this proposed formula. Nine States, plus Puerto Rico, lose, and every other State makes gains. So, in effect, you want to take money away from my 100,000 people living with HIV/AIDS and give it to worthy people in other parts of the country because this administration and this Congress won't put more money into funding treatment programs for HIV/AIDS.

My colleagues on the other side still refuse to provide us with a guarantee—at a time when the epidemic continues to grow—that New York and other States facing losses will not lose out, a guarantee meant to make sure people dying with AIDS have the treatment they need.

The White House and Republican leadership in the Congress are cynically pressuring many of my colleagues that if they don't reauthorize the bill this year, they will face cuts in funding next year. But approving a fundamentally flawed bill, under pressure, that will end up hurting people living with HIV/AIDS is the wrong thing to do. We should be working to strengthen the CARE Act for everyone.

I will also address the question of the expanding epidemic. There is no doubt that it is growing—40,000 new HIV infections occur every year in the United States, and they have a disproportionate impact on people of color. In my State, African Americans account for 45 percent of the total population living with HIV/AIDS, while Hispanics account for an additional 29 percent of the cases. But this bill cuts funding for both of them. Groups such as the National Minority AIDS Council, the Hispanic Federation, and the Latino Commission on AIDS have expressed concern over these cuts which would limit access to care for far too many people of color and people of modest, limited means.

We are also seeing the infection rate rising among women. In New York alone, over 30,000 women are living with HIV/AIDS. Women would also be shortchanged under the latest version of the CARE Act. Indeed, the version of the bill my colleagues want to bring up would flat-fund what is called title IV—the very program designed to address the needs of women, infants, and children, the populations so many have come to this floor and spoken about so eloquently.

Let's put our money where our mouth is. Let's put money into this program so we are not picking between a poor African American in New York City and a poor African-American woman in Alabama.

The epidemic is spreading. When people talk about the South, they are talking not only about Alabama and North Carolina but Washington, DC, Texas, Florida, and Maryland, which are the places that have been the hardest hit by this epidemic. Texas and Florida alone account for about 20 percent of people living with AIDS. Yet Florida, too, would lose money under this proposal.

If we decide to meet the growing AIDS epidemic in our Nation, I hope we can look at the facts about how the program works now and try to come to a bipartisan solution that covers the entire country's needs and leads to a real solution, not a political one. We know there are solutions. Those of us representing the States that are going to be giving up money so money can be shifted to take care of other people who are worthy and deserve help have proposed solutions.

This is not about politics. This is about how we help people. My colleagues from New York, New Jersey, Illinois, and Florida have proposed a 1-year extension for the Ryan White CARE Act. So let's extends it for a year and figure out how we can fix it. I think we could raise the authorization levels across the titles by 3.7 percent and set up a grant program to address unmet needs of States that do not receive title I funding in order to address the challenge in rural areas where HIV incidence has also increased. Our proposal would delay penalties for those who cannot meet the HIV reporting requirements and give them time to come into compliance with the CDC.

As a Senator from New York, which has experienced the heaviest burden of the AIDS epidemic, I don't think anyone cares more about this legislation. I understand completely the profound importance of the Ryan White CARE Act. I am committed to the reauthorization of a good bill that strengthens and improves the ability of all Americans to access HIV/AIDS care, support, and treatment. But a bill that destabilizes existing systems of care and devastates, even destroys, the ability of high-prevalence communities to address needs is unacceptable.

I stand ready to work with my colleagues on a fair, openminded, nonpartisan, practical solution—in the spirit of the original bill that brought people together to develop a strategy to combat this horrible epidemic that has caused so much death and destruction, destroyed so many lives, created such a challenge to our health care system and our basic values.

Mr. President, we can do this if we really want to. All it takes is narrowing the gap between these two lines on the chart—HIV/AIDS cases and the amount of funding available. Some of the priorities on which we are asked to vote in this Chamber certainly don't reflect the pressing needs I have heard described in this Chamber. I hope we can come up with a real solution for the Ryan White CARE Act.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT

Mr. CHAFEE. Mr. President, I rise today to speak about a disease that has touched many American families. Breast cancer is the second leading cause of cancer deaths among American women. More women are living with breast cancer than any other cancer.

Three million women are living with breast cancer in the United States, 2 million of which have been diagnosed and 1 million who don't know they have the disease. Over 40,000 women will have died from breast cancer this year alone. It is the leading cause of cancer deaths among women between the ages of 20 and 59.

What is the Senate doing about breast cancer? Some of you may know that I have a bill, S. 757, the Breast Cancer and Environmental Research Act. This bill was first introduced on March 23, 2000, in the 106th Congress. Since that time, the bill has been introduced in the 107th Congress, where it had 44 bipartisan cosponsors and was on the verge of being included in the Women's Health Act of 2002 when negotiations broke down. In the 108th Congress, the bill again had tremendous bipartisan support, with 60 cosponsors. But again we did not act on the bill, which brings me to the current situation in the 109th Congress.

The bill now has 66 bipartisan cosponsors in the Senate and 255 cosponsors in the House. Thanks to the support and leadership of Chairman MICHAEL ENZI of the HELP Committee, this bill was reported unanimously by the committee on July 24, 2006. The bill was hotlined for floor consideration before the August recess, but it has not received Senate passage.

We as a Senate are denying millions of American women diagnosed with breast cancer the answers that might lead to a better understanding and perhaps a cure to this disease.

How can a bill with 66 cosponsors that was reported unanimously by the HELP Committee not be taken up and approved by the Senate?

This bill provides a targeted strategy and a long-term research investment needed to explore the links between the environment and breast cancer. Millions of women who are afflicted with breast cancer deserve the answers this legislation could yield.

I urge my colleagues to work with me to remove any obstacles and secure passage of the Breast Cancer and Environmental Research Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

UNANIMOUS CONSENT REQUEST—S. 757

Mrs. CLINTON. Mr. President, will the Senator from Rhode Island, with whom I agree 100 percent, join me in a unanimous-consent request to pass this bill right now?

Mr. President, I ask unanimous consent that we pass S. 757, the Breast Cancer Environmental Research Act of 2006.

The PRESIDING OFFICER. On behalf of another Senator, in my personal capacity as a Senator from the State of Louisiana, I object.

There is objection heard.

Mrs. CLINTON. Mr. President, I join my colleague in expressing great regret that once again the women of America have been blocked from having the additional help that this bill would provide. I applaud those of us who have tried on a bipartisan basis to pass this very important bill to increase research between the possible links of breast cancer and the environment and to include peer review grant programs within the National Institutes of Health and make sure that consumers and researchers and victims of breast cancer are part of determining how we spend money in order to try to prevent, treat, cure, and ultimately abolish the horrible disease of breast cancer.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona is recognized. Under the previous agreement, the Senator is recognized for 15 minutes.

BORDER SECURITY

Mr. KYL. Mr. President, I shall not take that much time, but I do think it is important to speak to the issue before us, which is adoption of the House bill which takes another step toward securing our border. This is something the American people have been wanting us to do for a long time.

What we will also be doing today, in fact, some of our actions in the past weeks have also supplemented, is to pass the money, the appropriations bills that we need to fund all of the things that we need to be doing to secure the borders. I will speak to both of those items.

The key to the House bill is to state a commitment that we are going to put the kind of infrastructure on the border that we need to secure the border. It starts with fencing, but it doesn't end with fencing. It includes vehicle barriers because much of the illegal entry into the United States now is accomplished by vehicles. It includes technology, such as cameras and sensors and other means of identifying people who are crossing our border illegally.

Some people say that we don't need a fence or these infrastructure barriers because someday we are going to adopt comprehensive immigration reform, and when we take away the magnet of illegal employment, then we are not going to have the problem anymore. That is my fervent hope with respect to the people who cross the border to gain employment here. But the sad reality is that even if we solve that problem—and we haven't gotten very far down the road because we haven't adopted comprehensive immigration reform yet—even if we were to accomplish that in the future, we still have a very high percentage of people coming across the border whom we don't want here no matter what.

What am I speaking of? I am speaking of drug dealers, drug cartel members, gang members, and criminals, people wanted for crime, people who have committed crime, much of it very serious crime. As a matter of fact, before the subcommittee I chair on terrorism and homeland security, the head of the Border Patrol testified a few months ago that over 10 percent of the people apprehended for crossing our border illegally have criminal records, and many of these are serious criminal records.

In fact, the statistics for this fiscal year, which is almost over, show that the percentage is closer to about 13 to 14 percent, and of those a significant number have committed serious crimes.

Here are the statistics year to date: Over 1 million illegal immigrants have been apprehended on the southwest border. Of that number, almost half have come through Arizona, the Yuma and Tucson sectors, so far about 475,000. And of the illegal immigrants apprehended crossing our border to date in this fiscal year, 141,000-plus have criminal histories. Of that number, well over 20,000 are considered to have committed major crimes such as homicide, kidnapping, sexual assault, robbery, assault, dealing in dangerous drugs, and the like.

A fence, barriers to illegal entry into this country are important not just to ensure that we enforce our laws with respect to employment but to keep out people who would do our citizens harm. The papers in my State are full of stories every week of people who came to this country illegally and then committed crimes on citizens of the United States and on other illegal immigrants. It is not at all uncommon to see stories of crimes committed against people who just came here for a better way of life but who were assaulted, who were robbed, who were kidnapped for more ransom so their families back home would have to pay money to these coyotes, or kidnappers, and all manner of heinous crime that we have to stop, we have to prevent. And the best way to do that is to have barriers to illegal entry into this country.

I mentioned vehicle barriers. Fencing is important and this legislation from the House requires the Department of Homeland Security to begin building fences. I talked with the Secretary this morning. That project has already started. They are well on their way in constructing fencing, and we will be appropriating the money for even more of that construction in the future.

But we also have to put up vehicle barriers because more and more now with the territory contested, the illegal entry into this country either to bring drugs in or the human smugglers to bring their cargo, as they call it, requires the use of vehicles.

Here is the problem from the Border Patrol perspective. When they see a vehicle, they know they have trouble because it is a more valuable cargo. One can carry more in a vehicle than in a backpack and, therefore, it is more valuable and they are probably going to protect it. If they are going to protect it, it is probably going to be with weapons.

The number of assaults on the border are up dramatically—108 percent last year according to the U.S. attorney for the District of Arizona. The reason for that is that the Border Patrol is finally beginning to gain control of parts of the border. They are contesting the territory of the drug cartels and the coyotes and dangerous gangs from places such as El Salvador. As a result, there is much more violence, and it is causing real problems for the Border Patrol.

That is the bad news with the good news: We are gaining more territory, more control, but with that comes more violence. Eventually, of course, the control will be consolidated and the violence will go down. But the point is that it is important we demonstrate to the American people that we are serious about gaining control of our border, and it can't be done without more fencing.

Let me describe just a little bit what we mean by this fencing because there is some misinformation about it. In Arizona right now in the urban areas south of Yuma, around San Louis, in Nogales, Douglas, and some of the smaller communities, there is some fencing. Much of it is a very old and ugly barrier. It is steel plates that were used in World War II and, I suppose, Vietnam for landing mats in the jungle to make temporary landing strips for aircraft.

They stand those steel plates on end and imbed them in concrete. It is a very ugly wall. You can't see through it, obviously, and that is a problem for the Border Patrol. They would like to see who is massing on the other side and what is going on so they can prevent it.

Part of the money we will be appropriating will be to replace that wall. It is hard to maintain it, and it is better to build with more modern technologies, sensors embedded in them, and the like. Part of this will be to replace this deteriorating and ugly fencing. Another will be to imbed sensors in the fence so when we have fencing 20, 30 miles outside a community—most of the fencing is in the urban areas where most of the people are. But if we extend it to some of the smuggling corridors, let's say 20 miles outside of town, we are also going to want to get the Border Patrol to a site of a breakthrough or an attempted crossover of the fence.

No fence is impervious to people getting through if they have enough time and equipment. That is the key. It slows them down. What we have to have is Border Patrol units that can get to anyplace along the fence in a reasonable period of time, perhaps 10, 15 minutes, or else it will not do any good. If the fence is being tampered with or someone is trying to go over or under it and the Border Patrol is no more than, say, 10 minutes away, that fence stops people long enough for the Border Patrol to get to the site and either prevent the illegal entry or apprehend the people coming in.

So we have to have Border Patrol along with fencing, and that means we also have to increase Border Patrol. What are we doing in that regard? We are appropriating enough money for another 1,500 Border Patrol this year, which will take us up to well over 14,000, approaching 15,000, and that is another critical component of this legislation.

Vehicle barriers, fencing, sensors, Border Patrol units, and in those places where it doesn't make sense to have a physical fence, we can have cameras—one person stationed in a control room which can monitor maybe 20 different cameras, and any time they see people massing on the other side of the border, they can simply call up the Border Patrol in the area closest, making sure they get to that site in time to apprehend the individuals crossing illegally or to prevent the crossing.

All of this can be done. We simply need to appropriate the money and to grant the authority and the direction to the Department of Homeland Security to get the job done.

I am advised by the Secretary that this fencing is already under construction and that he can move to a much more aggressive schedule. Obviously, we need to do it in a cost-effective way, and he needs to have the discretion of sequencing what fencing goes where when, when vehicle barriers are better than fencing, or cameras would do the job, and so forth.

With the direction of Congress to get this done, and his commitment to get it done, I am persuaded we can make a big dent in getting control of our borders. That is what we committed to the American people we are going to do.

The key point I want to say today is that I am going to be very pleased when we are able to adopt this legislation. No one should think that it is the end; rather, it is the end of the beginning. The beginning step is to secure the border, and with this direction, with this bill, we will have nailed in place the direction to the Department of Homeland Security. If we continue to adopt the appropriations that we have begun to adopt to spend the money on all the different items I talked about, if we put our money where our mouth is—and we are doing that—then we will be able to demonstrate to the American people that we care, that we have answered the basic question that they always ask me, which is: Why should we adopt some new legislation when the Federal Government isn't enforcing the laws we have? This demonstrates to them that we are enforcing the laws we have, that we are committed to that enforcement. Then we can go to the American people and ask for their support and their consensus on the next step, which will be comprehensive immigration reform to deal with the problem of illegal hiring, to have electronic verification of employment, to have a temporary worker program that really works because it is for temporary employment only, not permanent employment, and finally, to deal with the illegal immigrants who are here already.

All of those items need to be done, and the sooner we get about it the better. But the place to start is by securing the border, and the place to start with that is the construction of fencing and other barriers to prevent illegal entry.

I am pleased the House has passed the bill. I am pleased that we are going to be passing the bill tonight. I urge my colleagues to support this measure whenever the hour comes that we actually get to vote on it.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

RYAN WHITE CARE ACT

Mr. COBURN. Mr. President, it is my understanding this is the minority's time. Senator BYRD is coming to the floor, and they graciously granted me time to talk.

I wish to address a couple of issues that were raised by the Senator from New York as to the accuracies of the claims that have been made. I think it is real important.

I don't doubt for a minute that she genuinely cares for everybody who has HIV in this country. I think she does. I think her perspective on the challenges that face us as a nation in terms of finances is different from mine, and I will grant her that as well. But some of the claims made are not really accurate.

I ask unanimous consent to print in the RECORD an article from the New York Times stating specifically money was spent on walking dogs for HIV/AIDS patients, art classes, tickets to Broadway shows, free legal services, haircuts, things that other people can't do in any other place other than New York and California.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[The New York Times, November 12, 1997]

New Challenge to Idea That 'AIDS Is Special'

(By Sheryl Gay Stolberg)

Behind the swinging glass doors that welcome visitors to the Gay Men's Health Crisis is a world where H.I.V. is not just a deadly virus, but also a ticket to a host of unusual benefits.

At the center, the nation's oldest and largest AIDS social-service agency, almost everything is free: hot lunches, haircuts, art classes and even tickets to Broadway shows. Lawyers dispense advice free. Social workers guide patients through a Byzantine array of Government programs for people with H.I.V., and on Friday nights dinner is served by candlelight.

The philosophy underlying the niceties and necessities is "AIDS exceptionalism." The idea, in the words of Mark Robinson, executive director of the organization, is that "AIDS is special and it requires special status." That is a concept that has frequently been challenged by advocates for people with other diseases.

Now some advocates for people with AIDS are quietly questioning it themselves.

With death rates from the disease dropping for the first time in the history of the 16-year-old epidemic, the advocates suggest, it is time to re-examine the vast network of highly specialized support services for people with H.I.V. Some people are growing increasingly uncomfortable with the fact that the Government sets aside money for doctors' visits, shelter and drugs for people with AIDS but that it does not have comparable programs for other diseases.

"Why do people with AIDS get funding for primary medical care?" Martin Delaney, founder of Project Inform, a group in San Francisco, asked in an interview. "There are certainly other life-threatening diseases out there. Some of them kill a lot more people than AIDS does. So in one sense it is almost an advantage to be H.I.V. positive. It makes no sense."

Mr. Delaney, a prominent voice in AIDS affairs since the onset of the epidemic, is calling on advocates to band with people working on other diseases in demanding that programs for AIDS be replaced with a national health care system.

He complained that organizations like the Gay Men's Health Crisis had been "bought off" by the special status given to AIDS.

"We took our money and our jobs," Mr. Delaney wrote in the Project Inform newsletter in the summer, "and we dropped out of the national debate."

That criticism has not won many fans within "AIDS Inc.," as some call the cottage industry of agencies that care for H.I.V. patients. But Mr. Delaney's article, "The Coming Sunset on AIDS Funding Programs," has set off an intense debate.

"I think Delaney knows that he is putting out a provocative, stimulating kind of discussion," said Jim Graham, executive director of the Whitman-Walker Clinic in Washington, a counterpart to Gay Men's Health Crisis. "This is the whole discussion about AIDS exceptionalism. I think AIDS is an exceptional situation. AIDS is caused by a virus. That infectious virus is loose in America. And when you have a virus, an infectious situation such as this, it takes an exceptional response."

Yet many people involved with AIDS say some change is in order. Many programs created in response to the epidemic were intended as stopgaps, to help the dying in the health emergency. Some of the money that pays for free lunches at Gay Men's Health Crisis, for instance, is from the Federal Emergency Management Agency, which usually works on natural disasters like hurricanes and earthquakes.

But it is becoming clear that the AIDS crisis is long term. New treatments appear to be turning the disease from a certain death sentence to a chronic manageable illness. Accepting the projection that the epidemic will last for at least another generation, advocates say, the Government and private agencies need to take a hard look at spending in the coming years.

"We are not going to die, at least not all of us, and at least not all so soon," said Bill Arnold, co-chairman of the ADAP Working Group, a coalition in Washington that is lobbying the Government to add money to its AIDS Drug Assistance Program. "A lot of us are saying that the AIDS network or AIDS Inc. or whatever you want to call it, this whole network that we have created in the last 15 years, needs to be reinvented. But reinvented as what?"

That question is provoking considerable anxiety among employees at the estimated 2,400 service agencies in the United States, several hundred of which are in New York City.

The agencies offer an array of services including sophisticated treatment advice and free dog walking. Although most are tiny, some have grown into huge institutions financed by Federal, state and local government dollars, as well as contributions.

Critics say the organizations cannot possibly re-examine themselves because they have become too dependent on the Government.

"They have all become co-opted by the very system that they were created to hold accountable," Larry Kramer, the playwright, said.

Mr. Kramer founded Gay Men's Health Crisis in 1981, but has long been critical of the group. "It's staffed with a lot of people who have jobs at stake," he said.

With 280 employees and 7,000 volunteers, the program is the biggest and busiest agency of its kind. For many with human immunodeficiency virus, the organization and its lending library, arts-and-crafts center and comfortably decorated "living room" offer a home away from home, a place where, as one participant said, "your H.I.V. status is a nonevent." For some, the hot lunches often provide the only nutritious meals the patients get all day. For others, they are simply a source of community.

Craig Gibson, 31, of the Bronx, is one of 10,000 people a year who seek services there. Several days each week, Mr. Gibson goes to the living room to play cards after lunch.

"You come here, you see your friends," he said one afternoon. "Today they had a great chicken parmesan."

A walk through the lobby shows the power and success of AIDS philanthropy. A huge plaque in the entryway lists dozens of donors who have contributed $10,000 or more, including three who have given more than $1 million. Even so, 19 percent of the $30 million annual budget comes from Government sources, Mr. Robinson said.

"We still need this extraordinary short-term help," he said.

But Mr. Robinson said he was aware that the financing might not last forever. Even as the organization expands, it is doing so with an eye toward eventually scaling back. It just spent $12.5 million to renovate its new headquarters in a simple but expansive 12-story brick building on West 24th Street.

Mr. Robinson, a former accountant, said the building was designed so that any other business could easily move in. The lease is relatively short, 15 years.

The agency, he added, has realized that it cannot afford to be all things to all people. Until recently, Mr. Robinson said, "anybody with H.I.V. or AIDS could walk into our advocacy department, and virtually anything that was wrong with their life was addressed."

"If they were having problems with their landlord," he said, "we would deal with it. If they needed an air-conditioner, we would deal with it. Now we are really trying to focus on what is specifically related to AIDS."

To understand why Mr. Robinson and others say they believe AIDS deserves special status, a person has to go back to the response to AIDS in the days when it was known as the "gay cancer." The Government and the rest of society all but ignored the illness, forcing the people who were affected—by and large homosexuals—to fend for themselves.

"The original reaction," Mr. Arnold said, "was in response to: 'This is not our problem. We don't like you. Go away and die.' "

"By the time you have got 200,000 to 300,000 people dead," he said, "they all have friends. They all have relatives. That's a lot of people impacted. So now you have some critical mass."

That mass has translated into a political force—and significant Federal money. In his budget proposal for 1998, President Clinton has asked Congress to allocate more than $3.5 billion for AIDS programs, including $1.5 billion for AIDS research at the National Institutes of Health and $1.04 billion for the Ryan White Care Act, which provides medical care, counseling, prescription drugs and dental visits for people with H.I.V.

If Congress enacts the plan, AIDS spending would increase 4 percent over last year, and 70 percent over 1993, when Mr. Clinton took office.

In a paradox, some doctors say the array of services makes it harder to care for people whose behavior puts them at risk for AIDS, but who are not yet infected.

"We're trying to figure out how to provide services to H.I.V.-negative people to help them stay negative," said Dr. Michelle Roland, who treats indigent patients at San Francisco General Hospital. Many of Dr. Roland's patients are drug abusers, people at high risk.

"The truth is," she said, "we have a lot more access to resources for H.I.V.-positive people for drug treatment, education and housing."

While advocates for people with other diseases often lobby vociferously for more money for research, the notion of exceptionalism—that a particular illness deserves special Government status—is unique to AIDS, and it is generating a backlash.

For years, the American Heart Association has gone to Capitol Hill budget hearings with charts showing that more research money was spent per patient on AIDS than on heart disease. Advocates for people with Parkinson's disease have done the same. It will not be long, Mr. Delaney argues, before people with those and other diseases follow suit, demanding Ryan White-style programs for themselves.

Some authorities, including the president of the American Foundation for AIDS Research, Dr. Arthur Ammann, said Mr. Delaney was correct in pushing for universal health care. "We've got to form an alliance with these other diseases," Dr. Ammann said, "and say, None of us is going to get adequate health care the way the system is going."

But others call Mr. Delaney naive.

"It's interesting to muse about what he says," said Mr. Graham of the Whitman-Walker Clinic. "But it's both undesirable and impossible. So what's the point of talking about it?"

Naive or not, in challenging exceptionalism Mr. Delaney has clearly broken a taboo.

"We sort of question it among ourselves behind closed doors," said Mark Hannay, a member of the New York chapter of Act Up, the AIDS Coalition to Unleash Power. "Like, isn't this nice, but we're the only ones getting it."

Mr. COBURN. Mr. President, another key fact: New York State alone spends $25 million a year just on administration of their Ryan White title I funds. That is more money on administration than 38 other States combined, 38 other States spend total on all of it.

The Senator from New York showed a chart on AIDS cases and spending. Well, she was right. It was about AIDS cases, but it wasn't about AIDS and HIV-infected individuals. When you look at it in terms of those infected with HIV rather than AIDS cases and when you look at AIDS cases, AIDS cases are based on those who have had AIDS in the past and those who have AIDS today but does not reflect the epidemic.

I also ask unanimous consent to have printed in the RECORD an article on the housing and rooming in New York for people who are no longer alive but for which they paid for a number of months, a large number of people, where money was wasted.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIV/AIDS SHELTER COSTS CHALLENGED

(By Ellen Yan)

JULY 5, 2005.—The [New York] city agency that secures temporary shelter for indigent people with HIV/AIDS shelled out $2.2 million in questionable payments over 2½ years, partly to rent rooms listed to people who had died, the city comptroller charged in an audit released yesterday.

The Human Resources Administration paid $182.391 for rooms listed to 26 people up to two years after their deaths, with one housing provider getting 76 percent of the money, $137,920, said the report from Comptroller William Thompson Jr.

Auditors said many of the problems stemmed from the agency's failure to review its own data and client files before making payments to housing providers. In the audit, Thompson's office looked at five housing facilities as well as payments and records made from July 2002 to December 2004.

Among the findings, auditors said, $1 million went to housing providers for residents who did not sign registration logs; $456,292 was paid for overnight stays on or after clients' last days of occupancy; $417,463 in payments for people not in the agency's new database; $118,185 in double billing; and a $20,030 check to one vendor who submitted a $2,030 bill, an overpayment the agency said it will correct.

HRA spokesman Bob McHugh said yesterday that agency heads had not seen the comptroller's final report.

"For whatever reason, they chose to release it on the Fourth of July, so we're not going to comment . . . until we get a chance to review it," McHugh said.

In letters sent to the comptroller's office, HRA disagreed with many findings. In a June 15 letter, the agency said it's still waiting for Thompson's office to provide all the details so it can double-check the findings.

For example, officials replied in letters to the comptroller's office that at least three people were erroneously listed as dead in Social Security records.

In addition, the agency wrote, weekly registration logs are not final proof of whether housing was provided, because people with AIDS may have been too sick to sign.

The agency also accused Thompson's office of giving an "unbalanced" picture of housing conditions by concluding the 91 units checked were "generally in satisfactory condition" but then rating 25 of them as "unsafe and unsanitary."

The housing agency agreed with most of the audit's recommendations, including checking vendors' bills against client and Social Security records.

Mr. COBURN. Mr. President, it is disingenuous to use AIDS cases alone to make comparisons. The reason for that is because this is an epidemic. And thanks to the wonderful presence of modern-day medicines, medicines are preventing people who have HIV from ever contracting the fullblown AIDS syndrome.

The whole idea behind the bill that Senators ENZI and KENNEDY have offered and that has passed the House with over 300 votes is to have the money follow the epidemic. That is what this bill does. There are small declines in the amount of money per person in New York so that marked increases in funds are available for those in the nonmetropolitan areas throughout the South.

We know the face of the epidemic is changing. That epidemic says that we ought to be caring for them. The Senator's answer is just spend more money. But last year, when I offered an amendment to add $60 million to the ADAP by cutting pork projects, she voted against it. So you can come to the floor and claim you are for spending more money, but if you don't want to cut out a Japanese garden which is for a Federal Government building which was $60 million so you can put $60 million into lifesaving drugs, some would claim that is not real support for more money.

The final point I wish to make is that last year, New York received over $1.4 billion in earmarks, earmarks that aren't a priority, earmarks that aren't necessarily needed in a time of war. There was no offer to cut back on the earmarks for the State of New York to pay for greater care for AIDS patients. Some want to have it both ways: earmarks in the bill that are going to come back to us this November for New York, $600,000 for exhibits, $500,000 for New York City. We have to get a hold of priorities. Is HIV/AIDS a priority? Yes. And can we put more money into it? Yes. But we ought to be making the tough choices.

So I would say to my colleague that I have great respect for her desire to make sure everybody is cared for, but I also have a desire to make sure our children are cared for. And we need to pass this bill. It is a fair bill in the long term. We will work hard to make sure the moneys are there. We will work hard.

A final point. This new bill directs that 75 percent of the money ought to go to treatment. Less than 50 percent of the money in New York goes for treatment. Fifty percent goes for other things. So we have people living in South Carolina, North Carolina, Oklahoma, and in other States who are now on a drug waiting list who can't get treatment, and we are quibbling about $300 in other programs—not treatment—other programs these people won't ever have any access to, but yet they can't get drugs. Is it a geographical disagreement? Yes. Everybody who is talking on this is for taking care of this problem. This is a great way. This bill is a good start.

Here is the other problem. If we don't pass this bill before October 1, lots of people in New York and in other States will be hurt because of the legislation in the previous Ryan White Act in terms of forcing the redistribution of this. It is my hope we can work this out.

I appreciate the Senator's sentiments in terms of her caring for those with HIV, but I know, in fact, what has been offered and worked and gotten through the House is a good approach that takes a little bit from New York, takes a little bit from San Francisco, and gives lifesaving drugs. It doesn't take any lifesaving drugs away from New York or San Francisco or California but gives lifesaving drugs to the people who don't have them today. We ought to be about doing that.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 45 minutes.

RETIRING FROM THE SENATE

PAUL SARBANES

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, this is a day I hoped would never come. This is a speech I hoped I would never give. These are words I hoped I would never say. The senior Senator from Maryland, PAUL SARBANES, the longest serving Senator in the history of his great State, Senator PAUL SARBANES, is retiring. Now I must say goodbye.

I am so sorry to say those words to my good friend, my true friend, and greatly esteemed colleague. More than once, in fact, I have found myself hoping PAUL SARBANES would change his mind. But the senior Senator from Maryland must do what is best for himself and his family, and I wish him the best.

The retirement of PAUL SARBANES from the Senate brings to a close a fascinating and extraordinary Senate career. This son of Greek immigrant parents grew up on the Eastern Shore of Maryland, where he worked his way—yes, he worked his way through school by waiting on tables, washing dishes, and mopping floors in the Mayflower Grill in downtown Salisbury. From there, it was on to Princeton, that great university, for an undergraduate degree, to Oxford University as a Rhodes scholar—as a Rhodes scholar—and then on to Harvard Law School.

PAUL SARBANES began his career in public service in 1966. I had just begun my second term as a Member of the U.S. Senate 2 years before when PAUL SARBANES was elected to the Maryland State Legislature in 1966. In 1970, PAUL SARBANES was elected to the U.S. House of Representatives where, as a member of the House Judiciary Committee, he introduced the first article of impeachment against President Nixon.

That was PAUL SARBANES. After three terms in the U.S. House of Representatives, in 1976 he was elected to the U.S. Senate—yes, this body—where his career became even more fascinating and extraordinary.

In the U.S. Senate, PAUL SARBANES has served as chairman of the Congressional Joint Economic Committee and chairman of the Senate Banking, Housing, and Urban Affairs Committee. And he was chairman of the very impressive and influential Maryland Congressional Delegation, which includes Senator BARBARA MIKULSKI and the House Democratic whip, STENY HOYER. PAUL SARBANES has also been a very effective member of the Senate Foreign Relations Committee and the Senate Budget Committee.

Senator SARBANES has authored and sponsored important legislation, including the Sarbanes-Oxley Act, which has been called the most far-reaching reforms of American business practices since the time of President Franklin Delano Roosevelt.

I have always admired the quiet but effective way in which this unassuming, brilliant—I mean brilliant—and most reasonable lawmaker has performed the Nation's business. PAUL SARBANES. The Greeks taught the world to think. I don't know whether that is original or not, but that is the way I feel about it, in any event. The Greeks taught the world to think. I have always thought of PAUL SARBANES as a thinker—a thinker—a thinker. On the Senate committees on which we have served together, I have observed how he listens carefully, speaks—not often, but when he speaks, he speaks so softly, and then gets right to the crux of a matter. What a mind. What a brain. Yes, what a thinker. In his own subtle way, he can dissect even the most powerful and most arrogant witness. Let it be a Senator, he is the same.

I will always remember and always appreciate the great support that PAUL SARBANES gave to me during the time I served as the Senate Democratic Leader. During the most troubling times, during the most difficult votes, during the most controversial debate on matters, I could always count on PAUL SARBANES being there—with his friendship, his assistance, and his advice. I always called on PAUL SARBANES as I gathered the chairmen of the committees when I was the majority leader of the Senate and when I was the minority leader. I would call my Democratic chairmen around me. They were my board of directors, the chairmen of the various committees when we were in the majority. I always called PAUL SARBANES—he and some others, like Wendell Ford—but I am talking about PAUL SARBANES. I cannot begin to describe how important his support was and how much I appreciated it.

As I have said before, every leader would be fortunate to have a PAUL SARBANES, this Greek—and I say that with great pride—this Greek thinker. When I see the statue of "The Thinker," with his fist under his chin, I think of PAUL SARBANES. Yes, I think of PAUL SARBANES. I was always so fortunate myself to have PAUL SARBANES as a colleague to whom I could go and seek advice and counsel.

Senator SARBANES was one of just 23 Members of this Chamber who was willing to defy popular opinion—yes, to stand up to the President of the United States and to throw himself against the forces of war in voting against the resolution to launch an unprecedented preemptive assault, military assault, military invasion of a country that had never attacked us, never attacked our country; a country that did not pose a preeminent threat to our national security—Iraq. If only there had been more Senators like PAUL SARBANES, one of the 23 immortals. I like to think of it in that way.

I am in my 48th year in the Senate, and I was 6 years in the other body, making more than half a century in the Congress of the United States. I have always, since that vote, felt that was the greatest vote that I have ever cast. I have cast more than 17,000 rollcall votes in the Senate. I will always look upon that vote as the greatest vote, the vote in which I take the most pride, during my 54 years in the Congress of the United States—the greatest vote I ever cast. I cast that vote with 22 other Senators, one of whom is now gone. He died in a plane crash.

When Senator SARBANES announced his retirement back in March 2005, I remarked that he "will be missed" and that he "will not be replaced." While PAUL SARBANES will be missed, I might have to qualify the latter portion of that statement. Just a few weeks ago his son, PAUL SARBANES' son John—John, what a name—won the Democratic primary in the 3rd district in Maryland to become a Democratic nominee for the U.S. House of Representatives. Therefore, come January we might have another SARBANES serving with us in the Congress—praise God. If so, it will be fascinating to watch that son follow in his father's footsteps.

As the old saying goes: A SARBANES goes and a SARBANES comes, and Congress, like Tennyson's brook, goes on forever. That is not really an old saying. I probably just made it up. But I like it; yes, I like it.

Let me close by simply saying thank you, thank you Senator PAUL SARBANES. I thank you.

I remember PAUL SARBANES years ago when we were thinking and talking about and debating the Panama Canal treaty. I was against that treaty in the beginning, and then I read "The Path Between The Seas" and I changed my mind. I studied the matter. I did what PAUL SARBANES did, I studied the matter. I thought about the matter. I changed my viewpoints.

PAUL SARBANES, I thank you. I thank you for being a true friend. I thank you for being a truly esteemed colleague. I don't say these words lightly. I have been here a long time. I know a good man or woman, a good Senator when I see a good Senator. And I know this man is one of the finest of all Senators and a great American.

I thank you, PAUL SARBANES, for everything that you have done for your State and your people and country our people. I wish you and your lovely wife Christine nothing but ambrosia and nectar as you enter the next phase of your lives.

God, give us men.
A time like this demands strong minds,
Great hearts, true faith, and ready hands.
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie.
Men who can stand before the demagog
And brave his treacherous flatteries without
winking.

Tall men, Sun-crowned:
Who live above the fog.
In public duty and in private thinking.
For while the rabble with its thumbworn creeds,
Its large professions and its little deeds,
Mingles in selfish strife,
Lo! Freedom weeps!
Waits, and waiting justice sleeps.
Wrong rules the land, I say, and waiting justice sleeps.
God, give us men!
Men who serve not for selfish booty;
But real men, courageous, who flinch not at duty.
Men of dependable character;
Men of sterling worth;
Then wrongs will be redressed and right will rule the Earth.
God Give us men—

More men, yes, men like PAUL SARBANES, the Greek scholar, the Greek thinker, the Rhodes Scholar, a Senator of whom I am proud and will always speak with great pride.

Mr. SARBANES. Will the Senator yield?

Mr. BYRD. Yes, I yield.

Mr. SARBANES. Mr. President, I thank the very able Senator from West Virginia, our leader here for so many years, for his very generous and gracious remarks. I am deeply appreciative of his exceedingly kind words.

But I want to thank him even more for the extraordinary leadership he has provided over his service, both in the House of Representatives and, for the last 48 years, in the Senate. I have been here three decades and there is no one during that time who has spoken more eloquently, more perceptively about our Constitution and the role of the Senate within the Constitution, who has sought to strengthen the Senate as an institution and to have it play its role in the checks and balances arrangements which our Founding Fathers established in Philadelphia in the summer of 1787.

Senator BYRD again and again has called us to a higher standard. He has urged us over and over to do the right thing, to understand what our roles are as Senators, and, as he said, I know of no issue, certainly in recent times, where he has more pointedly expressed our role than when we considered the issue of giving the President authority to go to war in Iraq. It was Senator BYRD who sounded a clarion call that was heard all across the country, as he raised the basic questions that needed to be raised with respect to an issue of such gravity and significance.

I have been honored to serve with the Senator. I early recognized that the wisest course would be to follow his leadership. Again and again I have been privileged to have the opportunity to do that. I thank him very much for what he just said. I want him to know that as long as he stands on the floor of the Senate, I have confidence that our Constitution and this body as an institution are in good hands.

That is a magnificent service that he renders to the Republic. I thank him very much.

Mr. BYRD. Mr. President, I thank my dear friend. I shall always cherish the words thus spoken and always reflect upon this Senator, PAUL SARBANES, with great pride.

MARK DAYTON

Mr. President, I say farewell to Senator DAYTON. Seldom has a freshman Senator made more of an impression on me than has Senator MARK DAYTON of Minnesota who has announced that he will be leaving us at the end of this session of the Congress.

From the start of his service in this Chamber, I have been struck by Senator DAYTON's determination to learn the rules, to learn the traditions, to learn the customs of the Senate.

When Senator DAYTON presided over the Senate, which is one of the responsibilities of freshman Senators, he always did so with attention and dignity. His demeanor was inspiring. It reassured my belief in the future of this great institution.

When I meet with new Senators, as I often do, about the duties of the Presiding Officer, I urge them to use that gavel on that desk vigorously to bring the U.S. Senate to order.

I recall one instance when Senator DAYTON banged the gavel so hard that he nearly fell out of his chair. That is the way it should be. I thought to myself: Bang that gavel, bring the Senate to order so that the Senate can conduct the Nation's business.

I am also impressed about the reverence that Senator DAYTON shows for our Nation's most basic, most important document, the Constitution of the United States.

Many people who have served in this Chamber will have to answer to history for the way they have ignored and trampled upon our Constitution. As President Lincoln once reminded the Members of Congress: "We cannot escape history."

I am confident that history will hold Senator DAYTON in high regard.

Time after time, this freshman Senator has stood with me and the Constitution of the United States on the important issues before us. Senator DAYTON was one of the lonely 23 Senators who voted not to go to war with Iraq. I have been, as I say, 48 years in this body, and it is the greatest vote I ever cast, the vote of which I am most proud of all the 17,000 and more votes that I have cast.

Senator DAYTON was willing to defy public opinion and the forces of war because he, Senator DAYTON, was determined not to hand over to President Bush, or any President, Democrat or Republican, any President, the power to declare war. No. Why? Because the Constitution says Congress shall have the power to declare war.

With firm belief in our constitutional doctrines of the separation of powers and checks and balances, Senator DAYTON was the only person on the Senate Governmental Affairs Committee who voted against the flawed Department of Homeland Security bill that this White House pushed.

How I have admired the courage and the fortitude of this man, Senator DAYTON, this Senator and his firm belief in our constitutional system.

How I have wished that he would change his mind. I have spoken to him numerous times about that. I wish we had more like him, more who would say: Come one, come all, this rock shall fly from its firm base as I.

I thank Senator DAYTON for standing shoulder to shoulder and toe to toe with me on so many constitutional issues, and I thank him for the reverence he has shown this institution, the U.S. Senate.

Senator DAYTON is a descendent—get this—Senator DAYTON is a descendent of Jonathan Dayton, who was a delegate to the Constitutional Convention of 1787 from the State of New Jersey. I know that Jonathan Dayton is up there somewhere today looking down and smiling upon his kinsman who has worked so hard to preserve and to protect the Constitution, the sacred document that he, Jonathan Dayton, helped to create along with George Washington, Alexander Hamilton, and James Madison.

Senator DAYTON has brought to the Senate a vigor and a vision of public policies that is both refreshing and needed; yes, needed.

MARK DAYTON has devoted his life to public service. And why he ever decided to leave the Senate is beyond me. I have done the best I could talking with him time and time again, but he remains firm.

His public service included teaching school in the lower east side of New York City, also known as the Bowery, and serving as a social worker in Boston, the great city of Boston. Senator DAYTON's social and political activism landed him on President Richard Nixon's infamous "enemies list"—which he, Senator MARK DAYTON, probably considered a badge of honor—and on the staff of Senator Walter Mondale, one of our fine Vice Presidents.

Senator DAYTON brought his concerns for the less fortunate and the powerless with him to the Senate. As a freshman Senator, he proposed a new farm bill to help struggling family farms. He proposed a prescription tax credit plan to help Medicare beneficiaries offset the costs of their medications. He established a health care help line to assist working families in his State in getting health coverage from their insurance companies that they had paid for. He proposed a global trade agreement to limit the President's ability to negotiate trade deals by giving the Congress the power to reject parts of negotiated trade deals if they violated existing laws.

I expected great things from this Senator. He had been serving in this Chamber for only 2 years, when on March 13, 2003, I predicted that Senator DAYTON would have a "long career, if he wishes to make it a long one."

I was surprised, I was disappointed, I was saddened to learn that he has chosen instead to make a short career in the Senate. I hope he does not retire from public life because our country—especially our less fortunate—will always need public servants like MARK DAYTON.

But whatever he chooses to do, I wish him happiness and success. And I will always be grateful for my friendship with MARK DAYTON and the work—yes, the work—that we have done together.

Mr. DAYTON. Mr. President, will the Senator yield briefly?

Mr. BYRD. I do yield.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8½ minutes remaining.

Mr. BYRD. I yield to the Senator 2 minutes. Is that sufficient?

Mr. DAYTON. I will be very brief.

I thank the Senator from West Virginia for those gracious words. I am deeply honored because they come from the mouth of one of the greatest Senators in the history of this country. And whatever I have learned to apply with my understanding of the traditions of the Senate, the integrity of the Senate, the dignity of the Senate, I heard first and foremost from the great Senator from West Virginia, who has been a mentor, a guide, a leader, for whom I have the utmost respect. And when I did preside and listen to the Senator speak about such subjects as the United States Constitution, I learned more from his wisdom than I have learned in the previous 55 years of my life.

I was honored to stand with him, really behind him, when he led the public outcry against the war resolution. And I was honored to be 1 of those 23 Senators, and history has proven us also correct. For his incredible service to his State for which he was cited as the Greatest West Virginian of the last century, and I expect will be cited as the Greatest West Virginian of this century as well, and for that same quality of devotion to our country and incredible leadership to our entire Nation, we are all—all of the country men and women—in great debt to him. I am, again, deeply honored by his words.

Mr. BYRD. Mr. President, I thank the distinguished Senator, and I will always cherish, as long as I live, his words.

JIM JEFFORDS

Mr. BYRD. Mr. President, unfortunately, when Congress meets again in January of 2007, this Chamber and our Nation will be without the services of our esteemed colleague, Senator JIM JEFFORDS.

Senator JEFFORDS has announced that he is retiring so he may spend more time with his lovely wife Elizabeth. May I make clear that Elizabeth's gain is the Senate's loss.

For 32 years, JIM JEFFORDS has proudly and superbly represented his beautiful State of Vermont and our great country in the U.S. Congress.

From 1975 to 1988, he was Vermont's lone Member in the United States House of Representatives. Now having served three terms in the Senate, he has decided to retire. I regret his departure. He is a Senator I have admired. He is a Senator I respected since he first came to this Chamber.

Through his hard work and his dedication to this institution, he has helped to make the Senate a better place. For that I have been grateful and thankful. He is a polite, friendly, mild-mannered man whom it is always pleasant to be around. He is a U.S. Navy veteran who has never failed to demonstrate his love for our great country.

This Senator is a great American who possesses a passion to do the right thing no matter what the consequence. He is a U.S. Senator who has always displayed a reverence for this institution, the Senate of the United States.

While he has a natural, easy-going manner, he is a Senator who will work feverishly, who will work tirelessly for the causes in which he believes. Seldom has the Senate seen a stronger or more avid defender of the environment. He was one of the founders of the Congressional Solar Coalition. He has chaired the House Environment Study Conference and the Senate Environment and Public Works Committee. In Congress, he has constantly sought to broaden and to strengthen the power of the Environmental Protection Agency, and he has worked to ensure that important agency does its job.

His efforts to protect our environment have earned him recognition and awards from a number of environmental organizations, including the prestigious Sierra Club.

Senator JEFFORDS has been one of the Senate's foremost promoters of the rights of disabled Americans. Senator JEFFORDS has worked to open opportunities for them. He is coauthor of the Individuals With Disabilities Education Act, IDEA. For his efforts on behalf of disabled Americans, the National Multiple Sclerosis Society, NMSS, honored him as its "Senator of the year."

Senator JEFFORDS has been a promoter of the arts. He was a cofounder of the Congressional Arts Caucus, and not long ago as head of the Senate committee that oversees the National Endowment for the Arts, Senator JEFFORDS—yes, Senator JEFFORDS—was able to block a House effort to abolish the NEA.

Senator JEFFORDS has been one of the Senate's biggest and best promoters of education. I have read some criticisms of Senator JEFFORDS for his continuous efforts to seek more and more funding for educational programs for America's youth, America's young people, especially special educational programs. He has even been accused of "bartering his vote" on legislation for his own pet educational projects. I think this was probably meant as a criticism. If it were, I am sure that it is a criticism that Senator JEFFORDS wears with pride.

I don't think there is anything more important to Senator JEFFORDS than seeing that all of America's children have every opportunity to fulfill their educational pursuits. For this, he certainly has my respect and my admiration. I applaud him. Yes, I applaud Senator JEFFORDS.

Throughout his congressional career, Senator JEFFORDS, son of a Chief Justice of the Vermont Supreme Court and graduate of Yale University and Harvard Law School, has always displayed an independence of spirit, an independence of spirit for which he has been labeled a loose cannon. Knowing Senator JEFFORDS as I do, I know that his independence stems from an unrelenting determination to place doing the right thing above political or personal interest.

While in the House of Representatives, Senator JEFFORDS was the only Republican to vote against President Reagan's tax cut bill because he charged it would increase the national deficit. And it did. In the Senate, he was one of two Republicans who voted against President Bush's first round of tax cuts because those cuts were irresponsible and favored the wealthy. Senator JEFFORDS was the only Republican Senator to cosponsor President Clinton's effort to overhaul our national health care system.

I remember Senator JEFFORDS for being one of only 23 Senators who voted against going to war in Iraq. I have been in this Senate 48 years this year. I have cast 17,752 rollcall votes. I will say it again, 17,752 rollcall votes. And of all these votes—I have said it before—I am most proud of that particular vote, the vote against that arrogant and reckless charge to war in Iraq.

The Constitution says Congress shall have the power to declare war. It does not say that "one person," it does not say that the President of the United States, be he Republican or Democrat, shall have the power to declare war.

So, 23 Senators, including ROBERT BYRD and JIM JEFFORDS, voted to uphold the Constitution of the United States. That was the greatest vote ever cast in my 48 years in the Senate. If we only had more Senators with the courage, the determination and the character of JIM JEFFORDS, we might have avoided becoming involved in the bloody mess in which we now find ourselves in Iraq—with no end in sight. The Senate needs more JIM JEFFORDS.

In September 2000, Congressional Quarterly included a nice profile of Senator JEFFORDS. That article discussed his willingness to take independent positions even on the most partisan issues. It also discussed his black belt in the martial arts and how he had joined with other esteemed colleagues—SENATORS LOTT, CRAIG, and Ashcroft—to form that magnificent vocal group "The Singing Senators." Congressional Quarterly pointed out that Senator JEFFORDS "calls his own tunes," and I say he does. He calls his own tunes.

Eight months later, CQ proved prophetic. In May 2001 came an event for which Senator JEFFORDS will often be remembered in his 32 years in Congress, the event that he has called his own personal "declaration of independence." He followed his conscience and followed the path best for him. As I said before, we need more Senators like JIM JEFFORDS.

I am sorry to have to say goodbye to this unassuming, fiercely independent man. As much as I would prefer that he stay, I understand and I respect his wishes.

I wish Senator JEFFORDS and his lovely wife Elizabeth the blessing of Almighty God as they begin the next chapter of their lives.

The PRESIDING OFFICER. The Senator from Minnesota.

MARK DAYTON

Mr. COLEMAN. Mr. President, I see my colleague from Minnesota, Senator DAYTON. He will not be here in January, and I come to the Senate to associate myself with the praise of my distinguished colleague from West Virginia for Senator DAYTON.

We live in very partisan times. We live in times where there is great cynicism about politics. We come from opposite sides of the political aisle, and there are moments we are butting heads on issues and press releases, but I have to say my colleague's heart is pure. On issue after issue, when MARK DAYTON, the Senator from Minnesota, says something, he says it because he believes it and he is passionate about it.

We worked together to try to make sure our troops, when they were on leave from Iraq, came home at no cost. We came together.

Earlier today, we were in the Senate talking about agricultural disaster assistance for Minnesota farmers. The public does not see all the times we work together. They do not look into a man's heart. I have been here 4 years, and what I call the pureness of the heart, the commitment to public service, a lifelong commitment to public service, again and again at level after level on the State and now in the U.S. Congress is something to be celebrated.

I express to my colleague and my friend—and we use that word rather loosely on occasion here, but he is my colleague and my friend—thanks for your service. Thank you for giving me the opportunity to work with you on behalf of the people of Minnesota and the people of this country.

Mr. DAYTON. Mr. President, I ask unanimous consent I might have 1 minute to respond.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, I thank my friend, and I mean that sincerely, and my very distinguished colleague from Minnesota for those very kind words.

The Senator said we don't agree on everything, but we are not meant to agree on everything. That is part of the wisdom of the process here.

I have endless respect for the Senator from Minnesota. He was elected to the Senate by the people of our State under very difficult circumstances in the immediate aftermath of the tragic death of his predecessor. He handled that situation with great dignity and class, and he has continued to do so.

He represents our State with effectiveness, success beyond his young years. That is demonstrated by the high regard he is held in by most of the citizens in our State.

I thank him for his friendship. I thank him for the opportunity to work with him. I wish him continued success after I leave the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Parliamentary inquiry: I think I have the next 45 minutes under the unanimous consent.

The PRESIDING OFFICER. The Senator is authorized to proceed.

BILL FRIST

Mr. ENZI. Mr President, soon the last remaining items of business on the legislative calendar for the 109th Congress will be taken up and the current session of Congress will end. When it does, several of our colleagues will be returning home and leaving public service. We will miss them and we will especially miss the good ideas and creative spirit they brought with them to add to our work here in the Senate.

One of our colleagues we will all miss is BILL FRIST, our good friend from Tennessee. In his two terms of service he has compiled quite a remarkable record of accomplishments as one of Tennessee's Senators and as majority leader here in the Senate.

BILL's interest in serving in the Senate began while he was attending Princeton as an undergraduate. He was an intern in the House when Representative Evins of his home State encouraged him to run. But, before you do, he said, do something else for 20 years or so. Then you will be ready to run for office.

He knew that was good advice so he began a career that interested him and challenged him as much as politics did. BILL FRIST became a surgeon and established a reputation as one of the best transplant surgeons in the Nation.

We were fortunate that he chose that path in life, because his in depth knowledge of the practice of medicine and our Nation's health care system has been an invaluable addition to the debates we have had on those issues. His familiarity with health care from the perspective of the physician and his concern about rising costs as a member of the Senate helped to guide our efforts as we took up these and other matters in committee and on the Senate floor.

In the years he has served in the Senate, he has put his medical skills to practical use several times. When a gun battle had taken the lives of two Capitol Police officers, he went to the scene to help. Although he was unable to save the lives of either officer, he was ultimately successful in saving the life of their assailant. On another occasion, we were fortunate to have him with us when Strom Thurmond collapsed on the Senate floor and needed assistance. Finally, he was able to revive and save the life of one of his own constituents who had been the victim of a heart attack.

Many of our constituents remember BILL FRIST the days in 2001, when the Senate was attacked with anthrax. Once again, BILL FRIST was there to provide support and encouragement, and in that calm, reassuring manner of his, let the Nation know that we were doing everything we could to minimize the present danger and return the Senate to our normal pattern of work as soon as possible. The anthrax attack was a challenge that had never been faced before in the Congress, and BILL FRIST showed his credentials as a leader during that difficult time for us all.

During his service in the Senate, BILL has taken an active role in the consideration of a great many thorny and complicated issues that regularly come before the Senate. We were fortunate to have a doctor as our leader because, on many occasions, it was only BILL's bedside manner that helped him to forge agreements and develop bipartisan agreements on the Senate floor.

Looking back, the record will show that one of BILL's greatest successes was the Medicare drug benefit. This new addition to the Medicare program is helping seniors to pay for their prescription drugs and it is having a great impact on the quality of the health care we provide our Nation's seniors. Although it is still going through its initial stages as it is introduced to the public, and we are working to ensure people understand the benefits it provides them, there is no doubt that we wouldn't have had a prescription drug benefit program enacted into law at all—if not for the role BILL FRIST played in the effort. Working with program opponents and organizations in the public sector that opposed the new program, BILL was able to resolve many of the doubts and uncertainties that surrounded it, and ultimately, get it enacted by the Congress and signed into law.

In addition, and in what was perhaps his biggest achievement, BILL led a successful effort to pass an initiative to fight AIDS in Africa and the Caribbean. He had a heartfelt interest in the legislation and firsthand knowledge of the problem it was designed to address because he had done volunteer medical work for many years in Africa. His witness of the impact of the disease on the population of that country inspired him to do everything he could to address and try to put an end to the suffering it caused. Bill can be very proud of the great result he achieved in that effort. That initiative is his legacy and it will save more lives over the years than we will ever be able to count.

The record is clear. During BILL FRIST's service in the Senate, especially his years as majority leader, the Senate and the Nation have faced challenges and addressed issues we had never had to deal with before. The war on terror. the detention of terrorists, the quality and definition of life, the future of our Nation's school system, partial birth abortion, stem cell research and so many more controversial issues have found their way onto the Senate floor for our consideration.

Through it all, BILL FRIST's knowledge, deep understanding of the issues involved, and determination to develop a consensus on them, so typical of his leadership style, enabled the Senate to be a pro-active and fully involved deliberative body. The results he achieved during his years of service in the Senate will be his legacy and help provide the foundation for the work we will do together during the 110th Session of Congress.

Now BILL and his wife Karyn will have the time they have always wanted to spend with their children as BILL considers his next opportunity for public service. BILL FRIST has been a major part of our day to day routine in the Senate for 12 years and we will miss his presence, his influence on our legislative routine, and his expertise on the issues we have considered on the floor.

PAUL SARBANES

Mr. President, there is always an element of sadness that touches us all when we come to the end of a session of Congress. As the clock winds down on the final hours of our legislative activities, it also signals the time when several of our colleagues will be retiring and ending their years of service in the U.S. Senate. One of our colleagues who will be leaving at the end of this session is my good friend PAUL SARBANES of Maryland.

I remember when I first came to Washington years ago. I wanted my staff and I to hit the ground running, so I was reading up on the people who would be my colleagues in the Senate. One name caught my eye—PAUL SARBANES. It was noted that PAUL was a brilliant man who was one of the Senate's most noted authorities on the detached nuances of finance.

As the Senate's only accountant I found that comment to be a badge of honor. I knew PAUL must be wearing it with great pride. I knew I would. I took an instant liking to him.

Through the years PAUL and I served on the Banking Committee together. Our 8 years of service there gave me an opportunity to come to know him and appreciate his skills as a legislator. He has a great ability to solve complicated problems by piecing together workable solutions and then reaching out to his colleagues on both sides of the aisle to forge an agreement that could be passed and signed into law.

As I came to know him, I came to greatly respect him, the hard work he puts into his job every day of the year, and his commitment to serve his constituents which directed his every effort on the Senate floor.

A few years ago I had the chance to work with him one on one as we crafted the provisions of what came to be known as the Sarbanes-Oxley legislation. We became good friends during the process and developed a mutual respect for each other's positions on the issues.

That was back during the days when several scandals had rocked the accounting and financial industries of our country. Determined to find a solution, PAUL rolled up his sleeves and went to work. I don't think anyone gave him much of a chance to succeed, but those were people who didn't know him or his determination to find a way to solve a problem once it had captured his attention.

As he began to work on his bill, he knew he wouldn't be able to pass it without the help of some Senate Republicans. On the other side of the aisle, we knew we couldn't get anything through the Senate without the support of several Senate Democrats. So PAUL reached across the aisle and got us all to work together to bring his bill to the Senate floor where it was ultimately passed and signed into law.

As he worked for the people of Maryland and I worked for the people of my State, we found, despite our political and philosophical differences, we were always able to find common ground on the 80 percent of every issue that unites us. That is why PAUL has a well earned reputation here in the Senate for his willingness to work out problems for the greater good. He is known for his ability to navigate through partisan waters and arrive at solutions which are appreciated by the thoughtful majorities of both sides of the Senate. If you ask me, those are the abilities that have proven to be the secret of his success.

Back home, his constituents appreciate his workhorse style. He has served Maryland in the Senate for almost three decades and through it all he has earned the support of the people back home for his hard work and determined effort to make their lives better. The issues that were important to the people who sent him here always led PAUL to the Senate floor to take up the cause and do everything he possibly could to protect and promote the interests of those who were counting on him to get results. Needless to say—more often than not—he did.

Now three decades of service in the Senate have come to an end and PAUL is returning home to Maryland. I know we will all miss his ingenuity, his creativity, and his ability to focus our efforts and lead on both local and national issues. It is a well known adage that all politics is local and that is a lesson that PAUL learned and practiced as a master craftsman.

Now he and Christine will have time to enjoy their families together, and be a part of all that Maryland has to offer. I have a hunch he will not be slowing down so much as changing direction. I also expect I will continue to hear from him from time to time on matters that will still draw his interest.

It is a phone call expect and look forward to receiving in the years to come.

JIM JEFFORDS

Mr. President, as the session draws to a close and we complete the consideration of the bills before us by casting our final votes of the session, I rise to express my gratitude and best wishes to one of our colleagues who will be retiring when the final gavel brings to a close the current session of Congress.

JIM JEFFORDS, my good friend from Vermont, has decided to return home so that he can spend more time with his family. Although I will miss him, as will we all, I understand the reasons for his departure. There is nothing more important than family and the bonds between us and our children—and grandchildren—are stronger than any other in our life.

As the Chairman of the Health, Education, Labor and Pensions Committee, I will miss JIM's good ideas, his commitment to making a difference, and his strong determination to make our education and health care systems operate more effectively and efficiently. He was an important presence on the Committee and he and his staff were always willing to work long and hard on the initiatives they proposed to help make our Nation a better place for us all to live.

Looking back, 1974 was a good year for both JIM and me. I was elected to my first term as Mayor of Gillette, WY, and JIM was elected to his first term in the House of Representatives. We both took office full of great hopes and dreams as we looked forward to doing everything we could to make a difference in the lives of the people we were elected to serve.

From the beginning, JIM was very clear on his mission in Congress. He had come here to make sure that our most precious resource—our children—were well taken care of. For JIM, the issue of education was not something he took lightly. It was a commitment that came from his heart. He took the problems of our schools personally and he was determined to do something about them. He wanted everyone to have the same advantages in life that he had. That was his goal and it inspired him and drove his active involvement in the consideration of the education issues that would come before the House and the Senate.

JIM's passion for education not only drove his work on the subject in Congress, but it also led him in the years to come to serve as a tutor at a public school on Capitol Hill each week as part of a literacy program he created. That program reaches out to involve us all in supporting our public schools. Its philosophy is simple. Anyone can make a difference in our schools. All it takes is a little investment of our time and a willingness to share our talents with the students of a local school.

Not long after JIM had taken his oath of office in the House, he began working on what was to be one of his greatest successes, the Individuals with Disabilities Education Act, or IDEA as it has come to be known. Over the years IDEA has ensured that students with disabilities have equal access to a good education—and a promising future. Thanks to this landmark legislation those living with disabilities will receive the education, support and encouragement we all need to help us become all we can be and reach our full potential in our lives.

As he served in the House, JIM's commitment to working today to make things better for us all tomorrow led him to fight for meaningful environmental protections, a more effective and responsive health care system, and a sound fiscal budget that didn't overspend our present resources and leave a bill behind for future generations to pay.

That is the philosophy that directed and guided JIM when he ran for and won a seat in the Senate in 1988. It wasn't long after he had taken the oath of office for his new position that he began working on the reauthorization of the Clean Air Act—another part of his legislative passion that will continue to be a key part of his legacy in the Senate. Even though he had just begun his service in the Senate at the time, his good ideas and commitment to the protection and preservation of our natural resources made him an important part of the team that would write and promote this important bill.

No one was surprised that JIM was a key Member who was involved in so many difficult and important projects as soon as he arrived in the Senate. He preceded me as Chairman of the Health, Education, Labor and Pensions Committee and, under his leadership the committee took a close look at our schools and the quality of the education we provide our children. It considered how we might improve the training we provide our Nation's workers so that they might find and keep better and better jobs. And, it continued to look for ways that we might provide support and empower those living with disabilities so that all Americans are able to maximize their potential and live their own version of the American dream.

Back home, JIM has deep roots in his State that date back for generations. His father was a Chief Justice of the Vermont Supreme Court and I am sure he learned a great deal about politics, life and the law from his Dad.

In addition, coming from Vermont, JIM has a great understanding of the challenges faced by small and rural States and the local industries they depend on to keep local and State economies healthy and strong. It has been said that JIM knows as much about the dairy industry as anyone directly involved in it in his State. He knows firsthand that one size fits all solutions that work well for the big States, all too often penalize the smaller ones and leave them without the support they need to address the same problems the large states face.

In the years to come, when I think of JIM I will remember how he shared his dream of a better America with us. By daring us to dream, too, he encouraged us to work together so that the future would be a brighter one for us, our children and our grandchildren.

There is an old saying the Native Americans in Wyoming know well. We have not inherited the earth from our ancestors, we are borrowing it from our children. It's a philosophy that JIM took to heart and put into practice every day during his many years of public service.

Mr. ENZI. I ask unanimous consent following my remarks and Senator DAYTON for 20 minutes, Senator HATCH be recognized to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIV/AIDS TREATMENT

Mr. ENZI. Earlier this afternoon, there were comments made in the Senate by the Senator from New York, Mrs. CLINTON. Some of those comments distressed me a little bit. We have been trying to get the Ryan White CARE Act, which passed out of committee and passed on the House floor, to pass in the Senate. This is one of those rare bipartisan, bicameral bills. We worked it out in advance with the House so the bill the House passed is essentially the bill we passed out of committee. It is a modernization act that would ensure equitable distribution of funds for HIV/AIDS treatment in the United States.

I am compelled to discuss some of the points that the Senator from New York made today about the Ryan White CARE Act and our bipartisan bicameral legislation. I will talk about each of her claims in turn.

Senator CLINTON claimed that when you look at the funding for the whole bill, New York is not receiving the most funds per case. I don't doubt those figures. However, those are deceptive numbers. As an accountant, I have to point that out. They are deceptive for two reasons. First, her statement dealt only with funds per AIDS case. We have been talking about including HIV cases as well. Why would she neglect to include HIV? I assume it is because 25 States have 50 percent of their HIV/AIDS cases not being counted today because those individuals have HIV, which has not progressed to AIDS.

Please note that all of my numbers have included both HIV and AIDS. We must include HIV in the funding formulas. Before, including only AIDS made sense because we were just waiting for people to die. Now, we have lifesaving treatment for those with HIV; therefore, we must count each person who can receive lifesaving care.

Additionally, Senator CLINTON is looking at more than just the formula funding. Her figures include funding for community health centers, health care providers, providers who reach out to women and children. Thus, her figures include a lot of extra funding that is not at the heart of the debate.

If Senator CLINTON wants to rely on these numbers, numbers outside of the formulas, then she can do so under the current bill. She can trust that the other portions of the CARE Act will assist those who she is saying are being harmed by the bill.

As for her claim that her State has not spent Ryan White funds for things such as dog-walking, I will note that the Senator from Oklahoma provided information for the record regarding that.

Now, Senator CLINTON further claims that New York only carried over $3 million. Well, I find that surprising, given that New York, on the average, has carried over $29 million.

Mr. President, I ask unanimous consent to have printed in the RECORD a document from the Health Resources and Services Administration documenting the funds carried over for New York.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NY State

	Unobligated Balance Reported in 2000 FSR		Unobligated Balance Reported in 2001 FSR		Unobligated Balance Reported in 2002 FSR		Unobligated Balance Reported in 2003 FSR		Total UOB Reported in 2000-2003 FSRs		Total Carryover Approved 2000 through 2003
STATE	Total Grant	ADAP	Total Grant	ADAP	Total Grant	ADAP	Total Grant	ADAP	Total Grant	ADAP	
NY	10,985,299	5,790,467	16,724,776	1,934,242	10,315,744	5	11,453,377	3,963,811	49,479,196	11,688,525	**49,479,196**

NJ State

	Unobligated Balance Reported in 2000 FSR		Unobligated Balance Reported in 2001 FSR		Unobligated Balance Reported in 2002 FSR		Unobligated Balance Reported in 2003 FSR		Total UOB Reported in 2000-2003 FSRs		Total Carryover Approved 2000 through 2003
STATE	Total Grant	ADAP	Total Grant	ADAP	Total Grant	ADAP	Total Grant	ADAP	Total Grant	ADAP	
NJ	11,653,218	3,797,453	21,198,760	1,739,260	12,963,836	0	2,663,420	0	48,479,234	5,536,713	**46,880,072**

NY EMAs

Grantee	Unobligated Balance Reported on 2000 FSR	Unobligated Balance Reported on 2001 FSR	Unobligated Balance Reported on 2002 FSR	Unobligated Balance Reported on 2003 FSR	TOTAL UOB Reported from 2000 through 20003	**Total CARRYOVER Approved**	Total UOB Remaining from 2000 through 2003	2003 Available UOB for use in FY 2005	2000 to 2002 UOB to be returned to Treasury
NEW YORK, NY	$10,422,057	$15,880,794	$6,412,834	$3,579,765	$36,295,450	**$36,197,673**	$97,777	$1	$97,776
DUTCHESS CO, NY	$48,244	$109,003	$102,348	$89,751	$349,346	**$349,346**	$0	$0	$0
NASSAU, NY	$448,085	$471,690	$332,182	$337,815	$1,589,772	**$1,536,531**	$53,241	$10,486	$42,755

NJ EMAs

Grantee	Unobligated Balance Reported on 2000 FSR	Unobligated Balance Reported on 2001 FSR	Unobligated Balance Reported on 2002 FSR	Unobligated Balance Reported on 2003 FSR	TOTAL UOB Reported from 2000 through 20003	**Total CARRYOVER Approved**	Total UOB Remaining from 2000 through 2003	2003 Available UOB for use in FY 2005	2000 to 2002 UOB to be returned to Treasury
PATERSON, NJ	$403,012	$414,756	$1,255,069	$433,246	$2,508,083	**$1,244,479**	$1,261,604	$433,246	$828,358
HUDSON CO, NJ	$746,655	$870,737	$967,769	$563,025	$3,148,186	**$2,707,170**	$441,016	$441,016	$0
MIDDLESEX CO, NJ	$159,552	$192,164	$7,748	$49,680	$409,144	**$409,144**	$0	$0	$0
NEWARK CITY, NJ	$20,653	$169,921	$571,049	$62,895	$824,518	**$180,572**	$643,946	$62,895	$581,051
CUMBERLAND CO,NJ	$10,087	$75,903	$106,014	$50,660	$242,664	**$192,004**	$50,660	$0	$50,660

Mr. ENZI. Now, the Senator from New York mentions her 1-year extension bill. I will also discuss the Senator's 1-year extension, her resolution for Ryan White, her solution that would simply delay the reauthorization for another year. It simply says to those States that have not been getting adequate funds: We do not care about you, and you are not going to get adequate funds. We are going to re-debate all of this again next year. We are not even going to move toward making it fair.

The underlying bipartisan, bicameral bill has a provision providing 3 years of hold harmless funds for New York. For 3 years, New York will not have to follow the formula. They would like to have 5 years. The 3 years already in the bill is at the expense of the other States. The 5 years would be at the expense of the other States, although I will cover a question that was asked yesterday in a little while.

This is not a time to delay. This is a time to act. We absolutely cannot delay the much needed updates to current formulas that ensure that all Americans with HIV and AIDS are treated fairly and have access to life-sparing treatments no matter their race, their gender, or where they live.

We have a chart that shows the losses that would occur under current law versus the gains that would occur after this reauthorization. The red States here are going to lose significant funding under the current law, beginning on October 1. One hundred thousand Americans are going to be left out. The chart on the right, the blue chart, shows the gains under the Ryan White authorization. All States gain except five, who lose less funds under the reauthorization than they would under current law. Only two of the five are asking for a difference.

The time is now or never. As soon as the clock strikes midnight tomorrow, thousands of Americans will begin losing access to life-sparing treatment unless we pass this bill now. This amendment does not address this fact. This amendment would extend a formula that will cause dramatic reductions in funding to many States and thousands of Americans.

The House has passed this critical legislation, and now five Senators must decide if they will stand in the way of bipartisan legislation with broad support—a bill that will ensure equitable treatment for all Americans living with HIV and AIDS. I would say, I believe that is down to four Senators now.

Now, my second problem with the bill of the Senator from New York is that it shuts out Americans infected with HIV and does not provide them with equal access to treatment. Rather, it focuses on outdated funding formulas that only examine AIDS, not the full spectrum of the disease.

Just like her numbers on funding per person, the Senator from New York refuses to acknowledge those with HIV. This chart shows that today, in over 25 States, half of the cases in those States are not counted because those Americans only have HIV, not AIDS. These States receive funding for less than half their total HIV/AIDS cases because of the current, outdated, failed formula. Half the Nation does not receive enough funds to provide the most basic care to their residents. Now, my third problem with the bill of the Senator from New York or the Senator from New Jersey is that it ducks the key issue. Rather than more equitable distribution for funding and more equitable access to treatment for all Americans, my colleagues supporting this bill are simply throwing more money at the problem, assuming it will ensure more equitable access to lifesaving treatments. We know this is simply not the case because it does not solve the inherent flaws in the funding formulas.

Now, this chart shows that under the current law, more than 3 percent of Ryan White funding is returned to the Treasury each year. That is more than 3 percent—much of this coming from New York and New Jersey, the very States that objected to the passage of the bill that would more equitably distribute funding across the Nation.

Again, you will see here that under the current law, New York is receiving $509 per case more than the national average. Under the new bill, they would still get $304 more than the average case per person across the United States. And they have an average $29 million unspent. New Jersey, the other State, is receiving $310 above the national average. They would still get $88 above the national average. This bill does not get to equity. This bill moves toward equity. And it does not move there until 3 years from now. Other bills we have done start transitioning immediately.

Now, I am surprised that the Senator from New York or New Jersey would offer a bill to increase funding, ignoring the outdated formula issues, only to increase the inequity of the program and allow more funds that could save lives to be returned to the Treasury each year. Why would we offer more money to States that are already grossly overpaid and unable to spend their money and increase the disparities of outdated funding formulas, further harming those States with an emerging crisis?

This amendment would have us give a few States even more money than they are receiving now, while the majority of the States will receive significantly less funding over the next year. The Senators from New York and New Jersey want to extend this inequity rather than fixing the formula, fixing the formula now, fixing it before the tomorrow-night deadline, to allow fair and equitable treatment and access to care for Americans who have none now.

I can tell you that the HIV/AIDS community and families want this bill now. Now, perhaps my colleague can explain why she wants to give more money to States that cannot spend what they already have, while taking money away from States that are struggling, as we speak, to provide the basic life-sparing treatments to their residents. We are talking about life and death here. It seems they want to throw money at States where the epidemic started and ignore the areas where the epidemic has spread, underfunding areas in a growing crisis.

When you look at the money being spent, what we are talking about in this amendment is saving institutions, not saving people, not saving lives. This is not an economic development bill. This is not meant to assure that institutions that might be interested in providing these services still get the same amount of funds to do so even though they do not have as many people to provide the services to as they are being paid for.

I wish putting more money into the program could fix these inequities but, unfortunately, these inequities stem from outdated funding formulas and a lack of accountability. We must address the problem at its core and ensure that we are not denying the growing number of minorities and women living with HIV and AIDS equal protection under the Ryan White CARE Act.

Now, another comment by the Senator from New York was that she needs more money because it is more expensive to provide care in New York. The big cost driver is HIV/AIDS medication, costs that are similar in every State. Therefore, I do not understand that claim, unless it is protection of the institutions rather than the people.

I have another unanimous consent request that I intend to propound, and I, again, am hoping that someone will be here to object who is actually objecting to the bill instead of sending a surrogate who has had to go through this ritual several times already, even though he supports the bill, because the request earlier, of course, was to have a chance to vote on the bill of the Senator from New York and the Senator from New Jersey. And I am going to offer that. I am going to offer a short time for debate and a vote on that and then a vote on the bipartisan, bicameral bill that has already passed the House.

I am hoping that somebody actually involved in the substitute bill will come to the floor to either agree or object. That should be fair. They can have a vote. It seems reasonable to me. But it really ought to be the people offering the amendment who say they have the better idea, even though it leaves out the HIV folks, hundreds of thousands of Americans. This amendment doesn't even provide a quick fix for 1 more year, because it keeps the flawed formulas that will cause tremendous funding shortfalls in place. They will come back in another year then and ask for 5 more years of being held harmless.

I want to get a vote on the bill that includes HIV and follows the patient. We need to do that. We need to do it today, not tomorrow, not next month. Tomorrow night, a bunch of States will be in crisis—and their residents with HIV/AIDS will begin losing access to care. I would imagine in their amendment they have slipped in a little thing to protect the States that will fall into a trap tomorrow. But let's not just throw money at the problem, let's do the right thing for the long-term, for the entire Nation. Let's solve the formula. Let's do what we have done on a number of other bills that have gone through my committee, which is to look at the formula and say: What is fair to all the States?

I have to say, there are some people on my committee and others in this body who have said: If I look at the charts and I see what is happening to my State, yes, I may lose some money, but we are trying to come up with a solution that solves a problem across this country. And that is what we are here for, to solve problems across the country. I can tell you that the HIV/AIDS families and community want it to be fair and want the bill we have been asking unanimous consent on for several days now.

So I will be asking for unanimous consent. I will throw in this opportunity to have a vote on the other bill, to see if people want to do more of the same or if they want to fix this over a period of time, again, holding all States harmless for 3 years before we move into a transition to full fairness.

Just last night the House passed this critical, bipartisan, bicameral legislation by an overwhelming bipartisan vote, 325 to 98, and sent it to us to act upon it immediately. The House understood the critical, time-sensitive nature of this legislation. Now the Senate must act quickly to reauthorize this critical program by September 30; otherwise, hundreds of thousands of individuals in States and the District of Columbia will lose access to lifesaving services. The only thing standing between us and the President's signature to enact this bill is a Senate vote on the House bill—or perhaps a Senate vote on the possible substitute amendment and then a vote on the House bill.

Now, I have asked the Senate to move this critical legislation two other times. Currently, four Senators from two States are blocking a vote and thus may prevent many individuals and families from receiving critical AIDS and HIV treatment under a more equitable program.

I appreciate the number of my colleagues who have been on the floor to talk about the people in their States who are dying because they are on a waiting list and cannot get the treatment, because they have had huge influxes of population, huge increases in the number of people who have been infected by HIV and AIDS. We cannot let that happen. We cannot continue that. We cannot continue to say: Well, if we have been shipping money to one part of the country, we are going to continue to ship money to that part of the country even though the problem has shifted. So four Senators are blocking us.

Mr. President, I would like to take this opportunity to recognize the hard work of the Senators from California on this legislation. I appreciate their willingness to continue to talk to us to address their concerns. They have indicated they are no longer objecting to this legislation. I thank them. However, this bill, due to other objections, is still not moving forward.

This legislation ensures that Federal moneys are distributed more fairly and the dollars will follow the person. This is something our outdated funding formula failed to do. Hundreds of thousands of people living with HIV and AIDS, who live in these States, will be needlessly harmed if a few Senators continue obstructing good policy.

What is more, these four Senators will not come to the floor to defend their objection to this critical legislation at a time when we are talking about it. So today I will ask again for the Senators from New York and New Jersey to come to the floor themselves, lodge their objections, listen to the unanimous consent request, where I am going to offer them the right to have a vote on their bill, in exchange for the right to vote on the bill that came out of committee—the bill that is bicameral and bipartisan.

Now, as part of the unanimous consent request, I am also allowing those Senators to offer that amendment, of course, the opportunity for them to put forward their best solution for dealing with the concerns they have. We have run hundreds of programs trying to come up with the most equitable way to do this. The one we are presenting is the one we found that had the most people to support it. I was told this is identical to the bill introduced by the New York and New Jersey delegations this week. That is the amendment we would be voting on. This bill and/or amendment is not a solution; rather, it is a harmful delay, putting off what we should and must do today.

These States simply raise objections about what funds are received this year compared to last year. These States were grossly overpaid last year and will continue to be overpaid next year. However, they will no longer be grossly overpaid under the bill I am proposing. These few Senators keep saying they will lose money under the reauthorization. No matter the dollar formula they say they may lose on a given day, it doesn't add up to the amount of dollars they would stand to carry over from the current flawed formula. The State of New York would carry over an average of $150 million over 5 years.

According to GAO data, even with the formula adjustment that will allow for more equitable treatment, save lives in more places, New York would still carry over about $115 million based on their past spending. In the past, New York and New Jersey have been able to under-spend hundreds of millions of leftover dollars. At the same time, 25 other States are struggling to provide even the most basic life-sparing medications to their residents living with HIV/AIDS. Because of the current flawed formula, this amendment doesn't even count Americans living with HIV. New York can afford to generously offer more than 495 different medications to their residents. That is 23 times the number of medications that Louisiana is able to offer their HIV/AIDS residents because of a lack of appropriate funding. While New York offers a range of elective drugs, many other States are unable to provide the basic life-sparing treatments that every American should have access to. This is indefensible. New York carries over an average of $30 million each year; yet, 25 other States are having significant difficulty providing the basic drugs to all of its eligible residents. Eleven States have waiting lists—that is right, residents in 11 States are unable to receive life-sparing treatments because their States do not receive appropriate funds.

New York, in 2005, spent an astonishing $25 million on administration costs for just two titles of this law. That is more than the entire amount of money received by 38 States in 2005 for those two titles to provide care to their residents with HIV/AIDS. This inequity must be addressed, and it is addressed in this reauthorization. Stalling now because a couple States stand to lose a fraction of the money they already cannot spend is indefensible. Lives are at risk and a solution is on the table today. A solution has been passed by the House and is before us now.

I hope those four Senators will defend their objection and allow a vote on their amendment. The continued expansion of the AIDS epidemic in this country is a certainty. While the epidemic continues in the urban areas in the country, the number of new cases not diagnosed in small urban, suburban, and rural areas are reaching alarming levels. As the epidemic expands in all these areas, local health care systems have often been unable to meet the growing demands for medical and support services.

The problems created in rural areas are often similar to those experienced in large cities. However, these problems are exacerbated by poor health care infrastructure and limited experience with HIV/AIDS care. The lack of trained primary care providers, the absence of long-term care facilities, the scarcity of resources, and a scattered population are additional obstacles that may be faced in a developing, coordinated outpatient service program.

If New York thinks it is more expensive to handle a new problem, they ought to deal with the distances these people have to travel in some of the rural areas to get care for some of the most basic ailments. Small areas are also often not able to provide the specialized services required by some persons with HIV. When primary services are unavailable, individuals and families must travel long distances to receive the necessary care. Furthermore, rural health care systems must address not only the epidemic but also other conditions, including substance abuse, mental illness, and sexually transmitted diseases which they may be poorly equipped to deal with.

Thus, as we think of the problem today in its expansion into rural areas, we must provide the same effort to those areas we did for urban areas in the early 1990s. We must target resources to those in need and assure that those infected with HIV and living with AIDS will receive our support and our compassion, regardless of their race, gender or where they live.

Finally, I want to answer the question posed by the Senator from Minnesota last night. Senator DAYTON asked what it would cost to give these States, over the next 5 years, the same amount of money as they receive presently. Alarmingly, to keep those States whole, it would cost $614 million a year. That is over half a billion for the next 5 years.

It is not possible just to provide increases to New York and New Jersey due to the funding distribution; therefore, to ensure that everybody receives as much money per person with HIV that New York is currently receiving, it would cost over $3 billion—if we went to equity, it would cost $3 billion, or a 30 percent increase in Ryan White funding to maintain States' funding level that are grossly overpaid and unable to spend the money they do receive.

Our obligation as Senators is to the people of the United States. We still have four Senators who continue to obstruct the Senate from passing a bill because of the September 30 deadline—a bill which passed the House 325-to-98, a bill that can save more than 100,000 lives, including the lives of the growing number of women and minorities who are afflicted by this devastating disease, and provides the money to where it is needed most.

As I said last night, this is not an economic development project. The bottom line is simply, where States have more people with HIV/AIDS, they should get more money. Where States have less people with HIV/AIDS, they should get less money. As we all know, the Ryan White program provides critical health care services for people infected with HIV and AIDS. These individuals rely on this vital program for drugs and other services. We need to pass this legislation so we can provide them with the treatment they desperately need.

I urge the Senators who are holding up the bill to stop playing the numbers game so the Ryan White CARE Act funding can address the epidemic of today, not yesterday.

I ask the Chair how much time remains.

The PRESIDING OFFICER. The Senator has 20 minutes remaining.

Mr. ENZI. Mr. President, I will yield 5 minutes to the Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator. Chairman ENZI has done a fine job, and he is known for his fairness and his hard work. Under his leadership, State after State has agreed to this new and fairer formula. Unfortunately, we have a few privileged States who want to maintain an extraordinary funding stream and are denying funding to the other States that are in crisis today.

I have spoken with Kathie Hiers, the director of AIDS Alabama, who is very articulate on these issues. Mary Elizabeth Marr, who runs the AIDS center in Huntsville, and Jane Cheeks, the State AIDS director, and they have explained to me how unfair the current system is.

Mr. President, I could not be prouder to serve on the committee with Senator ENZI, and I greatly appreciate his leadership to help those of us whose States are facing a national crisis.

I would like to briefly show this chart and make a few points. Senator HATCH, who wrote the Ryan White Act, is here. Ryan White was from Indiana. He was not from a large city. But Senator HATCH considered the AIDS challenges facing America, and at the time, this disease appeared to be a greater problem in bigger cities. The whole Nation contributed money to fight this epidemic in the crisis area cities.

The money that was spent fighting AIDS in these cities had a tremendous impact. However, the geography of the disease has changed. Where is the growth of AIDS today? Where are the surging numbers? HIV and AIDS are increasing at a greater rate in the South. Seventy percent of the new HIV cases in my State are African Americans, and the greatest growth rate by far is among African American women. My State is not receiving adequate funding to treat the greater numbers of people in our State that are living with HIV/AIDS.

I would like to again point out that the formula used to determine funding has a number of serious flaws. One of these flaws is that we count AIDS cases for funding, but we do not count HIV positive cases, despite the fact that HIV is the precursor to fully-developed AIDS. In contrast to the early years of this disease, we have medicines that can be given to people who have HIV before it has developed into AIDS. These drugs have been proven to delay the onset of AIDS so that the people that have access to them can live a more healthy life.

How is it possible that we are not including the people who have HIV in the funding formula?

These are the people that need to be put on medicines at once. We now know that a pregnant women who has HIV will give birth to a child without AIDS if she is given the right medicines. However, if she is not given these drugs, she faces a greater probability that her child could be born with AIDS. This clearly is a very serious, life-and-death issue, and one that we must confront. We have continued to be generous with AIDS funding, but that generosity certainly would require that we shift the money to follow the disease. The money should not follow bureaucracies and established systems where it cannot be spent. For example, New York was not able to spend $29 million last year, yet under the same formula, Alabama receives only $11 million for the whole State for the entire year. The money that they had and were unable to spend is nearly 3 times more than our complete funding, yet Alabama has waiting lists for people who are in desperate need of these drugs. The people on our waiting lists must wait before they can become eligible for these drugs because we don't have enough money to pay for them. We cannot afford to pay for more than 40 drugs in Alabama, but New York is able to provide nearly 500 drugs to their AIDS patients. This is just not right.

To conclude, I find it unfortunate that we have seen such partisan, parochial interest in protecting those who receive excessive federal benefits when these benefits are no longer justified. The U.S. Government and the American people were generous to New York, San Francisco, and other big cities. We saw that these cities were in a crisis with this disease, and so we gave them a disproportionate amount. These cities are not entitled to keep forever the benefits we have been giving, and now we are experiencing crises in other States. I think it is a sad day indeed that there are Senators blocking this reform and blocking the re-authorization of the act.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I thank the Chair and yield the floor. I would like to note my appreciation for Senator HATCH and his leadership on this issue.

Mr. ENZI. Mr. President, I yield 10 minutes to the Senator from Utah, Senator HATCH, who has been actively involved in the HIV/AIDS discussion for years. In fact, he selected the Ryan White name for this bill many years ago when he chaired this committee.

Mr. HATCH. Mr. President, I thank my chairman. I am grateful to be with him on this bill. I am one of the prime authors of the Ryan White Act. I stood here on the floor, with Mrs. White sitting up in the gallery, and recognized it and named it the Ryan White bill.

I rise again to support the effort to call up and immediately adopt S. 2823, the Ryan White HIV/AIDS Treatment Modernization Act. I thank our chairman and others who worked so hard on this bill to bring it here.

It makes no sense that this product of bipartisan, bicameral effort should be held up at the eleventh hour by Members representing only two States—three at one time, but at least the two Senators from California backed off and now realize that they are not doing what is right here.

Given that the theme of this bipartisan, bicameral effort was to craft something that would help even out the playing field for all U.S. States and territories, it makes even less sense for these holds to be placed on behalf of States that currently enjoy substantially generous funding. In some areas of these States, the funding is so generous that we have heard reports of Ryan White dollars being spent on dog-walking services, haircuts, candlelight dinners, and four-star hotels. I, for one, am pretty fed up with it, and to have four liberal Senators on this floor holding this up is just outrageous.

Furthermore, some States carry over millions of unspent dollars every year, and some continue to receive funding for people who are no longer living. This is happening while people die in areas where the epidemic is newer because under the current Ryan White structure, their location dictates that they should receive less money for care. This reauthorization bill would fix that broken program structure.

Let me make it clear that my home State of Utah does not stand to gain large increases in funding. Our State AIDS director understands and supports the need for equity within the program. Due to efficient administration of the Ryan White program, Utah is able to manage its funding so that it can—just barely—avoid an ADAP waiting list for pharmaceuticals. Utah can do this even though it receives an average of $1,315 less per patient in Ryan White funding than does New York, $1,330 per patient less than New Jersey, and $843 per patient less than California, just to mention three States. The New York and New Jersey Senators are holding up this bill.

I could go on and on about this because there are really only about five States that receive less funding per patient than Utah. But I am not going to do that, and that is precisely my point. My point is that this should not be about who gets the most money. I find it disconcerting that I have to point out, once again, that this program assists people who could die if it is not reauthorized this week. It is as simple as that. I have received numerous letters from the HIV/AIDS community urging that the Senate reauthorize this program before it adjourns this week. I also remind my colleagues that President Bush has charged Congress with reauthorizing this program.

Last night, the House passed H.R. 6143, the Ryan White HIV/AIDS Treatment Modernization Act of 2006, by a vote of 325 to 98. The vote total includes over half of the House Democrats voting for this bill. What happened to the other half? They are always out here talking about compassion and talking about reason and talking about how good they are to the poor. Here is a chance to do some good for the poor. We worked hard to get everything together on this bill, and we have four liberal Senators holding it up. It is ridiculous.

I am the coauthor of three of the AIDS bills. I remember when we brought the first one to the floor. It was a big battle. I was the conservative who stood up for it. We finally won, and we won on all three of them. Like I say, I named this bill the Ryan White bill right here on the floor of the Senate.

As I mentioned, the House passed its bill last night with overwhelming bipartisan support. I implore my colleagues in the Senate to do the same, to work in the best interest of the entire Nation and pass this reauthorization.

I am really upset about it, and I think everybody ought to be upset about it. Sometimes we get extreme worrying about who gets the money and who gets this and who gets that. New York and New Jersey are not being mistreated here. Some States will always think they are not getting enough money no matter what we do here. We have to work on this.

Mr. President, I yield the floor, and I thank my colleagues for their forbearance.

Mr. ENZI. Mr. President, it is my understanding that I have 9 minutes remaining?

The PRESIDING OFFICER (Mr. ENSIGN). The Senator is correct.

Mr. ENZI. I thank the Chair, and since there is a Senator now here from one of the two states objecting to us moving on with the Ryan White HIV/AIDS Treatment Modernization Act, I would like to propound the unanimous consent.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6143, which was received from the House. I ask unanimous consent that the only amendment in order be an amendment by Senator LAUTENBERG, which is the text of S. 3944, with 30 minutes of debate equally divided. I ask consent that following the disposition of that amendment, the bill, as amended, if amended, be read the third time and passed, a motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Mr. President, we just received this proposal about 15 minutes ago. This is a monumental issue, very important to my State and others. Therefore, I must object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. ENZI. Mr. President, I am sorry to hear the objection. We have been trying to find a way, any way, to be able to move on to a vote on this bill that is bipartisan, bicameral. It has already passed the House and I am sure it would pass here. So I am really disappointed.

Mr. President, I allocate 5 minutes of time to the Senator from North Carolina, Mr. BURR.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I thank the Chair. I am amazed to hear that some have just become familiar with this bill. It has been negotiated in a bicameral, bipartisan way. It is the same bill that we have moved out of the committee and now the House has passed it without opposition, and we thought it just right to pick up the House bill.

But let me back up, if I can. Currently, New York offers over 500 Medicaid options to their HIV/AIDS patients. West Virginia has less than 50 options for medication. Now, this disparity is not because West Virginia doesn't care about people with HIV and AIDS; this disparity is because New York and New Jersey and other States with Title I cities receive more money per person than the other States. This just is not fair.

Why do some States offer 400 drugs to their residents with HIV/AIDS when other States keep waiting lists for individuals who need the most basic life-saving drugs? Well, in 2005 North Carolina contributed 40 percent of the cost for every individual who qualified for ADAP. ADAP qualification in North Carolina is 125 percent of poverty, $9,200. In contrast, the same year, New York contributed 16 percent of the total ADAP funds, and New Yorkers, under 460 percent of poverty were eligible for Federal ADAP funds. New Jersey contributed only 14 percent of their total ADAP funds used, and residents of New Jersey, under 500 percent of poverty, are eligible for Federal funds. Why? Because the Federal funds that we supply under this formula are so rich to New Jersey and to New York that a person with an income of $47,000 a year is eligible for Federal medication on ADAP, but not in North Carolina. If they exceed the $9,500 income mark, because of our limited amount of dollars, they are no longer eligible.

In 2004, in a clinic in Charlotte, NC, there were 547 patients who made 2,362 clinic visits. That is a little over 4 times a year. But we are told by individuals from these States that have more money than they can use that they couldn't possibly tell us how many real HIV/AIDS patients they have in their State in a 3 or 5-year period.

The suggestion was made today that we delay this for another year so that we would have an opportunity to work out some of this and they could see if they could count patients. Let me suggest to my colleagues that if individuals are going into a clinic and receiving Federal aid under the Ryan White CARE Act, then you would be able to count them. If they weren't going in to receive care under the Ryan White CARE Act, then they shouldn't be eligible and the State doesn't need the money. The fact is we are counting the people who are getting services. They don't exceed the amount of money that they get, but they would like to keep the extra. In fact, today, the reason that they would like another year is they would like to keep on counting to see if they can get their numbers up to match the amount of money that they get.

The Senators from New York don't care about the fact that in 2006 the national funding per AIDS case was $1,613. Yet in New York, the average was $2,122 per case. In North Carolina, it is a little over $1,200 a year. The other States that get a disproportionate share of money per case exist, but they acknowledge that that disproportionate share is unfair. They realize it is unequal, and so they are willing to support this bill. Let me tell my colleagues that Connecticut gets $2,887 per AIDS patient, while South Carolina gets $1,364; Minnesota, $2,903, while Arkansas gets $1,239; Louisiana, $2069, while North Carolina gets $1,166.

Mr. President, I thank those Members who are willing to support this legislation, who are willing to let their numbers help others who will die without this funding.

I yield the floor.

Mr. ENZI. Mr. President, for the last few seconds I am going to just mention that the bill by the Senators from New York and New Jersey was introduced on Tuesday. Surely they have had time to think about having that amendment debated and voted on in that amount of time. I am really disappointed that they won't give some kind of an answer that will allow a vote on that amendment. If that is what they need for cover, that is OK with me. I just need to get this done.

New York and New Jersey are stealing the future from those with HIV, and that just cannot happen in the U.S. Senate. We have to worry about all the people from all of the United States, and that is what the reauthorization would do. That is why it is important to do it. I have asked those questions numerous times now trying to find a way to bring this bill up for a vote, and am being denied in every way—I am not being denied—those with HIV, those with AIDS, their families are being denied the right to have a vote on this bill in the U.S. Senate.

The PRESIDING OFFICER. The order is for the Senator from Minnesota to be recognized for 20 minutes.

Mr. BAUCUS. Mr. President, will the Senator from Minnesota yield to me?

Mr. DAYTON. For the purpose of asking a question.

Mr. BAUCUS. Mr. President, under regular order, after the Senator from Minnesota speaks, are there other speakers lined up?

The PRESIDING OFFICER. The Senator from Texas then has 15 minutes.

Mr. BAUCUS. Mr. President, I ask unanimous consent that following the statement by the Senator from Texas, the Senator from Iowa, Mr. GRASSLEY, be allowed to speak for 20 minutes; following Senator GRASSLEY, myself for 15 minutes, and following Senator GRASSLEY, Senator MURRAY for 15, Senator HARKIN for 10, and Senator MENENDEZ for 15.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, with the understanding, Mr. President, that if a Republican Member wishes to speak, his time would be allotted in between the times of the Democratic Members.

The PRESIDING OFFICER. Does the Senator from Montana so modify his request?

Mr. BAUCUS. First of all, I would like that not to be the case—well, that automatically would be the case because Senator GRASSLEY and myself would follow Senator HUTCHISON. Following the Senator from Texas, then the Senator from Iowa, and then myself, and then I am asking following myself, that Senator MURRAY and Senator HARKIN be recognized. There will be three Republicans right in a row there already, at least two, so I am just suggesting that at least Senators MURRAY and HARKIN be able to follow myself.

Mr. GREGG. Maybe we can reserve this and discuss it for a second.

Mr. BAUCUS. I would like to lock in Senator GRASSLEY and myself because we have been seeking this for some time.

Mr. GREGG. I would like to have the opportunity to make sure the Republicans would have an equal amount of time.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I would modify the request to suggest that following myself and a Republican Senator to be recognized, and a Republican Senator between Senator HARKIN and Senator MENENDEZ if they so request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized for 20 minutes.

SECURE FENCE ACT

Mr. DAYTON. Mr. President, I rise tonight to address the legislation that is before the Senate, the legislation that would establish a fence along the southern United States border. I intend to support this legislation, despite its serious flaws. I agree that a physical barrier is necessary along some parts of our country's southern border.

Last month I visited southern border communities in Texas, New Mexico, and Arizona, and I recognize the very serious need for additional security measures there. In El Paso, TX, for example, there is a fence along the U.S.-Mexican border for about half the city. But then that fence abruptly ends because, I was told, of lack of funding to extend it. That is nonsensical: A security fence that only covers about half of the city that it is supposed to secure.

The day before I toured this area, that one Border Patrol station in El Paso, TX had apprehended 268 people trying to enter our country illegally. That is unacceptable, and that is the reason I will support this legislation. But it is only part of the solution. I asked Border Patrol agents across the southern border, or the real experts about what is effective and what is not to protect our border and our citizens, whether a fence is a good idea. They replied that in some places it was and in other places it was not. They said it was one of several additional actions necessary for effective border control.

Yet this is the only measure contained in this legislation. It bears little resemblance to a comprehensive bill that the Senate previously passed to strengthen border security and stop illegal immigration. Its effectiveness, the border control experts told me last month, would be severely reduced by the absence of a comprehensive approach. It will further waste taxpayer dollars by mandating a fence where a fence will not be effective. In short, it suffers from the defects of being the hastily drafted, last-minute election ploy that it is, rather than the comprehensive, intelligent, and effective border security bill that our country needs and our citizens deserve.

Previous attempts to secure our Nation's southern border have failed for precisely this reason. They were only partial steps where only a complete solution will be successful. It is stupid for Congress to pass something that will fail, and shameful for Congress to do it for short-term political benefits rather than the long-term national interest. I have no doubt this legislation will pass and that it will be used by those it benefits between now and the November 7 election.

So I plead with my colleagues and with the House to finish this job when we return after the elections. Let's have the Homeland Security Committee on which I serve and other committees claiming jurisdiction to ask the border security experts themselves what else must be done to make this fence effective. Let's get the House to drop their political pre-election posturing and deal with the present and future realities of our illegal immigration problem by passing key parts of the Senate bill.

It is necessary to be tough on illegal immigration, but being tough and stupid is stupid. Let's challenge the House to get tough and smart about protecting our southern border, as President Bush has proposed and as the Senate has enacted. But let's not fool ourselves and let's not try to fool the American people that this legislation by itself will solve or even substantially reduce the very serious flood of illegal aliens crossing our southern border.

This bill is also incomplete and inadequate because it does nothing to strengthen our national security along our country's northern border, even though that border spans 5,500 miles and is over three times longer than our 1,800-mile southern border. Our northern border has not, as yet, experienced the same volume of illegal traffic as the southern border. Yet it is even more unguarded and thus unprotected. There are over 11,000 Border Patrol agents stationed along our 1,800-mile southern border. There are only 950 agents along our entire 5,500-mile northern border.

If you are what the Border Patrol agents call an economic immigrant, meaning someone who is coming into this country for a job, and you live south of the United States, you will probably try to cross our southern border. The Border Patrol agents with whom I talked last month in Texas, New Mexico, and Arizona estimated that over 95 percent of the people crossing our southern border illegally are doing so for economic reasons.

The really dangerous illegal entries are by criminals trafficking people, narcotics, and other illegal activities—and most dangerously, possibly terrorists. Our northern border is just as much a target of those most dangerous criminals, and many of them are smart and sophisticated enough to know that their chances of illegal entry are increasingly better along our northern border than along our southern border.

Border security for our Nation is not one border or the other—it is both. Yet until now most of the attention, most of the policy, and most of the funding has gone only to southern border security. As I mentioned before, there are over 11,000 Border Patrol agents stationed along our southern border, and the major training facility for all of them is located in New Mexico. But there are only 950 agents along our entire northern border and no training facility is devoted to that specialized training.

So I am very pleased that the fiscal year 2007 Homeland Security appropriations bill directs 10 percent of its funding and 10 percent of the new agents hired to be committed to our northern border. That is almost $38 million and over 150 new Border Patrol agents, which is most of what my amendment that was adopted by the Senate would accomplish. It is a 15-percent increase in the number of northern Border Patrol agents. It is an essential first step in the right direction. However, it is only a first step. Much more must be done, and hopefully will start to be done when we return in November.

I also want to comment briefly on the military tribunal bill passed by the Senate last night, a bill that I voted against. I want to be tough against terrorists, as that legislation claims to be. But I also want to be smart about it, and that bill is not. Its worst provisions would be applied not only to known al-Qaida members, but also to almost 500 other detainees at Guantanamo who have been imprisoned without trials for over 4 years, and to over 1,400 Iraqi citizens who are now imprisoned indefinitely in that country.

Many of them will be eventually found innocent of anti-American activities and will be released. However, most of them, their families, and their friends, will hate the United States for the rest of their lives after being imprisoned for months or years, denied any due process, many of them tortured or abused, and most of their families refused information about their whereabouts or even whether they are still alive.

The recently unclassified National Intelligence Estimate concluded that the war in Iraq has greatly increased anti-American feelings throughout the Arab world and has created a new generation of terrorists. The barbaric treatment of thousands of Muslims has undoubtedly fueled some part of that growing hatred toward Americans and has added to the increased threat of terrorist attacks against us.

This legislation allows the continued torture of detainees, denies them the basic rights to challenge their indefinite incarcerations, and even strips from U.S. courts their constitutional authority to review this legislation and the treatment of detainees under it.

It is absolutely untrue—let me say that again—it is absolutely untrue that providing detainees with those rights would require their release from military prisons. Under the rules of the Geneva Conventions, even if an enemy combatant could not be prosecuted, or even if he were acquitted in a trial, he could still be held indefinitely as a prisoner of war until the President of the United States declared that the war against terrorism was concluded.

Finally, providing humane and just treatment to detainees protects our own service men and women and our intelligence operatives around the world. A great Republican Senator, Mr. MCCAIN from Arizona, who was held prisoner in North Vietnam for 5.5 years and who was tortured by his captors, has said repeatedly that we cannot insist other countries abide by the Geneva Conventions and treat our citizens humanely if we do not do so ourselves. In other words, we must follow the Golden Rule:

> Do unto others as you would have others do unto you.

I believe that legislation which we passed last night, which I opposed, will ultimately be considered one of the darker acts in our Nation's history, one that has been enacted only a handful of other times and, in every one of those instances, was regretted and repudiated later because it violates the values and the principles of this great Nation.

It is the attempt of terrorists and their desire to drive us away from those values and principles within our own country, and as we treat others around the world, so we then become perceived by others around the world.

We are the greatest Nation on this Earth. We are the most powerful Nation on this Earth. We are looked to by other countries around the world as the leader of this world. We need to be true to that requirement, and we need to be true to our own values and our history. I believe we failed to do so, tragically and regrettably, last night.

Mr. President, I yield the floor.

Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator has 8½ minutes.

Mr. DAYTON. Mr. President, I yield the remainder of my time to the Senator from New Jersey.

The PRESIDING OFFICER. Is there objection to the Senator yielding his time to the Senator from New Jersey?

Mr. GRASSLEY. He wasn't going to come in between us anyway. He wants the 8½ minutes but not right now.

The PRESIDING OFFICER. Is there objection? Is there objection to the Senator from Minnesota yielding his 8 minutes to the Senator from New Jersey?

Mr. GRASSLEY. Reserving the right to object, the only objection is about what Senator BAUCUS set up; that we were going to come in line afterwards. I don't object to him having the time.

The PRESIDING OFFICER. The Senator from Minnesota still has a little under 8 minutes on his time, and he is asking to yield that time to the Senator from New Jersey. Is there objection?

Mr. GRASSLEY It is better to let it go rather than argue about it and use it up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I thank the Senator from Iowa. I thank my colleague for yielding time, his time. I do not want to take too much time, aside from my response to what comments I heard here, but I do want to say that I regret this is among the last opportunities we will have to meet on the floor with our distinguished colleague from Minnesota, who has always been forthright on the issues, sticking up for what he believes, no matter what the penalty.

Mr. President, I want to talk to another issue. I want to respond to these challenges that I hear on television about where are the—essentially, and I will inject the word; they don't use it, but they say—cowards who won't come down on the floor to defend their position? Who are they? Challenge me on cowardice? You have to look at my record before they start that stuff.

I was an original cosponsor of the Ryan White CARE Act. That was back in 1990. I have been an active supporter of this legislation for many years now. So I do not appreciate some of the lectures I have been hearing from people who claim that this is a principled issue with them and that we are being cruel and unfair and all kinds of things. It is nonsense. Let's discuss the issue rationally and see where they have been all these years when we have had practically flat funding on this critical issue for some 4 years now, not even meeting the growth in inflation.

I have heard lectures about the effect on minorities. I will tell you something. The National Minority AIDS Council opposes this bill and supports our objection.

I ask unanimous consent that a communication from them be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT OF 2006

DEAR MEMBERS OF CONGRESS: On behalf of the National Minority AIDS Council (NMAC) and our national constituency of more than 3,000 minority community based organizations on the front lines of the fight against HIV/AIDS in their communities, we would like to thank Congress for its efforts to reauthorize the Ryan White Comprehensive AIDS Resources Emergency Act (CARE Act).

NMAC supports the legislation's goal to retain the current structure of the CARE Act while seeking to protect care infrastructures and responding to demographic shifts in the HIV epidemic.

However, we are concerned that the legislation, as drafted, does not address the need of all minority populations infected and affected by HIV/AIDS nationwide, and believe it needs several improvements before passage in order to gain our support.

As the nation's largest discretionary spending program aimed at providing care, supportive services and treatment for individuals and families infected and affected by HIV/AIDS who would not otherwise receive access to these services, full funding for the CARE Act is essential and the appropriate authorized funding levels should be a high priority of the Congress in the reauthorization of the law.

Unfortunately, the CARE Act has been flat-funded for a number of years, even as the rate of new HIV infections is consistently reported at approximately 40,000 per year.

Full funding for the CARE Act is critically important to communities of color that have been devastated by the epidemic. Without a fully funded CARE Act, at $2.6 billion, many men, women and children of color will not have access to this care and gaps in health disparities will grow exponentially.

NMAC supports the direction of additional funding to areas with high HIV incidence; however, with the absence of additional funding states like New York, California, Florida, Texas and New Jersey that have historically been epicenters of the epidemic may be faced with the destabilization of systems of care. We believe regions of the country should not have to advocate for additional funding to the detriment of other areas seeking to care for those affected by the disease.

NMAC is also opposed to several other provisions of the bill, including the inclusion of the Early Diagnosis Grant Program and the lack of additional funding and resources for the Minority AIDS Initiative.

If you have any concerns or questions about our concerns, please feel free to contact Damon Dozier, NMAC Director of Government Relations and Public Policy at (202) 234–5120 extension 308 or HYPERLINK "mailto:ddozier@nmac.orq".

Mr. LAUTENBERG. The Ryan White CARE Act reauthorization legislation that is before us now would shift already inadequate Ryan White money away from States such as New Jersey where the epidemic first appeared and where the need is still growing, to States where the epidemic is emerging.

I have been to an AIDS ward in a hospital in Jersey City. I have looked in those cribs where those little things are, twitching and moving because they come from mothers who have been HIV-infected, and the effect is horrible to witness. These are poor people.

In this State of mine we have five of America's poorest urban centers. That is where we see the dominance of the HIV/AIDS epidemic.

This bill pits cities against cities, States against States, women against men, and urban areas against rural areas. That is not the way to do it, if you really care. We need to fully fund the Ryan White CARE Act. But the majority is not willing to do that. So they are trying to steal the funds away from States that have the need and already have the population to serve.

It is less than amusing for me to hear people who oppose adequate funding for this program suddenly act like this is the primary concern to them, that everybody else who doesn't agree with them is cowardly. And these four Senators they keep identifying—I am one of the four, proud to be one of those four. If there is a newly emerging problem in rural areas, then there is one answer—add money, add funding. But instead of funding AIDS treatment, the Senators on the other side of the aisle who are not here to defend the tax giveaways or the cost of the war—they voted to give away AIDS funding money to wealthy Americans, the wealthiest among us, in massive tax cuts. That's OK. Give that money to the rich so these poor little things, shivering in their cribs, can just do with a little bit less than they have. How about, instead of the estate tax cut for Paris Hilton—substantial funds—I ask my colleagues, why don't they come out here, protest that, and say let's give that money to help people with AIDS?

The majority has allowed President Bush to turn Iraq into such a mess that we are spending over $2 billion a week. Our whole program is $2 billion a year. So why don't we cut back for a couple of weeks, give it to support treatment for HIV/AIDS. What if we could take just 1 week's worth of spending in Iraq for AIDS treatment?

We still have a massive problem in our States, and maybe they have an emerging problem. My suggestion, with all my heart, fund it. Find the money for it. But don't take it away from a neighbor or another State where the problems are overwhelming as well.

In my home State of New Jersey, we have the highest proportion of cumulative AIDS cases in women. We rank third in cumulative pediatric AIDS cases. Furthermore, we have consistently ranked fifth in overall cumulative AIDS cases since the beginning of this epidemic.

Yet under the reauthorization proposal, we stand to lose $70 million. It is unacceptable. It is not acceptable for us to simply say this is a formula fight and there will undoubtedly be winners and losers because the losers in this case pay a terrible price.

With the Ryan White CARE Act, when we talk about losers we are talking about lives being lost. I for one will not settle for such an outcome. I object to this process and to this bill because it is a shortsighted approach to how we take care of HIV and AIDS patients in the future.

This bill will take hope away from people living with HIV/AIDS to urban areas in large States. I will not let it happen on my watch, no matter how challenging or how vitriolic the suggestions are made talking as if we are afraid to come out. We are not afraid at all to defend our position. We just think theirs is wrong.

Come out and tell the truth about how you feel about it and say, let's find more money. Let's have a debate about higher funding for the Ryan White CARE Act and see if we can get the necessary means to cover our needs.

I don't think you are going to hear that from the Senators who were so bold in their accusations.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. Mr. President, I thank you. I will continue to object to going forward with this bill.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, would you signal to me when I have used 15 minutes of my 20 minutes?

The PRESIDING OFFICER. The Chair will do so.

SORRY FATE OF TAX EXTENDERS IN "TRAILER" PACKAGE

Mr. GRASSLEY. Mr. President, we've hit the end of the road on trying to pass the trailer bill separately. It is pretty clear we won't get a bill to the President's desk before we recess for the upcoming mid-term elections.

From my perspective the right thing to do is to pass legislation that resolves two important tax policy issues. The issues are a permanent death tax relief package and the trailer bill which contains a retroactive extension of several tax relief provisions. Those provisions expired on December 31, 2005. That is the right date—December 31, 2005. Taxpayers have lived with uncertainty on these bipartisan, widely-supported provisions for almost 9 months or three-quarters of a year.

How did we get here? How come we can't get a permanent death tax relief deal when it is clear that more than 60 Senators are on record in support of repeal or significant relief? How come we can't get a resolution of expired tax provisions that are overwhelmingly supported in both the House and Senate? This uncertainty is solely the responsibility of the leadership of both parties here in the United States Senate.

We are stuck on death tax because the Democratic leadership won't let enough Democratic Senators vote their conscience. It's all because of political calculations. That's a shame. Family farmers and small business owners deserve an answer to the uncertainty posed by the death tax. My answer would be to repeal the death tax. Repeal isn't in the cards. We have had votes to prove it. Unfortunately, the political proof that repeal wasn't in the cards didn't materialize until the cloture vote we had back in June.

The American people deserve a final and definitive answer on death tax relief. As we go home, they have only to look to the Senate Democratic leadership and ask why the Senate was not permitted to work its will on this issue.

I want to tell the rightfully disappointed family farmers and small business folks that we will resolve the death tax problem. It should have been resolved by now. And, it will be resolved in a way that focuses on family farms and small businesses. I pledge to family farmers and small business folks, especially those in my home state of Iowa, that I will devote my energy and resources, as chairman of the Senate Finance Committee, to resolving this problem.

Let's turn to the trailer bill. It's an odd name for a bill. The bill has been held up for so long some folks have probably forgotten the basis of the nickname. I will remind you. It's a trailer bill because it covers tax provisions that dropped out of the tax relief reconciliation conference agreement. That conference agreement included the cornerstones of both the House and Senate bills. The cornerstone of the House bill was a 2-year extension of the lower rates on capital gains and dividends. The cornerstone of the Senate bill was an extension of the hold-harmless on the alternative minimum tax—"AMT". I was pleased we covered the cornerstones of both bills. We only had revenue room to cover the cornerstones. The other provisions, principally the tax extenders, were decided to travel in a bill to follow or "trail." Hence the name trailer bill.

The trailer bill took several weeks of intense negotiations. The negotiators were Chairman THOMAS for the House and Senator BAUCUS and me for the Senate. They were tough negotiations, but they produced a fair agreement. That agreement was included in the trailer piece of the trifecta. The House ratified Chairman THOMAS's agreement when it passed the trifecta.

In my view, the agreement is closed. No items should be subtracted. No items should be added. A deal is a deal. Let me repeat that. A deal is a deal. Changes should only occur if all the parties to the agreement consent. We don't have another 5 to 6 weeks to renegotiate the trailer bill.

In getting to that agreement, I pushed hard for several Senate issues to be resolved. I'm referring to items other than the basic 2-year extension of provisions that expired on December 31, 2005. Let me go through a few of those items.

First off, there is the abandoned mines reclamation—AML—fund proposal. Senators SANTORUM, BYRD, and ROCKEFELLER took the lead in this plan. Chairman ENZI did the heavy lifting.

Secondly, there is a package of added incentives to enhance Hurricane Katrina rebuilding efforts. Senator LOTT took the lead on this package, along with the support of Senators VITTER, and LANDRIEU.

Third, there are tax relief incentives for mine safety. Senators BYRD, SANTORUM, and ROCKEFELLER argued for these important provisions.

Fourth, there is an expansion of the veterans mortgage bonds program. This is a program that the states use to provide veterans who return from combat with low-interest loans so that they can buy their families a home. Senators DEWINE and SMITH advanced these provisions.

Fifth, there is a proposal to provide a deduction for private mortgage insurance—PMI—for low-income home purchasers. Senators LINCOLN and SMITH worked hard to secure these provisions.

Sixth, there is a proposal to level the playing field between individual and corporate timber capital gains transactions. This proposal will insure that timber-growing areas and related mill towns will not be disadvantaged if the timber company is a corporation. Most, not all, of the Senators from the timber growing states in the Pacific Northwest and southeast had an interest in this provision.

These are a few of the proposals that were negotiated and resolved in the trailer package. In my role as Finance Committee chairman, I protected these Senate positions. I expect our Senate Leadership to back me as we proceed. I am protecting Senators and Senate positions, so you would think they would automatically back me. To reiterate, a deal is a deal. The House has affirmed the deal with its vote on the trifecta. There should be no backsliding on the deal.

Now, we haven't been able to move a separate trailer bill because the Republican Leadership wants to use the trailer as a "sweetener" for votes for death tax relief at some future point. I have been pushing for a separate bill for a lot of reasons. Some Republican colleagues have complained about my efforts, using terms like "whining" to describe my persistence.

Why push so hard for a separate bill, some have asked. There are three key reasons. The first is the 19 million taxpayers who may face compliance problems because of incomplete IRS forms. The second reason is the hundreds of thousands of business taxpayers who have been in limbo waiting for final approval of measures like the research and development tax credit. Third, I'm virtually certain that the leadership's strategy of trying to use unrelated "sweeteners" to turn Democratic votes for a death tax deal will continue to fail.

Let's go through these reasons, one-by-one.

First, take a look at the Finance Committee website. On September 13, and 26, 2006, you will find press releases that explain Finance Committee tax staff research. At my request, the tax staff looked into the effects of delaying action on the three widely-applicable expired middle-income tax relief provisions. I am talking about the deductions for college tuition, teacher's out-of-pocket classroom expenses, and State sales tax. You will see that we are talking about a group of up to 19 million tax filers being affected. Tax filers means families filing jointly and individuals filing as singles. In other words, we are talking about a lot more than 19 million taxpayers. Let me repeat that. More than 19 million taxpayers. The professional staff, all experienced tax practitioners who discussed this problem with the IRS, came to the conclusion that delaying action on extenders into the lame duck would have adverse consequences for that group of 19 million taxpayers. I won't go into details, you will find them on the Web site.

Let me say that serving as chairman of the Senate Finance Committee is a privilege and a responsibility. I thank the people of Iowa and my friends and colleagues in the Senate Republican Caucus for that privilege. I enjoy every day I serve as chairman, but it brings responsibilities as well. One of those responsibilities is tax policy. Now, whether an individual Senator agrees or disagrees with a particular expiring tax relief matter is debatable. We all have opinions on these things. Probably no two Finance Committee members, let alone two U.S. Senators not on the committee, agree on all expiring tax relief measures. What we ought to agree on, is that we should not deliberately, and I underline the word deliberately, take actions to unnecessarily complicate taxpayers' efforts to comply with our admittedly complex tax system. That's what delaying action on these provisions means. There's no ifs, ands, or buts. If we do not act before the 2006 IRS forms are finalized we're causing problems for these 19 million taxpayers. It's just not right.

As chairman, I would not be doing my job if I stayed silent. I had to speak out. It's my responsibility to those millions of taxpayers. Some have called it whining. Some might call it annoying. Others could call it persistence. I call it doing my job. When you are talking about up to 19 million middle-income taxpayers who are trying their best to comply with the tax system, I will whine until I run out of breath. I tried to remedy this problem by persuading my leadership to change its mind. I did it in a way that is respectful of the rights and responsibilities of the leadership. I'm disappointed and frustrated that leadership has failed to act.

The second reason I pressed for a separate trailer bill is to deal with long-expired business-related tax incentives. These matters, like the research and development tax credit, are overwhelmingly popular in the House and Senate. Businesses have been in limbo on these provisions. We are talking about almost 9 months of limbo now and at least another month of limbo. A lot of businesses, in good faith, relied on my assurances. They relied on assurances of the Congressional leadership, made in May of this year. These business folks were assured that these extenders would be done. In my State, Rockwell-Collins, of Cedar Rapids, is taking a financial hit because of our dilly-dallying. And it is not just management that cares. Iowa is a manufacturing State and we are proud of our "R & D." Thousands of Iowa employees of these companies have the right to ask why this popular provision is being delayed. Some of them could ask why something this popular is a "hostage" to be cavalierly shot? They could ask me if political "credibility" of threats is more important than a job-based incentive?

When they ask me these questions, I could blame the Democratic leadership for thwarting Republican efforts to get death tax relief. Certainly, there's truth to that defense. But, the Iowa workers, as most Midwesterners, want to know the bottom-line. Blaming the other side is fair political discourse and everyone does it. But it is not a satisfactory answer if the matter is not taken care of. We owe these companies and workers a ticket out of limbo.

I come to the third reason I pushed for a separate trailer bill. Almost 2 months ago, the proponents of the trifecta rejected my advice and decided to place the bet. I advised them publicly and privately that it would not work. I won't repeat all of that. It is in the CONGRESSIONAL RECORD of August 3. The bottom line is that the horses didn't come in on the trifecta. After the vote, being worried about the endless delay on extenders, I suggested a course of action that would "keep the hope of death tax relief alive." Under the plan, the leadership would push for an early vote on the trifecta in either the form in which it failed or in a revised form. If it were to fail, I suggested we pass a separate trailer bill.

This plan would have tested, for a fourth time, whether sweeteners for key Democrats would turn their votes to favor a death tax relief package. I was convinced months ago that sweeteners wouldn't turn Democrat votes.

On this point about turning votes with sweeteners, let's step back for a second and look at the big picture. Death tax is a passionate issue. There is a moral dimension to it. Liberals tend to define any death tax relief as immoral because they argue the benefit of the relief will go to wealthy people. The political ads they produce use the actress Paris Hilton as an example.

Conservatives also look at the death tax as a moral issue. They see the death tax as confiscation of the fruits of labor and saving. It's a penalty on the rewards of hard work. From our perspective, the death tax is about small business and family farms. It's about providing one generation with a chance to pass on the results of their thrift and work to the next generation. The political ads we produce use family farm and small business examples.

So, this is an issue where folks have strong feelings. Ironically, from a process standpoint, Republicans and Democrats think alike. Here is what I mean by that comment. Republicans and Democrats want permanent relief. Most, not all, of my caucus wants permanent repeal. A few Democrats agree with that view. Because of the political calculations I referred to before, you can not find a definitive Democratic Caucus position plan on death tax relief. The Democratic Caucus is divided into three groups. Some want repeal. Some want significant relief short of repeal. Another group, probably a big majority, the liberal core, wants symbolic permanent relief and don't want to lose much revenue in doing it.

There is a huge irony in all of this. The irony is the Republican leadership's sweeteners strategy ignores this basic mindset on the death tax. Republicans will not compromise their principles on the death tax with unrelated sweeteners. Neither will the middle group of Democrats.

The ultimate evidence is record votes. As former Majority Leader Bob Dole once said, it's all about the votes. The evidence that sweeteners don't matter is on the record. Take a look at it. Timber capital gains was added as a sweetener on the first Thomas effort. It did not change any votes. There was an effort to add the pension bill to a death tax relief package. That didn't change votes and was aborted. Then, we had the third sweetener effort, the trifecta. A minimum wage hike, the ultimate sweetener, was added along with the trailer bill. It changed one vote in gross. We are not certain, that if all Democratic Senators were here that day, that, on net, the vote count would have changed.

As the old saying goes about some places, there is no there, there. The sweeteners strategy is like the places the old saying refers to. If our goal is 60 votes and permanent death tax relief, there is no there there.

Rest assured, another trifecta run will carry extra political baggage. Don't listen to me. Listen to the Democrats who have resisted the iron hand of their leadership on this issue. Senator LINCOLN has taken more heat than any single Senator in trying to get permanent death tax relief. Ask her for her opinion on this "sweetener" strategy. She says forcing the political votes on the trifecta set us back on getting permanent death tax relief.

Why, with the pressure of elections off, and a new session coming up, would any targeted Democrat Senator switch their vote on a bill that was designed to squeeze them? Would any of my Republican friends in the same position react any differently? Think about it.

Add to this futility another factor. Taking another run at a revised trailer bill would start an endless negotiation. If we re-open the trailer bill with the idea of adding even more sweeteners, where do we stop? How would that endless negotiation help close a deal on permanent death tax relief? The truth is trying to play trailer bill issues for more votes on death tax relief only complicates resolution of the death tax.

So, the third reason I continued to try to clear the trailer bill is that I want a clear path to a death tax deal. Combining death tax relief with other issues only complicates our ability to get a death tax relief package. There is little or no utility in continuing the failed strategy of trying to "turn" death tax deal votes.

Now, where do go from here? As I said a few minutes ago, I want to resolve two important tax relief issues—permanent death tax relief and the trailer bill. One package is done—it's the trailer bill. The other package needs some work, but can get done. We might even have a shot at permanent death tax relief in lame duck. If we are going to move the ball forward, we are going to have to recognize that we have two separate tax relief products. I hope all of us have finally learned that lesson. If we have learned our lessons, the trailer bill is a slam dunk. If we have learned our lessons, and, key Democrats are finally freed to do what they want to do, they will vote their conscience and their constituents' interests. If those two critical steps occur, we will get a permanent death tax relief deal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my friend, my colleague, and chairman of the Committee on Finance, Senator GRASSLEY, for trying to do what is right, and that is to get the extenders package passed tonight. He has done an excellent job of explaining why the so-called trifecta bill—that is the standards trailer, melded in with the estate tax reform, melded in with a minimum wage reduction—just is not going to work.

Three times I have tried to urge this Senate to pass the so-called extenders. Three times the Senate disagreed; that is, I have asked for unanimous consent three times and each time the Senate said no. The objection was from the other side of the aisle.

I again thank my friend from Iowa. I think it is important to realize how vitally important it is we get these so-called extenders passed. What are they? They are basic provisions in the Tax Code which expired at the end of last year. They expired. There is a deduction for teachers' classroom expenses, a deduction for education tuition, there is a deduction for State sales tax revenue, there is a deduction for research and development. They all expired. These are all provisions that many Americans have relied on and hope to rely on when they file their tax returns next year.

They are not in the law. It is already September 29. We have not acted to extend these. They are extremely important to an awful lot of people.

Let's just take teachers, for example. Teachers desperately want to help teach their kids. Some of them buy classroom supplies. They go down to Wal-Mart and buy supplies and they get a deduction for the classroom supplies they buy. It is important for the teachers. It is important for the kids. It is a good thing to do. It has been in the law—at least it has been in the past. It was a law through 2005.

What about tuition deduction? We all know how important that is and how much people depend on that for their education expense, particularly when tuition is going up so much. I cannot believe it, that expired at the end of last year.

This Congress, apparently, is not going to enact it. I have asked the Senate three times to bring it up and pass it, joined in by my good friend from Iowa. Three times the other side of the aisle objected. Why did they object? Because they want to tie it back into estate tax reform, they want to tie it back into minimum wage reduction. We all know that is not going to work. As the Senator from Iowa said, clearly and eloquently, we tried that many, many times and that dog don't hunt. That bird doesn't fly. It just doesn't work. It is not going to go.

What should we do, if that is not going to work, if that is not going to go? We should exercise our responsibilities and do what is right.

I have a couple of charts. I want to show everyone what the 1040 form looks like. This is the basic Form 1040 that applies to taxpayers who paid taxes in the year 2005. The two provisions at issue are highlighted here. Line 23 is "educator expenses," and line 34 is "tuition and fees deduction." Line 23, for educator expenses, is for teachers who spend money on classroom supplies. There are 3.3 million exercising this deduction. They want to help their kids and, obviously, lower their taxes, so they took the deduction.

Line 34 on Form 1040 is "tuition and fees deduction." About 3.6 million Americans took advantage of that deduction when filling out their tax returns for the tax return for 2005.

What will happen if we do not pass this extenders provision tonight or tomorrow? First, the IRS has said their drop-dead date is mid-October. They need to know what the law is by mid-October. We will not be here mid-October if we do not pass these extenders, these provisions in the next couple of hours. We are not going to be here. If we come back in a lame duck session—November 13 we are coming back—who knows how soon it will be before we finally take up the extenders?

I suspect because these are so popular that this is going to attract an awful lot of other legislation. Maybe it is the estate tax change, wages—I don't know what it will be, but it will attract a lot of attention at the lame duck session. So that means it will probably delay.

I don't know how long this lame duck session will last. I have been here for some lame duck sessions close to Christmas, very close to Christmas. I remember one that was 2 or 3 days before Christmas.

What happens if we pass the extenders late? Here is what will happen. These lines I told you about, lines 23 and 34, are going to change. If this is the basic 1040 form—and there are more deductions than this that taxpayers can take, but these are the basic deductions and the most important deductions—line 23 is no longer a deduction for teachers classroom supplies. Instead, line 23 is "Archer MSA deduction." That is only for up to 750,000 taxpayers. Compare that with what has been replaced, classroom teacher deduction, or 3.3 million teachers. And line 34, that used to be the deduction for tuition expenses. That now becomes jury duty pay you pay to your employer. How many people take a deduction because their employer pays them for jury duty?

My point is, very important provisions are no longer going to be in the law. They will not be available.

You might ask, gee, what happens if Congress passes these very important provisions—who knows when; it could be just before Thanksgiving; it could be December; it could be the first part of December—the IRS has will be mailing out the wrong forms. The forms are going to be wrong because presumably, hopefully, sometime in November or December we do what is right, we continue these provisions which means to say we do not raise taxes.

Let's not forget if we do not pass this we are raising taxes, first, on 3.3 million teachers; we are raising taxes on another 3.6 million people who file for tuition deduction. These people will find their taxes increased if we do not pass this provision.

Again, say we do pass the provisions later in the year, say, in November or December, and the wrong forms go out. Then what will happen? People will have the wrong forms. Then what will happen? Gee, the IRS, will have to figure out what to do about this. Maybe they will send out a postcard. Who do you send postcards to? They send postcards to people who filed paper returns the preceding year. A lot of people do not file paper returns. They are not going to get a postcard. They are not going to know. They are not going to know that Congress corrected the mistake it made by passing these extensions.

What about people who file electronically? What about people who buy their software, their Turbo Tax software sometime around Thanksgiving or the first part of December, getting ready for Christmas, with Christmas presents. They are not going to know. They are going to buy the wrong software. The software is not going to have the right information on it.

You add it altogether, this Congress is being highly irresponsible by not continuing—we call them extenders. There are others: the sales tax deduction. What about the R&D tax credit? There are about 16,000 businesses that use the R&D tax credit. We have reports that many companies are going to have to restate their earnings—restate them—because they cannot calculate the research and development tax credit in their financials. They will have to restate them. No company wants to restate on the down side. No company wants to do that. Even big companies have to restate them—not just small companies but big companies. They too will not be able to take advantage of this.

So I just say it is highly irresponsible for this Congress not to extend these provisions. And when I make the request we take up the trailer bill and pass it; this is not a perfunctory request. This is not some crank turning. This is real.

I think, unfortunately, there are some people in the leadership on the other side of the aisle who think: Oh, this is just a mechanical exercise. This is not a mechanical exercise. It is certainly not mechanical to all those teachers, kids who paid tuition, who want their deduction, businesses that don't get the advantage of the R&D tax credit, people who want to deduct their sales taxes that are supposed to be deductible. We are not extending that either. We are only talking about two of the so-called extenders.

Our failure to act here is going to be very costly. The IRS has to go to great expense to print corrective returns, errata sheets. They have to file statements to taxpayers notifying them of changes. Taxpayers are going to wonder: What is going on here? Do you know what else is going to happen? A lot of taxpayers, teachers, are not going to know there has been a change made. They are going to get the wrong form. The form is not going to have it on it. There are a lot of people and kids and parents who are not going to know there has been a change. They are not going to know because it is not on the form.

Somebody might make an effort to try to tell people later on, but there is a real risk of a lot of taxpayers who are just not going to know they could take deductions, and they are not going to know because they have the wrong information. And they have the wrong information because the IRS has given them the best information they could at the time, but Congress was derelict, Congress was not responsible. Congress did not do what it should do for the American people.

I am very concerned. And, frankly, I am very disappointed. I am saddened that this Congress is, in effect, playing games. I hope very much, and I ask, I plead with the other side, at least let's hold off just a little bit. Don't immediately object. Let's figure out a way to work this out.

We have a few hours here tonight. It is very simple. These are provisions everybody has agreed on. There is no disagreement. The only problem the other side of the aisle, the majority, has is when to do it. I indicated that the drop-dead date for the IRS is October 15, so now is the time to do it—not later. We cannot couple this with estate tax repeal. We cannot couple this with the minimum wage increases. We have tried that a couple, three times. It did not work.

The dye is cast. Senators have cast their votes. So let's get on with it. Let's get on with it. Let's put those issues behind us. We do not have to deal with minimum wage or estate tax tonight, but we do have to do the extenders tonight. This is very timely.

I very much hope that nobody objects right away. Maybe we could put this off for a few minutes, maybe a half an hour or something, and plead with those who are sane, who want to do this right, to just get this package of extenders passed. So I am going to ask consent, but maybe somebody could modify the consent to hold it off a little longer while we try to work out a way to get this passed.

Mr. President, we do not apparently have the consent request printed right in front of me right at this moment. But I am going to have it later tonight. That is probably better because that means maybe cooler heads will prevail and we can figure out a way to get this passed.

I see my good friend from Arizona is standing in the Chamber. I know he would like to get these provisions passed. I know he has other considerations too, but he would like to have this provision passed, and I think everybody on the floor would like to get these provisions passed. We can deal with these other issues, but we don't have to deal with them tonight. We cannot tonight. It is too late. But everybody has agreed to this package of extenders—everyone. The chairman of the Finance Committee has been desperately trying to get this passed. I hope later on tonight, when we ask consent, we get it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized for 15 minutes.

Mrs. MURRAY. Mr. President, it is my understanding that under the current consent agreement, following me on this side is Senator HARKIN and Senator MENENDEZ, with Republicans in between.

I amend that consent and ask unanimous consent that following Senator MENENDEZ, Senator LANDRIEU be allowed to speak for 15 minutes, Senator SALAZAR for 15 minutes, Senator LAUTENBERG for 15 minutes, with Republicans in between, as per their request.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Mr. President, reserving the right to object, would the Senator again give me that order? I missed it somehow. Let me see if I can insert myself in one of the Republican slots.

Mrs. MURRAY. Mr. President, following me is an empty Republican slot.

Mr. CHAMBLISS. Mr. President, if I could be inserted in there for up to 10 minutes, please.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I would like the same insertion, following the Senator from Georgia, in the appropriate order, for no more than 10 minutes.

The PRESIDING OFFICER. Does the Senator so modify her request?

Mrs. MURRAY. Mr. President, I modify the current request that following myself, Senator CORNYN be recognized for 10 minutes, Senator HARKIN for 10 minutes, Senator CRAIG for 10 minutes, Senator MENENDEZ for 10 minutes, a Republican Senator as designated for 10 minutes, Senator LANDRIEU for 15 minutes, a Republican Senator for 10 minutes, Senator SALAZAR for 15 minutes, a Republican Senator for 15 minutes, and Senator LAUTENBERG for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Mr. President, again reserving the right to object, I will tell Senator CORNYN you paid him a great compliment, but that it be Senator CHAMBLISS instead of Senator CORNYN.

Mrs. MURRAY. I apologize. It is Senator CHAMBLISS. And I apologize.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS HEALTHCARE

Mrs. MURRAY. Mr. President, I rise to discuss how we are doing in caring for America's veterans. With our country at war, with 1.5 million Americans who have served in the global war on terror, and with many of them coming home in need of care—it is a critical question.

Last week, we got a shocking report from the Government Accountability Office, which found that the VA has misled Congress about its failure to plan for our veterans.

Based on that report and other research, I came here to the Senate floor 2 days ago and shared my concerns with the full Senate. I said that the Bush administration has not been honest with us about its failures to plan for the needs of our veterans, and that we still have a lot of work to do to get back on track. And I warned that—3½ years into this war—the Bush administration still does not have a plan to meet the needs of all the veterans who will be coming home.

In my speech on Tuesday, I said that Congress needs to provide real oversight of the Bush administration so that we can ensure our veterans get the care they have earned. For those who want to see my full remarks and all the evidence I cited, you can watch or read my speech on my Web site at http://murray.senate.gov.

This morning, the Senator from Idaho came here to the Senate floor and spoke with great passion about our veterans. The distinguished chairman of the Senate Veterans Affairs Committee took issue with some of the things I said in my remarks here on Tuesday.

I respect the Senator from Idaho. I appreciate his leadership of our committee, and I am pleased to provide more information before the full Senate. I want everyone to know that the Senator from Idaho and I have worked together on veterans issues.

I want to point out that when the VA finally admitted that it was facing a $3 billion shortfall—the chairman was first to stand beside me and find the funding to fix the problem. And I thank him for that.

I am proud to say that the Senator from Idaho and I agree on many points. We both agree that the VA provides excellent healthcare. When I was in college during the Vietnam War, I interned at the VA hospital in Seattle. I saw firsthand how dedicated and talented VA employees are.

Today, that ethic of service and commitment to quality beats in the heart of every VA employee. I am proud of the progress we have made helping the VA become a model for effective, high quality healthcare.

The Senator from Idaho and I also both agree that we have increased VA funding. It has been an uphill battle—and the facts tell me that we are not prepared for the many veterans coming home—but we both agree that we have increased veterans funding. I might point out that we in Congress provided those increases in spite of years of inadequate budget requests from the White House.

We agree that the Senate Veterans' Affairs Committee works in a bipartisan fashion under the leadership of Senator CRAIG and Ranking Member AKAKA. As I have said many times on this floor—taking care of our veterans is not a Democratic issue or a Republican issue. It is an American issue, and we all need to be part of the solution.

And finally, I couldn't agree more with the Senator from Idaho that we should focus on the facts. Those facts should guide our budgets and our policy decisions. If the facts say everything is fine, that's great. But when the facts say there are problems, we need to hear those facts, and we need to respond based on the facts.

That's why the GAO report is such a bombshell. Professional, independent government investigators found that the Bush administration has not told us the facts about its budget and planning problems.

Think about that—if the people we rely on for the facts are not telling us the truth, we've got a real problem. If they're hiding the truth, we won't be able to provide veterans with the services they need. And one of the answers has to be more oversight and more accountability, so we can get to the truth.

Let me turn to the three main points that are relevant here:

First, the Bush administration does not have a real plan to meet the needs of our Iraqi War veterans—and that failure is impacting the care we provide all veterans.

Second, the Bush administration misled this Congress and it is still not providing us with up-to-date, timely information.

And third, we in Congress need to provide real oversight and demand real accountability—or our veterans are gonna fall behind.

Mr. President, I am very concerned that the Bush administration still does not have a plan to meet the needs of our returning servicemembers. And to prove that I want to point to three sets of figures that come from the VA itself.

The first piece of evidence concerns the number of veterans the VA expected to treat this year.

For fiscal year 2006, the VA planned to take care of about 110,000 veterans from Iraq and Afghanistan. 110,000. How many are they actually treating? 185,000. So in this fiscal year—that is just about to end—the VA underestimated demand by 68 percent. And that is just for those veterans returning from Iraq and Afghanistan. If the VA had an accurate plan, they wouldn't have been so far off.

Let's go to the second piece of evidence that shows the VA has no plan. As I said, this year we are treating 185,000 veterans from Iraq and Afghanistan. How many will we treat next year? The VA estimates that it will only be 109,000 Iraq and Afghanistan veterans. We are treating 185,000 today, but the VA thinks that number is going to go down dramatically next year.

Given what we know about our continued involvement in Iraq and Afghanistan, that simply defies logic. And you have to wonder how the VA ever came up with those figures in the first place. Its projection for next year is even lower than its projection for this year. Where are they getting these numbers? Why are they so wrong?

Those are the questions we in Congress need to be asking. If the VA really thinks that next year we will have fewer veterans seeking care, it clearly has no plan to deal with those who will be coming home.

Let me turn to the third piece of evidence that shows the VA has no plan to deal with Iraq war veterans. In July, the VA told us it will need $1 billion each year for the next 10 years to care for veterans from Iraq.

But the fact is—for this year alone—we are already spending more than $1 billion. They have given us a 10-year estimate, and they are already wrong in the very first year. And the lion's share of veterans have not separated from the Pentagon yet, so it is a safe bet that demand for VA services will go up and that will require more funding.

So the VA is already wrong in the figures it provided us just a few months ago. That's because they don't have a plan.

The fact that they predicted 110,000 enrolled Iraq War veterans this year—and they are already serving 185,000 shows they don't have a plan.

The fact that they think demand for care will drop next year shows that they don't have a plan.

And the fact that we are already spending more than they said we would need for Iraq war vets shows they don't have a plan.

This is unacceptable. If we tolerate it, then we are not doing our jobs here in Congress. They don't have a plan, and we better have some oversight and accountability before more veterans end up getting hurt.

Next Mr. President, I want to turn to the facts of the GAO report that I requested. This report—prepared by independent, credible government investigators—tells us what is really happening. All of us care about the facts and we all care about getting this right, and that's why we should all take this report to heart. Unless we learn from our mistakes, we are never going to do any better for America's veterans.

In that spirit, I want to focus on four findings. First, the GAO found that the VA knew it had serious problems with its budget, but failed to notify us in Congress. Even worse, it misled us.

The report suggests that the VA could still be sending us inaccurate information in its quarterly reports.

Second, the GAO found that the VA was basing its budgets on "unrealistic assumptions, errors in estimation, and insufficient data."

Third, the Pentagon failed to give the VA up-to-date information about how many servicemembers would be coming down the pipeline into the VA.

Finally, the GAO found that the VA did not adequately plan for the impact of servicemembers from Iraq and Afghanistan.

For me, I think one of the most disturbing findings is that the VA kept assuring us in Congress that everything was fine—while inside the VA it was clear that shortfalls were growing.

The VA became aware it would have problems in October 2004—but didn't admit those problems until June of 2005. Veterans were telling me of long lines and delays in care.

For months, I tried to give the VA more money, but the administration fought me every step of the way. And who paid the price for the VA's deceptions? America's veterans, and that's just wrong.

Let me walk through some of the deceptions found in the report. It shows a very troubling gap between what the VA knew and what the VA told us.

According to the GAO report, starting back in October 2004, the VA knew money was tight. It anticipated serious budget challenges, and created a "Budget Challenges" working group.

Two months later, in December 2004, the budget group made internal recommendations to deal with the shortfall. It suggested delaying new initiatives and shifting around funding.

Two months later, in February 2005, the Bush administration released its budget proposal for 2006.

The GAO found that budget was based on "unrealistic assumptions, errors in estimation and insufficient data."

A week later at a hearing—on February 15, 2005, I asked the VA Secretary if the President's budget was sufficient. He told me:

> I have many of the same concerns, and I end up being satisfied that we can get the job done with this budget.

Let's remember what was happening back at that time. I was hearing from veterans that they were facing delays in care and that the VA system was stretched to capacity. But the VA continued to say everything was fine.

On March 8, Secretary Nicholson told a House committee that the president's fiscal year 2006 budget,

> gives VA what it needs.

I was hearing a much different story as I spoke with veterans around the country. That is why on March 10, I offered an amendment in the Senate Budget Committee to increase veterans funding by 3 percent so we could hire more doctors and provide faster care to veterans. Unfortunately, Republicans said no.

That same month, the VA's internal monthly reports showed that demand for healthcare was exceeding projections. That was another warning sign that the VA should have shared with us, but it didn't.

On March 16, Senator AKAKA and I offered an amendment here on the Senate floor to increase veterans funding by $2.85 billion. Once again, Republicans said no.

The next month, on April 5, Secretary Nicholson wrote to Senator HUTCHISON saying:

> I can assure you that the VA does not need emergency supplemental funds in FY 2005.

A week later, on April 12, I offered two amendments on the Senate floor to boost veterans funding. First, I asked the Senate to agree that the lack of veterans funding was an emergency and that we had to fix. Republicans said no.

Then I asked the Senate to agree that supporting our veterans was a priority. Again, Republican said no. As a result, veterans didn't get the funding they needed, and the deception continued.

On June 9, I asked Secretary Nicholson at a hearing if he had enough funding to deal with the mental health challenges of veterans returning from Iraq and Afghanistan. He assured me the VA was fine.

So for 6 months we had happy talk that everything was fine with the VA. Then, in June—just two weeks after the Secretary's latest assurance—the truth finally came out. On June 23, the VA revealed a massive shortfall of $3 billion.

I went to work my colleagues, and we came up with the funding. But we could have solved that problem much earlier and saved veterans the delays they experienced.

By misleading us, the Bush administration hurt America's veterans. We could have provided the money when it was needed. We could have been hiring the doctors and nurses we needed. We could have been buying the medical equipment that was needed. And we could have helped keep thousands of veterans off waiting lists for care.

Here's the bottom line: The Bush administration knew about a problem back in October 2004.

They saw it getting worse, but they kept assuring us everything was fine. They worked to defeat my amendments to provide funding, and they didn't come clean until June 2005. That is unacceptable.

I think America's veterans deserve real answers. This report shows that the VA was not telling Congress the truth and was fighting those of us who were trying to help. We need to bring Secretary Nicholson before the Veterans' Affairs Committee so we can get some real answers. We need to ensure the VA does not repeat the same mistakes of the past 2 years. We owe that to our current and future veterans who sacrifice so much for us.

We need an explanation of why the VA misled us about so-called management efficiencies. The GAO found those alleged savings were nothing but hot air. This report clearly shows the Bush administration misrepresented the truth to us for 4 fiscal years, through 4 budgets, and 4 appropriations cycles about these bogus savings. And when they could not make these efficiencies a reality, they took the funds from veterans' healthcare. That is unacceptable.

The report also suggests that even in its latest quarterly reports to us—the VA is slow to report and does not provide key information we required—such as the time required for veterans to get their first appointment.

The GAO report also says that the Department of Defense failed to provide the VA up-to-date information on how many servicemembers would be separating from service and seeking care at the VA. That is really frustrating to me because I have been asking every general who comes up here if they're doing enough to ensure a smooth transition from the Pentagon to the VA.

In fact, on February 16 of last year, I questioned Secretary Rumsfeld directly. I got him to agree that caring for veterans is part of the cost of war but he had no real answer when I asked why his request for the war did not include funding for veterans.

Finally, the GAO report verifies that the VA failed to plan for the impact of the veterans coming back from Iraq and Afghanistan.

Mr. President, I would like to take a moment to respond in detail to some of the points my colleague from Idaho raised. He is a very dedicated and hardworking advocate for America's veterans.

At times, we may disagree on policy, but it is never personal. And it is my highest hope that whatever policy disagreements we may have will result in better service for America's veterans.

The Senator from Idaho said that VA healthcare is the best care in the world. And I certainly agree as I said earlier. But too often, veterans are barred from that receiving that care and are put on waiting lists.

For example in the VA Service Network that covers Alaska, Oregon, my home State of Washington and Senator CRAIG's home State of Idaho, the VA states that there are over 10,000 veterans on waiting lists for their initial appointments. There are thousands more waiting for specialty care. Veterans in need are told to wait months before they can see a doctor.

In fact—of the 21 regional Service Networks—the region that covers both Washington and Idaho is the worst at getting veterans primary and specialty care appointments within 30 days of the date requested. That data comes straight out of the VA's own quarterly budget reports. It is not my interpretation.

So great care is important, but making sure veterans can actually get timely access to that care is equally important. And that's an area where the VA is falling short.

The Senator from Idaho pointed out that we required the VA to submit quarterly reports on budget execution. He says we have received three such reports this year. That is accurate. But what the chairman did not say is what the GAO found. From page 5:

> However VA's reports have not included some of the measures that would assist Congress in its oversight, such as measures of patient workload that would capture the costlines of patient care, and the time required for new patients to be scheduled for their first healthcare appointment. Moreover, while VA has 12 months to execute its budget, it did not submit its first two quarterly reports to Congress until nearly 2 months after the end of each quarter, using patient workload data that were as much as 3 months old at the time of submission.

That is the GAO telling us that the VA's information was late and outdated. We need to demand better.

Let me comment on another statement by the Senator from Idaho. He said that we've had great success in delivering service to veterans. Then he said this:

> it doesn't mean that every veteran got exactly what they wanted the moment they asked for it.

That has never been the standard. The question is this: Can veterans who need help get it when they need it?

The evidence I have seen suggests we have got a long way to go. On Tuesday, I shared with the Senate the story of a soldier in Virginia who is back from serving our country in Iraq. He can't sleep at night so he called the VA for an appointment. They told him he would have to wait 75 days to see a doctor. That is unacceptable. Ensuring that veterans get timely care—especially for mental health services—is a dire need.

Again, don't take my word for it. Remember what a VA undersecretary said in medical journal recently—that mental health care services are "virtually inaccessible" because of long waiting lines. So when we use a reasonable standard, it is clear we are falling far short of what our veterans deserve.

Senator CRAIG said that during the last 6 years, the administration and Congress has increased VA funding by 70 percent. But let me remind him that every step of way Congress had to fight the administration for those increases.

I know that we are putting more funding into the VA than we have historically. I have worked with my colleagues to fight for that funding. But let me remind my colleague from Idaho that we still have thousands of veterans waiting for primary and secondary care—or not being allowed to access care at all.

The funding that this Congress has provided for the VA still does not provide enough to ensure that every veteran who is eligible can access care. The VA takes what Congress appropriates and then limits which veterans can access care to make the care the VA provides fit within the budget box Congress provides.

Time and again, proposals for increased fees and copays are presented to discourage veterans from accessing VA care. I am happy to say we have fought off this administration's efforts to put those increased fees and copays in place. But—at the same time—the administration has limited access to the VA for Priority 7 and 8 veterans.

The VA admitted that fees and copays within its fiscal year 2007 budget would discourage 200,000 enrolled veterans from accessing care, and another 1.1 million from enrolling at all. This is wrong. We need a real budget based on the real needs. Not one based on limited access and discouraging veterans from seeking the care they were promised.

The Senator from Idaho wanted to be very clear that he had called hearings and exercised oversight. I agree. He did. I was one of the people who pushed for those hearings. I was at those hearings. I demanded answers at those hearings.

And one thing is clear—those efforts were not enough. We are still not getting straight answers from the VA. We are still getting out-of-date information. We still do not have a plan from the VA to care for the veterans from Iraq and Afghanistan.

So yes, there were hearings—I think we'd all agree that after a $3 billion error that hurt our veterans there better be hearings—but they were not enough. And we need more oversight and more accountability if we're going to make sure veterans do not get hurt again.

The Senator from Idaho asked—why now? Why am I calling for more oversight now? Because the GAO just released its report. I didn't tell the GAO how long to take in its investigation. When it had the facts, it released them, and I spoke up immediately. In fact, I think the Senator from Idaho will remember the morning the GAO released its report I shared the results with our Veterans Affairs Committee at a public hearing.

I thought everyone on the committee needed to know immediately that government investigators found the VA had not told us about the problems it knew about and that the VA is providing quarterly reports that are late and based on old information. Simply put, I spoke out when we got the facts.

I would add that if anyone believes that my remarks on Tuesday are the first time I have stood up and spoke out for our veterans—they just have not had their eyes open over the past few years. And I would remind my colleagues that there is no moratorium on speaking out for our veterans. Whenever we learn facts that affect America's veterans, I'm going to share them, and I'm not going to stop speaking out until we in Congress do the right thing.

Furthermore, unless we change the path we are on, we will be talking about this issue next September, the September after that, and every month in between. This is not going away.

So we in the Senate debate a lot of issues—none more significant than the issue of going to war. We are at war, and this body has a responsibility to meet our obligations in prosecuting that war—that includes taking care of our veterans. Today, we are not meeting that obligation. That is not just my opinion. It is the only conclusion a reasonable person could draw from the GAO report. And however inconvenient that may be—that is a fact.

Mr. President, I repeat my conclusion from my remarks here on Tuesday. Veterans deserve better, and this Senate and America can do better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

AGRICULTURAL DISASTERS

Mr. CHAMBLISS. Mr. President, I rise to express my support for providing relief to agricultural producers nationwide.

Earlier today Senator CONRAD from North Dakota led a debate on the floor regarding agricultural disasters; especially the severe drought causing severe loss of crops all across America, and the need to extend a helping hand to farmers.

We always hope to stay out of the disaster business, unfortunately Mr. President, this has indeed been a very unusual year. In August of 2006, in my State of Georgia, 155 of 159 counties were designated by the Secretary of Agriculture as primary natural disaster areas due to losses caused by drought and excessive temperatures.

Cotton and peanut harvests are underway today in the State and, unfortunately, the Department of Agriculture's most recent crop summary rates dryland fields in poor to fair condition, with much lower yields than usual. If peanut production forecasts are realized, we could have the lowest production yields on peanuts since 1980. Losses extend beyond the fields and have had a serious effect on livestock producers as well. For example, in addition to losses due to drought, many pastures and hayfields have experienced severe armyworm infestation.

My staff continues to receive calls from across the State with concerns about crop and pasture conditions. I have personally heard the calls and seen the need for agricultural disaster assistance throughout Georgia. As chairman of the Senate Agriculture Committee. I convened eight farm bill hearings across the country this summer. I will have to say that in traveling to these regions and visiting with the producers, I can report that there has been severe disasters occurring in each and every section of our country from an agricultural standpoint. Rural America is hurting.

While the Senate did not have the opportunity today to proceed with the vote on this very important issue, I want to be clear that I do support disaster assistance. Earlier this year, the Senate passed disaster assistance in the fiscal year 2006 supplemental appropriations bill. Unfortunately, that provision was dropped in conference. Since then, the situation has greatly worsened. Fortunately, we currently have a disaster package in the Senate agriculture appropriations bill, which we expect to complete after the November elections.

The appropriate place to address agriculture disaster is in the agriculture appropriations bill. However, we will need to refine and improve this disaster package based upon current circumstances. For example, the current disaster package provides assistance only for losses for the 2005 crop-year. Unfortunately, the losses in 2006 appear to be more extensive, more widespread, and more severe than the 2005 losses. The University of Georgia Center for Agribusiness and Economic Development estimates that at this point agriculture production losses may total over $819 million in Georgia alone.

At the current time, we may not know the full extent of the 2006 crop damage, but it is evident in looking across the country that crop and livestock assistance is needed.

The Secretary of Agriculture has agreed with us on this point. Earlier this summer he announced in the Dakotas that a disaster indeed had taken place across America. However, he provided what I thought, frankly, was a fairly nominal response to the issue.

America's farmers provide this country the safest, most affordable food and fiber supply of any country in the world. It is our duty to stand by them in this time of need.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

READING FIRST

Mr. HARKIN. Mr. President, the Education Department's inspector general released a blistering report last week about a program called Reading First. The inspector general reported that Education Department officials, one, mismanaged the program; two, steered school contracts to publishers they favor and away from others; three, flagrantly ignored Federal laws on maintaining local and State control of school curricula.

These are serious findings by the inspector general. Reading First is one of the largest programs in the Education Department. Congress has appropriated about $5 billion, or about a billion dollars for each of the past 5 years. So when we learn that a program of this size is being mismanaged, that laws are being broken, we need to take pause and investigate further.

Soon after Reading First was created, a number of publishers, researchers, and local school officials complained that the Department favored certain reading programs over others. They claimed that the Department pressured States and local school districts—sometimes subtly and sometimes bluntly—to purchase its preferred programs and reject others.

These kinds of activities are illegal. The law that established the Education Department states:

> No provision of a program administered by the Secretary or by any other officer of the Department shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system . . . over the selection or consent of . . . textbooks, or other instructional materials by any educational institution or school system, except to the extent authorized by law.

Now, when we established the Department of Education—and I happened to be here at that time; I was in the House of Representatives at that time—the hue and cry went up to those who were opposed to establishing the Department of Education that the Department of Education would begin telling local school districts what to teach, what books to use. Well, none of us wanted that. We wanted the Department of Education to do certain things but not to control local schools. We wanted to leave the control of school curricula, textbooks, what they taught, in the hands of local school boards. So we put this in the law expressly forbidding the Secretary of Education, or anyone in that Department, to exercise any direction, supervision, or control over textbooks, and things like that. That is about as clear as night is from day in the law.

Later, when we passed the No Child Left Behind Act, we further elaborated on that, and No Child Left Behind established the Reading First Program. It reiterates this point:

> No funds provided to the Department under this act may be used by the Department to endorse, approve, or sanction any curriculum.

The Department officials repeatedly denied that they showed any favoritism. However, the inspector general's report shows that, in fact, they went to great lengths to influence exactly which instructional materials school districts must use. They accomplished this in several ways.

First they—I mean the Department of Education officials—stacked their grant review panels with members who shared their own philosophy, directly contradicting the No Child Left Behind Act which laid out specific rules designed to ensure the panels were balanced.

Next, they designed the grant applications in such a way as to discourage States from using certain reading programs—reading programs that had been approved at the local level and had been approved at the State level. So the Department designed the applications in such a way as to discourage the States from using these reading programs, even to the point of selectively eliminating phrases from the No Child Left Behind Act they didn't like. The No Child Left Behind Act put in certain phrases they had to use in terms of getting grants. Guess what. They just left those out of the grant application—just left them out totally.

Third, they leaned heavily on school districts to drop reading programs that didn't meet the Department's approval. For example, the Reading First Director opposed a whole-language reading program sold by a company called the Wright Group. In an e-mail, he urged a staffer to make it clear that the Wright Group didn't have his approval. Here is an excerpt from his e-mail. This is an e-mail from the Reading First Director Christopher Doherty. He said:

> They—

This is the group that wanted to come in and make an application—

> They are trying to crash our party and we need to beat the [expletive deleted] out of them in front of all the other would-be party crashers who are standing on the front lawn waiting to see how we welcome these dirtbags.

What does all that mean? That means: Look, we have our programs, we have what we want; others want in and, guess what, we are going to keep them out. "They are trying to crash our party"—"our party." What did Mr. Doherty mean by "crash our party"? They have selected publishers, selected materials they want these schools to use. "Party"? What does that mean?

Here is how it played out in Massachusetts for one State. The Reading First Director, this same guy, Christopher Doherty, called a State official to say he had concerns about certain reading programs that four school districts were using. All of these programs had gone through the appropriate approval process at the local and State levels. Nevertheless, the State official conveyed that concern to the local districts. The three that dropped those approved programs continued to get their Reading First funding. The one district that stuck with the old program that had been approved had its Reading First funding taken away.

What is that saying? It is saying: OK, school districts, if you want money, you have to play our ball game, you have to accept our textbooks, you have to accept what we want, not what you at the local, what you at the State level want, but what we want in Washington.

When we step back and look at the big picture, we see a Department of Education where the attitude is: We know best, and to heck with Congress, to heck with Federal laws. They are saying basically it doesn't matter what the law says about local control of schools. If we like a particular program, we are going to make sure a school uses it, and if we don't like it, we are going to make sure they don't use it; we know best, and we will decide. That seems to be the attitude of the Department of Education.

We live in a nation of law. We have offices such as the inspector general to investigate whether agencies such as the Education Department are really following the laws we pass. Guess what. The inspector general found they are not following the law at the Education Department. They are basically thumbing their nose at it.

So far, the person who has borne most of the blame has been the Reading First Director, Christopher Doherty, but I think we need to look a little higher.

Secretary Spellings responded to the report by blaming other Department employees and noting that the events occurred before she took over the Department. However, as President Bush's domestic policy adviser, she exerted enormous control from the White House over the Department of Education activities.

Michael Petrilli, a former Department official who worked in the Department from 2001 to 2005, wrote a column this week in which he said that Mrs. Spellings knew exactly what was going on.

Here is what Mr. Petrilli wrote:

> As the President's first-term domestic policy advisor, she micromanaged the implementation of Reading First from her West Wing office. She put one of her most trusted friends inside the Department of Education to make sure that Doherty and his colleagues didn't go soft and allow just any reading program to receive funds. She was the leading cheerleader for an aggressive approach. And now she bobs and weaves: "Although these events occurred before I became Secretary of Education, I am concerned about these actions and committed to addressing and resolving them."

A quote from Secretary Spellings.

The PRESIDING OFFICER (Mr. CORNYN). The Senator's time has expired.

Mr. HARKIN. Mr. President, I didn't realize I had a time limit. I ask for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, if this description is accurate, it is hard to imagine that Secretary Spellings didn't know anything about the abuses described in the inspector general's report. Instead of making others take the fall for what happened, she needs to stand up and say whether she had any knowledge of or involvement in these activities when she worked in the White House.

Last week's report from the IG was just the first of several on the Education Department's management of the Reading First Program. I am afraid that what we have learned so far is just the tip of the iceberg. Secretary Spellings needs to explain as soon as possible her role in this program.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

IN HONOR OF WORLD WAR II VETERANS—PHOTOGRAPHER JOE ROSENTHAL AND ACTOR GLENN FORD

Mr. CRAIG. Mr. President, in my capacity as a Senator and chairman of the Senate Veterans' Affairs Committee, I rise this evening to pay tribute to two men who were bookends of what has been termed the "greatest generation," those Americans who served in World War II. One stood behind the lens and took that famous photo on Iwo Jima that became the iconic picture of the war in the Pacific. The other gave up his life in front of the lens and laid his life on the line in the cause for freedom in Europe. I speak, of course, of the photographer Joe Rosenthal and the famed actor Glenn Ford. Both men died a few weeks ago, and it is fitting that this body, the Senate of the United States, recognize these great men for their contributions.

Most Americans instantly know that image Joe Rosenthal captured: the photo of five marines and one Navy corpsman raising the flag—the American flag—over Iwo Jima. That image became the basis for the Iwo Jima Memorial which rises above Arlington National Cemetery and a copy of which greets those who enter Quantico Marine Base in Virginia. That image was also made into a postage stamp, not once but twice, and inspired the creation of at least two major pictures: "The Sands of Iwo Jima" starring John Wayne and the new movie, "The Flags of Our Fathers," produced by Clint Eastwood, which will debut in a few weeks.

It has been said that Joe Rosenthal's famous photograph not only gave Americans back home an image of what was happening on the front lines, it persuasively argued that America was winning that war.

The impact of that image cannot be overstated. In fact, former President George Herbert Walker Bush, who served as a Navy pilot during World War II, recently recalled seeing the flag-raising photo in the newspaper during the war with Japan and said that without Joe Rosenthal's picture, the war might have dragged on even longer:

> I wonder if Joe fully appreciated what this photograph meant, and what it still means to the American people.

That is what the elder President Bush wrote.

The President's comments were shared recently at a public presentation in which Joe Rosenthal was posthumously awarded a Navy medal for distinguished public service. It was an honor long overdue but one I am proud has finally been awarded.

But while many know the story of Joe Rosenthal's famous photograph, few Americans, however, really know the real life story of the famous actor Glenn Ford.

Glenn Ford was born in Canada. He emigrated to the United States when he was 5 years old. He was a descendent of U.S. President Martin Van Buren. But Glenn Ford made his own way in his life. He went on to become a Hollywood movie star who appeared in over 100 movies and television shows. But his heroic real-life military actions are worthy of a film all its own.

Before the beginning of World War II, Glenn Ford served in the Coast Guard Auxiliary. In 1942, he enlisted in the U.S. Marine Corps. In the aftermath of the war in Europe, Glenn Ford came upon a displaced persons camp several miles outside of Munich, Germany. An estimated 12,000 to 15,000 homeless Jews were living at the Fernwald camp, which appeared to have been overlooked in the postwar confusion.

According to the Simon Wisenthal Center, which in 1985 presented Glenn Ford with the Liberator's Award:

> The survivors were astonished and wept with gratitude to see an American who really cared, and for seven weeks Ford brought food, books and medical supplies. The supply sergeants looked the other way as Ford loaded up his jeep day after day, and headed up to Fernwald.
>
> Ford alone was responsible for giving hope and life to approximately half of these 12,000 to 15,000 inmates in an over 7-week period. Many women named their newborn sons after him in recognition and in gratitude.

Committed to service in the Armed Forces, Glenn Ford also served a tour of duty in Vietnam in the Mekong Delta during Operation Deckhouse V and twice came under fire—intense enemy fire—and narrowly escaped death from a sniper's bullet, a bullet which wounded the attache standing next to him.

Among his numerous medals and accommodations are the Medal of Honor presented by the Veterans of Foreign Wars, the Medaille de la France Libre for the liberation of France, two commendation medals from the U.S. Navy, and the Vietnamese Legion of Merit. He received the rank of captain with the U.S. Naval Reserves in 1968.

Today, as we battle terrorists wherever they are, I think we should all reflect on the words of Glenn Ford penned in 1980. Here is what that honored and decorated movie star said:

> I'm proud to be an American. Let me say again. I'm proud to be an American. And I believe it's time for every one of us to stand up and show our support for our great country. There are faults and occasional inequities in America. But the proof of how good things really are here is the lines at our borders and at our consulates all over the world of people wanting to come here to live.

He went on to say:

> In the last 200 years, we have built a wonderful dream that other countries can only hope to achieve. So let us not hurt that dream by our own selfishness. If we think only of ourselves and do nothing but complain about this magnificent country—instead of supporting her—we will lose everything our forefathers fought for. We must all pull together and elect good officials. And we must save energy and help our neighbors—especially the young of America—understand the real meaning of the free enterprise system.
>
> But let's never forget that to remain free we must always be strong. That is an important lesson I—

Meaning Glenn Ford—

> learned in my navy career in World War II. National defense must be the top priority for any country. If you are not strong, you are not safe. Now is the time for every American to be proud. This is the land of the free and the home of the brave. But only as long as we are brave. If we are not brave, we will not be free.

So penned by the actor Glenn Ford.

As I said at the beginning of my comments this evening, Joe Rosenthal and Glenn Ford were bookends of World War II, Joe Rosenthal was behind the lens and took that seminal picture of the war in the Pacific, the Iwo Jima flag-raising, while Glenn Ford, who had spent his time in front of the lens in motion pictures and in business, left the limelight to become a true war hero and devote his time to save a Nation and to save a world.

Glenn Ford and Joe Rosenthal were true patriots. Now those heroes are gone, like so many other veterans of that great war. The Nation is losing many of its World War II veterans. Believe it or not, nearly 1,000 members of the Greatest Generation pass away each day of each week. But while they are leaving us at a sad and very steady pace, their legacy of freedom and bravery, I hope, will live on forever. Let's think tonight of Joe Rosenthal and the late actor Glenn Ford.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 15 minutes under the previous order.

RYAN WHITE CARE REAUTHORIZATION

Mr. MENENDEZ. Mr. President, I rise tonight to speak about the Ryan White CARE reauthorization.

We have heard a number of speakers on the Senate floor over the past few days claiming to be experts on New Jersey's HIV/AIDS community and our Ryan White Program. Now, some might choose to listen to them, but I choose to listen to the real New Jersey experts. Governor Corzine says the bill will have "an enormous negative impact for individuals and families with HIV in New Jersey."

New Jersey stands to lose millions of dollars in the first year alone with these losses increasing over time. The losses will disrupt and destabilize the comprehensive continuum of care that has been established. And New Jersey's HIV/AIDS providers and advocates are unified against the proposed bill and know the real impact these cuts have on real lives.

The medical director from the Monmouth Medical Center and HIV Clinic in Long Branch, NJ, a clinic funded by Ryan White funds, says:

> Since our inception in 2001, we have doubled our size. Fifty-two percent of our clients are women. Forty-eight percent are African Americans. The majority of our clients have no insurance and no access to medications, except to the State ADAP program. Our patients are living longer and having a better quality of life. In fact, this past year we have had 8 babies born to HIV-infected women. None of these infants are infected with the virus. To ensure that we will not lose ground in the fight against this epidemic, the Ryan White program must be reauthorized so that existing clinics and programs continue to provide medical access for care and treatment. Please do not dismantle the system at the expense of another, they tell us.

Now, I really had to bite my lip earlier because some came to the floor of the Senate and had the audacity to say that New Jersey is a privileged State. To them I say: I would gladly give up the privilege of being No. 1 in the Nation in the proportion of women living with AIDS. I would gladly give up the privilege of having the third largest proportion of children living with HIV/AIDS. I would gladly give up the privilege of having the fourth highest number of people living with HIV/AIDS. I would gladly give up the privilege of having the fifth largest number of new AIDS cases each year—each year—despite the fact that we are only the ninth largest in total population. I would gladly give up the privilege of having the fifth highest rate in reported deaths due to AIDS.

I am sure that the 32,000 people living with HIV or AIDS in New Jersey would love nothing more than to be able to give up that privilege, or the people of color who account for 75 percent of all HIV/AIDS cases, or the women who make up more than a third of all people living with HIV/AIDS. I am sure they would gladly give up that privilege as well.

These same experts have argued that New Jersey is receiving more than its fair share of Ryan White funding. But what we are hearing is just another numbers game to try to avoid the real issue, which is the completely inadequate funding in this reauthorization bill.

When you look at the full picture, without just zooming in on the piece that happens to fit your argument, New Jersey is one of the most expensive States in which to live in this country. Yet it spends less per person—less per person—than 15 other States, including Alabama, Wyoming, South Dakota, Montana, Alaska, Idaho, Massachusetts, Vermont, the District of Columbia, Arizona, Pennsylvania, Louisiana, and Michigan.

So just to put things in perspective, according to the Care Coalition, Alabama spends about $5,778 per HIV/AIDS patient, and Wyoming spends $5,984 per patient. In contrast, New Jersey spends $800 less than Alabama and $1,000 less than Wyoming per patient on HIV/AIDS care. So I cannot accept the numbers as those would have it constructed for the purposes of pursuing their argument.

There are more than 2,130 new HIV/AIDS infections each year in New Jersey, and in 2004 New Jersey reported almost 2,400 new HIV and AIDS cases, more than all but 4 other States. Ryan White funding is being put to good use saving lives and helping individuals avoid disability and lead productive, successful lives. In New Jersey, we are giving 32,000 people with HIV/AIDS a new lease on life. We have one of the most effective ADAP programs in the Nation, as well as comprehensive services, including primary medical care, mental health service, substance abuse services, oral health, case management, nutritional services.

So thanks to the success of New Jersey's network of care, we have seen a sustained drop in the number of HIV/AIDS deaths each year. However, with this growing population, there is a growing need for services. It is blatantly clear that any cut to our State is a destructive blow to the very network of care that countless men, women, children, and babies are counting on.

Now, I would be happy to have a straight, one-year reauthorization in which all would be made whole if the majority is willing to accept it. I am also willing to find a solution to the real problem, which is a severe shortage of funding—a severe shortage of funding. As I said, I am happy to give up the privilege—I would be happy, as would the lives of those individuals who find themselves struggling day in and day out, they would be happy to give up the privilege that we heard about on the floor. But I cannot stand by and watch the hopes and dreams of New Jerseyans living with HIV/AIDS be extinguished by this misguided proposal.

How can I go back to constituents in New Jersey living with HIV or AIDS and tell them it is a fair deal to have them put their lives at risk? I can't and I won't, and we can't have an appropriate reauthorization.

Mr. President, I yield back the remainder of my time and yield the floor.

Mr. ENZI. Mr. President, it is my understanding that the Republicans have an extra 15-minute slot.

The PRESIDING OFFICER. That is correct.

Mr. ENZI. I have been allocated in that slot.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. ENZI. I would assume that the Senator from New Jersey has had adequate time to look at the unanimous consent request that I presented earlier, and I will be making that unanimous consent request again. He must be ready to debate the AIDS bill that New York and New Jersey have proposed, and I am ready to grant time to have a vote on that bill as well as the bipartisan, bicameral bill passed by the House last night. I have no fear of that. This Nation has a lot of problems with HIV and AIDS that need to be taken care of. There is one bill that does that fairly—a bill that the House overwhemingly passed. A bill with a comprehensive, fair and equitable solution. There is another one that merely extends the time where we keep doing the same thing that we have been doing. A quick fix that would give us the same results that we have been getting—people across the country are dying because of not getting treatment, because of unfair, inequitable funding formulas that ignore the new, emerging epidemic of HIV in rural areas and the Southeast.

Mr. SALAZAR. Mr. President, parliamentary inquiry: Mr. President, would the Senator from Wyoming yield for a question?

The PRESIDENT pro tempore. Will the Senator yield for a question?

Mr. ENZI. I am happy to yield for a question.

Mr. SALAZAR. Mr. President, just a parliamentary inquiry as to the order of speakers and where we are, based on the last unanimous consent order.

The PRESIDENT pro tempore. Senator ENZI has 15 minutes, then Senator LANDRIEU has 15 minutes, and then another Republican has 15 minutes, and then the Senator from Colorado, Mr. SALAZAR, has the fourth 15 minutes.

Mr. SALAZAR. I thank the Presiding Officer, and I thank my friend from Wyoming.

Mr. ENZI. I thank my neighbor from Colorado. As we set it up earlier, we have been alternating times. I am glad that I have the opportunity to speak right after the Senator from New Jersey. I know he turned down the unanimous consent request earlier. I am hoping that he will accept the unanimous consent this time.

Tomorrow is a very critical time for people in the United States. These States, the red states in this chart in particular, will start losing significant funds at midnight tomorrow night if the current failed formula is not fixed. California loses $18.78 million; Connecticut, $3.2 million; the District of Columbia, $6.93 million; Delaware, $1.52 million; Georgia, $9.68 million; Illinois, $12.48 million; Oregon, $1.38 million; Pennsylvania, $9.25 million; Washington, $2.42 million; Maryland, $11.64 million. We can fix this formula tonight. A solution, passed overwhelmingly in the House, is before us now.

I appreciate the letter that I got from the Senator from Maryland, Ms. MIKULSKI, reminding me that this goes into effect tomorrow and asking me to get the Ryan White bill done.

Now, when we reauthorize this program by using the bill that came out of my committee and passed overwhelmingly in the House, there will be some changes to the formula—saving many States from significant and critical losses. Instead of California losing $18.78 million, they will gain $15.38 million because the money is going to follow the cases, and they are not going to get the penalty that they would have under current law. I have the chart that shows the gains for a number of States. All the ones that I mentioned would have gains instead of losses. So this is a critical piece of legislation to all of these States.

We are talking about unfairness and inequity. This isn't the only bill on which we are changing formulas so they more accurately address the problems they were meant to address. The reason we have reauthorizations is so that on a regular basis we can review the monies going to States, see how it is allocated, see if it needs to be allocated on a different basis so that it is more fair. Our committee ran several hundred evaluations to see different kinds of formulas at the suggestion of members of the committee and Members of the Senate to see what the fairest way would be to do this bill.

Now, not only did we pick the fairest way to transition, by holding those States harmless for 3 years, but we chose the fairest formula in the long-term that ensures that Americans with HIV/AIDS get the treatment they need on an equitable basis no matter their race, gender, or where they live. I have to tell my colleagues, there is not another bill we have done that allows this kind of inequity—under current law—to continue to give those States time to prepare for the formula shift. Of course the States that do not obtain equality for 3 years are usually pretty upset. They think that the equality ought to come in much earlier in the process.

So we had a number of States that said, How come it gets to be unfair for that long? We said we are going to try to protect these States so they have a time to transition, so they prepare their systems for the change in the funding.

One of the things that was raised earlier this afternoon was that it is more expensive to live in New Jersey. It is more expensive to live in New York.

It is pretty expensive to live in DC, too, and DC is going to lose $6.93 million, if we don't pass this legislation. If we pass this bill, they are going to gain $4.35 million. It is a change for a lot of States, but it is a change to fairness based on the number of people with HIV/AIDS, not the number of institutions that we have been funding in these States. This program is not for economic development. It is not a way to keep jobs. It is a program to keep patients alive.

On these other bills I have been working on—the Older Americans Act—includes a 5-year transition. Some of the States said, By golly, we have been cheated for years. We ought to get our money faster, but they have agreed to a 5-year transition.

The ones who are losing money have said: Okay, we understand, that is fair. You gave us a time to transition.

We have 9 or 10 bills that my committee has to do that deal with formulas. I can tell you the first reaction of every Senator, including myself, is to say: Print the chart out, see what happens to my State. Naturally, you get upset if your State is not going to get as much money as they got before. But, fortunately, the majority of the Members around here look and say, Is the amount I am getting fair?

Higher costs—I want to go back to that again. What we are providing are the AIDS drugs, and the AIDS drugs cost the same all over this country. It doesn't cost more for an AIDS drug in New York than it does in Wyoming. As for expenses, we only have a couple of big cities in Wyoming—Cheyenne is 52,700-and-some people, that is our biggest city; Casper is next with a little over 50,000, and then it drops off significantly.

If a third of your towns have less than 250 people in them, how many of those do you think have a hospital? How many of those even have a doctor to look at somebody with HIV/AIDS? They have to travel a long way at great inconvenience and great cost. We don't cover that. We cover the treatment.

When we crafted the current funding proposal, we ran dozens of these various formula options to see which was the fairest way to do it, which one created the least amount of disruption. That is how we came up with the current funding formulas in this bill. We are being asked, of course, to consider another bill, introduced on Tuesday of this week by the Senators from New York, New Jersey, and Florida. I believe we should debate this bill. However, I have problems with this bill because what that other bill does is delay this argument over funding formulas for 1 year. It doesn't do the equity for sure at any time. So in our bipartisan, bicameral bill, what we said is we will delay equity for 3 years. Three years is better than 1 year, so I really don't understand why anybody is holding this bill up.

I understand that they lose money. I understand that. However, they are grossly overpaid. As I have shown before, under the current law, the State of New York gets $504 more than the average per patient across the rest of the Nation. New Jersey gets $310 more per person than the average across the rest of the Nation.

Under the reauthorization, New York will still get $304 per person more; New Jersey will still get $88 per person more. As I have mentioned, all of the funds have not been spent every year. So we are saying New York does not want to share even what did not spend.

I can understand Senators being concerned over losing the money. What I am just asking is we take a look at the whole national picture, just like we are taking the whole national picture in some other bills pending before the HELP Committee. For all of those bills, I pledge that during this next year we will have hearings where we look at the formulas in these other bills and see how we can transition more quickly than we have been doing, to move toward equity.

If you have people who are dying of AIDS and you have people who cannot be treated for HIV, you have a real problem. We are not talking about parks or things that might be considered luxuries. We are talking about life and death. The earlier we start treating people, the more chance they have for survival.

Fortunately, very fortunately, there have been a lot of drugs that have been developed for the market that make a difference, now, for those infected with HIV; these drugs will extend their lives. We don't have to wait until they are in the AIDS category to do that. We don't have to do that to give them as good a life as possible. We can start providing life-saving treatment when we know they have HIV. We can positively extend their lives.

That is what we are trying to do with this bill. Under the other bill, introduced on Tuesday of this week, the supporters are eliminating, again, the count of HIV, the ability to treat those with HIV. As far as fairness, don't you think we ought to treat as early as we can with the capability that we have instead of just waiting until they have AIDS and then counting them and pay for them?

The other bill doesn't take into account the HIV folks at all. If I were one of the Senators from those two States, and I have been holding out this long, I would be here yelling too, I guess, because I would have to explain why I was doing what I'm doing—and not just to the people in my State. I would have to be explaining why I was being an obstructionist for life-saving care to the whole Nation. Of course, those outside my State don't get to vote for me, but we do have an obligation to all of those folks across the Nation.

When we have equitable funding formulas, if States come up with a higher HIV/AIDS population than we thought they would have, we may have to put more money into it. But the additional money ought to come with the additional cases. We ought to have some numbers to back up what is happening, and not everyone has the numbers to back up their current funding. We have some waiting lists, waiting lists of people who are waiting for life-saving treatment. But if they look at the waiting list they may say, I am not going to gain treatment anyway, so why would I even get on a waiting list? Thus, there may be thousands more, not seeking treatment because, where they live, we are not treating them equitably. I do know there are some difficulties out there.

I know the time to vote on Ryan White is now or never because as soon as the clock strikes midnight tomorrow night thousands of Americans will start losing access to the life-sparing treatment unless we pass the bill now. I can't understand why four Senators are denying people suffering from HIV/AIDS to vote on this critical legislation to create a more equitable program.

Earlier today, the Senators from New Jersey and New York suggested that the answer to the inequities in Ryan White is more money. I say we can talk about more money in Ryan White as soon as the States that are hoarding funds allow current dollars to focus on those in need, individuals on waiting lists throughout the country. We have to address the current inequities, not compound them by just adding more dollars to a failed funding formula. We don't want to continue to have the rich States get richer while the poor States get poorer.

The Senator from New Jersey also suggested this bipartisan bicameral bill was not supported by minorities because the National Minority AIDS Council did not support the bill. One council does not capture all the minorities. In fact, over seven minority organizations, including the Alaska Native Tribal Health Consortium, Brother 2 Brother, Latino Coalition, League of United Latin American Citizens, the National Black Chamber of Commerce, the National Minority Health Month Foundation, and the New Black Leadership Coalition support this bipartisan bicameral product.

In addition, 34 other organizations support this key legislation, including key national advocate organizations such as AIDS Action, AIDS Healthcare Foundation and the Southern AIDS Coalition.

I ask unanimous consent the full list of supporting organizations be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

ORGANIZATIONS THAT SUPPORT FINAL PASSAGE OF RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT

H.R. 6143

AbsoluteCare Medical Center; ADAP Coalition; AIDS Action; AIDS Action Coalition; Huntsville, AL; AIDS Action Ohio; AIDS Alabama, Inc.; AIDS Healthcare Foundation; AIDS Outreach of East Alabama Medical Center; AIDS Resource Center Ohio; Alaska Native Tribal Health Consortium; American Academy of HIV Medicine; American Dietetic Association; Am I My Brother's Keeper, Inc.; Birmingham AIDS Outreach; Brother 2 Brother.

Carepoint Adult, Child and Family Center; Catholic Charities Diocese of Fort Worth; Columbus AIDS Task Force; County of Los Angeles; County of Riverside; County of San Diego; First Ladies Summit; Governor Robert L. Ehrlich (Maryland); Harabee Empowerment Center; HIV Medicine Association; Latino Coalition; League of United Latin American Citizens (LULAC); Life Linc; Log Cabin Republicans; Lowcountry Infectious Diseases.

Montgomery AIDS Outreach; National Black Chamber of Commerce; National Coalition of Pastors Spouses; National Minority Health Month Foundation; New Black Leadership Coalition; Ohio AIDS Coalition; President's Advisory Council on HIV/AIDS; Rep. Linda Upmeyer (Iowa State Rep, District 12); Rocky Mountain Opportunities Industrialization Center; South Alabama Cares; Southern AIDS Coalition.

Mr. ENZI. May I ask my time?

The PRESIDENT pro tempore. The Senator has 5 seconds left.

Mr. ENZI. I would like to propound a unanimous consent request and ask unanimous consent to be able to propound the request.

UNANIMOUS CONSENT REQUEST H.R. 6143

I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 6143, which was received from the House. I ask unanimous consent that the only amendment in order be an amendment by Senator LAUTENBERG or one of the Senators from New Jersey or New York, which is the text of S. 3944, with 30 minutes of debate equally divided. I ask unanimous consent that following the disposition of the amendment, the bill as amended, if amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDENT pro tempore. Is there objection?

Mr. MENENDEZ. Mr. President, we do have an obligation to all the people of this country and that includes the people of New Jersey. This is not just simply about money.

The PRESIDENT pro tempore. The question is, does the Senator object?

Mr. MENENDEZ. I do object based on that and much more.

The PRESIDENT pro tempore. Objection is heard. The time of the Senator has expired.

Under the previous agreement, the Senator from Louisiana is recognized for 15 minutes.

ROYALTY RELIEF BILL

Ms. LANDRIEU. Mr. President, I come to the floor to speak about an issue that, of course, many of us have been involved in now for years, literally, trying to provide a revenue stream for the Gulf of Mexico—not just Louisiana but Mississippi, Alabama, and Texas. For 40 years or longer, they have contributed more oil and gas to this Nation than Saudi Arabia and Venezuela combined. In the minds of many along the gulf coast, particularly post-Katrina and Rita, two of the largest hurricanes to hit the North American continent, people along the gulf coast are feeling, on this issue, that perhaps the gulf coast has been forgotten.

I want to say to my colleagues here, Republicans and Democrats, the people of the gulf coast are grateful, extremely grateful for all the support given this year for hurricane relief—not one, not two, not three, but four supplementals.

Mr. President, you yourself have been down there personally, walking the neighborhoods that were destroyed and being a strong advocate for us on the Appropriations Committee. So we are very grateful.

But there are two extremely important bills and issues that we must have to complete this package of initial recovery and lay a foundation so that the gulf coast can build securely. We know we can rebuild, but the question, from Pascagoula to Beaumont is, Can we rebuild safely?

We have counties in east Texas and parishes in west Louisiana, western Louisiana and southeastern Louisiana, and counties in Mississippi, that have literally been 100 percent destroyed. I mean, in Saint Bernard Parish there was not a house left standing out of 75,000 people.

It is so tragic because this particular parish has flooded like this not once but twice. Saint Bernard Parish has flooded, not once but twice. It flooded in 1965, when Hurricane Betsy poured about 10 feet to 12 feet of water, sort of in the same way—a storm surge, aided and abetted by this channel that the Corps of Engineers dredged to help the port and help navigation on the Mississippi River, which helps the whole country. But it really didn't help the people of Saint Bernard because they lost their homes. President Johnson came down and pledged, "Never again."

Here we are, 35 or 40 years later, and they have lost everything again. Some of these families who built back from Betsy, they are 70, 80 years old, to have it washed out again. It is just too much for this Senator to bear. It is too much for our delegation to bear.

There are two major pieces of legislation that the Louisiana delegation cannot go home without this Congress, and that is the WRDA bill, because it is the water resources bill of the United States of America. Since we have more water than almost anybody, this is a huge bill to us.

We are not managing our water well. It has flooded our homes.

We have to pass this WRDA bill to help us build our levies, navigation channels, locks, and dams to protect our people—not because we are a charity case but because we contribute so much wealth to the Nation. The Nation can't do without it. You wouldn't want to try. If you did, and our pipelines closed and our refineries closed, and south Louisiana, south Texas, and the southern part of Mississippi and Alabama closed, you would just as soon turn the lights out in this Chamber. There would be no economy in the United States of America.

That is a bold statement. You say: Senator that is not true. We could do without you.

If I showed you the charts, which I am not going to bore you with, you could not get anywhere near the oil and gas we need to fuel the economy in this country without it.

We can't go home without the WRDA bill, and we can't go home without the offshore oil and gas revenue.

As much money as we get in WRDA, and as many projects as we get in WRDA, we can't wait every 10 years to authorize our project. We need an independent stream of revenue to secure our wetlands, to restore them. We have lost more wetlands than the State of Delaware. We lose a football field every 30 minutes. We lost the size of the District of Columbia in the last storm. I don't know how much more we can lose. If an enemy came to our shores to take our land away the way we are letting it drift into the gulf, we would have declared war.

Our delegation put in a bill for OCS revenue sharing. We said we have a deal for the country. We will open even more in the gulf. Everyplace else is shut down. Nobody wants to drill, so let us even drill more. We will open up 9 million acres, and we will share the revenues with Texas, Louisiana, Mississippi, and Alabama. The country gets enough natural gas to fuel 1,000 chemical plants for 40 years. That is a lot of gas. The Southern States would share in a very fair and reasonable way these revenues. We think that would be a good thing for America.

This is the Jack well that Chevron just found. It is one well, 28,000 feet deep, and it has doubled the reserves in the United States of America.

When I hear some critics of the Senate approach saying to me—to the Senators from Louisiana, Mississippi, Alabama, and Texas—that our bill doesn't do anything, it is just a wonder of what it might do if we could maybe find five more Jack wells here or 10 more. Who knows. There is a lot of land.

The great beauty of our arrangement is we protected the coast of Florida, as the Florida Senators and the Governor of Florida, Governor Jebb Bush, have asked us to, and we still found enough territory to open.

We are leaving here without this bill that makes a tremendous amount of sense because we just couldn't finish negotiations with the House.

But I am very hopeful that when we return in the lame duck that it is a lame duck and not a dead duck because I could get a lame duck hobbling out of here, and I can't take a dead duck home. We need to take something home that is alive and flapping to give these people homes, to restore these wetlands, and for heavens' sake, send some oil and gas to the industries in America that are really on the edge right now of whether to expand these refineries or not because China looks more promising every day.

If we don't give them hope, they are going to leave and jobs are going to be lost.

I see my good friend from Idaho who knows this issue well. He might want to take one of my minutes and add a thought about this because he has been a good partner on this issue. I would appreciate his words on this chart or anything he wants to talk about.

Mr. CRAIG. Mr. President, I thank the Senator for yielding. I will be very brief.

This is very important for all of us to listen to. Just because gas prices are falling at this moment, we should not walk away from an opportunity to continue to build reserves and known reserves in the gulf and other areas, for the U.S. Geological Survey says it is phenomenally plentiful. The well Senator LANDRIEU just talked about at the 28,000-foot level has contributed mightily to an unbelievable drop in gas prices over the last month and a half, coupled with the lack of storms. Yes, other things are going on. But the reality is that the American producer now knows less of their potential is not at risk because it is under the control of the United States. It has taken that $20 risk figure off the top of a barrel of oil, dropping it into the low sixties range or high fifties range. That is what is reducing the price at the pump.

I thank the Senator from Louisiana for her continued effort. I hope this Senate and the House will recognize the potential of building U.S. domestic reserves that are safe, out of harm's way, out of the way of the political, fragile nature of other countries of the world.

I thank the Senator for her steadfastness. I and others will help her with this goal.

Ms. LANDRIEU. I thank the Senator.

Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. The Senator has 5 minutes remaining.

Ms. LANDRIEU. Mr. President, I want to call my colleagues' attention to this chart which I had my office put together today. I thought it would be a good chart to leave with because maybe it will put a little energy underneath our efforts to get something done when we get back.

Production from the gulf coast is over 1 billion barrels of oil. The total production from Saudi Arabia and Venezuela together is 973 million barrels of oil.

I do not know if the Governors of Texas, Louisiana, Mississippi, and Alabama want to shut down production. But if they do, there would be a real problem for the country. I know people might say that couldn't be done because you don't have jurisdiction over pipelines, and the Federal Government could operate that. I would hate to see the court battles that would ensue. We actually have one court case pending which was filed by the State of Louisiana alleging that the appropriate environmental standards have not been attended to. And the judge will rule on that in November.

No Governor other than Governor Blanco has taken that step, and no Governor has suggested it. I am not giving testimony that I have heard them even privately say it. But I can promise you that the people in the Gulf of Mexico are getting tired. Everywhere I go, people in Texas, Mississippi, Alabama, and Louisiana say to me: Senator, why are we the only ones producing? And why when you go to Washington and ask them to just share these revenues with us they say no? Don't they know that we don't have any houses to live in? Don't they know our churches have been ruined? Don't they know our children don't have schools? What is wrong with Congress?

I am having a hard time explaining that.

For people who say the Senate bill doesn't do anything, I think 1 billion barrels of oil—almost equivalent to 60 percent of what OPEC contributes on a yearly basis—is a lot of oil.

Considering things aren't going real well in Venezuela these days, we might want to get this bill passed and help our industry and help our people.

In the last 4 minutes, I want to say in the spirit of cooperation that I filed a bill today on the issue of royalty recovery. This is an issue with the House of Representatives. It is an issue with us. It is an issue with the other House, and it is an issue with us. I thought maybe this would help everybody to see.

We can talk about it when we come back, of course.

These are the wells that were issued in 1998 and 1999 that did not have thresholds. There were over 1,000 of them. I am sorry I can't identify the 15 that are producing, but out of these there are only 15 that are producing. These are the ones which are producing and royalties are being generated because there was a mixup in the contract. When we get back we should resolve this issue. That is what my bill says, and it suggests how to do it.

Some of this money could go to Texas, Louisiana, Mississippi, and Alabama in the earlier years. Some could go to the Land and Water Conservation Fund, and a lot of it could go to deficit reduction. We could reduce the debt on people and get a little head start on our coastal restoration, as well as do something for the Nation on land and water.

We could debate how the revenue should be shared, but I laid a bill down today to give us maybe a starting point for people who discuss how we might do that.

I will conclude with this: The Louisiana delegation cannot go home for Christmas without the WRDA bill and without the OCS bill. We are going to be here a long time until those bills are passed. We want to work with people, we want to be cooperative, and I filed a bill to solve this problem and meet the House halfway on this issue.

Then let's do something when we get back and work hard to get something out to the American people that could make at least the industry have a happy Christmas. Individual consumers might not feel the price of natural gas directly. But our industries and big and small businesses certainly do, and our farmers most certainly do. It would be a good Christmas present to give them.

I yield the floor.

The PRESIDENT pro tempore. The next 15 minutes is allocated to the Republican Senators.

Who yields time?.

Mr. CRAIG. Mr. President, I yield back the Republican time.

The PRESIDENT pro tempore. The Senator from New Jersey is recognized for 15 minutes.

IMMIGRATION REFORM

Mr. SALAZAR. Thank you, Mr. President.

I rise tonight to speak to the so-called fence bill and ask my colleagues and urge them to oppose the construction of this fence in the way it has been proposed to the Senate.

I oppose the construction of this fence because at the end of the day this is not going to fix our borders. It is not going to deal with the lawlessness that we currently are having to deal with with respect to immigration, and it is not in the long-term interests of the United States of America.

For me, I may be the No. 100 U.S. Senator, but I have heroes on both sides of the aisle.

I remember Ronald Reagan when he went to the Berlin Wall and he told Mr. Gorbachev that he should take down the Berlin Wall. He was about taking down walls and bringing communities together.

I remember John Fitzgerald Kennedy, a person who inspired my whole life in politics and our country. I remember him working on creating the Alliance for Progress with the notion being that the Western Hemisphere would be a much more successful hemisphere if we were able to work with nations that were all a part of this hemisphere. That Alliance for Progress by President Kennedy is still celebrated throughout the United States and throughout Latin America because of his vision that we would bring communities together. Yet what we are doing today on this national security issue of immigration reform is abandoning principles and allowing politics to triumph.

This body tonight, by voting for what I expect will be successful passage of this bill, has allowed politics to triumph over what is in the best long-term interests of this country and over the principles that we worked on together to try to bring about comprehensive immigration reform.

I stood with a number of my colleagues on the Republican side putting together what was a comprehensive immigration reform package. We had leaders on the Democratic side who have inspired me for ages, such as Senator KENNEDY, Senator DURBIN, and Senator REID standing with people such as Senator CRAIG and Senator McCAIN and Senator GRAHAM and others to try to pull together comprehensive immigration reform. At the end of the day, we were able to get that comprehensive immigration reform. The President lauded it because it was a good bill. It was legislation that dealt with creating a system of law and order, that would have taken us out of the lawlessness we currently have in our country with respect to immigration and have created a comprehensive system to deal with this major issue of national security, economic security and moral values.

Our legislation dealt with border security. Our legislation dealt with the enforcement of our immigration laws. Our legislation dealt in a realistic way with the penalties and the registration that would apply to the 12 million or so people who are here in this country undocumented today. It was legislation that was comprehensive in nature.

Yes, we were proud we had Senators such as GRAHAM, McCAIN, SPECTER, REID, KENNEDY and a whole lot of other Members who stood behind this comprehensive approach to immigration reform.

Mr. REID. Will the Senator yield?

Mr. SALAZAR. I yield.

Mr. REID. Mr. President, I support, as did the Senator from Colorado, tough border security. I voted, as did the Senator, for an amendment in the context of an immigration reform bill that would have authorized for Homeland Security Secretary Chertoff 370 miles of fence based on what he told the Senate he needed. Building some fencing as part of a comprehensive reform bill makes sense.

Would the Senator agree, we cannot take a piecemeal approach to fixing our borders?

Mr. SALAZAR. I agree with my friend from Nevada that, indeed, Secretary Chertoff and others have said that a fence by itself will not deal with the problems we are facing in immigration.

Secretary Chertoff's statement was, in his words:

> In fact, building a fence in the desert would have the somewhat ironic result of requiring us to put more bodies right up against the border because it would be a less efficient way to deal with it.

So, yes, the Secretary of Homeland Security himself, along with the Attorney General of the United States, has taken a position that this is the wrong way to go.

Mr. President, as we put together this legislation, I want to quickly review what it is we did as we went through the legislation.

First of all, with respect to border security, we were tough on our border, but we were substance. We said we would add 12,000 new Border Patrol agents.

Mr. REID. Mr. President, I say my friend from Colorado, we have an important agreement we would like to put before the Senate. I ask the Senator from Colorado allow me to interrupt him.

The PRESIDENT pro tempore. The Senator's time remains.

Mr. REID. Yes.

The PRESIDENT pro tempore. Does the Senator object?

Mr. SALAZAR. No.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I ask unanimous consent at 9:10 this evening, the pending amendment, No. 5036, be withdrawn, the bill be read the third time, and Senator SALAZAR be recognized for 5 minutes, Senator BINGAMAN for 5 minutes, Senator CRAIG for 5 minutes, Senator REID for 3 minutes, Senator FRIST for 3 minutes, and the Senate proceed immediately to a vote on passage, with no intervening action or debate; and I further ask consent that following that vote, the Senate proceed as under the rule to the vote on the motion to invoke cloture on the motion to concur on S. 403; I further ask consent if cloture is not invoked, the Senate proceed immediately to the conference report to accompany H.R. 5441, the Homeland Security Appropriations Conference Report, and there be 5 minutes equally divided for debate prior to a vote on adoption of the conference report.

I further ask consent that if cloture is invoked on the motion to concur to S. 403, the pending amendments be withdrawn and the Senate vote on the motion, with no intervening action or debate; and further, the Senate proceed as above to the Homeland Security conference report.

I also ask following the vote on the Homeland Security conference report, Senator LAUTENBERG be in control of 10 minutes, Senator COLLINS for 5 minutes, Senator STEVENS for 5 minutes; the Senate proceed to a vote on the conference report to accompany H.R. 4954, the port security conference report, if the papers are received from the House and they are identical to those at the desk currently, with no intervening action or debate; further, I ask that if the papers have not arrived from the House, then upon receipt of those papers, the Senate proceed to its consideration, again, only if those papers are identical to those at the desk currently, then the conference report be agreed to and the motion to reconsider be laid upon the table.

I further ask consent that following the vote on the port security conference report, H.R. 5441, if port security has not arrived, then the Senate proceed to consideration of H. Con. Res. 483, the adjournment resolution; provided further, that Senator LEVIN be recognized to speak for up to 10 minutes, and following that time, the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. In my capacity as a Senator, I ask the Senator to read again what the Senate is doing with the port security bill.

Mr. FRIST. The Senate proceed to the vote on the conference report to accompany H.R. 4954, the port security conference report, if the papers are received from the House and they are identical to those that are at the desk currently, with no intervening action or debate; further, I ask that if the papers have not arrived from the House, then upon receipt of those papers the Senate proceed to its consideration, again, only if those papers are identical to those at the desk currently, then the conference report be agreed to, with the motion to reconsider laid upon the table.

The PRESIDENT pro tempore. I appreciate the courtesy.

Without objection, it is so ordered.

Mr. FRIST. Mr. President, let me briefly outline—because that wording is very complicated—what that means. At approximately 9:30 we will begin voting and we will have a vote on the border fence. Following that, we have a cloture motion to concur with the House on child custody. That also would be a rollcall vote. Following that, there is a short period of debate on Homeland Security, and we have a third rollcall vote on Homeland Security. Following that, port security will be dealt with, which should not require a rollcall vote, and the adjournment resolution, which should not require a rollcall vote.

Thus, we would have three rollcall votes in this unanimous consent request.

The PRESIDENT pro tempore. The Democratic leader.

Mr. REID. It took 2 minutes to read this but it took a lot longer than that to get the 2 minutes in writing.

I appreciate everyone's cooperation, Democrats and Republicans. This is not a perfect end of this session. However, I think it shows there has been tremendous cooperation today, and we will have more to say at a later time. Thanks, everyone.

The PRESIDENT pro tempore. The Senator from Colorado is recognized. The Senator 9 minutes and 19 seconds.

IMMIGRATION REFORM

Mr. SALAZAR. Mr. President, before the unanimous consent request from my colleagues, I was talking about what we had done together in the bipartisan spirit of moving forward with a comprehensive immigration reform package that the President had requested us to work on together and on which there was a great deal of leadership on the part of the Members in this Chamber to accomplish a task which the Nation needed.

That was a piece of legislation which was the law and order bill. It dealt with border security. It dealt with the enforcement of our immigration laws. It dealt with the system of penalties and registration that would have brought the 12 million people who now live within the shadows of America out of the shadows. It is an important piece of legislation.

Yes, there was disagreement in the Senate as we debated that bill for almost a month. At the end of the day, Democrats and Republicans came together to pass a comprehensive immigration reform.

I will quickly review a few of the components of that bill. First, with respect to border security, we said we would add 12,000 new Border Patrol agents. We would create additional border fences. We would provide new criminal penalties for the construction of border tunnels, the legislation pushed by my colleague, Senator FEINSTEIN from California. We would add new checkpoints and points of entry so we could control our borders. And we would expand the exit-entry security systems at all land borders and airports.

We took some significant steps forward in the legislation, including a 370-mile fence, which was an amendment. We took significant steps forward on legislation that was tough on border security. It included legislation that was an amendment proposed by the

Senator from Alabama which would have constructed a 370-mile fence. That was a comprehensive piece of legislation.

In addition, we said we would be a nation of laws and we would enforce our laws. We did that with a number of different provisions which included an additional 5,000 new investigators. It included 20 new detention facilities. It included provisions to reimburse the States their costs for detaining and imprisoning criminal aliens. The list goes on. It was a tough bill that said, we are going to enforce the immigration laws of our country.

We did not stop there because we have the reality of an elephant in this room, in this country: the 12 million people who live here. Under the leadership of Senator McCAIN and Senator KENNEDY, we came up with a program that would have brought these 12 million people out of the shadows through a system of penalties and registrations that would have applied to them. We would have required they pay a fine of $1,000 initially. It would require they register with the U.S. Government, that they pay an additional $1,000 fee. They go to the end of the line, the back of the line, they learn English, and a whole host of other steps.

Our bill was a comprehensive bill. One of the finest moments of this Senate was that there were a number of Republicans and Democrats who came together to pass that legislation.

Tonight, unfortunately, we are in a position where the politics of the day and the politics of the Senate have triumphed over the national security interests which we addressed in this legislation.

The values that drove at least my participation in that debate, along with my colleagues including Senator MARTINEZ from Florida, were simple values. They were the values that said we are a nation of laws. That means we have to have a law that is going to work, that is going to secure our borders, that is going to get rid of the lawlessness we currently face.

The other value that drove me is something which Senator McCAIN, my friend from Arizona, often talked about when he talked about the hundreds of people who are dying in the deserts of his particular State. To me, those values are values that we should keep at the forefront, the value of us being a nation of laws and also the moral values we have to the rest of humanity.

I do not believe that this political gimmick of a fence that is arbitrarily dictated by Washington to Arizona, California, and Texas is the right way to go. I don't need to go very far to find people would have agreed with me. The Commissioner of Customs and Border Protection under this administration says it doesn't make sense. It is not practical. That was on June 20 of this year. The Attorney General of the United States, Gonzales, said, "I think that's contrary to our traditions." Secretary Chertoff said that, in fact, building a fence in the desert might be problematic and unrealistic.

There are a number of people in the Bush administration who raised an objection to this particular proposal that we are considering tonight.

Mr. DURBIN. Will the Senator yield?

Mr. SALAZAR. May I keep going for a couple of minutes and I will be happy to yield for a question from my friend from Illinois.

I say to my friends who are listening tonight, I do have some personal history on this issue because my family came here in 1598, long before Jamestown, some 12 generations ago. We have been around a long time.

My own history is one where I know I am the first Mexican American to serve in this Senate in 30 years—the first Mexican American in 30 years and the only one, ever, elected to the Senate outside of the State of New Mexico.

When I look at this issue of the border, I approach it from the point of view that we as a nation have a sovereign responsibility to protect our borders. We have a responsibility to make sure we have a systematic law in place that deals with the immigration issues of our country. But I also believe, just as Ronald Reagan asked Mr. Gorbachev to take the wall down between East Germany and West Germany in order to end the cold war, there will come a time when, hopefully, this Senate is part of taking down this wall between Mexico and the United States.

Before I conclude, I yield to my friend from Illinois for a question.

Mr. DURBIN. I thank the Senator from Colorado. I thank him for his leadership on comprehensive immigration reform which includes real border enforcement, workplace enforcement, dealing with the needs in our country for immigration—legitimate legal immigration—and also dealing with those who are here who should be given a chance to earn their way toward legal status.

I also agree with my colleague from Colorado about this notion of a 700-mile fence. No matter where I go in the State of Illinois, I ask people, Do you see the weakness in the logic and the weakness in the argument of a 700-mile fence on a 2,000-mile border? It is obvious. It is pretty clear to me that this political bidding war on a border fence has more to do with the security of those who are up for reelection in just a few weeks than the security of America.

You do not have to be a law enforcement expert or an engineering expert to know that this fence, as it has been defined in this bill, is so expensive—$6 billion—and that we are now passing a homeland security bill that has $1.2 billion, not nearly enough to even start and build half of this fence.

So the realistic thing to do, as the Senator from Colorado and I have tried to do, is to work for sensible fences, sensible barriers, the best technology, the best security personnel, work for those processes and technologies that will truly make sure the illegal immigrants stop coming across our border.

I thank the Senator from Colorado for his leadership.

Mr. SALAZAR. Mr. President, I thank the leader and great Senator from Illinois for his leadership in putting together the comprehensive immigration reform package.

Parliamentary inquiry: How much time do I have, Mr. President?

The PRESIDING OFFICER (Mr. ISAKSON). Fifty-four seconds.

Mr. SALAZAR. Fifty-four seconds. Let me just conclude. Mr. President. I hope as we move forward as a Senate we can find the courage in this body tonight to turn down this political gimmick; that in this body there are statesmen and people of principle who believe we ought to put our national security interests ahead of politics; that there are people in this body who believe we ought to address the economic realities of America's farmers and ranchers and construction workers, construction companies, and others; that there are people in this body who can look at the future of the Western Hemisphere, including our relationship with Latin America, and recognize that at the end of the day the fence that is being proposed today is going to be inimical to the long-term interests of the United States of America as we unite as a global community to deal with the issues of terrorism around the world; that this fence is going to be something that is going to hurt us in building those alliances.

Mr. President, I urge my colleagues to vote against this fence bill. And I urge we do it in a bipartisan way.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, there is now time for a speaker from the majority side until 9:10.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield back the 10 minutes to the majority.

The PRESIDING OFFICER. The Senator yields back 10 minutes to the majority, the majority's time until 9:10.

The Democratic leader.

Mr. REID. Mr. President, I have 3 minutes, and for the benefit of everyone here, I might as well use it now. There is nobody else to speak, is there?

The PRESIDING OFFICER. The Chair sees no one else. The Senator from Illinois appears to be trying to do that.

Mr. DURBIN. Mr. President, I would like to speak briefly, if I might.

Mr. REID. I have time under the order. Please go ahead.

Mr. DURBIN. Mr. President, I thank the Democratic leader. I ask unanimous consent to be recognized as in morning business to speak for 5 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

UNANIMOUS CONSENT REQUEST—S. RES. 594

Mr. DURBIN. Mr. President, just 2 days ago I came to the floor and introduced a bipartisan resolution, the resolution cosponsored by myself, Senator MARK DAYTON, Senator NORM COLEMAN, Senator TOM HARKIN, and others. What did the resolution say? It said that we would recognize that we are about to observe the fourth anniversary of the death of our former colleague, Paul Wellstone, who died in an airplane crash during his campaign for reelection to the U.S. Senate for Minnesota.

It speaks of his service to Minnesota, the fact that he was a loving father and husband, that he dedicated his life to public service and to education, and that he worked tirelessly to advance mental health parity for all citizens of the United States.

This, of course, goes on to explain, in the course of this resolution, that Paul Wellstone died before he could pass the most important bill on this subject, the mental health parity bill. So I resolved that:

> [O]n the fourth anniversary of his passing, Senator Paul Wellstone should be remembered for his compassion and leadership on social issues throughout his career;
>
> Congress should act to help citizens of the United States who live with a mental illness by enacting legislation to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limits are imposed on medical or surgical benefits. . . .

That language in this resolution is directly from the Domenici-Wellstone bill on mental health parity. I go on to say:

> [M]ental health parity legislation should be a priority for consideration in the 110th Congress.

The next Congress.

Mr. President, I never dreamed that anyone in this Senate would object to this resolution, this resolution acknowledging the death of our former colleague and asking that the great cause he dedicated most of his public life to continue, and that we pass this bipartisan bill which has been pending on the floor.

That was the reason I brought this to the floor. I thought it would pass without controversy. I was shocked to learn that someone has put a hold on this resolution. I cannot understand that.

I would now ask the clerk if it is necessary—I would like to make sure that this resolution has been filed.

The PRESIDING OFFICER. Will the Senator please restate his inquiry?

Mr. DURBIN. My question to the clerk is whether this resolution has been filed.

So as to expedite this, what I would like to do is send this resolution to the desk that I have in my hand and ask unanimous consent for its immediate consideration and adoption of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, there is an objection on this side.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, imagine that, observing the fourth anniversary of the death of one of our colleagues, acknowledging his life of public service, and simply asking that the next Congress take up his bill to try to make sure those suffering from mental illness will get fair treatment and compensation under their health insurance plans, I find it hard to believe. But if that is the nature of our business, if we have reached that level of partisanship, then it is regrettable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I understand what the problem is on this resolution. All of us loved Paul Wellstone. What an advocate he was. What a believer he was. But in this legislation, as I understand this resolution, it calls explicitly for the endorsement of those who support the resolution of a mental health piece of legislation that is not universally accepted. Some people, I understand, have suggested we use a different, a general affirmation of the goal of that legislation, and that we could all support.

But I think it is a bit much to ask, on a resolution, without any study, that this Senate take a position on a specific piece of legislation. I think that is where we were on it. Everybody who knew Paul Wellstone loved Paul Wellstone. I am sorry and think almost, I have to say, it is a little bit unfair and not collegial to push the legislation or the resolution as worded in a way that makes any of us feel that we would not be acceptable to a resolution to honor Paul Wellstone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I submitted the language in this resolution to the Republican side. I have worked on three different versions of the language to find something that mirrors the language, the purpose clause, of the bill that was introduced by Senator DOMENICI and Senator Wellstone, calling on the Senate to try to enact legislation to meet that goal.

There may be Senators who vote for this resolution and want to offer an amendment or change it. That is the way this place works. But to suggest if you call for legislation to give people with mental illness a chance for compensation in your health insurance that it is not collegial—it is not collegial? I have offered this resolution and amended it twice in an effort to be as collegial as possible. But it is hard to understand.

Mr. SESSIONS. Mr. President, will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. SESSIONS. The Senator has asked that this body, through the adoption of this resolution, endorse a piece of legislation that everybody is not prepared to endorse. We would be prepared to endorse the concepts contained in the resolution. And I think that has been communicated to you. I do not see how you could expect—unless you expect unanimous support for the piece of legislation as written—that you could ask everybody to accept it.

I think you are overreaching, Senator DURBIN, in all due respect. And could we work on that? I would be glad to talk to you about it.

Mr. DURBIN. I say to my friend from Alabama, we have been working on it for days.

Mr. SESSIONS. Well, I am prepared to—

Mr. DURBIN. Excuse me. I have the floor. If the Senator would like to vote against the resolution, that is his right. But to say that we are not even going to consider this resolution, I think, is regrettable.

SECURE FENCE ACT OF 2006—Resumed

The PRESIDING OFFICER. The hour of 9:10 has arrived. Under the previous order, the clerk will report the unfinished business.

The legislative clerk read as follows:

> A bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States.

Pending:

Frist amendment No. 5036, to establish military commissions.

Frist amendment No. 5037 (to amendment No. 5036), to establish the effective date.

Motion to commit the bill to the Committee on the Judiciary, with instructions to report back forthwith, with an amendment.

Frist amendment No. 5038 (to the instructions of the motion to commit H.R. 6061 to the Committee on the Judiciary), to establish military commissions.

Frist amendment No. 5039 (to the instructions of the motion to commit H.R. 6061 to the Committee on the Judiciary), to establish the effective date.

Frist amendment No. 5040 (to amendment No. 5039), to amend the effective date.

MOTION TO COMMIT

The PRESIDING OFFICER. The pending motion to commit is inconsistent with the invocation of cloture. The motion falls.

AMENDMENT NO. 5036 WITHDRAWN

Under the previous order, amendment No. 5036 is withdrawn.

The bill was ordered to a third reading and was read the third time.

Mr. SPECTER. Mr. President, since all of our efforts to go to conference with the House and to secure comprehensive immigration reform were unsuccessful, I am reluctantly voting in favor of the H.R. 6061, the Secure Fence Act of 2006. After many hearings and a laborious markup, the Judiciary Committee produced a comprehensive bill providing for border security, employee verification, guest workers and a sensible plan to handle the 11 million undocumented immigrants.

Despite repeated efforts, we were unable to secure a conference with the House to reconcile differences between the bills the House passed and the Senate legislation.

There was successful opposition to piecemeal legislation by the House that would have, for example, enabled state and local police to enforce immigration laws. During a field hearing I held at the Philadelphia Constitution Center on July 5, 2006, Philadelphia Police Commissioner Sylvester Johnson testified that making local enforcement of immigration law would undermine the basic function of local police. He further testified that "once we start enforcing immigration law, then we are going to lose . . . that response from the immigrant community because they are not going to contact us. Nor will they contact us if they have information about other people, about other violence-type things."

The one major issue which has reached the Senate for a vote despite our efforts to avoid piecemeal legislation is the fence issue. As to the substance of the construction of the fence, I have long supported this facet of border security—in fact, our bill produces 370 miles of fencing through major urban areas and adds 500 miles of vehicle barriers along the U.S./Mexico border. On this state of the record, since I do support the construction of the fence and since we have succeeded in avoiding any substantial piecemeal legislation, I am casting my vote in favor of H.R. 6061.

Mr. LEAHY. Mr. President, this year the Senate passed a comprehensive immigration bill. Senators and staff worked tirelessly to negotiate and pass that bill, which was a comprehensive, fair solution that respected human dignity, and recognized the need for strong border security. The response we got from the majority in the House of Representatives was obstruction. Rather than proceed to a conference to try to hammer out a meaningful solution, the House leadership ignored our calls to proceed and spent the month of August holding sham hearings on the Senate's bill meant only to undermine the work we completed and inflame anti-immigrant passions. Now the House leadership, enabled by the majority leader, asks us to forget all about the efforts we made and take up and pass a narrow, unbalanced bill to help their election chances.

If there is any doubt that this effort by the majority leader is political, consider the timing of this bill. On September 21st of this year, just as the majority leader brought this bill to the floor, the Department of Homeland Security announced the beginning of its Secure Border Initiative with the award of a multi-year, billion-dollar contract to the Boeing Corporation to begin work on a state-of-the-art border security system. Yet, at the same time the Department of Homeland Security tries to secure the border with 21st Century technology, the Senate majority seeks to duplicate and confuse those efforts with a plan straight out of the 18th century. Despite the numerous problems in that agency, it is still a better idea to let them proceed with the Secure Border Initiative than it is to throw even more taxpayer money at a redundant and inferior project.

The majority leader seeks to pass this legislation—with little debate and no amendments—to pander to the anti-immigration crowd. I understand that the Republican majority wants to leave this session with something they can take with them and hold up as a Republican victory for national security, but true security means more than hiding behind walls. We should be unwilling to sacrifice our chances at comprehensive reform to appease the isolationist faction in this country. Voting against this bill is not a vote against national security; it is a vote in favor of the comprehensive bill the Senate already passed.

Regrettably, this bill also contains a requirement for a study to be conducted on the necessity and feasibility of a barrier on the Canadian-American border. I have filed an amendment to strike this study, but the majority leader, as is his practice when bringing up controversial bills to score political points, has obstructed Democratic Senators from offering amendments to improve this bill. To think that we would even consider engaging in this type of unilateral behavior is mind-boggling. Have we learned nothing from the Bush-Cheney administration's go-it-alone strategy? As a Senator from a northern border state, I cannot emphasize enough how important it is for us to engage our neighbors in a cooperative manner when it comes to security. If we were to pass this legislation, we would send a message to our Canadian allies that we don't trust their ability to achieve security and we would ignore the fact that border security is in both of our best interests. We will achieve much more by working respectfully and cooperatively with the Canadian government than we will by conducting studies as to whether we should wall off one of our most valuable allies.

Another deeply troubling aspect of this bill is the virtually unlimited grant of authority to the Department of Homeland Security to "take all actions . . . necessary and appropriate" to secure the country's border. The bill's grant of authority to the Secretary of Homeland Security lacks any boundaries—any delineation of where such authority ends. It would abdicate congressional authority and delegate, with no intelligible principle, unlimited power to an executive agency to achieve broad goals, for which the method of achievement is left undefined. Recall that this is the same agency that was responsible for the utter failure in responding to Hurricane Katrina. We are still coming to grips with the fallout from that disaster, which was made worse by the administration's incompetence during the storm, and its continuing failures to curb contracting abuses that have slowed the reconstruction. People along the gulf coast continue to suffer as a result of the administration's incompetence, and we are here debating whether to embark on yet another billion-dollar contracting folly. This is a disgrace.

This week, the U.S. inspector general for Iraq reconstruction released a report on a $75 million project to build the Baghdad Police College, which the inspector general called "the most essential civil security project in the country." In his report, the inspector general called the project a "disaster" and said "the truth needs to be told about what we didn't get for our dollar from Parsons," the contractor responsible for the debacle. For $75 million in taxpayer funds, the American people and the Iraq police forces got a building that is currently uninhabitable due to substandard workmanship, and which may have to be demolished.

When the Bush administration proves that it cannot even ensure that one of the most critical aspects of Iraq reconstruction is done competently, I shudder to think about the potential abuses that could come along with the building of 700 miles of fence. At the rate that this administration's crony contractors are performing, I have to wonder if a fence ever could get built that didn't have gaping holes in it. Before we hand over even more authority to the Bush-Cheney administration to create yet another opportunity for their crony contractors to rip off the American people, maybe we should actually conduct some oversight and demand some sorely needed accountability.

Groups from all over this country, from all sectors of our society have weighed in against the building of this fence. From religious leaders to immigration advocates, from environmental organizations to trade associations, from women's rights organizations to academics; opposition to this last-minute, cobbled-together-proposal is widespread. It is clear to me that the idea of turning our country into a fortress is an idea that many Americans view as contrary to our values and our heritage, and I will stand with them in opposition to this bill.

The proposed footprint of this fence will trench through the sovereign territory of the Tohono O'odham Nation in Arizona, who will be precluded from any involvement in the project. Chairwoman Vivian Juan-Sanders of the Tohono O'odham Nation wrote Members of Congress urging legislators to rethink this proposal before we decide to significantly impair a fragile environment and a long-developed working relationship between the O'odham Nation and the United States government to improve border security. We would do well to listen to the concerns of those whom this bill will affect most.

Secretary Chertoff has said the border fencing provisions contained in the Senate's comprehensive immigration bill are what the department needs to secure our borders. During our debate on comprehensive immigration reform, Republican Senators held out Secretary Chertoff's desire for the 370 miles of fence as justification for supporting that amendment. Those same Senators who spoke so forcefully about the need for 370 miles of fencing now are saying we need more, nearly twice as much. It seems clear now that the arguments from those Senators meant very little.

For those who fear that voting against this bill will allow them to be viewed as "soft" on national security, remember that this body already passed a bill that contained provisions for a border fence, along with many other significant security measures. The American people are smart enough to understand what is going on here, and I am confident that the American people are sick and tired of being scared into swallowing every irresponsible proposal put forth by this Republican Congress under the guise of national security. Yesterday, a majority of this body voted to erode key elements of our Constitution beyond recognition, and passed a bill that I am certain we will come to regret. If we pass this fence legislation, we will continue this downward spiral of reactionary, fear-driven legislating. It is time for us to stand up against those who seek to corrupt the underpinnings of our democracy. I have had enough, and I suspect that a majority of the American people have had enough.

We need to stop and think about the mark a fence like this will make on our character as a nation. Once this fence is built, it will be very difficult to go back, and we will have taken a step down a road that I do not think a civilized and enlightened nation should travel. In a country on the cutting-edge of technology, with a history of legendary ingenuity, and driven by innovators of the highest caliber, we can do better: we can secure our borders through human innovation, technology, and vigilance. When we approach our immigration situation in a comprehensive manner, we will see how unnecessary this wall is. When we achieve comprehensive reform, rather than piecemeal false solutions, we will realize the security we need. Long after the political and cultural storms over immigration pass, this cobbled-together fence will remain an ugly scar, and will serve as a reminder of a very poor decision made out of fear rather than reason. Rather than strength, this fence will symbolize weakness and a lack of confidence in ourselves. I will vote against this bill, and I hope other Senators join me in rejecting this blatant and costly political stunt.

Mr. SANTORUM. Mr. President, as I traveled across all 67 counties of the Commonwealth of Pennsylvania, almost to a person my constituents understand that America is not controlling our borders. From Berks to Butler, from Wayne to Westmoreland and Erie to Philadelphia, and across all income bracket and regardless of race, thousands of people tell me everywhere I go that we have to address our border security now. More than that, they tell me we must not reward or give preferential treatment to illegal aliens whose first step on our soil was a violation of our laws. They are clear, they do not want amnesty.

And I hear from all the talking heads and think tank wonks about how our Nation is a nation of immigrants. Well, obviously, except for the Native Americans, we are all immigrants from somewhere, and I am no exception.

My grandfather made so many sacrifices to give my family the opportunities we have all had. He left his family back in Riva de la Garda, Italy, to come to America and make a better life for them. He worked in the Pennsylvania coal mines and met the legal requirements to bring over my grandmother and my dad to Pennsylvania but that meant 5 years away from his family to earn the right to bring them over. Yes, immigrants are more than welcome in America, and they have made great incredible contributions to our society—but they have done so legally.

My family and millions of others have lived the American dream of finding good paying jobs, better education and safe environments for our children. The key is that it can and must be done legally. The foundation for the American dream must be built on the solid cornerstone of the rule of law, not the leaky sieve that characterizes our current borders.

This immigration crisis has been caused by decades of flawed amnesty policies that have left our borders porous and dangerously undermanned. The public is understandably frustrated that in the post-9/11 world we live in where our national security depends on our border security—we still do not know who is coming into our country, where they are from, and what they are doing here. I share their frustration and cannot for the life of me understand why my colleagues continue to put partisanship and posturing over our national security.

The 9/11 Commission stated in the preface of its report that "[i]t is perhaps obvious to state that terrorists cannot plan and carry out attacks in the United States if they are unable to enter the country." Unfortunately, many of my Senate colleagues do not think this is so obvious. Well, it is obvious to the U.S. attorney for the Eastern District of Pennsylvania who, in applying for an antigang grant, said that with the influx of illegal immigrants to the 222 Corridor that "the Latin Kings, Bloods, NETA and lately MS-13, are recruiting or fighting with local gangs for control of the drug markets. Violence is a daily by-product."

The evidence is clear that the current immigration crisis poses an immediate threat to our communities—gang violence, drug trafficking, murders, rapes, and the burdensome costs shouldered by our public education, health, and housing systems. Just last week the Immigration and Customs Enforcement arrested more than 100 criminals, fugitive aliens, and other immigration status violators living throughout Pennsylvania—from Philadelphia to York to Pittsburgh. Among those arrested were individuals convicted of sex offenses, burglary, larceny, robbery, criminal trespass, weapons violations, narcotics violations, aggravated assault, shoplifting, fraud, and resisting arrest.

It is time—well, frankly it is well past time—that we put first things first—we must secure our Nation's borders now.

Our friends in the House passed an immigration bill that understands the urgency of securing our borders, but it is impractical—both in enforcement practice and in politics. And then the "comprehensive" Senate bill did exactly the wrong thing—offering illegal immigrants amnesty, providing them Social Security benefits, relieving them of tax burdens Americans face, and giving them better worksite employment rights than American citizens enjoy. It was the wrong bill at the wrong time and failed to pass the one real test of securing our borders.

Yet as I travel the State, it is clear to me that many people do not know what all is in the Senate bill. That lack of information is dangerous for our national security but even more dangerous to our Pennsylvania jobs, tax revenue, education system and social welfare costs.

So let me start by reminding you what is wrong with S. 2611.

It does not protect American workers. In fact, Americans—U.S. citizens—can be put out of work—or their wages reduced—by the employment of the guest foreign workers.

It gives social security benefits for illegal work or stolen identities. Why does this matter? Ask my constituent—Laurie Beers—who had her Social Security number stolen by an illegal immigrant. Laurie is a hardworking hospice nurse who is constantly traveling. Recently, after Laurie learned that her information had been stolen and misused she did all of the right things—contacted the Federal Trade Commission to report the identity theft, called the identity theft hotline, contacted the three credit bureaus to obtain copies of her credit report, contacted the FBI and the Secret Service to report this breach of trust. In response, Laurie received letters confirming she was a victim of identity theft. When she contacted the Internal Revenue Service, she was told that the man using her Social Security number is an illegal immigrant. After talking to the FBI and the Secret Service, they confirmed that the person is an illegal immigrant. And this illegal immigrant has been working for an employer in New York and has even been filing income tax returns on Laurie's Social Security number.

Laurie is understandably upset that the IRS has known for 3 years that someone else has been using her social security number but did nothing to notify her or to stop the theft of her identity. Unfortunately, the employer—Adecco—will not cooperate with Laurie. In fact, Laurie reports that they have been downright nasty. Laurie is lucky in that her credit has not been destroyed, but she has been damaged. The person who stole her identity wrote a bad check to J. C. Penneys and now Wal-Mart will not accept Laurie's checks—something that will show up on her credit report.

That bill forgets the "guest" part of "guest worker" as the "guest worker program" is neither temporary nor based on the need for non-American workers.

It requires Mexican "cooperation" to protect our own borders.

This bill provides amnesty, but tries to calls it "earned legalization." Proponents of the bill say that this is not amnesty, and that an alien has to meet certain conditions; but do they really? Illegal aliens in the amnesty program are supposed to pay a fine of $2,000. However, that $2,000 fine only has to be paid "prior to adjudication," or up to 8 years from now. And they get a benefit Americans would love to have. Under the bill, illegal aliens only have to pay 3 of their last 5 years in back taxes. They get an option of which years, while Americans do not get that choice.

It give employers a free pass for hiring illegal aliens. The bill says that employers of aliens applying for adjustment of status "shall not be subject to civil and criminal liability for employing such unauthorized aliens." Unbelievable.

The bill will dramatically raise spending and increase welfare costs. The Congressional Budget Office and the Joint Committee on Taxation, JCT, estimate that this bill would increase direct spending by $16 billion over the 5 years and $48 billion over 10 years. But what about all of the entitlement programs such as welfare? Illegal immigrants are currently ineligible for most federal welfare benefits, but when you give citizenship as this bill does those currently here illegally will be eligible for welfare programs. If just 60 percent of those currently here illegally get citizenship—the ballpark figure of the number that have been here more than 5 years—Robert Rector at the Heritage Foundation estimates that welfare costs will increase by more than $11 billion per year.

However it may be even more important to note what the Senate bill did not do. We know that we must secure our borders, so my colleagues and I tried to add a provision to require a certification that the borders are secure before granting legal status to any alien who entered the United States illegally. I was not only surprised but extremely disappointed that our efforts to do this right—to secure our borders first before dealing with the 11 million illegal aliens in our country—failed. So that bill continues to put the cart before the horse—and continues to hold our national security hostage to a "comprehensive solution."

For this reason, in June I introduced my own bill—the Border Security First Act, S. 3564. My bill takes a first-things-first approach. This first step cannot, and should not, wait for a "comprehensive" solution. When we secure our borders—and only then—we can address the remaining illegal immigration-related challenges with the apposite remedies.

Despite consensus on all of the border security provisions in my bill, my colleagues on the other side of the aisle have not allowed us to move forward that legislation. Nonetheless, this week the Senate is working to send to the President a bill to secure our southern border with 700 miles of at least double-layer fencing. I am glad we are here today to take a real first step—admittedly a modest step but at least a first step—toward demonstrating to the American public that we have heard you, that we understand we need to address border security first.

And the American public has been clear, but let me focus on my State for a minute. In Pennsylvania, my constituents have been clear—80 percent oppose amnesty for illegal immigrants, and 84 percent support building a fence on the southern border. Stop the flood and do not give amnesty. That is the message, colleagues. It cannot be plainer. We must listen and put America's border security first, reject amnesty, and pass this bill.

Border security cannot wait for more hearings, debate, and compromise; it must be done right, and it must start now. This bill is a good first step.

Mr. KERRY. Mr. President, on May 17 of this year, the Senate passed a comprehensive immigration reform bill that contains a real solution to the immigration crisis in this country. S. 2611 was passed with strong bipartisan support. In a Congress that has been marred by partisan politics, the success of this bill—this truly bipartisan compromise—was a breath of fresh air: an achievement to be proud of.

What has happened now, however, is something to be ashamed of. Once again, politics has hijacked policy. Knowing they cannot go home without taking some action to address immigration, Republicans in Congress have decided that saving their seats is more important than securing the borders.

You might wonder how we got here—when the Senate passed comprehensive immigration reform back in May and the House passed an enforcement only bill in December 2005. Once again, the answer is politics. Rather than moving to conference to work out some sort of compromise on these bills, Republicans in the House traveled around the country holding 60 one-sided hearings under the guise of gathering evidence.

This was not a good-faith effort to create effective policy. It was a stalling tactic used to run out the clock on comprehensive reform. That kind of political gamesmanship will not work on me.

Everyone under the sun is for fencing on the border. A fence is an important part of comprehensive reform. I supported an amendment to the comprehensive reform bill that authorized 370 miles of triple-layered fencing and 500 miles of vehicle barriers along the southwest border. And I supported $1.8 billion in funding for the construction of that fencing and 461 miles of vehicle barriers. I supported construction of this fence because I believe that it is a critical part of comprehensive immigration reform.

But no one in a million years thinks this is the answer. No one in the world thinks Congress should pass this fig leaf and call it a day. If you address the reasons why immigrants come into our country—their ability to find work with a relatively small chance of getting caught—as well as how they come in, then increased fencing makes much sense. Fencing alone simply cannot work.

You don't have to take my word for it. Governor Janet Napolitano of Arizona, a border State where much of the illegal border crossings occur, said this about the fence proposal:

> You show me a 50-foot wall and I'll show you a 51-foot ladder . . . That's the way the border works.

Consider the words of the former Secretary of Homeland Security, Tom Ridge. He said:

> Trying to gain operational control of the borders is impossible unless our enhanced enforcement efforts are coupled with a robust Temporary Guest Worker program and a means to entice those now working illegally out of the shadows into some type of legal status. . . . [E]ven a well-designed, generously funded enforcement regimen will not work if we don't change the immigration and labor laws that regulate how would-be workers can come to the United States.

What he is saying is that only comprehensive immigration reform, such as S. 2661, will actually fix our immigration problem.

And, you know what? His former boss, the President of the United States, would agree. Speaking in the Oval Office just days before the Senate passed S. 2611, the President said:

> An immigration reform bill needs to be comprehensive because all elements of this problem must be addressed together, or none of them will be addressed at all.

Current Secretary of Homeland Security, Michael Chertoff, also endorses comprehensive immigration reform:

> For [our] Secure Border initiative to be fully effective, Congress will need to change our immigration laws to address the simple laws of supply and demand that fuel most illegal migration and find mechanisms to bring legal workers into a regulated, legal Temporary Worker Program, while still preserving national security.

Perhaps most importantly, the people on the ground in the front lines of the immigration struggle tell us that only comprehensive immigration reform can work. As Jeffrey Calhoon, deputy chief patrol agent for the Yuma sector of the Border Patrol said:

> We need a comprehensive immigration reform that provides additional resources for border security, establishes a robust interior enforcement program and creates a temporary worker program.

A vote cast in favor of this fence—in the absence of comprehensive reform—is a vote cast in favor of a piecemeal approach that we know will fail, is a vote cast against comprehensive immigration reform. That is what this vote is about. As my friend Senator SPECTER, said, voting for the Secure Fence Act will undermine our chance to enact comprehensive reform. He should know. He is the chairman of the Senate Judiciary Committee.

The Secretary of Homeland Security has not asked for the amount of fencing provided for in this bill. Although the bill does not authorize a specific amount of fencing, it does dictate exactly where the fencing should be put up. Some people believe the bill authorizes 730 miles of fencing, but Customs and Border Protection, CBP, however, estimates that it will require 849 miles of fencing to get the job done.

We can't even estimate the amount of fencing based on funding levels because the bill contains no specific funding authorization. We do know, however, that it will be expensive. The Department of Homeland Security estimates the cost of a single layer of fencing to be $4.4 million a mile and vehicle barriers to $2.2 million. Because double fencing requires extra money for building all-weather roads, the total estimate from the Department of Homeland Security is $6.6 billion, $9 million a mile.

There are many other things that we could do with that kind of money. We could hire, train, and equip more Border Patrol agents. We could purchase more detention beds to end our unfortunate "catch and release" policy. We could place more port-of-entry inspectors and canine detection teams in the field. We could invest in new technologies for border protection, or in an interoperable communications system for the Nation's first responders. But no, Congress would rather punt on the tough decisions and dodge the real debate. What a disgrace.

I oppose this failure of the Senate to do its job and live up to its responsibility. I sincerely hope that this vote does not signify the beginning of the end of comprehensive immigration reform as I fear it does.

Mr. REED. Mr. President, for an immigration measure to be effective, two aspects are necessary. One aspect is enforcement and the other is addressing the status of millions of undocumented immigrants who are living in the United States.

The Senate spent several weeks earlier this year debating a comprehensive immigration bill which struck an acceptable balance between enforcement and legalization. We passed that bill but House and Senate Republicans have been unable, despite months of negotiations, to come up with a final bill. This is irresponsible at best.

The secure fence bill only addresses enforcement but worse, it only addresses a small part of enforcement. This bill builds a wall. A wall that will cost as much as $9 billion. And a wall that will be ineffective. As Governor Napolitano of Arizona said, "You show me a 50-foot wall and I'll show you a 51-foot ladder at the border. That's the way the border works."

Apprehending individuals illegally crossing the border only partially solves the problem. First, half of the undocumented immigrants in this country came here legally and then overstayed their visas. A fence will not solve that problem.

Second, the reason so many try to enter this country is the search for jobs. We must work to cut off the supply of jobs by making it too costly for employers to hire the undocumented. There are laws on the books that do this, but these laws have rarely been enforced by this administration.

Furthermore, no immigration law that we pass will be effective if we do not negotiate and sign bilateral agreements with other countries on numerous issues including taking back aliens removed from the United States, document forgery, smuggling, human trafficking, and gang membership.

Immigration is one of the most important issues Congress has to address. But we did address it in March. It was thorough and thoughtful yet tough, and it is the conference report for that bill that we should be passing tonight, instead of this ineffective enforcement bill.

Mr. McCAIN. Mr. President, I would like to discuss the bill pending before us, the Secure Fence Act of 2006.

Over the past year, many Senators, as well as President Bush, have dedicated themselves to addressing the problems of our broken immigration system. In April, the Senate overwhelmingly passed, in a bipartisan fashion, a comprehensive immigration reform package designed to secure our borders as well as address the economic need for workers in our Nation. In passing this legislation, the Senate rejected the argument for an "enforcement first" strategy that focuses on border security only, an ineffective and ill-advised approach. Congress cannot take a piecemeal approach to a national security crisis. I believe the only way to truly secure our border and protect our Nation is through the enactment of comprehensive immigration reform. As long as there is a need for workers in the United States and people are willing to cross the desert to make a better life for their families, our border will never be secure.

The Secure Fence bill authorizes 700 miles of fencing along our southern border. To many in Congress, this sounds like a "quick fix" to our border security problems. However, in a briefing before the Senate Judiciary Committee last spring, Secretary of Homeland Security Chertoff clearly stated that only 370 miles of fencing along the southern border is necessary. I find it interesting that this bill would mandate 700 miles of fencing in light of the Secretary's statement. In fact, it is my understanding that the Secretary feels that the additional 330 miles of fencing is not only unnecessary but also imprudent because it will force DHS to reduce funding other border security initiatives.

Because of the clear wishes of the Secretary and the concerns of border communities over the disruption the construction will cause to commerce along the border, a group of Senators, including myself, had hoped to offer and vote on an amendment that would allow the Secretary of Homeland Security, the true expert on securing our border, to decide where fencing was necessary along the border and where money was better spent on other types of border security measures. It would have asked for local community input on the placement and construction of this wall. My understanding is that this amendment had been circulated in both Chambers and no objections had been raised by the leadership in the House or the Senate or the committees of jurisdiction. Unfortunately, because of the objections of a single Senator, we are now unable to offer and vote on this commonsense, fiscally responsible amendment.

Another amendment that we had planned to offer, dealing with the definition of "operational control" of our border, met the same fate. This amendment would have given a reasonable and achievable meaning to the term "operation control" as it relates to the Secretary's duties in this bill. However, again, the same Senator raised an objection to the clarification of this definition. I believe that this bill, and more importantly, our Nation's security, will be worse off for this objection to making commonsense improvements to this bill.

I have struggled and debated over how I should vote on this bill. I truly believe that we must have comprehensive immigration reform and will continue to dedicate myself to achieving a thorough response to our Nation's struggles with illegal immigration. However, since I am forced to choose between nothing and a fraction of the border security that our country needs, I must support providing some form of border security. As a Senator from a border State, I recognize that we are facing a crisis in our border region and infrastructure improvements to our border security are desperately needed.

If Congress thinks that it can continue this piecemeal approach to border security and achieve any real results for our national security, it is sadly mistaken. Mr. President, I hope that we can return in either a lame-duck session or in the 110th Congress to not only correct the problems in the bill before us but also make a serious effort at comprehensively reforming our Nation's immigration system.

Mr. DODD. Mr. President, I would like to take a few moments to explain why I voted against limiting debate on the Secure Fence Act of 2006 when that vote occurred last night.

In large measure my decision to vote against cloture was procedural. This Senate has had no opportunity to debate and amend the bill before us today. There are some very important amendments that our colleagues would have like to offer which now they cannot.

Those who do not understand Senate procedure might ask, how could that be possible? After all, hasn't this bill been the pending business of the Senate off and on for 6 days?

Let me explain. The Senate majority leader has, as is his right, used Senate procedures to block Senators from offering or voting on amendments. He has done what is called filling the amendment tree. Until the Senate voted last night to limit debate on this legislation, no vote was taken on any amendment to this bill. Now that cloture has been invoked, many otherwise pertinent and important amendments are no longer in order to this bill.

Unfortunately, that has been the pattern of conduct with respect to this legislation and others in this Congress. This bill was rushed through the House of Representatives on September 14. There were no Senate hearings on the matter, no committee input into the content of this bill. That is not the way this Senate ordinarily does business, and it is certainly not the best way to address legislation that is supposed to be improving our Nation's security .

The Senate already had a very serious and responsible debate on the subject of border security in the context of its deliberations of comprehensive immigration reform. We spent 9 days debating many amendments on that bill, including amendments related to the construction of fences along the U.S.-Mexico border. The bill ultimately adopted by the Senate provides for 370 miles of fencing in the most vulnerable high-traffic areas along the U.S.-Mexican border. That is what the administration requested and recommended. It also contained a very important requirement that Federal authorities first consult with those who will be most affected by construction of such a fence—relevant local, State, and Federal agencies on both sides of the border. I supported that legislation.

Why is it that the Senate is now being asked to consider a far less comprehensive approach to securing our country? Does anyone really believe that by simply building a fence, adding physical barriers, lights, cameras, and sensors along 730 miles of our southern border, we are somehow going to make our Nation secure? Do we really believe we can be secure without the cooperation of other governments, most especially our immediate neighbors, Canada and Mexico? And do we really believe that by unilaterally putting up barriers on our southern border and contemplating doing the same on the northern border, we are strengthening the will of Canada or Mexico to give us that cooperation?

Is the next step going to be building fences along the remaining 1,300 miles of our southern border and the more than 3,000 miles of our northern border? At what cost? The Congressional Budget Office puts the cost of the current fence proposal at $3.2 million per mile of fence. Other estimates are even higher—$10 million per mile for some stretches of the fence. When you add in annual maintenance, the cost of the fence could exceed $1 billion. So are we prepared to spend another $5 billion to $6 billion or so to construct an additional 4,300 miles of fencing to complete the job?

In the meantime our immigration system is broken. More than 10 million undocumented aliens live among us but at the same time outside the legal structures of our Government creating additional economic and national security challenges which the comprehensive immigration bill passed by the Senate responsibly sought to address. The pending bill does not.

The House and Senate passed very different legislation related to comprehensive immigration reform and enhanced border security. The President endorsed the Senate-passed measure. What would usually be the next step in the legislative process would be for the House and Senate conferees to meet to reconcile the differences between the two bills. But that is not what has happened in this case.

Rather, the Republican leadership, in an effort to score political points, has rushed through this very minor bill authorizing the construction of fences on the southern border and mandating a study of the advisability of doing so on our northern border. They have blocked any serious debate or amendments to the pending matter, and once final passage occurs they will declare that our Nation is now secure.

That is why I felt strongly last night that we ought to have a real debate on the challenges to our Nation's security and consider relevant amendments that could address those challenges rather than rushing to judgment on the very simplistic and costly approach called for in this bill.

Mr. President, we do our citizens a real disservice when we let election year politics get in the way of the peoples business.

Unfortunatey, it will have to be left to a later date to do what would really enhance our Nation's security; namely, enact legislation to fix our broken immigration system.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, what is the following order within the unanimous consent that deals with this legislation?

The PRESIDING OFFICER. There are five Senators to whom time is allotted. Prior to the vote, the time is limited to Senator SALAZAR, 5 minutes; Senator BINGAMAN, 5 minutes; Senator CRAIG, 5 minutes; Senator REID, 3 minutes; Senator FRIST 3 minutes.

Who seeks time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed the first 5 minutes and Senator SALAZAR from Colorado take the second 5 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The Senator from New Mexico is recognized for 5 minutes, to be followed by the Senator from Colorado.

Mr. BINGAMAN. Mr. President, I rise today to speak about H.R. 6061, the Secure Fence Act, and to express my disappointment that the majority leader has decided to prevent Senators from offering relevant amendments. I have an amendment, which is germane postcloture, which simply provides the Department of Homeland Security with discretion regarding the use and placement of fencing along our border.

As a Senator who represents a border State, I understand the frustration communities are facing due to the inability of the Federal Government to secure our Nation's borders. Illegal immigration is a serious problem and we do need to do a better job of addressing this issue.

The Senate has passed a comprehensive immigration bill aimed at improving security along our borders and at reforming our immigration laws. Although this bill isn't perfect, it is a step in the right direction. I was very disappointed that the leadership in the House refused to appoint conferees, and instead decided to hold hearings around the country to stir up discontent rather than to seek solutions.

The Senate has passed a bipartisan bill. The House has passed a bill. We should have convened a conference committee and tried to work out the differences between these bills. The failure to at least make a good-faith effort at coming to an agreement is unacceptable.

With regard to the specifics of the Secure Fence Act, I do believe that there are locations along our border where fencing makes sense. For example, I support the $1.2 billion that is in the 2007 Homeland Security Appropriations bill for fencing, infrastructure, and technology, and I voted to provide $1.8 billion for the Army National Guard to build fencing and vehicle barriers along the southwest border as part of the Defense Appropriations bill. In addition, over the last several years I have secured millions of dollars of funding for fencing and vehicle barriers specifically for New Mexico.

However, we need to be smart about security. Walls may make good sound bites in political ads, but the reality is that the individuals charged with securing our borders have consistently stated that they are only part of the solution and that there are better and more cost-effective ways to provide for border security.

As Ralph Basham, the Commissioner of Customs and Border Protection, stated earlier this year in a response to a question about the proposal to build 700 miles of double-layered fencing: "It doesn't make sense, it's not practical." He went on to say that what we need is an appropriate mix of technology, infrastructure, and personnel.

Secretary Chertoff has voiced similar concerns, and has consistently maintained that securing our borders will require a much more comprehensive approach than simply building fences.

Unfortunately, the bill, as currently drafted, does not provide the Department of Homeland Security with the discretion they need to determine the most appropriate means to secure the border. It ties their hands with regard to the use and placement of fencing.

Under current law, the Department of Homeland Security already has the legal authority to build the fences that it needs, and I do not think we should be mandating over 700 miles of fencing in specific locations at a cost of millions of dollars per mile, unless we know that this is something that DHS believes it is the best way to enhance security.

This bill micromanages and mandates specifically where DHS must build fencing. For example, with regard to New Mexico, the bill states that a fence must be built "extending from 5 miles west of the Columbus, NM, port of entry to 10 miles east of El Paso, TX." There hasn't been any local input regarding this specific location and I haven't received any indication from DHS that they believe that this is the best place to build a fence.

To the contrary, in discussions during one of the southwest New Mexico Border Security Task Force meetings, the point was raised by local security officials that the location of the proposed double-layered fencing in the bill is in the wrong place.

The bill also mandates fencing in some areas where we just spent millions of dollars per mile to build vehicle barriers. According to DHS, it costs approximately $4.4 million for a single layer of fencing per mile. The bill we are debating today mandates double-layer fencing, which adds up to about $6.6 billion for the 730 miles of fencing required under the bill. If we are going to spend billions of dollars to place a fence along over one-third of our southern border, we should at least ensure that it is in the right location and that DHS can make necessary adjustments in the interest of securing our borders.

To this end, I hoped to offer an amendment that would ensure that the Secretary of Homeland Security has the ability to modify the placement and use of the fencing mandated under this bill, if the Secretary determines that such use or placement of the fencing is not the best way to achieve and maintain operational control over the border. I strongly believe that this is a reasonable amendment that ensures that DHS has the flexibility it needs to alter this proposal if it doesn't advance our overall security strategy.

Let me be clear, I believe we should do what it takes to secure our borders. I have consistently worked to secure increased funding for vehicle barriers, surveillance equipment, and additional Border Patrol agents. But I also believe we should do it in the most effective way, both from a security standpoint and in terms of costs.

I also intended to offer an amendment that would have provided border law enforcement agencies with much needed relief in addressing border-related criminal activities. Specifically, the amendment would have authorized $50 million a year in funding to help departments purchase new equipment and hire additional officers. This legislation has wide bipartisan support and has passed the Senate on two occasions. However, most recently, the majority party removed this bill from the 2007 Homeland Security appropriations bill. If the majority party wants to address security issues, I stand ready to do so. Unfortunately, it appears that they are more concerned with political grandstanding than crafting substantive border security policies.

I strongly believe that Senators should have an opportunity to offer amendments and improve the bill. Regrettably, the majority leader has used technical procedural rules to prevent Senators from doing so. I cannot vote for this legislation without being afforded the opportunity to offer my amendments and fix this flawed bill.

I ask unanimous consent that I be allowed to offer this amendment prior to final passage on this bill.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Mr. President, on this side there is an objection.

The PRESIDING OFFICER. Objection is heard.

Mr. BINGAMAN. Mr. President, let me conclude by saying that I think it is unfortunate that we cannot make a commonsense change in this bill to make this a workable piece of legislation. It could pass this Senate with 100 votes if, in fact, this amendment were adopted—at least as far as I am concerned it likely would. The fear that the purpose of this bill is to get a bill to the President that has the word "fence" in the title so that the people can go out and campaign on it in the next 4 or 6 weeks, that is not good government. That is not a good result, policywise, for this country. I, unfortunately, will be compelled to vote against the bill.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado is recognized for 5 minutes.

Mr. SALAZAR. Mr. President, I think the objection just heard against the logical amendment proposed by my friend from New Mexico demonstrates the political gimmickry going on in the Chamber this evening.

His amendment simply would have said that there would be discretion for the Department of Homeland Security Secretary to make a determination as to where it would make the most sense for these fences to go. The objection to that amendment demonstrates what is happening here, and that is that the people who are supporting this legislation believe Washington knows better than our experts in the executive branch of Government and the people who live along the borders; it demonstrates, again, the political rawness that is behind this fence amendment being proposed tonight, which I expect will pass because people want to score political points by using this in the immigration debate in our country.

Again, the fence by itself is not a solution. The fact of the matter is that more than half of the people who are here illegally in the U.S. came here legally. Their visas expired and they are in the United States. So putting a fence on the border as proposed in this legislation all by itself will not resolve the comprehensive immigration issues we are facing in our country today.

It wasn't so long ago that this Chamber went into a vigorous debate. People disagreed. I disagreed with my friend from Alabama, but we agreed finally on some issues around the fence. There was debate that took place over a comprehensive solution, a fundamental national security problem. There were 23 Republicans who came together with about 40 Democrats and said that we will put our Nation's security first and we will address our national security; we will address the economic security issues of our country, including the agricultural jobs, which my friend Senator CRAIG has been so eloquent about today. We were able to get that done.

Yet, today, in the waning hours of this session, we are moving forward with a political gimmick because people want to ride this horse of immigration on this fence-only proposal on the way to victory in November.

Mr. President, I don't believe this legislation is good for the long-term interests of the United States and the Western Hemisphere. I believe that we as a Senate can do much better.

I urge my colleagues to oppose the fence bill.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Mr. President, we can build the tallest fence in the world, and it won't fix our broken immigration system. Nor will it strengthen security on the borders. to do that, we need the comprehensive reform that the Senate passed earlier this year. We have been waiting for months for the majority to appoint conferees so we could complete this important legislation, but they have refused to do so.

I support tough border security. I voted for an amendment, in the context of our comprehensive immigration reform bill, that would have authorized Homeland Security Secretary Chertoff's Department to build 370 miles of fencing—based on what he told us in the Senate he needed. Building some fencing as part of the comprehensive reform bill makes sense. As I have said before, we cannot take a piecemeal approach to fixing our borders.

We need to do more. We passed a comprehensive bill. It had strong border security, it had temporary worker program, which is so important with agriculture and the resort industry. We also said that we had to do something to take care of the 12 million people who are living in the shadows. What would they do to get out of the shadows? They would have to pay taxes, get a job, learn English, and stay out of trouble. And we had employer sanctions. Only a combination of all of these elements will work to get our broken immigration system under control.

Nearly half of the undocumented immigrants in this country came here legally and overstayed their visas. A fence or a wall, no matter how high and mighty, will not solve this problem.

I agree with Attorney General Gonzales, Homeland Security Secretary Chertoff, and former Secretary Ridge that a fence is not the most appropriate or effective way to secure our 2,000-mile southern border. As Secretary Chertoff said:

> Fencing has its place in some areas, but as a total solution, I don't think it's a good total solution.

The Department of Homeland Security already has the authority to build fences along our border. This amendment is unnecessary. I believe it is not about securing our border but about election-year politics.

A majority of the Republicans have made very clear that they are not serious about doing anything to get control of the broken immigration system. Where is President Bush? He said he wants comprehensive immigration reform, and he has been silent. The President and the Republicans in Congress have made it clear that they have no interest in going into a conference to enact legislation this year.

I believe we can only secure our borders through comprehensive reform, as I have outlined. No amount of Republican grandstanding on this issue will change that. The Senate has offered a practical, workable, fair solution to fix our immigration system, and I regret we have not been able to move forward.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I ask unanimous consent that we immediately consider Senate amendment No. 5022, known as AgJOBS, offered by myself, Senator FEINSTEIN of California, and 53 cosponsors. The amendment is at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

Mr. CRAIG. Mr. President, we recognize the need for a fence. We recognize the need for border security. But as we speak, American agriculture is losing somewhere between $1 billion and $5 billion at the farm gate because our southern border is closing. We have troops at the border. We are investing now nearly $2 billion a year at the border. This Congress, this Government, wants to prove, as we must, to the American people that we mean it when we say we are going to secure our southern border. But I have said for 2 years that, in doing that, we had to tie the cart and the horse together; that is, we needed to provide for the American economy a legal guestworker program. We have not done that. We are not doing that.

In my State of Idaho now, there is an 18 to 20 percent reduction in the employment base in agriculture as we speak. In the State of Kentucky, the tobacco growers cooperative is now losing their tobacco crop because they have nobody to pick. In Illinois, in the orchards at this time, apples are rotting on the trees. In Florida, it is estimated that we have already lost nearly a billion dollars worth of oranges. Is this the fault of American agriculture or is this the fault of a Congress that would not take an obsolete and functional law and fix it, so that we could have a legal workforce, one that comes and works and goes fast. That is what a guestworker program is all about. In Oregon, an apple orchard picking 25 tons a day is now picking 6 tons a day, and the apples are rotting.

The Senators from California, Senators FEINSTEIN and BOXER, talked about the produce in the great San Joaquin Valley that rots as we speak. Some will say those farmers should have known better. Maybe they should have. That is why they came to me several years ago and said: We have a problem; help us fix it; help us get a legal workforce.

We did not do that. We tried mightily—some of us—but we are now refusing to do that at a time of crisis. So if it is not us to blame, who is it?

So let the consumer go to the fresh produce shelf this fall and winter and pay double the price for some of the products. Also, see some of our production move offshore to Argentina and Brazil, because it will go where the workforce is if the workforce cannot come to it.

None of us want an illegal system. We must have a legal system. We will return in November, and we will be able to add up the losses, and that will be a tragedy.

I hope that in November, with those losses calculated—and I hope I am wrong; I hope it is not $5 billion or $6 billion or $7 billion. But if it is, Senators, roll up your sleeves; we have a problem to solve, and it is a very big problem. We cannot afford to lose the fruit and vegetable industry of this country. For the sake of America, for the sake of American agriculture, it is a labor-intense industry of the kind that requires a viable legal guestworker program.

Tonight, in a moment of crisis—and we now know it—the Senate of the United States has refused to deal with the problem.

I yield the floor.

The PRESIDING OFFICER. The Senate is currently under a unanimous consent order for the remaining speaker to be the majority leader, Senator FRIST, who is allocated 3 minutes.

The majority leader is recognized for 3 minutes.

Mr. FRIST. Mr. President, last week, immigration agents arrested 120 illegal workers at a worksite in Colorado within 1 mile of global surveillance and a missile early-warning facility. Most likely, they came to America to find jobs. But if any had sinister intentions, only a fence separated them from a critical military facility.

Most immigrants come to America with good intentions, but not all of them. Intelligence reports show that al-Qaida considers our borders a vulnerability. Imagine how terrorists might exploit a 1,951-mile border with Mexico.

We are a Nation of immigrants, but we are also a Nation of laws and principles. Any attempt to halt the influx of illegal immigrants must respect that fact. The comprehensive immigration reform legislation the Senate passed in May struck a careful balance. We took a three-pronged approach: fortify our borders, strengthen worksite enforcement, and develop a fair and realistic way to address the 12 million people already in our country illegally, without offering amnesty.

Clearly, we won't reach an agreement on comprehensive immigration reform before we leave for the recess, but fortifying our borders is an integral component of national security. We cannot afford to wait until November to do that. We know what works. We built a 14-mile fence near San Diego and saw illegal immigration in the area drop dramatically. We deployed 6,000 National Guard troops to our southwest border and saw a 45 percent drop in border apprehension.

The comprehensive solution to immigration reform is ideal, yes, but I have always said we need an enforcement-first approach to reform—not enforcement-only but enforcement-first.

The Secure Fence Act of 2006 let's us get a head start on the first prong of comprehensive reform. It requires the Department of Homeland Security to achieve complete operational control over our border with Mexico. With this bill, we will have better control over who enters the country, how they enter it, and what they bring with them.

Without the critical security measures included in the bill, we leave ourselves open to attack. We place our national security at risk.

Mr. President, I yield back my time.

The PRESIDING OFFICER. The majority leader yields back the remainder of his time.

The PRESIDING OFFICER. All time has expired.

The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have not been ordered.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts would vote "nay."

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 19, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—80

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Carper
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kohl
Kyl
Landrieu
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—19

Akaka
Bingaman
Cantwell
Chafee
Durbin
Feingold
Inouye
Jeffords
Kerry
Lautenberg
Leahy
Levin
Lieberman
Menendez
Murray
Reed
Reid
Salazar
Sarbanes

NOT VOTING—1

Kennedy

The bill (H.R. 6061) was passed.

Mr. FRIST. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHILD INTERSTATE ABORTION NOTIFICATION ACT

Mr. FRIST. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan is recognized.

UNANIMOUS CONSENT REQUEST—H.R. 5122

Mr. LEVIN. Mr. President, under the unanimous consent agreement, I have been allocated 10 minutes, at the end of which I am going to make a unanimous consent request that we proceed immediately to the Defense Authorization bill, the John Warner Authorization bill conference report, which has come over from the House. I do not know of any opposition to this bill. We have worked on it for 5 months. It has provisions in it which are critically important to our troops.

The PRESIDING OFFICER. The Senator will suspend. The Senator from Michigan has the floor.

Mr. LEVIN. I think it is critically important before we leave—

Mr. FRIST. Mr. President, let's have regular order.

Mr. LEVIN. I ask unanimous consent at this point that the conference report to accompany H.R. 5122, the John Warner National Defense Authorization Act of Fiscal Year 2007, be deemed adopted by the Senate with a motion to reconsider laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. We are in discussion now and I believe we are making real progress on addressing this bill. I will object here shortly because we have to talk to a number of colleagues. But I think we are making real progress on the bill.

Mr. LEVIN. So we could adopt it tonight?

Mr. FRIST. Thus, I object.

CHILD CUSTODY PROTECTION ACT

Mr. SPECTER. Mr. President, I oppose cloture on the Child Custody Protection Act, S. 403, because there are not adequate safeguards for young women seeking abortions, particularly in cases of rape, incest, or health of the minor.

On September 22, 1998, I voted against cloture on a similar bill. On July 25, 2006, I voted against a similar bill.

Those bills, like the one now pending, made it a crime to take a minor across state lines for purposes of obtaining an abortion without parental consent or notification. I opposed that legislation because of my concern for minor girls who have an abusive or bad relationship with their parents, including circumstances of incest. Such a relationship makes it difficult, if not impossible, for the girl to admit to being pregnant or to express her desire to obtain an abortion. Additionally I am concerned with the delay this bill poses on young girls seeking abortions in the case of rape or health risks.

Proponents of this legislation have urged me to support it on the ground that the state judicial bypass laws provide a sufficient means for young girls who have such a bad relationship with their parents, to receive judicial authorization to secure an abortion without their parents' knowledge or consent.

It has been suggested to me that there may be compelling data that the judicial bypass procedures provide a sufficient means for such girls' interests to be protected. On the current state of the record, however, I believe that the judicial bypass procedures are not adequate, so I do not believe that a Federal crime should be legislated for those who take minor girls across state lines to secure an abortion.

To those who have urged me to support the legislation and have asked me to review such data, I have replied that I would be willing to study any such information. As noted, on this date of the record, I could not support legislating a Federal crime on this issue.

Mr. FEINGOLD. Mr. President, I cannot support the Child Interstate Abortion Notification Act, CIANA. First, I object to the decision to bring this bill directly to the floor, circumventing the Senate's committee process, and to prevent Senators from offering amendments. This bill contains provisions that have never been debated in the Senate not in committee, and not on the floor. Part of the bill we are considering today consists of the Child Custody Protection Act, which did pass the Senate earlier this year although without being considered in committee. But this bill also contains a number of additional troubling provisions that should go through the committee process. At a minimum, Senators should have an opportunity to offer amendments to legislation that could have such a serious impact on young women's lives.

I voted against the Child Custody Protection Act when it came before the Senate in July because the bill is an overreach of federal power that comes at the expense of the health and safety of young women. The notion that one state may not impose its laws outside its territorial boundaries is a core federalist principle, and I believe this bill might very well violate the Constitution. States should retain their right to enact and implement appropriate policies within their territorial boundaries. The Child Custody Protection Act would preempt these rights by allowing the laws of certain states to essentially trump the laws in other states.

The Child Interstate Abortion Notification Act, in addition to containing the language of the Child Custody Protection Act, includes a number of other, even more problematic, provisions. It would implement onerous new Federal notification and consent requirements in states whose existing state laws do not meet the bill's standards, raising serious federalism concerns, and would subject providers to criminal penalties for failing to comply. In addition, these requirements would vary for teens and providers according to the state in which the minor lives and the state to which she travels, making them extremely difficult to comply with. Not only that, but the new federal requirements do not include a judicial bypass procedure, and do not have an adequate health exception.

In an ideal world, all young women who face this difficult decision would be able to turn to their parents. But we do not live in an ideal world, and the reality is that there are young women who feel they cannot turn to a parent out of fear of physical abuse or mental abuse, getting kicked out of the house, or worse. This bill would deny these young women the ability to turn to another trusted adult for help.

Our focus in the Senate should be on ensuring that unintended pregnancies do not happen in the first place. For these reasons, I intend to continue my work in the Senate to ensure that all women have access to the best information and reproductive health services available. If we do that, abortions will become even more rare, as well as staying safe and legal.

Mr. ENSIGN. Mr. President, I rise today to discuss the Child Custody Protection Act, which will protect the rights of our Nation's parents and their children's well-being.

I was very pleased with the work of this body when the Child Custody Protection Act came before the Senate in July. Through the hard work of my colleagues, I believe we were able to come up with an even stronger bill designed to protect our young daughters.

The only successful amendment offered to the Child Custody Protection Act contained two important clarifying provisions dealing with parents who commit incest.

Senator BOXER and I worked together to ensure that parents who have committed the heinous act of incest are unable to sue, and therefore profit from, someone else who has transported their minor across State lines for an abortion.

The Ensign-Boxer amendment also added a new provision making it Federal crime for someone who has committed incest to transport their victim across State lines for an abortion.

Recognizing the importance of preserving parent's rights, the Senate passed the Child Custody Protection Act by a vote of 65 to 34.

The support of 14 Democrats reflects the reality that this not an issue divided on pro-life or pro-choice lines.

There is broad and consistent support to preserve the rights of parents.

An overwhelming number of States have recognized that a young girl's parents are the best source of guidance and knowledge when making decisions regarding serious surgical or medical procedures, like abortion.

Forty-five States have adopted some form of parental notification or consent law, proving their widespread support for protecting the rights of parents.

The people that care the most for the child should be involved in these kinds of health care decisions and, if there is aftercare needed, be fully informed in order to care for their young daughter.

Additionally, a huge majority support parental consent laws. In fact, most polls show that consent is favored by almost 80 percent of Americans.

These numbers do not lie; the American people agree that parents deserve the right to be involved in their minor children's decisions.

The bill before us today makes it a Federal offense to knowingly transport a minor across a State line, for the purposes of an abortion, in order to circumvent a State's parental consent or notification law.

It specifies that neither the minor transported nor her parent may be prosecuted for a violation of this act.

The purpose of the Child Custody Protection Act is to prevent people, including abusive boyfriends and predatory older males who may have committed rape, from pressuring young girls into having secret abortions without their parents consent.

The bill also requires an abortionist to give 24 hours' notice to a parent of the minor from another State before performing the abortion. Several exceptions are made, including exceptions related to parental abuse and the life and bodily health of the mother.

Should the abortionist fail to do so, they could face a fine or jail time.

We are reminded how important parental notification is when we hear the story of Marcia Carroll and her daughter, from Pennsylvania.

Ms. Carroll's daughter was, without her mother's knowledge, pressured by her boyfriend's stepfather to take a train and cross State lines and have an abortion she didn't want to have and which she now regrets and seeks continual counseling for.

The abortion provider who performed an abortion on Mrs. Carroll's daughter had a long history of abusing his patients.

Mrs. Carroll should have been given an opportunity to learn about the history of her child's doctor, who had been professionally disciplined multiple times for having sex with a patient in his office, for performing improper rectal and breast exams on two others, and for indiscriminately prescribing controlled dangerous substances.

The parents of America should be given the chance to make sure their children's doctors are not potential sexual abusers and controlled substance pushers, and this legislation would give them that chance.

As Mrs. Carroll testified, "I felt safe when [the police] told me my daughter had to be . . . of age in the State of Pennsylvania to have an abortion without parental consent . . . It never occurred to me that I would need to check the laws of other States around me.

I thought as a resident of the State of Pennsylvania that she was protected by Pennsylvania State laws. Boy, was I ever wrong."

Dr. Bruce A. Lucero, an abortion provider, has supported this legislation because "patients who receive abortions at out-of-state clinics frequently do not return for follow-up care, which can lead to dangerous complications."

Sure enough, the abortion provider who performed an abortion on Mrs. Carroll's daughter failed to schedule a followup visit with her to help ensure there were no postabortion complications.

Speaking as the father of three young children, including a daughter, I understand how difficult the challenges of raising children can be.

In most schools across the country, our children cannot go on a field trip, take part in school activities, or participate in sex education without a signed permission slip. An underage child cannot even receive mild medication, such as aspirin, unless the school nurse has a signed release form. Some states even require parental permission to use indoor tanning beds.

Nothing, however, prevents this same child from being taken across State lines, in direct disobedience of State laws, for the purpose of undergoing a life-altering abortion.

In many cases, only a girl's parents know her prior medical and psychological history, including allergies to medications and anesthesia.

The harsh reality is our current law allows for parents to be left uninformed about their underage daughter's abortion, which can be devastating to the physical and mental health of the child.

Parental notification serves another vital purpose—ensuring increased protection against sexual exploitation of minors by adult men.

All too often, our young girls are the victims of the predatory practices of men who are older, more experienced, and in a unique position to influence the minor's decisions.

According to the American Academy of Pediatrics, "almost two-thirds of adolescent mothers have partners older than 20 years of age."

Rather than face a statutory rape charge, these men or their families use the vulnerability of the young girl against her, exerting pressure on the girl to agree to an abortion without talking to her parents.

In fact, in a survey of 1500 unmarried minors having abortions without their parents' knowledge, 89 percent said that a boyfriend was involved in the decision.

The number goes even higher the younger the age of the minor.

Allowing secret abortions do nothing to expose these men and there heinous conduct.

In the unfortunate instance of abuse or where there is rape or incest involved within a family, minors may be afraid to go to one of the parents. In response, judicial bypass laws have been written across the country to protect the minor.

This legislation is a commonsense solution to defeat the legal loophole that currently results in parents being denied the right to know about the health decisions of their minor daughters—a fact which the Supreme Court upheld in Planned Parenthood v. Casey, which states, that it is the State's right to declare that an abortion should not be performed on a minor unless a parent is consulted.

This is not an argument on the merits of abortion; rather, this is a debate about preserving the fundamental right of parents to have knowledge about the health decisions of their minor daughters.

Parental permission is so important because parents are the most intimately involved people in their children's lives.

We cannot allow another young girl's life to be irreparably damaged because of a legal loophole that keeps parents from being involved in one of the most major decisions their daughter may make in her life.

It is time for Congress to step up and commit to protecting our daughters by assuring that a parent's right to be involved is protected.

Mr. McCAIN. Mr. President, I am a proud cosponsor of S. 403, the Child Custody Protection Act. This bill has strong bipartisan support as illustrated by its vote of 65 to 34 that occurred in July. Unfortunately, due to political maneuvers by its opponents, the enactment of this critical legislation is being blocked.

This is one of the most important pieces of legislation to be considered during the 109th Congress. Why is this legislation so important? Because despite the fact that 23 States require a minor to receive parental consent prior to obtaining an abortion, these important laws are being violated. Today, minors, with the assistance of adults who are not their parents, are being transported across State lines to receive abortions without obtaining parental consent. We must end this circumvention of State laws and, more importantly, the consequences such actions have on life.

S. 403 would make it a Federal offense to help a minor cross lines for the purpose of obtaining an abortion, unless it is needed to save the life of the minor. Its enactment is critical, and we cannot allow its opponents to continue to stall needlessly its progress.

Earlier this month, I joined with 40 of my colleagues in urging the majority leader to take action to enable this legislation to continue through the legislative process. The leader has now taken such action. On Wednesday, a cloture motion was filed to break the opponents logjam, and I applaud and support this action. We must do all that we can to move this critical legislation to the President's desk.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, under rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to S. 403: a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

Bill Frist, John Ensign, Tom Coburn, Craig Thomas, Jim DeMint, Wayne Allard, Mitch McConnell, Trent Lott, Jim Bunning, Conrad Burns, Ted Stevens, Johnny Isakson, John Cornyn, Jeff Sessions, Larry Craig, Mike Crapo, John Thune.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the amendment of the House to S. 403, the Child Custody Protection Act, shall be brought to a close.

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—57

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Byrd
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson

Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Pryor
Reid
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—42

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Reed
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this question, the yeas are 57; the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mrs. BOXER. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 5441, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5441) "making appropriations for the Department of Homeland Security for the fiscal year ending September 30th, 2007, and for other purposes", having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 28, 2006.)

SECTION 550

Mr. VOINOVICH. Mr. President, I rise to engage in a colloquy with my good friends, Senator PRYOR, Senator DOMENICI, and Senator WARNER. To my colleagues, it is my understanding that a question as to the intent of the chemical facility security provision has arisen. Senator PRYOR, in your view, what is the meaning of section 550 with respect to its effect on State laws or rules?

Mr. PRYOR. I thank the Senator from Ohio for raising this important question. Section 550 does not contain any language regarding its preemptive effect. I know there have been some in the other House who believe that this silence means the legislation would have no effect on State or local attempts to regulate chemical security—in other words, that it gives them a green light to go farther. I want to state clearly my belief to the contrary. As we all know, under well-established Supreme Court precedent, a Federal law that is silent in this way can still occupy the field and impliedly preempt any State legislation on the same topic. Historically, Congress has done so in the security area, whether it be nuclear security or aviation security.

Mr. VOINOVICH. I thank Senator PRYOR for his statement because I agree with it. I know my good friend from Virginia, Senator WARNER, also has views on this. Senator WARNER, in your view, what is the meaning of section 550 with respect to its effect on State laws or rules.

Mr. WARNER. I also thank the Senator from Ohio for raising this important question. I concur with the assessment of my good friend from Arkansas regarding the preemptive effect of this chemical facility provision. As the Senator noted, there is strong Supreme Court precedent regarding the implied preemption of State laws, especially as it relates to homeland security, homeland defense, and national security. There are several examples of statutes that remain silent with regard to the effect on State laws and it has been my belief throughout the entire debate on chemical security legislation that this precedent should hold true if we did not explicitly speak to the issue to State preemption.

Mr. VOINOVICH. I thank Senator WARNER for his statement. I strongly agree with the assessment that Congress and the Federal Government have the duty to provide for the security of our States and our people. Further, the importance of a single, integrated set of comprehensive national standards is vital to the security of this sector. I see my good friend from New Mexico here as well. I ask the Senator from New Mexico if he has further views on the meaning of section 550 with respect to its effect on State laws or rules.

Mr. DOMENICI. I thank the Senator from Ohio for this important discussion. I also concur with the assessment of my colleagues, Senator PRYOR and Senator WARNER. This issue was discussed at length before the Committee on Homeland Security and Governmental Affairs. The effect of silence on the chemical security language in question is clear. Federal law that is silent in this way can still occupy the field and impliedly preempt any State legislation on the same topic. Further, the precedence for Federal preemption in regulatory matters dealing with security is clear. In the interest of national security, the Nuclear Regulatory Commission was created to oversee the nuclear facilities. Given the importance of this critical infrastructure and the clear national security concerns, the Federal Government has exclusive regulatory authority. I concur with my colleagues who have noted that in matters of national security the Federal Government should perform its constitutional duty to defend the homeland.

Mr. VOINOVICH. I thank my good friend from New Mexico for his comments, and I strongly agree with his assessment. It is the Federal Government's preeminent role when it comes to matters of national security to set a uniform set of rules with which the regulated community must comply. I feel strongly that this provision sets that uniform set of rules and in so doing, impliedly preempts further regulation by State rules or laws.

WARNING, ALERT, AND RESPONSE NETWORK ACT

Ms. COLLINS. Mr. President, I rise to ask my colleague from Alaska about the Warning, Alert, and Response Network Act, or WARN Act, that is part of the SAFE Port Act that is before the Senate. The WARN Act will authorize a wireless alert capability to provide citizens with emergency alerts on their wireless devices. This is an important enhancement to the emergency alert system that FEMA currently operates. I would note that the language in the WARN Act does not alter FEMA's role in the emergency alert system. It is my understanding that this language directing the FCC to develop the wireless capabilities will not interfere with the Homeland Security and Governmental Affairs Committee considering and reporting legislation next year to further clarify FEMA's role with respect to the emergency alert system and new technologies. Is that correct?

Mr. STEVENS. The Senator's understanding is correct. The Parliamentarian's office has indicated to my staff that the wireless alert capability language in the act does not preclude the Homeland Security and Governmental Affairs Committee from considering legislation next year to address FEMA's role with respect to the emergency alert system, and I commit to working with you to develop a bill that will set forth FEMA's role with respect to new emergency alert capabilities.

Ms. COLLINS. Thank you, Senator. I look forward to your support in addressing FEMA's role in the emergency alert system in legislation next year.

WESTERN HEMISPHERE TRAVEL INITIATIVE

Mr. LEAHY. Mr. President, I rise today for the purpose of engaging in a colloquy with my colleagues from the Senate Homeland Security Appropriations Subcommittee, Senator STEVENS, Subcommittee Chairman GREGG and Subcommittee Ranking Member BYRD. We would like to discuss the intent of section 546 of the fiscal year 2007 Department of Homeland Security Appropriations conference report regarding the Western Hemisphere Travel Initiative, WHTI.

In 2004, Congress passed and the President signed into law the Intelligence Reform and Terrorism Prevention Act, which included a provision creating WHTI as a means of better securing our borders. The provisions require that all individuals, including U.S. citizens, present a passport or its equivalent in order to verify identity and citizenship when they enter the United States from neighboring countries, including Canada or Mexico. As currently set out by the administration, the law would take effect on January 1, 2007, for airports and seaports and on January 1, 2008, for land crossings.

As those deadlines loom ever closer, my colleagues and I have grown more and more concerned that the plan has been poorly planned and there is a considerable lack of adequate coordination not only among the Departments of Homeland Security and State, which are charged with implementing the initiative but also with the governments of Canada and Mexico. I fear that we face a train wreck on the horizon if the plan steams along as is.

The senior senator from Alaska most definitely recognizes how improper implementation of WHTI could impede the flow of people and goods across our borders. The residents of his home State especially would face unique challenges under WHTI because all Alaskans have to cross into Canada before entering the continental United States by land.

Mr. STEVENS. The Senator from Vermont is correct. The Department of Homeland Security and the State Department are now in the process of developing the rules needed to implement this initiative. The State Department is proposing an alternate form of documentation to be accepted for land border crossings known as a passcard. The passcard would be slightly less expensive than a passport but would still require the same adjudication and background check as a passport and could only be used for land travel between our country, Canada and Mexico.

Many of my constituents travel to Canada every day. I believe each Senator from Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont and Washington will agree it is imperative that the travel requirements between Canada and the United States be implemented in a manner that does not adversely affect Americans. To date, the construction and price of the passcards have not been established. Passcards are essential to ensure the flow of travel and business activities between the United States and other countries is not hindered.

I am also concerned with the looming date of implementation for WHTI. The administration's current plan is to implement the air and sea portion of the initiative by January 2007, this coming January. This means that in just 3 months all U.S. citizens traveling by air and sea from Canada and Mexico or the Caribbean will need a passport to enter this country.

The intent of language included in the Homeland bill is in no way meant to indefinitely delay the implementation of this initiative. Securing our borders is important, and I support these efforts. I want to make sure the State Department is prepared to adjudicate the large number of requests for passports and passcards this initiative will produce.

Our language also creates a single implementation date for land and sea crossings. Families often take a cruise to Alaska, and continue their vacations in Canada. In order to avoid confusion to these travelers, we must have one date in which they are expected to have new documentation, rather than the current plan to implement sea this January and land in January 2008. Further, they should be able to use the passcard for both land and sea crossings, rather than requiring a passport for the sea portion of a vacation.

I believe DHS and the State Department are operating under an unrealistic timeframe. We must ensure they have enough time to properly test and implement this system, which includes biometrics and new border security equipment. We must also clearly set out guidelines we expect to be met before this initiative can be implemented. This is what we hope to achieve with the language we included in the Homeland bill.

Mr. LEAHY. Like Alaskans, Vermonters have strong economic ties to Canada and depend on the efficient movement of products across international borders. Many Vermont families, including mine, frequently travel to Canada to visit family members living there or to spend a weekend in the beautiful cities of Montreal or Quebec City. Similarly, our Canadian friends enjoy many Vermont treasures, including our ski resorts and our own "great lake," Lake Champlain. In 2003, more than 2 million Canadians visited Vermont, spending $188 million while here.

Additionally, Vermont has a number of small towns along the border that depend on access to neighboring Canadian towns. In some cases, these towns share emergency assistance, grocery stores, and other basic services. Residents sometimes cross the border on foot several times a day just to conduct routine business. Other northern border States enjoy similar trade and tourism benefits with Canada and could face significant downturns in their economies if this law is not implemented properly.

At a cost of about $100, passports are an expensive hardship for many, especially families would not otherwise travel abroad. The proposed PASS Card is a less costly alternative but also raises a number of new concerns, including issues of privacy and effectiveness. On top of that, DHS and State are still arguing over what technology to embed in the card. I find it highly unlikely that the State Department will be able to process the flood of requests for passports and PASS cards that will come from this initiative by the deadline when key decisions have still not been made.

Mr. STEVENS. These are just some of the issues which must be considered before implementing this plan. In addition, the lack of public outreach to inform citizens of the new requirements concerns me.

I see the potential for a disaster at our borders if regulations are hastily imposed. There is just too much at stake to implement a travel system that has not been properly tested, and this is why Senators LEAHY, GREGG, BYRD, I worked together with House Homeland Security Appropriations Subcommittee Chairman ROGERS to craft bipartisan language to extend the WHTI implementation date. Our language simply gives the State Department and DHS more time to make sure this is done right.

Mr. GREGG. I believe the proper implementation of WHTI is imperative. I wish to emphasize that the Departments of Homeland Security and State can move forward with the full implementation of WHTI before June I, 2009—but to do so they must comply with all legislated criteria. These legislated criteria are designed to ensure that the PASS Card protects the privacy of our citizens, that readers have been installed at all ports of entry, that all employees have been properly trained—in short, that the system works, before it is used by millions of citizens. And I emphasize that implementation, meaning putting the system into operation can occur at any time but no later than June 1, 2009, if the conditions, which are designed for proper operations, are met.

Mr. BYRD. I, for one, will definitely be interested to see how the Department of Homeland Security and the Department of State are progressing on WHTI implementation. And we will be able to do so because we mandate that the Departments provide quarterly briefings on the progress being made on WHTI implementation and that the first briefing should be no later than December 1, 2006.

Mr. LEAHY. My colleagues are both correct. While hasty implementation could result in avoidable problems for all those who will be affected by this Initiative, we also want to make sure that it is done on a reasonable timetable. Our amendment requires a modest implementation delay to June 1, 2009, and also requires that certain technological goals are met in the design of the PASS Card to ensure that the strictest standards are in place to protect personal information. Though it has been two years since the Intelligence Act requirement became law, the agencies have made little progress to implement WHTI. This provision (Sec. 546) provides additional guidance to the agencies to insure smooth implementation.

Our language also requires the Departments of Homeland Security and State to certify prior to implementation that a cost for the PASS Card has been agreed upon, that all border authorities are familiar with the technology, and that the technology has been shared with the Canadian and Mexican authorities. These are just a few of the steps we have taken in this amendment to ensure that the transition to an increased security environment is done without creating unnecessary obstacles.

And the Senate and House Appropriations Committees will most certainly share the Homeland Security Department and the State Department report to us on how they are progressing in meeting the program criteria and moving toward implementation.

I thank my colleagues for all their hard work on reaching an agreement on this language. With it, we greatly increase our chances for the successful implementation of the Western Hemisphere Travel Initiative.

Mr. LAUTENBERG. Mr. President, one of the most important parts of this Department of Homeland Security appropriations bill is a section that should not be in it at all. It is a perfect example of how the majority has decided to legislate: make back room deals and pass phony protections instead of real ones.

I am speaking about the section that purports to adopt chemical security protections for our country.

To illustrate what chemical security means, and why it is so important, let me tell you what happened on Tuesday in Elizabeth, NJ. A worker at a trucking company accidentally ruptured a small pressurized gas tank and released a cloud of sulfur dioxide into the air. Workers at nearby storage and shipping facilities became ill. Truck drivers in the area abandoned their vehicles as their lungs burned and they couldn't breathe. People on the side of the road were vomiting. Fifty-eight people—including a first responder—were taken to the hospital. That was a small accident. Imagine if a terrorist blew up a large chemical facility.

To understand the impact, all you have to do is drive 9 miles down the road from Elizabeth to Kearny, NJ, home to the Nation's most dangerous chemical plant. Kearny is a blue-collar, working-class town. Forty-thousand residents—men, women and children—make Kearney home. An act of terror at the Kuehne chemical facility could put Kearny—and the twelve million Americans who live within fourteen miles of the plant at risk. No wonder that facilities storing large amounts of chemicals have been called "pre-positioned weapons of mass destruction" by homeland security experts.

One would think that the majority and the administration would do all it can to stop an attack in Kearny—or at any of America's nearly 15,000 chemical facilities. Republican leaders have put together a counterfeit bill that they are trying to pawn off as "chemical security," but we are not buying it, and neither should the American people.

Recognizing that this was a problem even before 9/11, I introduced the Nation's first chemical plant security bill in 1999. And earlier this year, Senator OBAMA and I introduced a new comprehensive chemical security bill that seeks to protect the American people—not the chemical industry. The Republican leadership has brushed aside our strong bill, and other legislation that has come out of the Homeland Security committees in the Senate and the House.

Instead, the Republican leaders borrowed a page from the "Dick Cheney Energy Task Force" playbook: lock the windows, bolt the doors and meet with industry lobbyists. And what did the Republicans and chemical industry lobbyists come up with? A fraudulent bill. The chemical industry bill put forward by the Republicans fails to require the safest practices at the highest-risk facilities. It is a bill that fails to secure the nearly 15,000 facilities that store dangerous chemicals. A bill that fails to protect drinking and waste water facilities. And a bill that fails to make clear that states can adopt stronger chemical security laws than the federal government.

So will this chemical security bill authored by the chemical industry, the majority, and the administration make the Nation safer? No. The public should not be fooled. Because this fake chemical security bill has been attached to the Homeland Security appropriations bill, most Senators will vote for it. But make no mistake, it is not what we want or need.

We need a bill that requires all chemical plant owners to improve the security of their sites, and when possible, replace toxic chemicals with safer ones. We need a bill that makes perfectly clear that states can adopt stronger laws than the toothless version the majority are doing here. We don't need the majority, the White House, and the chemical industry deciding the fate of towns like Kearny or Elizabeth behind closed doors.

All of this is more reason we need a new direction in Washington.

Ms. CANTWELL. Mr. President, I come to the floor today to speak to the Department of Homeland Security Appropriations Act of 2007.

Since 9/11, we have made significant progress in bolstering the defense of our Nation against terrorism. Today, Americans are safer than they were just 5 years ago. However, as we learned from the recently released National Security Estimate, the threat of terrorism continues.

As a border State and a major thoroughfare for trade, Washington State faces incredible security challenges. Along our northern border, official checkpoints are separated by miles of vast, rural and rugged terrain.

The Ports of Seattle and Tacoma make up the Nation's third largest container center. Puget Sound is home to America's largest ferry system, transporting more than 26 million passengers and 11 million vehicles annually throughout the area.

The Homeland Security Appropriations Act of 2007 provides vital resources to build on the progress we have made to make our Nation more secure and citizens safer.

It contains specific provisions that I am very proud to have worked on—provisions that I believe make a strong bill even stronger.

I will speak about those provisions in just a moment, but first, I want to take a moment to acknowledge the steadfast leadership and stalwart dedication of the bill's managers, Senator GREGG and Senator BYRD.

This bill recognizes that as a Nation, we still need to make serious investments in our National security.

That is why we're adding significant resources—more than $21 billion—to better secure our borders.

This includes $2.2 billion to add 1,500 agents to monitor and apprehend criminals—criminal or people crossing the border—and $1.4 billion for detention facilities, including nearly 7,000 additional detention beds to end our failed "catch and release" policy.

Using cutting edge technology is critical to securing our 4,000-mile-long northern border. With vast, rural and rugged terrain, physical barriers provide limited benefits along much of the northern border.

The right tools can provide critical intelligence about areas that have previously gone unsecured for so long.

This legislation includes a provision, which I offered with Senator BAUCUS, directing the Department of Homeland Security to work with the Federal Aviation Administration to test the use of unmanned aerial vehicles on the northern border.

UAVs with extended range can conduct prolonged surveillance sweeps over remote border areas, relaying information to border agents on the ground.

This will modernize our patrol capabilities and enable us to reach hundreds of miles of previously unguarded border.

It is time to get serious, smart and practical by using the best proven resources out there.

I have also sponsored a provision included in this legislation directing the Department of Homeland Security and State Department to work with Canadian officials and State and local first responders to identify border security challenges—including interoperable communications—in preparation for the 2010 Olympics.

Lastly, I was proud to join Senator FEINSTEIN to secure a provision criminalizing the construction of smuggling tunnels under our borders and putting into law stiff penalties for anyone building or using such tunnels.

In July 2005, we discovered a smuggling tunnel between Canada and Washington State. It had been used to traffic drugs, but it's all too clear that tunnels could just as easily be exploited by terrorists to enter undetected into our country.

The legislation before us also provides more than $4.3 billion to improve the security of our ports and the global supply chain.

This includes: More than $2 billion to the Coast Guard; $210 million in port security grants; $420 million for radiation and gamma ray inspection equipment for scanning cargo containers; and nearly $200 million to screen cargo containers at foreign ports and collaborate with private entities to enhance supply chain security.

Focusing on security where cargo is loaded abroad, at the point of origin, is vital to achieving security for our ports here at home.

I am proud to have cosponsored a provision with Senators COLEMAN and SCHUMER, included in this legislation, which directs the Department of Homeland Security to test a new integrated container inspection system at three foreign ports.

This technology has already shown promise at the Port of Hong Kong.

And I believe that testing this system is the next important step to move us toward 100 percent screening of containers.

From our borders to our ports, this legislation also represents a significant investment in the security of our transportation systems.

In light of the foiled terrorist operation in the U.K. on August 10, I remain especially concerned about aviation security.

As we all now know, a network of terrorist cells planned to down as many as 10 U.S. airliners by smuggling liquid explosives onto flights.

The foiled plot provides a stark reminder of the serious gaps which continue to impede our efforts to secure the commercial airline industry.

In 1994, we learned the dangers of our inability to screen passengers for liquid chemicals that could be combined to create an improvised explosive device, when Ramzi Yousef successfully bombed Philippines Airline flight 434. In 1995 they uncovered the infamous "Bojinka" plot in Manila.

Yet more than 10 years later, we still have not developed a technology that can be deployed in airports to screen passengers for these substances.

To fix this, we need to make a strong investment in research and development.

The Senate version of this legislation—which passed before the August U.K. terrorist threat—had only $5 million slated for research and development of explosive countermeasures, under the Science and Technology directorate at the Department of Homeland Security.

After the Senate returned from August recess, I wrote to Chairman GREGG requesting that he work in conference to increase funding for explosive detection research under the Science and Technology directorate.

The conference report before us today includes nearly $87 million in explosives research funding and I want to thank Senator GREGG for working in conference to accommodate this request.

The explosives detection problem is both urgent and technically challenging. Passenger screening technology must be efficient, reliable, and effective.

The latest threats make it clear that we need to accelerate our work to find innovative solutions to evolving challenges.

We must be smart and tough in our fight against global terrorism. Our first priority must be ensuring that Americans are safe.

We have come a long way since 9/11. We have worked hard and made progress and we are safer today.

But it is clear: We need to do more to stop terrorists and their schemes.

We can't let down our guard—at our borders, at our ports, on our passenger planes.

The legislation before us today builds on progress we have made and delivers strong and serious investments so we can do even more.

Americans deserve to know that we are doing everything we can to secure our country and keep them safe.

Again, I want to thank the managers of this bill for their efforts. I look forward to working with them as we continue fighting to secure our Nation.

Mrs. HUTCHISON. Mr. President, I wish to voice my strong support for efforts to secure our Nation's borders, which remain porous. We must immediately address this threat to our national security and make certain that we allow local officials greater involvement as they work with the Secretary of Homeland Security regarding the location of border fencing.

I have consistently supported and voted in favor of border security efforts—such as the installation of reinforced fencing in strategic areas where high trafficking of narcotics, unlawful border crossings, and other criminal activity exists. I have also supported installing physical barriers, roads, lighting, cameras, and sensors where necessary.

Throughout our debate on comprehensive immigration reform, I have stressed the need to secure our Nation's borders—not only our southwest border with Mexico, but also our northern border with Canada, our maritime borders, coastlines and ports of entry. We must secure our borders first, but we must also work toward a comprehensive solution that addresses the needs of commerce and our economy.

The Secure Fence Act of 2006 is needed, and serves as our downpayment with the American people on what we must do to address border security—so that we can then move forward to address comprehensive immigration reform.

To this date, we have hired, trained, deployed 11,300 Border Patrol agents, ended catch and release, accelerated the deportation process, and expanded the number of beds in detention centers to almost 23,000.

We have also provided an additional $1.9 billion in immediate funding for border security to cover the first 1,000 of 6,000 new Border Patrol agents who will be deployed in the next 2 years. These funds will assist with the temporary deployment of up to 6,000 National Guard troops aiding the Border Patrol with surveillance and logistics.

I will continue to champion border security measures and strongly support the efforts of my colleagues to strengthen our southwest border—protecting our citizens from threats of terrorism, narcotic trafficking, and other unlawful entries. However, I am concerned about Congress making decisions about the location of the border fencing without the participation of State and local law enforcement officials working with the Secretary of Homeland Security. These locations should not be dictated by Congress.

Our border States have borne a heavy financial burden from illegal immigration and their local officials are on the front lines. Their knowledge and experience should not be ignored. Texas shares approximately one-half of the land border between the United States of America and the Republic of Mexico. As such, State and local officials in California, Arizona, New Mexico, and Texas should not be excluded from decisions about how to best protect our borders with their varying topography, population, and geography.

Local officials in my home State of Texas—particularly in the areas of El Paso, Del Rio to Eagle Pass, and Laredo to Brownville—cited in the underlying bill, will not have an opportunity to participate in decisions regarding the exact location of fencing and other physical infrastructure near their communities. Because the time constraints imposed by the pending adjournment will not permit a resolution of this very important issue at this time, I asked for, and received, a commitment from our Senate majority leader and the Speaker of the House of Representatives promising to address these concerns.

The letter addressed to the chairs of the Senate and House Committees on the Judiciary and Homeland Security states that prior to adjournment of the 109th Congress, we will act on this issue.

Ours is a nation of laws and we must be a nation of secure borders. I stand ready to work with my colleagues to enact meaningful legislation in this session of Congress that addresses border security first and that ensures our local communities will be involved in the decisions that have such a dramatic impact on the lives of their constituents. I appreciate the commitments of our Senate leader and the Speaker and look forward to working with them on this important issue.

In addition, I have been given a separate letter on this subject from Leader FRIST, and I ask unanimous consent that both of these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, September 29, 2006.
Hon. KAY BAILEY HUTCHISON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR HUTCHISON: I am enclosing a copy of a letter signed today by myself and Speaker Hastert in which we outline a number of important additional border security measures that we plan to take prior to adjournment.

In this letter, the Speaker and I have pledged to respond to the concerns raised regarding the lack of opportunity for local officials, such as those in the areas of El Paso, Del Rio through Eagle Pass, and Laredo to Brownsville, to participate in decisions related to location of border fencing.

Thank you for taking the time to bring this important issue to my attention and to that of our colleagues.

I look forward to working with you upon our return to complete this action.

Sincerely,
WILLIAM H. FRIST,
Majority Leader.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 29, 2006.
Hon. PETER KING,
Chairman, House Homeland Security Committee, House of Representatives, Washington, DC.
Hon. JAMES SENSENBRENNER,
Chairman, House Committee on the Judiciary, House of Representatives, Washington, DC.
Hon. SUSAN COLLINS,
Chairman, Senate Homeland Security and Government Affairs Committee, U.S. Senate, Washington, DC.
Hon. ARLEN SPECTER,
Chairman, Senate Judiciary Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMEN: Following passage of the Secure Fence Act of 2006, the following actions will be taken before adjournment of the 109th Congress:

First we will work with the Department of Homeland Security (DHS) to ensure they consult with representatives of U.S. state and local governments, including Native American tribes, regarding the exact placement of fencing and other physical infrastructure along the southwest border of the United States.

Second, legislation should require the Secretary of Homeland Security to put fencing and physical barriers in areas of high illegal entry into the United States, yet allow flexibility to use alternative physical infrastructure and technology when fencing is ineffective or impractical.

Third, the legislation should clarify the definition of operational control of the border to ensure accountability and a workable standard for the Department.

We have spoken to the Administration and know that they fully support these proposals and we expect that they will actively support our effort to make these changes before the end of the year.

Sincerely,
J. DENNIS HASTERT,
Speaker, House of Representatives.
WILLIAM H. FRIST,
Majority Leader, U.S. Senate.

Mr. LIEBERMAN. Mr. President, I rise today in support of the fiscal year 2007 Department of Homeland Security Appropriations Act, which will direct nearly $35 billion toward strengthening the homeland security of this great Nation. The measure, though imperfect, addresses one of my top priorities, particularly the recreation of our ineffectual Federal emergency management system into an organization capable of preparing for and effectively responding to disasters, whether caused by nature or terrorists.

This month, we observed the fifth anniversary of September 11—a day that changed the course of history for this Nation. We are all united in our desire to defeat the threat of global terrorism and to prevent any more families from having to experience the unfathomable sense of loss that the survivors of 9/11 have experienced.

I believe we have made real progress in strengthening our homeland security since 9/11, and I am privileged to have had a role in bringing about that progress. I must add, however, that we are still a ways off from assuring the American people they are as safe as they should be. We continue to work toward that goal, and each day we get a little bit closer.

This appropriations bill moves us in the right direction in large part because of its provisions to refashion the Federal Emergency Management Agency in the wake of its disastrous preparations for and response to Hurricane Katrina, the worst natural disaster in our country's history which took the lives of over 1,500 citizens and permanently altered the lives of millions more.

Homeland Security and Governmental Affairs Committee Chairman SUSAN COLLINS and I conducted an 8-month-long investigation into the government's disgraceful response to Hurricane Katrina. We found negligence, lack of resources, lack of capability, and lack of leadership at all levels of government, which, as we know too well, resulted in the failure to relieve the massive suffering that occurred along the gulf coast.

To guarantee more effective planning and a more successful response in the future, Chairman COLLINS and I made a number of recommendations in our final report, entitled "A Nation Still Unprepared." The most prominent of these recommendations, a FEMA redesign, is in this legislation before us today. With these changes, which add strength and commonsense restructuring, the Federal Government will be better prepared to protect its citizens in times of disaster.

Let me briefly describe the most important provisions. First, we elevate FEMA to a special, independent status within the Department of Homeland Security much like what the Coast Guard and Secret Service now have—so that reorganizations could only occur by congressional action. The FEMA Administrator will be the President's principal adviser in an emergency and the administrator and top regional officials will have to have appropriate experience and qualifications for the job.

This legislation also restores unity to FEMA's preparedness and response functions. In other words, there will be one organization—FEMA—responsible for both responding to a disaster and planning and training for that response.

To strengthen the ties between Federal and local officials, we will elevate FEMA's regional offices, taking the focus away from Washington and putting it where the real work of preparedness is performed: On the front lines, in the States, towns, and cities most affected by a disaster. The goal is to familiarize Federal officials with regional and local threats, vulnerabilities, and capabilities and ensure that they are familiar with each of them and their State and local counterparts before disaster strikes.

The legislation also creates a new Office for Emergency Communications dedicated to achieving the operability and interoperability of emergency communications among first responders that is fundamental to any disaster response.

These mission changes will begin to be put into place by authorizing a 10 percent increase in FEMA's operations budget in each of the next 3 years—above the much-needed increase in FEMA's fiscal year 2007 appropriations that is included in this bill. Of course, more is needed, but this legislation makes a start. In addition, we authorize additional funds for States to carry out their disaster preparedness responsibilities, including doubling funding for critical emergency management performance grants.

This bill also provides additional assistance to people and communities struck by disaster. It will, for example, allow FEMA more flexibility in the type of housing it can provide disaster victims to find more cost-effective alternatives to the widely criticized FEMA trailers. It establishes measures to assist with family reunification. And it requires FEMA to better address the needs of those with disabilities in disaster preparedness training and an actual disaster.

As is inevitably the case, there are things missing from this bill that would have made it better—provisions that were included in the bill that Senator COLLINS and I introduced and that was passed out of the Homeland Security and Governmental Affairs Committee but that were lost in conference. These include funding for a dedicated grant program to support and promote communications interoperability among first responders and additional assistance for individuals and communities that fall victim to catastrophic disasters.

This appropriations bill advances the safety of all Americans in other important ways. For the first time ever, the Department of Homeland Security would have the authority to regulate high risk chemical facilities. I am disappointed; however, that the bill does not preserve more of the comprehensive and bipartisan legislation passed out of both House and Senate homeland security committees. The Senate bill, for example, guaranteed the rights of states to enact stronger chemical security provisions. And both bills encouraged the use of safer chemicals and methods to lessen the vulnerability of chemical facilities in the first place. These provisions are vital because, as we most recently observed with the breech of security here at our own heavily guarded Capitol complex, guards and gates alone are always subject to failure. The American people will not be safe from attacks on these facilities until we provide comprehensive security.

September 11 showed us the flaws in our ability to detect and avert terrorist attacks. Hurricane Katrina showed we still haven't grasped many of the lessons of 9/11 and so we remain unprepared. This spending bill moves us toward better preparedness and response to the catastrophes we know await our future.

But, unfortunately, there is no cheap way to be better prepared. It takes money—more money than this budget offers. Too few dollars have been set aside to secure our ports, our transit systems, our railways. Our first responders—who need equipment, training, interoperable communications—continue to be critically under funded. The cuts this bill makes in State homeland security funding are far less deep than those proposed by the President in his budget this year, but they are cuts nonetheless, and they continue what has been a disturbing downward trend over the last few years. Since 2004, for example, the state homeland security grant program—which provides the central preparedness assistance to states throughout the country—has been slashed by 69 percent.

Additional resources are needed, and I will continue to advocate for them as a wise investment in the greater protection it will provide the American people. But overall, I think this bill is a significant step toward ensuring that we have a strong, capable agency to lead the country's response to future disasters, whether natural disasters or terrorist attacks—and that is primarily why I will vote for its passage and urge my colleagues to do the same.

Lastly, I thank all of the staff on the Homeland Security and Governmental Affairs Committee, whose many months of work investigating the Katrina response and overseeing the recovery process, formulating recommendations, fashioning those recommendations into legislation, and guiding that legislation through the Congress has resulted in the important changes to our nation's emergency preparedness and response capabilities included in this appropriations bill. The minority staff members are: Joyce Rechtschaffen, Laurie Rubenstein, Robert Muse, Michael Alexander, Eric Andersen, David Berick, Dan Berkovitz, Stacey Bosshardt, Janet Burrell, Scott Campbell, William Corboy, Troy Cribb, Heather Fine, Boris Fishman, Susan Fleming, Jeffrey Greene, Elyse Greenwald, Beth Grossman, R. Denton Herring, Holly Idelson, Kristine Lam, Kevin Landy, Joshua Levy, Alysha Liljeqvist, F. James McGee, Lawrence Novey, Siobhan Oat-Judge, Leslie Phillips, Alistair Anagnostou Reader, Patricia Rojas, Mary Beth Schultz, Adam Sedgewick, Todd Stein, Traci Taylor, Donny Ray Williams, and Jason Yanussi.

Mr. President, for years, homeland security experts have been warning that chemical facilities are one of our most glaring homeland security vulnerabilities. Yet Congressional efforts to empower the Department of Homeland Security to regulate such facilities have foundered in the face of administration inaction and opposition from some industry groups and their allies. That is why I am pleased that Congress has at last authorized DHS to begin regulating some of the most risky chemical facilities.

Specifically, the Department of Homeland Security appropriations conference report directs the Secretary of Homeland Security to begin regulating high risk chemical facilities. It gives DHS 6 months to develop interim regulations for chemical site security and specifies that the program should require chemical facilities to develop vulnerability assessments and site security plans. DHS would have to review such documents and approve or disapprove the security plans based on whether they address the vulnerabilities identified for that facility and meet security performance standards designed by the Department. The Secretary would have authority to audit and inspect facilities in the program and to seek civil penalties against those who do not comply. The Secretary could also order the shutdown of a facility that does not meet the standards until it comes into compliance.

This is undoubtedly progress, and I hope DHS will fulfill its responsibility to promptly and vigorously exercise this new authority to address an extremely dangerous homeland security weakness.

But while this provision is an improvement on the status quo, it falls well short of what we need to fully address this threat. That is particularly disappointing because both the House and Senate Homeland Security Committees have approved bipartisan, comprehensive chemical security bills that could have and should have received floor debate and become the basis for final legislation this fall. I deeply regret that we were not able to advance the bipartisan committee bills or to retain many of their provisions.

On the Senate side, Senator COLLINS and I introduced the Senate chemical security bill, S. 2145, after holding four hearings on chemical security this session and consulting with many interested parties. Our legislation was marked up in the Homeland Security and Governmental Affairs Committee in mid-June, and reported out on a 15 to 0 vote. While that bill did not include everything I wished, it was a balanced and comprehensive program for chemical security that was able to garner broad support on the Committee. I wish to address a few specific issues that were part of S. 2145 but which have been lost or distorted in this chemical security provision.

First, let me speak to the issue of inherently safer technology or IST. The bipartisan chemical security bill approved by the Senate Homeland Security and Governmental Affairs Committee recognizes that sometimes the best security will come not from adding guards and gates but from reexamining the way chemical operations are carried out in order to reduce the amount of hazardous substances on site, improve the way they are stored or processed, or find safer substitutes for the chemicals themselves. These changes limit the loss of life or other damage in the event of an attack and therefore make a facility a less inviting target for terrorists to begin with. They also have the added benefit of limiting the harm from an accidental release. S. 2145 clearly requires facilities to look at the risks and consequences related to the dangerous chemicals on site and address those specific vulnerabilities in their security plan. And it includes these process changes among the menu of security measures that chemical facilities should examine when designing their security plans.

The House chemical security bill, H.R. 5695, goes further and would require high risk chemical facilities to implement safer technologies under certain conditions. That requirement is similar to an amendment I offered at markup which, had it been adopted, would have required the riskiest chemical facilities to consider such technologies and implement them if feasible.

This is not a question of forcing industry to conduct its operations off a government-issued play book. Companies would analyze for themselves whether there are less dangerous ways to conduct their business and would not be required to implement any changes that were not feasible or merely shifted risk elsewhere. But given the extraordinary risks involved, it is imperative that companies be required to at least take a long hard look at some of the commonsense solutions that have been advocated or already adopted by others within the industry.

Unfortunately, the chemical security provision included in the DHS appropriations conference report has no language to encourage safer technologies, and actually includes language aimed at preventing the Secretary from even urging a facility to consider such options.

Second, I regret that this chemical security provision includes flawed language on information protection and judicial review. Of course, none of us would want to release sensitive information about a chemical plant that would be useful to a terrorist. However, excessive secrecy in a Government security program can actually make us less, not more safe. This is because some degree of transparency is necessary to help us make Government programs more accountable and effective. Also, local communities and their elected officials deserve to know whether local facilities are being kept safe against a terrorist attack, and the community's vigilance can help make us all safer.

I believe S. 2145 as introduced achieved the right combination of protecting real security information, while allowing enough disclosure to create accountability. Unfortunately, those carefully drafted provisions have been replaced, in this measure, by a mechanism that will impose undue secrecy on information submitted and developed in relation to this program and could deny the ability of Congress and affected communities to ensure that the program operates effectively. This measure also puts cumbersome restrictions on the use of such information in court enforcement proceedings and includes an ill-considered provision that would limit court review of a chemical facility's conduct.

Finally, I am extremely disappointed that this measure does not include the provision from S. 2145 guaranteeing States and localities the right to enact stronger chemical security measures. S. 2145 explicitly recognizes that Congress is not the only body that can and should help ensure the safety and security of the Nation's chemical facilities. States and localities have long regulated such facilities for various safety and environmental concerns. Since 9/11, some States have also moved to require security improvements at these facilities. These State and local protections are critical companions to our effort at the Federal level and should not be displaced unless there is an absolute conflict, such that it is impossible for a facility to comply with both the Federal law and a State or local law or regulation on chemical security. S. 2145 also specifies that it does not disrupt State and local safety and environmental law regarding chemical facilities, and it does not seek to dislodge or alter the operation of State common law with respect to such facilities.

Contrary to calls by industry, the chemical security language Congress is approving does not affirmatively preempt State and local chemical security rules and I do not believe it should or will have the effect of preempting such laws. Nevertheless, it is preferable that Congress speak clearly and decisively on such an important security matter, and it is unfortunate that the conference report does not retain the strong antipreemption language of our bipartisan Senate bill.

These are only a few of the issues that must be revisited, or visited anew, in a complete authorization bill. This chemical security provision is clearly a stopgap measure, one which will expire as soon as we can replace it with a permanent authorization or, at the latest, three years after enactment. So while we have given DHS the authority immediately to begin regulating chemical facilities, we must not let up in our efforts to reach agreement on a permanent and comprehensive chemical security bill as soon as possible.

Mr. DOMENICI. Mr. President, I rise today to thank my colleagues for their hard work on the fiscal year 2007 Department of Homeland Security appropriations bill. I also want to congratulate my friend from New Hampshire, Chairman GREGG, for his leadership in putting together a package of funding that will secure our country's ports and borders and strengthen immigration and customs enforcement. During this session of the 109th Congress, we have spent a good deal of time considering measures that would strengthen our borders and reform our immigration system. I believe this spending bill is a testament to the administration and the Senate's commitment to these issues.

In this bill, the conference agreed to provide a total of $34.8 billion to secure our Nation's borders and infrastructure. This marks an overall increase of $2.3 billion over the fiscal year 2006 enacted level, including supplemental funding, and includes a $1.8 billion emergency spending provision for border security.

This bill specifically sets aside over $8 billion for Customs and Border Protection. I represent a State that is directly impacted by its southern border with Mexico, and I laud the provisions that provide funding for 1,500 new Border Patrol agents. My home State of New Mexico is also home to the Federal Law Enforcement Training Center, FLETC, and the addition of extra Border Patrol agents prompted the conference to provide $275.25 million for new facilities, salaries, and additional instructors.

The bill also provides a $602.2 million for the U.S. Customs and Border Patrol to procure and maintain air assets. I thank the chairman for supporting my request for $20 in funding for unmanned aerial vehicles, UAV's, and related support systems. The conference report also provides $232.98 million for a border construction program. Funds from this program will be used to construct and maintain border facilities, and $7.46 million will be used to build vehicle barriers along my State's international border with Mexico. We have heard a great deal from Immigrations and Customs Enforcement, ICE, about the need for additional bed space for apprehended illegal immigrants. The committee provides a total of $3.89 billion in funding for ICE, of which $153.4 million is to be used for additional detention bed space.

Mr. President, it is no easy task to prioritize funding of programs related to homeland security. I am proud of Chairman GREGG's leadership in ensuring that our Government has provided the resources and moneys necessary to secure our borders and strengthen our enforcement systems. Under the chairman's leadership, we have increased funding for border security each year, and I am proud that we have done so again this year.

Mr. GRASSLEY. Mr. President, I rise today to express frustration and disappointment with a provision included in the fiscal year 2007 Homeland Security appropriations bill. The provision would extend the deadline for the Western Hemisphere Travel Initiative from 2008 to 2009.

On August 2 Senate Finance Committee held a hearing to highlight the problems at our Nation's borders. We heard testimony from the Government Accountability Office, GAO, about their undercover border crossings over the last 3 years. The GAO agents used fake documents, phony driver's licenses, and claims of U.S. citizenship in order to enter the United States. According to the GAO, their undercover agents got past the U.S. Customs and Border Patrol 42 of 45 times. CBP failed to catch the intruders 93 percent of the time, proving that anyone with a fake identification and a tall tale can get waived right in the United States.

The committee also heard some very strong evidence as to why the Western Hemisphere Travel Initiative, WHTI/Initiative, is important and why we should make sure this law is implemented by the deadline established by Congress. In 2004, Congress passed the Intelligence Reform and Terrorism Prevention Act to require the Departments of State and Homeland Security to implement a plan requiring a passport or other document for all travelers entering the United States. We passed this initiative in order to reduce the free travel across our borders by potential terrorists, as recommended unanimously after an extensive investigation by the bipartisan, independent 9/11 Commission.

At the hearing in August, CBP agreed that the initiative is important and told us that they were working to be prepared for the January 1, 2008 deadline. They said the initiative and its passport requirement is the "gold standard." In fact, they even stated that another similar hearing could be held again in a few years if our country did not have a mandatory, standardized document with security features such as biometric identifiers. It was made very clear—border security, in part, depends on secure documents.

Congress, through authorization bills, sets deadlines for a reason. Without them, nothing would get done in Washington. Even with deadlines, agency bureaucrats procrastinate. The US VISIT Program of 1996 is a classic example. The deadline we set for the WHTI is not until January 1, 2008. Extending the deadline in this year's spending bill is premature and foolish. We should have allowed the agency to try to meet the deadline and implement a system that will close our borders to potential terrorists as quickly as possible.

If the Western Hemisphere Travel Initiative is delayed, then it is even more critical that our Customs inspectors be equipped with the tools and technology demonstrated at the Finance Committee's August 2 hearing. Only then can they have a better chance at catching people crossing into the United States with fake versions of the currently accepted documents, which are so easy to obtain.

Mr. ISAKSON. Mr. President, I rise today in support of the fiscal year 2007 Department of Homeland Security conference report. I want to begin by thanking Senator JUDD GREGG for his tireless work on this report, and for his commitment to funding the important initiatives in this bill that are so critical to border security, and securing the homeland. Through his leadership a conference report is before us that is fiscally responsible while also implementing the necessary programs to ensure that we continue defeating the threats to our homeland. I would especially like to touch on a few issues that are especially important to our homeland security initiatives and to my State of Georgia.

I applaud the committee's continued reaffirmation of Public Law 106-246, stipulating that any new Federal law enforcement training shall be configured in a manner so as to not duplicate or displace any Federal law enforcement program of FLETC.

This conference report contains $2 million for the Practical Applications/Counterterrorism Operations Training Facility—CTOTF—at the Federal Law Enforcement Training Center—FLETC—at Glynco. Since the terror attacks of 9/11, counterterrorism has become a core function for Federal law enforcement agencies, and the CTOTF will provide practical hands-on training in this new state-of-the-art facility. The CTOTF will recreate various settings, both foreign and domestic, that agents might encounter out in the field, including rural and urban neighborhoods, subway stations, buildings, and roadways. Part of the training site is now functioning, already making use of donated buses, railway cars, and an airplane.

All 82 law enforcement agencies that train at FLETC will have access to the new facility. We are preparing our Federal law enforcement agents to meet their agencies' mission and I am pleased that this conference report recognizes the need to provide them with a realistic training environment. This practical training, in addition to other tactics they learn at FLETC, will also save lives. The students' level of awareness of potential dangers will be raised so that when they encounter similar situations in the real world, they react correctly.

I also applaud the inclusion of an extension of the Rehired Authority. Without the renewal of this authority, FLETC would not have been able to schedule the full training requirements at Glynco and Artesia to meet the initiative for Border Patrol at Artesia, and the Immigration and Customs Enforcement and Detention Officer Training at Glynco. FLETC has demonstrated the need for the authority to be continued.

There were many strong reasons to justify this needed authority, but perhaps the most compelling is that by using annuitants FLETC can save dollars versus hiring—permanent full-time employees, FTE gain demonstrated experience—the current average is 26 years of law enforcement experience—and free up some of the instructors now provided to FLETC by its partner agencies on a temporary basis to be used instead in front line law enforcement operational functions. I applaud the conference and Chairman GREGG for recognizing the importance of this provision.

FLETC is the Federal Government's primary source of law enforcement training. Eighty-two partner organizations subscribe to FLETC for their law enforcement training at the basic—entry level—and advanced training levels. During basic and advanced training, trainees and newly commissioned law enforcement officers are molded into the culture of law enforcement, much like basic trainees and young soldiers in the armed forces. It takes instructors that have the ability to provide realistic instruction to gain the respect of their students as they immerse students into their law enforcement careers. These instructors can come only from the ranks of Federal employees with many years of current and relevant law enforcement experience. Subject areas taught by these instructors include law enforcement techniques and topical areas, such as counterterrorism prevention and detection and border tracking procedures.

It is in the best interest of the Government to have Federal Government employees with state-of-the-art knowledge and experience regarding tactics, policies, and practices of the law enforcement community to provide instruction to trainees, agents, and officers that are beginning their careers. To outsource training for law enforcement functions, even in a partial or fragmented manner, is counterproductive to the overall security and enforcement of the laws of the United States.

The conference report contains a provision making the activities of the staff of FLETC inherently governmental. And while the words "and hereafter" would have provided the desired result of keeping this from becoming an annual issuance issue, I thank the conferees for the inclusion of this language and look forward to working with them to strengthen it in the future.

Finally, I commend Chairman GREGG for his commitment to the CBP P-3 program by providing $70 million to extend the life of these valuable assets for another 15,000 to 20,000 hours. These aircraft are an important component to our national law enforcement and homeland security efforts. In addition, they have been critical for FEMA disaster support.

Specifically modified for use in drug interdiction, these aircraft have been invaluable for the homeland security mission as well. P-3 AEW and P-3 Long-Range Tracker aircraft have a highly successful 20-year record of detecting and tracking drug smugglers throughout the U.S., Canada, Mexico, Caribbean basin, and Central and South America. In fact, in fiscal year 2005, CBP P-3s were instrumental in the seizure and destruction of a record-breaking $1.7 billion worth of illegal drugs and recognized by the U.S. Interdiction Coordinator for this feat.

For years, the CBP P-3 AEW has provided surveillance of significant national events which include support of Presidential and Vice Presidential domestic travel; large, terrorism-vulnerable sporting events—the Super Bowl, 2002 Winter Olympics, the Masters—and large city and regional air surveillance during "high level" threat status—AEW surveillance and anti-air coordination of the DC area during State of the Union addresses.

The CBP P-3s have been unspoken heroes in providing FEMA disaster support. There are CBP/FEMA plans to use the P-3s to provide post-disaster assessment and monitoring. In addition, the CBP P-3s were very active in hurricane relief efforts for Hurricanes Katrina and Rita last year. For nearly 2 weeks, they were flying 20 hours a day providing coordination of search and rescue missions, real-time communications links and real-time video to the Homeland Security Operations Center, the CBP Operations Center, and NORTHCOM. These images also were aired on CNN.

These versatile aircraft and their crews have met, and continue to meet, the needs of our country to address a variety of missions. I thank Chairman GREGG for recognizing their important role by extending their service life in a cost effective manner.

I also note the inclusion of funds for a CBP training facility in Harper's Ferry, WV. Given my interest in border security, I look forward to visiting that facility to see firsthand the training that goes on there.

Mr. President, again, Chairman GREGG and his staff are to be commended for their hard work and leadership during a very tough conference negotiation. I appreciate the hard work of my friend, the Senator from New Hampshire, and look forward to working with him in the future on these and other issues.

Mr. JOHNSON. Mr. President, I applaud the progress we will soon make in the Homeland Security appropriations bill to lower the cost of prescription drugs for all Americans. While the prescription drug reimportation provision included in this bill is certainly not a complete solution to the ever-increasing cost of pharmaceuticals, it is part of the answer.

This legislation includes a provision to allow Americans to bring a 90-day, personal supply of prescription drugs approved by the Food and Drug Administration, for which they have a valid doctor's prescription, into the country from Canada.

I commend Senators DAVID VITTER and BILL NELSON, who introduced this amendment to the Homeland Security appropriations bill during the Senate debate, for their dedication to lowering prescription drug prices.

We must reduce prescription drug prices so that Americans are not forced to cut their pills in half or to choose between medicine and groceries. Virtually all democracies in the world, except the United States, negotiate drug prices for their citizens.

The pharmaceutical industry currently sells its Food and Drug Administration, FDA, approved drugs to virtually every other industrialized democracy in the world at prices that are typically 50 percent less than prices in the United States. Ours is an "open checkbook" strategy, and the result is massive profits for the drug companies but catastrophe for ordinary Americans.

The growth of prescription drug spending in recent years has outpaced every other category of health care spending. According to the Centers for Medicare and Medicaid Services, prescription drug costs grew at an inflation-adjusted average annual rate of 14.5 percent from 1997 to 2002, reaching $162 billion in 2002. That amount is four times larger than prescription drug costs were in 1990.

An analysis by the Congressional Budget Office found that average prices for patented drugs in other industrialized nations are 35 to 55 percent lower than in the United States. In its 2002 annual report, the Canadian Patented Medicine Prices Review Board found that U.S.-patented drug prices were 67 percent higher, on average, than those in Canada.

South Dakotans are painfully aware that their neighbors just a few hundred miles to the north, in Manitoba and Saskatchewan, Canada, are paying much less for the exact same prescription medication. One of my constituents recently wrote me with his concerns about the huge discrepancy between drug prices in Canada and the United States. The generic version of his medication is not available in the United States, but because he could obtain the generic from Canada, his physician prescribed it and this man successfully used it for many years.

He writes that in Canada, the price of his generic medication is $0.46 per tablet, and the brand-name drug is $0.77 per tablet. After enrolling in Medicare Part D, he was required to use the brand-name drug, available in the United States for $1.19 per tablet—a 16 percent increase over the Canadian brand-name price, and a 62-percent price increase over the generic drug, which got the job done just fine.

This constituent writes:

> It appears to me that the Medicare D plan is a "gold mine" for the drug makers. . . at least for this one drug. It is true that I probably should NOT complain because under the Medicare D I only pay my co-payment. However, my concern is not so much my drug cost but the fact that the American taxpayer is being cheated because of the much higher cost per tablet that is paid to the drug producer under the Medicare D program than if the drugs were purchased on a competitive bid procedure. . . After all, I am also an American taxpayer so it does concern me.

Ehile reimportation is an important step forward, it is only a start in our effort to improve access to necessary medications at affordable prices. We need to go further and allow Americans access to Canadian prices at their local pharmacy. They should not have to take buses to Canada to access these savings.

To that end, I remain dedicated to enacting the provisions of legislation I introduced with a bipartisan group of colleagues, the Pharmaceutical Market Access and Drug Safety Act of 2005, S. 334. This bill would provide for the safe importation of prescription drugs from Canada that are both approved by the FDA and manufactured in an FDA-approved plant. Eventually, once the FDA establishes the appropriate safety protocols included in the legislation, this bill would allow individuals to purchase drugs directly from Canadian and U.S. wholesalers, and pharmacies could import drugs from facilities in several countries that are registered, fully inspected, and approved by the FDA.

So while I applaud the Senate on this small step forward in its efforts to reduce prescription drug prices for Americans, I remain committed to working with my colleagues to create additional initiatives that will lower the cost of prescription drugs.

Mr. INHOFE. Mr. President, I rise in support of the chemical security provisions included in the DHS appropriations conference bill. I have worked on this issue since 2002 and have always supported reasonable chemical security legislation that provides DHS with the authority it needs to protect chemical facilities from terrorists without overreaching. I believe this compromise language achieves that balance.

I am pleased that this language specifically excludes water utilities from coverage and focuses the efforts of DHS on private chemical companies. The Nation's drinking water and wastewater systems are arms of local government, not for profit industries. We in Congress recognized the fundamental difference between the for profit private sector and local government entities when we passed the Unfunded Mandates Act. To have included water utilities in this language would have imposed an enormous unfunded mandate on our local partners in violation of that act.

Many here in Washington assume that local governments need to be forced to protect their citizens. As a former mayor, I can tell you that is simply not true. Local water utilities have been making investments in security consistently since 9/11 and continue to do so. I have offered a bill on wastewater facility security that provides tools, incentives, and rewards, not mandates, for local governments to continue to upgrade security. My legislation passed the Environment and Public Works last Congress with a bipartisan vote and again this Congress by voice vote. However, this week, for the second straight Congress, when I tried to bring the measure before the full Senate, the minority objected even to its consideration. My colleagues on the other side of the aisle are holding this legislation up because it does not impose needless mandates and does not include extraneous environmental provisions.

For these same reasons, many will rise in opposition to the chemical security compromise language included in the conference report. They will argue that the bill needs to allow the Federal Government to tell companies how to manufacture their products by requiring facilities to switch the chemicals they use or change their operating practices. This concept, known as "inherently safer technology," is not, nor has it ever been, about security. IST is an environmental concept that dates back more than a decade when the extremist environmental community were seeking bans on chlorine—the chemical that is used to purify our Nation's water. It was only after 9/11 that they decided to play upon the fears of the Nation and repackage IST as a panacea to all of our security problems.

I find it very interesting that those arguing most vehemently for IST in security legislation are not security experts but, rather, environmental groups. This only underscores the fact that IST is not a security measure; it is a backdoor attempt at increasing the regulation of chemicals operating under the guise of security.

The legislation before us does not include these extraneous environmental mandates but instead properly focuses efforts on security. The language explicitly clarifies that the new regulatory authorities given to the Department of Homeland Security do not include any authorities to regulate the manufacture, distribution, use, sale, treatment or disposal of chemicals. These authorities have been properly provided to the U.S. Environmental Protection Agency and other agencies and departments under numerous environmental and workplace safety laws, such as the Clean Air Act, the Clean Water Act, the Toxic Substances Control Act, the Occupational Safety and Health Act, and a host of others.

I believe the conference language achieves what those of us who have been working on this issue for years have been trying to do—it provides strong authorities to DHS to reasonably regulate private sector entities without being hijacked by extraneous concepts that have no place in the security debate.

Mr. DODD. Mr. President, I rise to discuss the fiscal year 2007 Homeland Security appropriations conference report. The Senate adopted this measure earlier today, and I supported it.

I would like to begin by thanking the principal Senate authors of this conference report: Senator GREGG and Senator BYRD. I commend my colleagues and their staffs for the hard work they put into negotiating with the House of Representatives and crafting this report.

The conference report adopted by the Senate today funds our country's homeland security activities at $34.8 billion for the upcoming fiscal year. These activities include supporting national and regional emergency preparedness, first responders, and infrastructure protection. Taken together, these initiatives form the foundation upon which our country depends for its domestic security.

I feel compelled to speak today because notwithstanding the efforts of our colleagues and notwithstanding the adoption of this conference report, I have deep concerns about how this measure—like those that preceded it—funds our country's vital homeland security and emergency preparedness activities.

We all know that disasters—both natural and manmade—continue to threaten our Nation's domestic security and prosperity. As Hurricane Katrina tragically demonstrated last year and as the recent terrorist plot uncovered by British authorities to destroy U.S.-bound aircraft demonstrated last month, our domestic security—particularly our critical infrastructure—remains dangerously prone to exploitation and attack. In light of this unpleasant reality, one would think that the Congress of the United States would do everything it could to shore up the foundation of our domestic security—to make it as impregnable as possible against the destructive forces of nature and man. Yet, as we look at the measure adopted by the Senate, I do not believe it does enough to protect Americans from natural disasters or acts of terrorism.

I believe that the most important activities for ensuring our domestic security include assisting local and regional emergency preparedness activities, supporting first responders, and protecting critical infrastructure. Taken together, these activities represent the backbone of our efforts to plan for, respond to, and prevent disasters on our soil. They encompass supporting firefighters, police officers, emergency medical technicians; they encompass fully protecting all of our ports and transit systems; and they encompass quickly and effectively responding to real or perceived threats in all parts of our country.

Over the past several years, experts in the national security and public health issues relevant to our first responders, critical infrastructure, and emergency preparedness have reported their domestic security needs. I would like to remind my colleagues that these are present needs—not future projected needs. For example, our firefighters have identified more than $4 billion needed each year for performing their critical duties safely and efficiently; our port authorities have identified $8.4 billion required for meeting increased Federal security requirements; and our transit systems have identified $6 billion needed for making our trains and buses safer for passengers.

Regrettably, the conference report adopted by the Senate continues a pattern of failure on the part of the present administration and leadership of Congress to adequately meet these needs. Under this measure, States receive $900 million from the State Homeland Security Grant Program—a $350 million increase over the fiscal year 2006 level but $250 million below the fiscal year 2005 level. Our firefighters receive $662 million from the FIRE and SAFER grant initiatives—vital firefighter assistance grants that I was pleased to author with Senators DEWINE, WARNER, and LEVIN. This level of funding is $7 million above last year's level but $1.338 billion below the most recent combined authorization level. Our ports receive $210 million—just over half of the amount authorized in the recently passed SAFE Ports Act, which I was pleased to support. Finally, our transit systems receive $175 million—a $25 million increase above last year's level. While we have taken steps to boost our domestic security since the attacks of September 11, 2001, our State and local governments largely remain inadequately prepared, our first responders spread too thin, and our critical infrastructure inadequately protected.

I would also like to discuss briefly another aspect of this conference report. In addition to funding the Department of Homeland Security for the upcoming fiscal year, the conference report makes significant administrative changes to the Federal Emergency Management Agency, FEMA. Many of these changes codify recommendations made by the 9/11 Commission and various reports issued in the wake of the Federal response to Hurricane Katrina.

I would like to commend particularly the efforts of Senator COLLINS and my fellow colleague from Connecticut, Senator LIEBERMAN, in working with conferees to incorporate these reforms to FEMA into the conference report. In my view, these reforms promise ultimately to return FEMA to being better empowered to manage mitigation, preparedness, response, and recovery activities with respect to natural and man-made disasters.

Nevertheless, I would be remiss if I did not mention some concerns I hold with respect to these reforms. More specifically, I remain concerned these reforms open the possibility for, but do not guarantee, input from all stakeholders involved with local, regional, and national emergency preparedness efforts. I am also concerned that these reforms do not offer, in my view, explicit guidelines with respect to resource sharing, capability standards, and compliance benchmarks. I believe that it is essential for FEMA, as it works to incorporate these reforms, to develop and implement proper regulations that ensure equal input from all local, regional, and national stakeholders, clear guidance on adequate local, regional, and national levels of investment, and clear direction on what activities need to be performed by local, regional, and national preparedness systems.

Mr. President, we continue to live in an age when the threat of harm to Americans on their own soil remains dangerously high. As world events continue to remind us, we must remain vigilant about our domestic security. We must proactively assess our weaknesses and proactively work to do all we can to eliminate those weaknesses. Put simply, the lives and the safety of all Americans hang in the balance.

On balance, I supported this legislation because the funding it appropriates does take important steps toward meeting some of our crucial domestic security needs. However, I look forward to working with my colleagues in the coming years to find and provide the resources necessary to make our Nation as safe and strong as it can possibly be.

Mr. LEVIN. Mr. President, I will support final passage of the Homeland Security appropriations bill today because it includes vital funding for our first responders and our Nation's borders. Unfortunately, the bill still does not go far enough.

In particular, I am disappointed that the Senate has again included the small State funding formula for our largest first responder grant program. We need to change our approach to allocating these scarce resources by reducing the amount of funds allocated to States regardless of need and increasing the funds available to States facing the greatest threats and greatest need. I will continue to work with my colleagues in coming months to make the allocation of these scarce resources more equitable.

I am also disappointed that this bill does not take steps to establish a Northern Border Air Wing in Detroit, MI, as the Senate bill did. The Northern Border Air Wing, NBAW, initiative was launched by the Department of Homeland Security, DHS, in 2004 to provide air and marine interdiction and enforcement capabilities along the northern border. Original plans called for DHS to open five NBAW sites in New York, Washington, North Dakota, Montana, and Michigan. Michigan was originally scheduled to be the third facility opened.

The New York and Washington NBAW sites have been operational since 2004. Unfortunately, not all of the sites have been established, leaving large portions of our northern border unpatrolled from the air and, in the case of my home State, the water. In the conference report accompanying the fiscal year 2006 DHS appropriations bill, the conferees noted that these remaining gaps in our air patrol coverage of the northern border should be closed as quickly as possible. This bill does not accomplish the goals set by Congress last year.

In testimony before the House Armed Services Committee, John Bates, the Chief CBP official in the Detroit Sector said the Detroit area's international border is "an attractive site for criminal organizations that traffic human cargo, contraband, and narcotics across our border." Chief Bates also noted in his testimony that the "natural terrain and geographical nexus to the waterways" presents a tremendous challenge to border interdiction and Law Enforcement efforts, the failure of which "could have major national security implications."

During Senate floor consideration, with the help of Senators BYRD and GREGG, the Senate accepted my amendment related to establishing the fifth and final Northern Border Wing. Unfortunately, this funding was taken out in conference, and the gap along the northern border will remain open for yet another year.

Given the serious threat from terrorists, drug traffickers, and others who seek to enter our country illegally, I would hope the Department uses its operating funds to open the Michigan site as soon as possible. According to the Department, establishing the NBAW will cost approximately $17 million. This would be consistent with an April 11, 2006, letter to me in which Secretary Chertoff indicated that it was his Department's plan to open the Michigan site during the 2007 fiscal year. I hope he will follow through on that promise.

Although I wish the bill did more to make first responder funding risk-based and to establish a Northern Border Wing in Michigan, there are many provisions in the bill that I support.

I was pleased to learn of the appropriators' decision to retain the Leahy-Stevens Western Hemisphere Travel Initiative deadline extension. According to the Detroit Regional Chamber of Commerce, businesses in Michigan are already being negatively impacted by concerns about crossing land borders from Canada into the United States. Extension of the implementation deadline will allow DHS and the State Department to work through a variety of issues associated with REAL ID and the proposed pass cards, as well as allow for a more effective public information campaign.

I am also pleased that the final bill includes funding for 1,500 new Border Patrol agents. I hope the Department will apportion these agents in a manner that considers the threat along the northern border, particularly in the areas around the northern border's busiest crossings. I was pleased the conferees noted the lack of experienced border agents on the northern border and that they have agreed to hold the Secretary's feet to the fire on this issue. As a member of the Homeland Security and Governmental Affairs Committee, I look forward to discussing this matter with Secretary Chertoff.

The conferees retained a provision regarding a pilot project for unmanned aerial vehicles on the northern border. The Great Lakes are almost completed unguarded at present, and UAVs are the perfect technology for surveillance along these water borders. The Great Lakes offer a unique opportunity for the Department, and I look forward to working with the Department in the coming year on this issue.

I am pleased that the bill includes language that will strengthen the Federal Emergency Management Agency, FEMA. The Federal Government's bungled response to Hurricane Katrina demonstrated incompetence at the highest levels of DHS and also demonstrated the need to strengthen our Nation's emergency response capabilities. The FEMA provision will restore the vital connection between emergency preparedness and response that Secretary Chertoff had previously severed. The bill also includes a provision for keeping families together during mass evacuations and requires DHS to establish a National Emergency Child Locator Center that will help families reunite more quickly in the event they get separated during a disaster. I hope these provisions will help prevent the reoccurrence of one of the most tragic consequences of the Katrina disaster—the thousands of children who were reported as missing in its aftermath. However, I am disappointed that the bill did not include a $3.3 billion authorization for a dedicated communications interoperability grant program. This provision had previously been included in an emergency management reform bill that we passed in the Homeland Security and Governmental Affairs Committee.

The bill also includes a provision that would authorize the Secretary of Homeland Security to issue interim regulations for high-risk chemical facilities. Although this authorization is long past due, I am disappointed that such an important provision was drafted behind closed doors, instead of being vetted with full transparency, as was the case with the comprehensive chemical plant security legislation that passed out of Senate Homeland Security and Governmental Affairs Committee unanimously on June 15, 2006. I am glad that a 3-year sunset provision was included in the bill so that the authorizing committees can make any needed improvements to ensure that the threats from chemical plants are fully addressed.

Mr. CHAMBLISS. Mr. President, I rise today in support of the fiscal year 2007 Homeland Security conference report. It is important for me to begin by thanking Senator JUDD GREGG for his hard work and for his dedication to producing a strong report. I commend Senator GREGG for his leadership and for working with me to secure several important initiatives that are so important for the State of Georgia and for America's security.

The Federal Law Enforcement Training Center, FLETC, is located in Glynco, GA. We have outstanding law-enforcement training which takes place at this fine facility. The conference report restored $2 million to FLETC's Counterterrorism Operations and Training Facility, COTF. I am profoundly grateful for this funding and know that the men and women of law-enforcement who operate and train at FLETC are grateful, also. Since the attacks of 9/11, it has become vital that our law enforcement receive the most up to date counterterrorism training that is available, and FLETC provides it.

I also would like to commend Chairman GREGG for including language to ensure that the training and programs being developed at the Advanced Training Center at Harper's Ferry, WV, will not be duplicate or displace any Federal law enforcement program at FLETC. I am pleased that Senator GREGG referenced the language in Public Law 106-246 in order to reaffirm Congress's longstanding commitment to protect the programs and training at the FLETC. I look forward to continuing to work with him to ensure that this language continues to be included in the future.

Senator GREGG honored my request to protect and ensure the FLETC to renew the Rehired Authority. Without the renewal of this authority, FLETC will not be able to schedule the full training requirements at Glynco and Artesia, NM, to meet the initiative for Border Patrol at Artesia, and the Immigration and Customs Enforcement and Detention Officer Training at Glynco. The FLETC has demonstrated the need for the authority.

There are many strong reasons to justify this needed authority, but perhaps the most compelling is that by using annuitants, FLETC can save dollars, versus hiring permanent full-time employees, gain demonstrated experience—the current average is 26 years of law enforcement experience—and free up some of the instructors now provided to FLETC by its partner agencies on a temporary basis to be used instead in front line law enforcement operational functions.

The Federal Law Enforcement Training Center is the Federal Government's primary source of law enforcement training. Eighty-two partner organizations subscribe to FLETC for their law enforcement training at the basic—entry level—and advanced training levels. During basic and advanced training, trainees and newly commissioned law enforcement officers are molded into the culture of law enforcement, much like basic trainees and young soldiers in the Armed Forces. It takes instructors that have the ability to provide realistic instruction to gain the respect of their students as they immerse students into their law enforcement careers. These instructors can come only from the ranks of Federal employees with many years of very relevant law enforcement experience. Subject areas taught by these instructors include law enforcement techniques and topical areas, such as counterterrorism prevention and detection and border tracking procedures. It is in the best interest of the Government to have Federal Government employees with state-of-the-art knowledge and experience regarding tactics, policies, and practices of the law enforcement community to provide instruction to trainees, agents, and officers who are beginning their careers. To outsource training for law enforcement functions, even in a partial or fragmented manner, is counterproductive to the overall security and enforcement of the laws of the United States.

The conference report contains language making the activities of the staff of the FLETC inherently governmental. While it was my hope that the provision would have been strengthened by the use of the words "and hereafter" to avoid the requirement of a renewal each year, I look forward to working with the chairman to achieve this goal in the future.

I am very proud of our employees at FLETC Glynco and the work that is done there and am a very strong supporter of the FLETC. I look forward to continuing to help strengthen the operations that are conducted there so that we can offer the best possible training and protection to our homeland.

Mr. CRAIG. Mr. President, let me first express my appreciation for the hard work of the conferees in approving the legislation we will vote on shortly that contains an important provision addressing the security of our Nation's chemical infrastructure.

I believe it is very important that our chemical infrastructure have safeguards for the use and storage of chemical manufacturing and distribution. There is no doubt that it is vital to our efforts to ensure national security and the safety of the public. However, we should remind ourselves that many in the regulated community have already taken proactive actions, especially since September 11, 2001, to address threats to their facilities and operations, and have adopted a number of safeguards.

It is my hope that Congress in its oversight role, and the Department of Homeland Security in its administrative and regulatory role, takes those efforts into account and ensures that any new protections and regulations are workable and appropriate.

I am concerned that while the intent of the chemical security "compromise" in this conference report is to address security concerns associated with high-risk industrial chemical use, the bill may also affect many low-risk facilities at a disproportionate level. One of those low-risk industries that will certainly be affected is our domestic dairy industry.

My State of Idaho is a leader in milk production and processing, and our dairy industry is a major economic force. The industry employs the latest technologies to provide high quality products to our consumers and trading partners. What most people do not know is that dairy farmers, dairy cooperatives, and milk processors use anhydrous ammonia as a cooling agent to safely store milk and milk products as it makes its way from farm to grocery store shelf.

Many in the food industry consider anhydrous ammonia to be one of the most efficient refrigerants available and in a relatively low-risk process. In accordance with Government regulations and guidelines, many dairy facilities now use anhydrous ammonia refrigeration systems after phasing out other chemicals that are less environmentally friendly.

The dairy industry in Idaho and nationwide has been extremely diligent in taking actions to enhance the safety and security of their facilities. Those actions include regularly working with the Department of Homeland Security under Presidential Directives 7 and 9 along with regularly conducted vulnerability assessments with the Food and Drug Administration, FDA, the Department of Homeland Security, DHS, the Federal Bureau of Investigation, FBI, and State and local officials.

Food facilities were some of the first industries we focused on in our fight against terrorism. This sector of our economy is currently regulated under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 under the jurisdiction of the FDA. The anhydrous ammonia in the refrigeration systems at these facilities is already regulated by the Environmental Protection Agency, EPA, under its Risk Management Program, RMP, regulations and by the Occupational Safety and Health Administration, OSHA, under its Process Safety Management, PSM, regulations.

I believe, that the intent of including language in this conference report to strengthen the safety of our chemical production infrastructure was to focus on high-risk chemical plants. However, the language in the bill could impose serious burdens on what would normally be considered low-risk operations like dairy farms, cooperatives, and milk processors.

Clearly, there is substantial interest in ensuring the security of our Nation's chemical infrastructure while not forcing onerous and duplicative regulations on one of our most important food industries. I hope some common sense will prevail on this issue, and I plan to continue to work with my colleagues on both sides of the aisle and the administration to see that happen.

Mr. BYRD. Mr. President, on the 5 year anniversary of the terrorist attacks of 9/11, many our Nation's commentators asked the same question: Are we safer today than we were on 9/11? Well, I must say to my colleagues, that is the wrong question. America was not safe on 9/11.

So in my book, being safer than we were on 9/11 is not saying much. We must set a higher standard.

Regrettably, the President has set a very low standard. The President is comfortable with cutting grants to first responders 3 years in a row at the same time that our police, fire, and emergency medical personnel still cannot talk to each other on their radio systems. The President is comfortable with cutting grants to equip and train our heroic firefighters by 46 percent and with proposing to eliminate the program to hire more firefighters. The President is comfortable with a Homeland Security Department that is so bureaucratically lethargic that $173 million approved by Congress to secure our ports sat in the Treasury here in Washington for 11½ months.

This President is comfortable with a rob-Peter-to-pay-Paul approach to homeland security. When the Department was faced with a shortfall in funding for securing Federal buildings, the administration proposed to cut funding for developing effective countermeasures for explosives. A month later, Britain arrested potential terrorists who wanted to blow up planes over the Atlantic with liquid explosive. What an embarrassing, short-sighted proposal from the administration. I was pleased to join Chairman GREGG in rejecting the proposal.

This administration was comfortable with shutting off federal funding for the FEMA program that provides long-term healthcare to the brave first responders who tried to save lives and look for survivors at the World Trade Center on 9/11. It was the Congress that came forward with funds to continue providing healthcare to our first responders.

Well, I am not comfortable with the state of our homeland security.

It has been 5 years since the 9/11 terrorist attacks. It has been nearly 5 years since Richard tried to blow up a plane bound for Miami. It has been 2½ years since hundreds were killed in the Madrid train bombings. It has been over 1 year since 752 were killed or wounded in the London train bombings. Just this summer, potential terrorists were arrested in Britain, who were planning to blow up planes over the Atlantic. Our aviation sector remains on high alert. There is no question about a continuing risk of attack.

So, 5 years after 9/11, has the Department of Homeland Security taken the steps that it needs to take to help make Americans safe?

Five years after the 9/11 attacks, 11 million cargo containers arrive in the United States each year. Any one of them could carry a nuclear bomb, or nuclear material to make a bomb. Yet only 5 percent of these containers are opened and inspected. Only 17–19 percent are examined with imaging equipment. Only 73 percent are screened for nuclear material.

Five years after the 9/11 attacks, many of our first responders still cannot communicate with each other on their radio systems.

Five years after the 9/11 terrorist attacks, we still have no system for verifying the identities and backgrounds of the thousands of workers who have access to our ports, boats, cargo containers, or air cargo.

Five years after the 9/11 terrorist attacks, we still do not have a reliable system for inspecting the 23 billion pounds of air cargo that is placed on passenger aircraft every year.

Annually, 500 million people cross U.S. borders via ports of entry—more than 330 million of them are noncitizens. One of the key findings of the 9/11 Commission is that we do not have a system in this country for tracking aliens who pose a risk and remain in this country undetected. Five years after the terrorist attacks of 9/11, we still do not have a system for knowing when, or if, aliens have left the country. Nor do we have a 10-fingerprint system to reliably verify the identity, or the criminal or terrorist background, of aliens coming into this country.

The EPA has estimated that there are 123 chemical plants across the country that could each endanger more than 1 million people if attacked. Yet 5 years after the 9/11 terrorist attacks, we have no regulations directing the chemical industry to improve security.

Five years after the terrorist attacks of 9/11, we have a Department of Homeland Security, but it is a department rife with management problems. The Department has become a contractor's dream. Over $11.5 billion of the Department's budget was executed through contracts, a 60-percent increase over 2004. Yet only 18 of the 115 major DHS contracts are managed by certified program managers. What an incredible opportunity for waste. It is no wonder that the GAO found $1.4 billion of waste from Katrina spending.

The Department has the dubious distinction of being investigated 525 times by the GAO since its inception. The vast majority of the GAO reports cited poor management and leadership practices.

According to the Rand Corporation, between 1998 and 2003, there were approximately 181 terrorist attacks on rail targets worldwide. Five years after the terrorist attacks of 9/11, the Department has no plan for helping State and local governments to secure rail and transit systems. $150 million that Congress appropriated for rail and transit security sat at the Department for 11½ months. Since 2001, I have offered eight different amendments to fund rail and transit security, and all of them were opposed by the administration and defeated.

The recent terrorist plot to blow up commercial airplanes crossing the Atlantic Ocean has highlighted a known vulnerability. Five years after the terrorist attacks of 9/11, we do not have technologies that can detect liquid explosives.

The Department recently published a Nationwide Plan Review that found that the majority of State and local emergency operations plans are not fully adequate, feasible, or acceptable. Can you imagine? Five years after 9/11, the Department's own data indicates that State and local governments are not ready to deal with a catastrophic event. The Department has not even published a congressionally mandated National Preparedness Goal.

The terrorist attacks of 9/11 should have been a wake-up call; but, apparently, the Department of Homeland Security, which was created in response to 9/11, somehow did not get the message.

Given these continuing vulnerabilities, I am pleased to say that the conferees have set a higher standard than the White House or the Department.

The conference agreement contains many improvements to the President's request, particularly, with regard to border security and port security. Were steadily increasing funding for Emergency Management Preparedness Grants, despite the President's proposed cuts each year. We have restored proposed cuts in grants to fire departments for needed equipment, and for hiring firefighters. The conferees have also mandated that grants be awarded within certain timeframes so that dollars intended to make Americans safer do not sit in the Treasury for an entire year.

The conference agreement also includes important reforms in the organization of FEMA. Hurricane Katrina proved that the Administration's approach to breaking FEMA into pieces was a failure. This legislation will help put FEMA on sound footing.

In addition, the conference report contains many provisions that provide clear guidance to the Department about how to improve its operations.

I am particularly pleased with the improvements in funding for border security. Over the pass 2 years, starting with an amendment I offered with Senator LARRY CRAIG to the fiscal year 2005 emergency supplemental—with the support of my Subcommittee Chairman, Senator GREGG—this Congress, and especially this Senate, has added 4,000 new Border Patrol agents and 9,150 new detention beds to the fight for border security. And, as a result of our efforts, there are 1,373 new detention personnel and 526 new Customs and Border Protection officers at our ports of entry.

With Congress leading the way in a bipartisan manner, this administration has finally awakened and realized that this country faces a true illegal immigration crisis. There are 12 million illegal aliens currently living in this country—with more than 500,000 new illegal entering each year. And, as of this past January, there were an estimated 558,000 alien absconders—illegal aliens who have been ordered to be removed from this country, but who have thus far escaped detection. These individuals must be found and removed.

I am pleased that the conference report before us makes great strides at achieving that goal. We are ending the short-sighted practice of "catch and release" and replacing it with "catch and remove." This conference report supports 27,500 detention beds.

We have increased the number of Fugitive Operations teams from 16 in fiscal year 2005 to 75 teams in fiscal year 2007. In fiscal year 2005, these teams apprehended over 15,000 illegal aliens including 270 sexual predators and 11,200 fugitive aliens with judicial orders of removal against them. Adding an additional 23 more teams—for a total of 75 teams—will make a real difference in removing from this country those individuals who have been ordered removed and who are here illegally.

We are also increasing funding for the criminal alien program, which identifies illegal aliens currently serving time in U.S. prisons and begins removal proceedings against them while they are in jail. There are an estimated 630,000 criminal aliens in all Federal, State, and local prisons—of whom 551,000 have not yet been identified for removal from the country. Of these, 275,000 are here illegally. Additional attention is also focused on worksite enforcement.

I commend my excellent Chairman, Senator JUDD GREGG, for his outstanding knowledge of this bill and for his leadership. I thank him and his able staff; and I thank my staff, for their work on this legislation. This is a good agreement.

Mr. NELSON of Florida. Mr. President, every year, millions of Americans who cannot otherwise afford their prescriptions at pharmacies in the United States seek the same FDA-approved prescriptions from Canada at significantly lower prices. However, on November 17, 2005, U.S. Customs quietly implemented a new, stricter policy on prescription drug importation. The new policy has resulted in over 37,000 prescription drug shipments being detained by Federal officials. The new policy has limited the ability of American consumers to purchase these legally prescribed medications from FDA-approved facilities in Canada.

Mr. President, I can tell you that my constituents are extremely disturbed by the actions being taken by our Federal Government. Silently implementing a stricter policy without adequately informing the public puts the health of those who have relied on the prompt delivery of these medications at risk.

That is why I offered an amendment with Senator VITTER to the Senate version of the Department of Homeland Security Appropriations bill. Our amendment prohibits Customs from stopping the importation of FDA-approved prescription drugs by American citizens. The amendment received overwhelming bipartisan support when it was added to the Senate bill.

Unfortunately, the language agreed to by a House-Senate conference committee will only allow Americans to buy and carry home Canadian prescription drugs for personal use, while continuing to prohibit consumers from ordering their prescriptions from Canada by mail.

Although the original Nelson-Vitter provision would have given all Americans greater access to affordable prescription drugs through the mail, the diluted version that emerged from conference committee will help only a few Americans from one part of the country. This language helps almost no Floridians who live thousands of miles from the Canadian border. While I am pleased that Americans living near the border will now have greater access to low-cost prescription medications, I believe that this provision discriminates against Floridians and others who do not live near Canada.

However, this provision is a small step in the right direction. I believe that its passage will open the door to expanding access to lower-cost medications from Canada for all Americans, regardless of where they live. We have made progress but I intend to keep pushing the issue until all Americans can get the medications they need at an affordable price.

The PRESIDING OFFICER. There are 5 minutes remaining equally divided prior to the vote.

The Senator from New Hampshire.

Mr. GREGG. On behalf of myself and Senator BYRD, we yield back the time.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I will speak on the port security conference report we are just passing. I am a conferee on that bill and this conference has been a sham. It is shameful because the Democratic members of the conference committee have not been allowed to offer amendments to the conference report. We were sitting on our hands for virtually an hour while the chairman of the conference committee was absent, without a piece of paper in front of us about what was in the port security bill. Nothing. There was no indication of what was there. No guide, nothing—just sitting there wiling away the time.

Why, we asked, did the Republican leadership in the House and the Senate allow this perversion of the democratic process? Why make promises we would have a chance to offer amendments but never be able to do so?

They wanted this conference to be a plain backroom deal. Their agenda is to strip from this bill important provisions on rail security, transit security and aviation security and replace them with legislation that has nothing to do with our homeland security at all, our port security.

I would like to understand from the majority what it is they were trying to tell the American people. What was so objectionable about the provisions Democratic conferees wanted to offer to bolster aviation, transit, rail, truck, bus, and pipeline security?

The Senate has agreed to the rail security legislation and twice the Senate has approved transit security legislation. Twice the Senate agreed to my amendment to remove the arbitrary cap on the number of airport screeners that can be hired, but each time these measures died due to the inaction by the House of Representatives. Now Republican leaders, once again, want to kill them.

Last night, the Republican chairman assured the Democratic conferees that they could offer amendments to the conference report, but they put obstacles in the way to permit it from happening. Republicans were fearful of showing votes against common sense for rail, transit and aviation security measures. This challenges logic beyond belief.

Last night, the House had actually approved, had voted 281–140, to instruct their conferees to support the Senate provisions on rail, transit and aviation security. Transit systems have always been terrorist targets. They are open, accessible and teeming with innocent people. Since we have not done what we need to do to protect them, they are vulnerable.

Recent attacks in Madrid, London and Mumbai have shown just how devastating these attacks can be. Hundreds of people have been killed just commuting to and from their jobs in those cities.

The Senate rail security provision mandated measures to help protect 25 million Amtrak riders each year, but the House leadership dismissed recent attacks on the rail systems as not significant enough to guard against. It would protect millions more who live near rail tracks where trains carrying hazardous materials pass by, with some very close to this facility, on nearby tracks. Once again, logic failed.

The aviation security provision dealing with airport screeners was approved in the Senate by a vote of 85–12. It would have removed the arbitrary caps on hiring TSA airport screeners. I repeat, the Senate, by a vote of 85–12, would have removed the arbitrary cap on hiring TSA airport screeners even though burgeoning numbers of passengers are flooding our airports. Lifting the cap could have made air travel safer. And it would have reduced the amount of time passengers have to wait in line at terminals to pass through security lines.

It is important for the American people to understand the enormous opportunity taken away from them to protect themselves. It is important for our people to understand the leadership in the Congress stood against rail security, transit security or shorter airport-airline passenger security.

We did not finish the conference on the port security bill. We finished a sham. The majority ought to be embarrassed by their thoughtless abandonment of essential security protection for the American people as they travel.

The leadership stripped out—in the conference that never took place—rail transit and aviation security but made sure that Texas Hold'em Poker games are illegal to play on your computer.

I regret this took place. I hope America does not see in its near future that they were foolishly careless in not protecting our citizens as much as they could.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized for 3 minutes.

Ms. COLLINS. Mr. President, I ask unanimous consent since the Senator from Alaska yields back his 5 minutes that I be permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SAFE PORT ACT

Ms. COLLINS. Mr. President, shortly this evening, the Senate will adopt the conference report on the SAFE Port Act. This conference report includes all of the major port security improvements that were included in the Port Security Improvement Act of 2006 that passed the Senate just 2 weeks ago. It has been strengthened by including some of the provisions in the companion House bill.

This is a major accomplishment for this Congress that will help to strengthen our Homeland Security in ways that really matter. The original template for the SAFE Port Act was the GreenLane Maritime Cargo Security Act I introduced with Senator MURRAY, Senator COLEMAN and Senator LIEBERMAN almost a year ago.

I commend Senator MURRAY for her steadfast commitment to strengthening port security. I also thank the Presiding Officer, Senator COLEMAN, for his leadership. He has chaired three hearings on cargo security that helped identify the vulnerabilities and shortfalls in the current systems. That investigation by the Permanent Subcommittee on Investigations, in fact, helped inform our legislation and, indeed, all of the problems that the Presiding Officer identified in his hearings have been addressed in this landmark legislation.

I also commend the ranking member of the Homeland Security Committee, Senator LIEBERMAN, who helped to shepherd this bill through our committee. This has truly been a bipartisan bicameral effort. It represents the Senate at its best. As a result, we have been able to produce significant legislation.

America's 361 seaports are vital elements in our Nation's transportation network. Last year, some 11 million shipping containers came into this country. Now, when we look at the shipping containers, we hope they simply contain consumer goods or parts or other useful objects. But, in fact, every one of these 11 million shipping containers has the potential to be the Trojan horse of the 21st century.

The vulnerability of our cargo is perhaps best illustrated by an incident that happened in Seattle earlier this year. In April, 22 Chinese nationals were caught as they attempted to leave a shipping container. Those illegal aliens transited in a shipping container all the way from China to our shores to the port of Seattle. This container could have just as easily have contained not people seeking a better way of life but people seeking to destroy our way of life. There could have been a squad of terrorists in that container. There could have been the makings of a dirty bomb. There could have even been a small nuclear device. That is the vulnerability of the current system.

In fact, the containers have been called the poor man's missile because a low budget terrorist could ship one across our oceans to a United States port for only a few thousand dollars. The stakes are very high.

If you visit a port like Seattle, as I have, you see that the port is located in the midst of a large urban population, with two stadiums close by, with ferries bringing thousands of visitors. The loss of life would be devastating.

But there is another impact of a possible attack on our ports; that is, the economic loss that would ensue. We are aware that many plants and retailers now rely on just-in-time inventories that bring goods to their stores.

I think we should look back at 9/11 and look at what happened to our system of commercial aircraft when we had the attacks on our airplanes. In fact, commercial aircraft were grounded for a number of days. And just as that happened 5 years ago, an attack on any one of our ports would most likely result in the closure of all ports, and the economic consequences would be devastating. It would affect the farmers in the Midwest, who would be unable to ship their crops. It would affect retailers across the country, who would soon have empty shelves. It would affect factories that would be forced to shut down and lay off workers because of the loss of vital parts.

The best example I can give you of what the economic impact would be is to look back at the west coast dock strike of 2002. Unlike any terror attack, that was both peaceful and anticipated, and yet it cost the economy $1 billion a day for each of the 10 days it lasted.

Since the attacks on our country 5 years ago, there have been some actions taken to improve security at our seaports. For example, the Department of Homeland Security instituted several important port security programs such as the Container Security Initiative and what is known as C-TPAT, the Customs-Trade Partnership Against Terrorism Program. Unfortunately, the investigation led by the Senator from Minnesota has demonstrated that those programs have been very unevenly implemented. Some have lagged, and some have not been effective because there has not been the proper verification that has been needed.

What our legislation would do is provide the structures and the resources to strengthen those programs. The legislation before us is a comprehensive approach that addresses all levels and all major aspects of maritime cargo security.

It will require the Department of Homeland Security to develop a comprehensive strategic plan for all transportation modes by which cargo moves into, within, and out of U.S. ports.

It requires the Department of Homeland Security to develop protocols for restarting our ports if there were an incident, which we certainly hope this legislation will prevent or help prevent any attack on our seaports, but if one does occur, it is essential the Federal Government have a plan for reopening the ports and releasing cargo as soon as possible. Unfortunately, and in my opinion amazingly, we do not have such a plan today. So we will require the Department of Homeland Security to develop such a plan.

We authorize $400 million for each of the next 5 years in risk-based port security grants. We also authorize training and exercises that we know are key to preparedness and effective response.

We improve and expand several security programs, such as the Container Security Initiative, the C-TPAT Program, and we establish deadlines for action on these programs.

We provide additional incentives for shippers and importers to meet the highest level of cargo-security standards. We also make sure the Department is meeting deadlines for such essential programs as the TWIC Program.

Another critical provision in this bill is the requirement that all containers at our 22 largest ports be scanned for radiation by the end of next year. All the 22 largest ports, which handle 98 percent or virtually all cargo, would be required to have radiation detection devices in place by the end of next year. We also expand the radiation scanning that is done at foreign ports through the CSI program and the Megaports program. Obviously, our goal is to push off our shores and keep the danger from ever getting to our shores in the first place.

Another security measure is the vital transportation Worker Identification Credential, or the so-called TWIC, Program. It has languished for years, and it should not have because the TWIC Program is necessary to control access to port facilities and vessels, and it is a vital program.

We also—I know this has been of great interest to the Presiding Officer—establish a pilot program with real deadlines and real results at three foreign ports to test the feasibility of doing a nonintrusive scan; in other words, sort of an x ray of every container, have that scan actually analyzed, and combine it with a radiation scan.

That is going to allow us, eventually, to get to the goal, once the technology is there, of a 100-percent integrated scanning program.

There is still work to be done to address security for other modes of transportation, such as rail and mass transit. But tonight we should take great pride in the great progress we have made in strengthening the security of our seaports.

Thank you, Mr. President.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 483, which the clerk will report by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 483) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized for 10 minutes.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that I yield 2 minutes to our friend from Delaware.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

SAFE PORT ACT

Mr. CARPER. Mr. President, I thank my friend for yielding to me.

While Senator COLLINS is still on the floor, I want to take a moment to say, Mr. President, if you go back 5 years ago and consider the tragedies that befell our Nation on September 11, it opened our eyes to the kind of threats we face with respect to the security of our air travel. It served to open our eyes, subsequently, with respect to the security of our ports, with the security of our chemical plants and the communities that are located around them. I think we have had our eyes opened to security threats that maybe face people who travel on our trains and our commuter rail systems.

We have seen all too well how inadequately—ineptly, really—FEMA responded to the Katrina and the gulf coast part of our country. I think most of us agree today we are better equiped now to fend off threats to the security of our air travel. And I think with respect to the security of our ports, with this legislation Senator COLLINS and Senator MURRAY have shepherded, which the Presiding Officer has contributed greatly to, we have made real progress; some would say maybe not enough, but I think everybody would say measurable, palpable progress.

I know there are folks who have been critical of the fact that we have not included the rail and transit provisions in this final conference report, which were included in our Senate-passed version. I wish they were there. We have a lot of people who travel on the rail and transit systems, with, I think, about 9 billion trips this year, and there is a threat to many of them—not all of them but to many of them.

But there is good work that has been done with respect to chemical security. FEMA has been overhauled, and I think maybe not transformed but I think significantly improved.

One of the constant threads within all of that has been Senator COLLINS, as the chairman of the Homeland Security and Governmental Affairs Committee. I just want to stand here tonight and say that this is yet another conference she has helped to direct and steer, as it comes to a conclusion. I commend her, and certainly Senator MURRAY, who has worked closely with her. I commend them and the Presiding Officer and others for the good work they have done.

I acknowledge we have some more work to do with rail and transit security. My hope is we will do that when we return next January.

Thank you very much. And I again thank my friend for yielding.

The PRESIDING OFFICER. The Senator from Michigan.

DEFENSE AUTHORIZATION

Mr. LEVIN. Mr. President, every year since 1961, there has been an annual Defense authorization bill enacted. This year—

Mr. WARNER. Mr. President, I wonder if the Senator would yield to me for a moment?

Mr. LEVIN. I would be happy to.

Mr. WARNER. For the purpose of putting in a quorum call.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, every year since 1961 there has been an annual Defense authorization bill enacted. This year, like the previous 44 years, conferees and staff have worked extraordinarily hard and cooperated on a bi-partisan basis to get us to this point in our deliberations on this bill that means so much to our country. The fact that we are keeping up our decades-long tradition is reason enough to be proud, but what I am even prouder of is the leadership that our chairman and my friend, Senator WARNER, has invested in getting us to this point.

This bill is essential to the men and women of our Armed Forces.

I am pleased that the conference report reflects Senate's longstanding commitment to a larger Army and Marine Corps. We authorized an increase of 1000 active duty marines for an authorized end strength of 180,000, 5,000 more than the administration requested. We also authorized an active duty end strength for the Army of 512,4000, 30,000 more than requested.

I am delighted that, after several years of fighting for it, we have finally been able to authorize the TRICARE health care benefit for all members of the Selected Reserve and their families for a reasonable premium that is 28 percent of the cost of the program. I am also pleased that the conference report prohibits the Department of Defense from increasing enrollment premiums for military retirees and cost shares for prescriptions filled through retail pharmacies while the GAO conducts an audit of the health care program and a Task Force completes a comprehensive assessment of the future of military health care.

The conference report also contains numerous other provisions to enhance the quality of life of our service members and their families, including: paying full replacement value for household goods lost or damaged in military moves; authorizing a total of $50 million in aid to local civilian schools, including $35 million in supplemental impact aid for schools with large numbers of military dependents, $5 million children with severe disabilities, and $10 million for schools affected by significant changes in military dependent students as a result of force structure changes, creation of new military units, and BRAC; and placing restrictions on payday loans to service members and their families.

The conference report also does not include a provision contained in the House Bill that would have provided that "each [military] chaplain shall have the prerogative to pray according to the dictates of the chaplain's own conscience, except as may be limited by military necessity, with any such limitation being imposed in the least restrictive manner feasible."

This is a lot more complicated issue than it seems at the surface. Military chaplains not only minister to members of their own faith group, they also minister to the needs of a diverse group of military members and their families, including those of other faith groups and those who claim no religious faith.

The military services respect the rights of military chaplains to adhere to the tenets of their respective faiths and give them virtually unrestricted discretion as to the content of their religious message when performing core ecclesiastical functions, including worship services, teaching, bible study, counseling, hearing confessions, preaching, and performing religious ceremonies. However, when performing functions at mandatory military events with multi-faith audiences, there is a longstanding military tradition of chaplains offering a prayer that demonstrates sensitivity, respect, and tolerance for all faiths present. Military chaplains are trained and expected to use good judgment when addressing pluralistic audiences at public, nonworship ceremonies, and they are never required to participate in religious activities inconsistent with their beliefs.

The Chiefs of Chaplains from each of the military services have advised us that, if enacted, the House provision would limit chaplain effectiveness and erode unit cohesion. They are concerned that commanders would no longer invite chaplains to pray at ceremonies where faith specific prayers might be offensive to members of other faiths who are required to participate. We have also heard from the National Conference on Ministry to the Armed Forces, an organization that represents the vast majority of military chaplains, and numerous other denominational and religious organizations that support military chaplaincy and respect religious freedom, who oppose the House provision.

The decision that this provision will not be included in the conference report is the right answer in light of the fact that neither the Senate nor the House has held hearings on this very important and complex issue.

Of course, we were not able to get everything we wanted in this conference. For example, I am very disappointed that we were not able to authorize federal pricing for prescriptions filled through the military's TRICARE retail pharmacy program.

Over my objections, the conferees agreed to a House provision regarding an existing settlement agreement between the Federal Government and two private parties regarding the removal of non-native animals from a national park on Santa Rosa Island, CA. This language is also strongly opposed by the two California Senators and by the Energy Committee, which has jurisdiction over this matter. This provision directs the Secretary of Interior not to take certain actions which were not the responsibility of the Secretary in the first place. Therefore, while I do not believe this conference agreement changes the legal obligations of the two private parties to this settlement, I believe this provision is unnecessary and misguided and that it should not have been included.

I am also disappointed that the conference report does not include the Akaka-Collins-Levin amendment on whistleblower protection. This amendment would have addressed gaps that have developed in the protection of federal employee whistleblowers since the enactment of the Whistleblower Protection Act of 1989.

However, the conferees did agree to a number of provisions designed to address wasteful practices and shortcomings in DoD management. These include: a provision prohibiting contractors who perform little or no work on a project from charging excessive "pass-through" fees to the Government; a provision prohibiting the "parking" of funds in a particular part of the Defense budget when the money is not really intended to be used for that purpose; a provision requiring contract oversight mechanisms for the acquisition of major computer systems, similar to the mechanisms already in place for the acquisition of major weapon systems; a provision limiting the use of cost-type contracts for the acquisition of major weapon systems; and a provision requiring that DOD hire and train government employees, in lieu of contractor employees, to perform critical acquisition functions.

I am also pleased that the conferees included a provision that would require a new comprehensive National Intelligence Estimate, NIE, on Iran. This provision also includes a requirement for the President to submit a report to Congress that would fully describe the U.S. policy on Iran.

The conference report also authorizes a responsible budget that tries to balance the need to support current military operations while continuing the modernization and transformation of our armed forces.

To support continuing operations in Iraq and the global war on terrorism, the conference report authorizes a $70 billion bridge supplemental for fiscal year 2007. Of this amount, $23 billion is devoted to "reset", that is, repair or replacement of Army and Marine Corps equipment, based on detailed requests provided by the services. The supplemental also includes a separate $2.1 billion account for the Joint Improvised Explosive Device Defeat Organization, JIEDDO, that is dedicated to countering improvised explosive devices.

The conferees agreed to an important provision that was sponsored by Senators MCCAIN and BYRD, with the unanimous support of the Senate, that would require the President to request funds for operations in Iraq and Afghanistan in the regular budget beginning with the fiscal year 2008 budget that will be submitted next February. I strongly supported this provision. This administration has misled the American people far too often with respect to the war in Iraq. I am pleased that we have taken a major step in this bill to at least make our budgets more honest in the future by including the substantial costs we know we are going to incur in Iraq and Afghanistan. In fiscal year 2006, those costs reached a staggering $10 billion per month. It is irresponsible to make decisions on spending and taxation without including these costs in our budgets, and in this conference report we are putting an end to that practice.

With the respect to the F–22 multiyear procurement authority, the conferees agreed to provide authority for the Air Force to enter a multiyear contract for three years, subject to a certification by the Secretary of Defense that the savings are "substantial" in view of historical multiyear contracts.

The conferees also adopted Senate legislation that requires the Secretary of Defense to initiate an independent assessment of available foreign and domestic active protection systems to assess the feasibility of their near term and long term development and deployment. Active protection systems could be placed on vehicles like Bradleys, Strykers, and tanks to shoot down incoming threats including rocket propelled grenades, RPGs, and mortars. These type of weapons represent a real and growing threat to our deployed forces.

In the area of nonproliferation programs, I am disappointed that the conference report does not include a Senate provision, authored by Senator LUGAR, to repeal all of the annual Cooperative Threat Reduction, CTR, certification requirements. These certifications have long outlived their usefulness and now only needlessly delay the CTR program. This conference report does include, however, a provision that would extend certain annual waiver authorities associated with destruction of Russian chemical weapons and fully funds the CTR programs at the Department of Defense at the budget request of $372.1 million.

Finally, the conferees authorized $11.7 billion for science and technology programs that will develop technologies to transform our military. This is an increase of $575 million over the budget request. This represents 2.7 percent of the DOD budget, still unfortunately falling short of the congressional and QDR goal of a 3-percent investment level.

On five other occasions, Senator WARNER has led us as chairman in producing an annual defense authorization bill for the President to sign. Unfortunately, because of the 6-year term limitation imposed on committee chairmen by the Republican conference, this is the sixth and last defense authorization bill that Chairman WARNER will shepherd through the process. He will have to step down as our chairman next year, but thankfully for the Nation and the Senate and for me personally, he will continue serving as a member of the Senate Armed Services Committee.

This year's process to produce a bill has been particularly difficult as people outside our conference sought to inject extraneous items into the conference. Throughout it all, Senator WARNER refused to allow such matters to be added—in the face of enormous pressure.

We all know that Senator WARNER has led a distinguished life of public service. He and I came to the Senate together in 1979 and we have served side by side on this committee continuously for the past 27-plus years. Defense authorization bills enacted over that entire period have always had JOHN WARNER's positive imprint on them.

Historically, our committee's chairmen—men such as Richard Russell and John Stennis and Sam Nunn—have been guided by one principle: Do what is right for our Nation and its military members. JOHN WARNER has followed in that fine tradition and we cannot thank him enough for it. It is very fitting that this bill is going to be named after my dear friend and our esteemed colleague, Senator JOHN WARNER. He is truly a man worthy of such a great honor.

I was keenly disappointed when the majority leader earlier tonight objected to this vital bill being acted upon. I'm hopeful that he will withdraw his objection before we adjourn, for the sake of the men and women in uniform and their families.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

Under the previous order, H. Con. Res. 483 is agreed to, and the motion to reconsider is laid on the table.

The resolution (H. Con. Res. 483) reads as follows:

H. CON. RES. 483

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, September 29, 2006, Saturday, September 30, 2006, or Sunday, October 1, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Thursday, November 9, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the House adjourns on the legislative day of Thursday, November 9, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 13, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the Senate recesses or adjourns on any day from Friday, September 29, 2006, through Wednesday, October 4, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Thursday, November 9, 2006, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, November 9, 2006, on a motion offered by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 13, 2006, or Tuesday, November 14, 2006, as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

BORDER FENCING

Mr. SESSIONS. Mr. President, I want to make a few comments on the vote we had earlier tonight, 80 to 19, on a bill on border fencing along our southern border, where 1.1 million people were apprehended last year crossing that border. We have had a few comments, pro and con today, but there hasn't been a lot of debate. It represents the fourth time we voted on this issue. So we know pretty much what the debate is. I saw no reason to delay our departure tonight. Other matters are being settled as I speak now. I think it is appropriate to take a few moments to comment on it.

No. 1, of course, the fence is not the answer. There is no one answer to reestablishing a legal system of immigration in America, but that must be our goal. If we aspire to be a great nation, a lawful nation, it is absolutely critical that we have a legal system of immigration. We should not reward those who come illegally, but we should be generous to those who choose to come legally and comply with our rules.

We are a Nation of immigrants. We will remain a Nation of immigrants. We will continue to allow people to come to our country.

I want to say that no one thinks that building barriers at the border is going to solve, by itself, our immigration problem. But it is an important step. If we have to take 10 steps to cross the goal line, this is probably two of the steps necessary to get there. There is no need to delay. We need to get started. It takes some time to accomplish it. Fences multiply the ability of our Border Patrol agents to be successful. We have seen that on the San Diego border. We have seen just how well it has helped bring down crime, how well the property values have surged on both sides of the border—an area that was lawless, crime ridden, and drug infested is moving forward with commercial development in a healthy way. That is just the way it is. There is not anything wrong, hateful, or mean-spirited to say that we integrated a lawful border system in America. The American people understand that.

Indeed, I say to my colleagues that the American people have understood fundamentally and correctly the immigration question for 40 years. They have asked Congress and they have repeatedly asked Presidents to make sure we have a legal system of immigration. But that has not been accomplished. We have not responded to those requests.

Now we have reached an extraordinary point in our history where we have over a million people apprehended annually coming in illegally, and probably, according to many experts, just as many getting by who are not apprehended. So it is time for us to confront and fix this problem.

Another critical step in enforcement—absolutely critical—and it is one that we can accomplish with far more ease than a lot of people think, is to create a lawful system at the workplace. It is not difficult, once we set up the effective rules, to send a message to all American businesses that they need a certain kind of identification to hire someone who has come into our country. If they don't have this legal document, they are not entitled to be hired. This will work. Most businesses will comply immediately when they are told precisely what is expected of them. But that has not been the case. They have not been told what is expected of them. They, in fact, have been told if they ask too many questions of job applicants, they can be in violation of the applicant's civil rights. So lawyers tell them don't ask too many questions.

Then you complain that they have hired illegals, and they say: They gave me this document, and I didn't feel like I could inquire behind it.

So it can work. If we tell our business community what is reasonably expected of them, they will comply with it. That will represent a major leap forward in enforcement. Then we have to ask ourselves what do we do about people who only want to come here to work, and we need their labor? I believe we can do as Canada and many other developed nations have done—create a genuine temporary worker program, a genuine program.

The Senate bill passed in this body that had a section called temporary guestworker. But there was nothing temporary about them. They could come for 3 years and bring their families and their minor children, bring their wives, stay for 3 years, and then extend for 3 years, and then do it again. After 6 years or 7 years, I believe, they could apply for permanent resident status, apply for a green card. Then a few years after that, they become a citizen. How temporary is that?

What Canada says is you can come and work for 8 months. A television show interviewed some people in Canada, and they said: I may stay 4 months or 6 months. They may come and go in the interim many times because they have an identifying card that allows them to come and go for a specified period of time. That could allow us to have the surge in seasonal labor that we need in agriculture and in some other areas. But the agricultural community and other areas that say they need temporary labor have to understand that they do not get to unilaterally set the Nation's immigration policy just so they can have the immigration level, the work level, they need. They don't have that right. They are not speaking for the national interest.

This Senate speaks for the national interest. We must set the policy. Yes, we have a large number of people who are here illegally. How many of those would want to stay permanently? I don't know. I know a number of them would. So I think we will reach the point—hopefully, we can do this next year—where we confront as a Congress that dilemma.

I say to my colleagues as a person who was a Federal prosecutor for many years, do not ever think that you can just grant amnesty to someone who violated the law and that will not have a corrosive effect on respect for law in our country. Granting an amnesty is a very serious thing. It is not something you can just do because you just feel like it, or you feel that is the right thing to do. We must think that through.

My personal view is that for people who have been here a long time and had a good record and have done well but came illegally, we ought to be able to figure out a way that they can stay here and live here. They should not be given every single benefit that we give American citizens, or people who come here legally; otherwise, what is the difference whether you came legally or illegally? Do you see the moral point here. You simply cannot do that and think it has no consequences on the rule of law. So we can reach an agreement on that. It is within our grasp, I suggest, to deal with that most difficult problem of how to deal with people who come to our country illegally.

Finally, the Nation's fundamental approach to immigration is fatally flawed. It makes no sense. It has been wrong for many years. Today, only 20 percent of the people who come into our country come in on any merit-based program. Most come in on relationships with someone already here. Many have come illegally and they obtained amnesty in the past. They look to do that again.

There are many other ways that people come here. But a very small percentage of the people who come to our country today come here as a result of having met certain qualifications that relate to education or job skills. That is not the right approach.

I have looked and met with the top Canadian officials. I met with and talked with top officials of the Australian Government to talk about their program. Both of those programs, and also New Zealand and the United Kingdom, to a lesser degree, France, and other countries are moving to what they call a point system. This is a system by which applicants are evaluated on what they bring to the nation. It is founded on a simple concept that those nations have decided is important to them.

The concept is this: Immigration should serve the national interest. How simple is that? In my committee of Health, Education, Labor, and Pensions, and in my Committee on the Judiciary, we have had a few hearings on this at my request in both cases. Very few Senators attended, frankly.

Repeatedly the witnesses would say: The first question you people in the United States, you policymakers need to decide is: Is the immigration policy you wish to establish one that furthers the national interest? If you want to further the national interest, then I can give you good advice. If your goal is to help poor people all over the world and to take the national welfare approach, then we can tell you how to do that. You have to decide what your best goals are. If your goal is simply to allow everyone who is a part of a family, even distant relatives, to come, if that is your No. 1 goal, we can create a system that does that. But fundamentally they tell us, when pressed, that an immigration system should serve the national interest.

Professor Borjas at Harvard wrote a book, probably the most authoritative book on immigration that has been written. The name of it is “Heaven's

Door." He testified at our committee hearing. He made reference to the fact that we have within our immigration system a lottery. This lottery lets 50,000 people apply to come to our country from various countries all over the world. We draw 50,000 names out, and they get to come into the country, not on merit but just pure random choice.

It makes sense under the idea when it was originally created, which was we needed more diversity, we needed people from different countries, and this would give people from different countries a chance to apply.

Professor Borjas at the Kennedy School at Harvard, himself a Cuban refugee, came here at age 12, said 5 million people apply to be in that lot from which we would choose 50,000—5 million. So if we have 5 million applicants, I ask my colleagues, and we are attempting to serve the national interest, how would we choose from that 5 million if we could only select and allow in 50,000? How would we choose if we are serving the national interest?

I submit we would do what Canada does. We would say: Do you already speak English? How well? Do you have education? How much? Do you have job skills? Are they skills that we need in Canada? How old are you? Canada—I think Australia also—believes that the national interest is served by having younger people come because they will work longer and they will pay more taxes before they go on to the Medicare and health care systems in their older age.

Are those evil concepts? Isn't it true that we would want to have people come into our country who have the best chance to succeed? Or do we believe the purpose of immigration is simply to allow certain businesses that use a lot of low-skilled labor to have all the low-skilled labor they choose to have? A willing employer and a willing worker.

Professor Borjas says there are millions and millions of people all over the world who would be delighted to come here for $7 an hour, would love to and would come immediately if they could.

I was in South America recently. They had a poll in Nicaragua that said 60 percent of the people in Nicaragua said they would come to the United States if they could. I heard there was one in Peru where 70 percent of the people said they would come here if they could. What about all the other countries, many of them poorer? Many of them would have an even greater economic advantage to come to America than those people coming from Peru.

Obviously, more people desire to come than can come.

They would ask: I am sure you guys have talked about this as you dealt with comprehensive immigration reform; what did you all decide?

My colleagues, we never discuss this issue. We simply expand the existing program that this Government has that has failed and only 20 percent are given preference. We did add a program to give a certain number of higher educated people the right to come, but our calculations indicate that still only about 20 percent of the people who will be coming under the bill we passed will come on under a merit-based system. Canada has over 60 percent come based on merit. New Zealand I think is even higher than that.

What we want to do, of course, is select people who have a chance to be productive, who are going to be successful, who can benefit from the American dream. It is so within our grasp. I actually have come to believe and am excited about the concept that we actually could do comprehensive reform. We can fix our borders. We absolutely can. We have already made progress. We are reaching a point where we could create a lawful system at our borders.

In addition to that, we can confront the very tough choices about how to deal with people who are here illegally. And finally, we need to develop a system for the future flow of immigrants into America.

I believe the columnist Charles Krauthammer said we should do like the National Football League does. We ought to look around the world at the millions of people who would like to come to the United States and pick the very best draft choices we can pick, pick the ones who will help America be a winning team. It will allow people to come into this country who are most likely to be successful, who speak our language, who want to be a part of this Nation and contribute to it, who have proven capabilities that means they can take jobs and be successful at them and can assimilate themselves easily into the structure of our Government.

It is exciting to think that possibility is out there. Yes, we have been talking about the fence and, yes, the fence can be seen as sort of a grim enforcement question, but it is one part of the overall effort that we are participating in at this point to create a new system of immigration, comprehensively different than we have ever had before, one that serves our national interest, one that selects the people who want to come here based on their ability to succeed in our country and be successful and be harmonious and be able to take advantage of the great opportunities this Nation provides.

It is so exciting to me, but we are going to have to let go of the bill that got through this Senate and that the House of Representatives would not even look at. The bill was nothing more than a rehash of current law, plus amnesty. It was a very, very, very bad piece of legislation. A lot of people voted against it, but it passed in this body. The House would not talk about it.

If we would take our blinders off and if we would go back and think clearly about how our Nation should do immigration and talk to one another, I believe we can make more progress than people realize, and the American people could be proud of our system.

I asked the people in Canada, and I asked the people in Australia: How do people feel about this? Are they happy with it? Yes, they are proud of it.

I said: What do you think about us talking about your program?

They said: We are proud you are looking at our program. We think it works. It is a compliment to us that you think there may be some value in it.

I don't know why we never talked about that. We never had a single hearing in which the Canadians or Australians were asked to testify. These are countries that believe in the rule of law. Both of them say they have a high degree of enforcement. Yes, there are people who abuse the law, but they have a legal system and it works.

Canada has workers who come and work for 8 months, and they go back home to their families. They can work 6 months; they can work 4 months. That is a temporary guest worker program. Then they have an asylum program where they take a certain number of people, like we have always done, who have been persecuted and oppressed. We will continue to do that. That is not a merit-based system. That is a system where we do it for humanitarian reasons.

Fundamentally, the principle of our Nation, as we develop a new immigration policy, should be to serve our national interests. I believe we have that within our grasp.

This step of building border barriers is important for two reasons: One, it is critical to creating a lawful system. No. 2, it is critical to establishing credibility with the American people because they rightly doubt our commitment, based on history, to do the right thing about immigration. They doubt that we are committed to doing the right thing. This is a good step to show them that we are, and then I think as we talk about some of these more difficult issues, we can have some credibility with our people when we ask them to make some tough decisions about how to handle immigration in the future.

Mr. President, I thank you for the opportunity to share these thoughts.

A LESSON IN CHERRY-PICKING AND POLITICIZING OUR NATION'S INTELLIGENCE: THE TERRORISM NIE DECLASSIFIED

Mr. HATCH. Mr. President, with the President's recent declassification of the Key Judgments of the April National Intelligence Estimate, NIE, on Terrorism, the American public can get from the Democrats an object lesson in perfect irony.

For years, the Democrats have accused the Bush administration of cherry-picking intelligence to lead the country to war in Iraq. Yet here they are cherry-picking intelligence out of this report to make a media circus right before the upcoming election.

First, let me define what I mean by "cherry-picking." This refers to a selective use of intelligence to make a politically persuasive argument. It is a deliberate misrepresentation of a larger, often ambiguous body of intelligence reporting.

From my perspective, the Democrats' politicization of our Nation's intelligence is not a pretty picture. NIEs are the top-line product of the entire intelligence community.

They are supposed to be regarded as serious, substantive, consensus analysis for top policymakers. NIEs are one of thousands of intelligence products we review on the Intelligence Committee. I am on that committee, first ranking on that committee on the Republican side.

Please recall that the Democrats accused the Republicans and the Bush administration of cherry-picking intelligence prior to the Iraq war.

The Senate Select Intelligence Committee's comprehensive review of the prewar Iraq intelligence was concluded in July 2004 and made available to the public in a detailed 500-page report. It was unanimously supported by Democrats and Republicans of the committee. It was thorough. It pulled no punches. It was highly critical of the systematic failure of our intelligence on Iraq. Our faulty intelligence, as the world knows, was similar to the faulty intelligence of all of our allied partners.

The committee's report clearly shows, however, that there was no cherry-picking of intelligence because nearly all of the intelligence was bad, and there was no finished intelligence that contradicted the faulty conclusions our intelligence community reached before the war.

Recall also that the Democrats have regularly charged the Bush administration with politicizing intelligence, implying that intelligence was manipulated for political reasons. For example, they suggested that Vice President CHENEY's visit to the Central Intelligence Agency prior to the Iraq war pressured analysts toward particular conclusions. The July 2004 report, which was based on hundreds of hours of interviews with all these analysts, concluded that no such politicization took place. The intelligence was lousy, but it wasn't cooked.

Now comes the latest little circus by many Democrats and many in the media in a prepared campaign to manipulate a fragment of a leaked classified document.

Putting aside for the moment the underlying question of whether the Iraq war made us safer—a point I will address shortly—the Democrats claimed over the weekend and earlier this week that the NIE proved their point that the Iraq war had made the terrorists stronger and therefore the United States more vulnerable.

Here are the sentences they quoted as proof:

> We assess that the Iraq jihad is shaping a new generation of terrorist leaders and operatives; perceived jihadist success there would inspire more fighters to continue the struggle elsewhere.
>
> The Iraq conflict has become the cause celebre for jihadists, breeding a deep resentment of U.S. involvement in the Muslim world and cultivating supporters for the global jihadist movement.

This is the sentence the Democrats quoted as proof of their critique of the Iraq war.

Let us be honest: The sentence is true. But let us be even more honest—and this is distinctly where the Democrats are being deliberately dishonest—the sentence is out of context and ignores other parts of the NIE, such as the very next sentence, which reads:

> Should jihadists leaving Iraq perceive themselves, and be perceived, to have failed, we judge fewer fighters will be inspired to carry on the fight.

Can we be honest and admit this sentence is true as well? And can we recognize that the only way we prove this second sentence is to sustain the fight in Iraq until we have achieved security and stability that can be maintained by the Iraqis themselves?

This has been a classic exercise in spin, cherry-picking, and politicization of intelligence, and it stinks.

The Democrats spun this story all weekend, knowing that responsible members of the Bush administration and the Republican Congress could not respond without participating in leaking a classified document. The Democrats cherry-picked sentences and deliberately used them out of context. They conducted this exercise for purposes of supporting their antiwar agenda, in an example of egregious politicization of this Nation's valuable intelligence process.

As my colleague on the Intelligence Committee, Senator BOND, has said:

> It is time to hit the baloney button.

We are conducting a war different from any in our Nation's history. One of the unique aspects of this war against global terrorism is the unprecedented reliance we place on our intelligence community.

As a member of the Intelligence Committee, I am dedicated to supporting this function of our foreign policy, even when that has included criticizing systematic failures in collection and analysis, as we did with our phase I report released in July 2004. Every day, we see examples that the intelligence community's capabilities have improved as a result of the lesson learned from that review. Republicans like myself have criticized the intelligence community with the focus on improving it and have done our best to support it in its vital function in this war in which we are engaged today.

As we have just seen, Democrats cook this Nation's intelligence, callously undermining its importance and function. To win a war, you need will, but you also need function.

"Is the U.S. safer as a result of our invasion of Iraq?" is a central policy question, one that could have been more honestly addressed without an exercise in cherry-picking and cooking intelligence.

I always thought that if you have to address an argument dishonestly, your position must be weak.

Are we safer as a result of our invasion of Iraq? There is the assessment of the war situation now and the strategic answer. The NIE is correct that the Iraq war has opened the battlefront for the global jihadists in Iraq. We knew this before the NIE was published last April, of course. And we read that last April. I have seen no Bush administration official deny this. In fact, General Abizaid in Washington last week was blunt about this: We are battling these jihadists in Iraq today. And when we defeat them, that defeat will be felt throughout the global jihadist movement.

If we follow some Democrats' advice to withdraw, we will give the global jihad movement another Somalia. Our withdrawal from Somalia in 1993 gave bin Laden his first propaganda point. He concluded that the Americans are weak, vulnerable, and easily defeated.

As far as strategic assessment, I believe the Iraq war has made us safer.

On September 20, 2001, the President addressed the Congress, the Nation, and the world in his first major policy address after the attacks of September 11. He articulated a new antiterrorism policy, one that had not existed up to that point, one that had not been put in place under the previous administration.

From that point on, President Bush said we would go after all terror groups within global reach; we would no longer wait for them to attack us. The President put all nations that harbor terrorist organizations on notice. Iraq was one of these nations. Iraq did not support al-Qaida and was not involved in 9/11, but it had a decades' long history of supporting terrorists, a view no one in Congress disputed.

The rationale for Iraq has been criticized and exposed, but one fact remains clear: When we took down the Saddam regime, from that day on, no regime in the world could conclude that they could harbor terrorists without risking consequences. By invading and deposing Saddam, we demonstrated to the world our resolve. Had we not done so, based on the empty threats and actions of previous administrations, nations entertaining terror links could doubt our resolve. From the day we acted to take down Saddam, we showed the world our intent behind our words. Today, no Nation can doubt this. And in this very real sense, America has been made safer. We need to finish the job in Iraq.

As I have said, that requires the functions of our foreign policy apparatus to be fully supported—diplomacy, military, economic, and intelligence. I am dedicated to providing this support, positively but not uncritically. We also need will. After last weekend's episode of cooking intelligence for political purposes, I question what such an exercise is intended to achieve when it comes to maintaining our will.

TRIBUTE TO WILLIAM BAKER WOOLF

Mr. STEVENS. Mr. President, today I recognize the accomplishments and efforts of Bill Woolf, a longtime Senate staffer and tireless advocate for Alaska's interests. Bill will retire at the conclusion of this Congress and move to his family home on Marrowstone Island in Washington State.

For nearly 30 years, Bill has been an advocate for and friend to Alaska's fishermen. A former resident of Juneau, he began work in 1977 at the Alaska Department of Fish and Game. In 1983, Bill moved on to the Alaska Seafood Marketing Institute, where he became familiar with our State's fishing industry. Bill quickly established a far-reaching bond with those affected by and working in this important industry.

For the past 20 years, Bill has worked in the U.S. Senate as a legislative aide—serving on the staffs of both Frank Murkowski and Senator LISA MURKOWSKI. Staff members like Bill are the backbone of this institution. They meet and work with the administration, State officials, and constituents, and they help those elected to Congress pursue initiatives which will serve their State and our Nation well.

During the two decades that he has worked in the Senate, Bill has been a vigorous advocate for the people and communities of Alaska. Those who have worked with him have the deepest respect for his commitment and contributions.

On behalf of our Alaska congressional delegation and all Alaskans, I extend our appreciation to Bill for his service. We wish him the best in his future endeavors.

NATIONAL COMPETITIVENESS INVESTMENT ACT

Mr. STEVENS. Mr. President, I come to the floor to join more than 35 of our colleagues in support of the National Competitiveness Investment Act.

Our country's success is the direct result of our advancements in science and technology. Throughout our history, our scientists and engineers have created new industries—and their efforts have ensured our country's competitiveness in the global economy. Two key reports now raise serious concerns about our ability to continue this tradition.

The "Innovate America" report by the Council on Competitiveness and the National Academies' "Rising Above the Gathering Storm" report, also known as the "Augustine Report," both conclude advancements in science and technology are our country's best hope for the future. They identify serious problems with our efforts in these areas. Sadly, this week the World Economic Forum announced our country has dropped from first to sixth place in its "global competitiveness index."

Our comprehensive legislation addresses several of these issues, and all of us owe a great debt to Senator ENSIGN, who has shown tremendous leadership in the drafting of this bill. As the new chairman of the Commerce Committee, I asked Senator ENSIGN to chair our Subcommittee on Technology, Innovation, and Competitiveness. Over the past 2 years, he has held a series of hearings on this issue. He also introduced S. 2802, the American Innovation and Competitiveness Act, which the Commerce Committee passed without opposition in May. Senator ENSIGN has worked on a bipartisan basis with our colleagues on the HELP and Energy Committees.

This act is the culmination of these efforts. It will help our country remain competitive by increasing Federal investment in basic research and improving student opportunities in science, technology, engineering, and math. This bill also develops the infrastructure we need to foster innovation in the 21st century.

While this bill alone will not solve all of our challenges, it is an important first step.

I urge each of our colleagues to cosponsor this legislation and vote in favor of its passage.

Mr. FRIST. Mr. President, the Child Custody Protection Act prohibits taking a minor child across State lines for an abortion in circumvention of a State law requiring parental notification or consent in that child's abortion. And it gives the victims of our imperfect legal system a means of restitution.

This legislation also protects the integrity of State parental notification laws, and helps ensure that they are honored. Without it, State laws regarding parental notification and consent for a minor's abortion can be flouted with impunity.

Right now, some abortion clinics even advertise to minors living in neighboring States with parental notice and consent laws.

Right now, we are increasing our pregnant minors' vulnerability to health complications. Patients receiving abortions at out-of-state clinics are less likely to return for followup care. And a teenager who has an out-of-state abortion without her parents' knowledge or consent is even more unlikely to tell them she is having complications.

At its core, this bill is about protecting a minor's health and protecting her from exploitation. It is about respecting and honoring State laws. And it is about ensuring parental involvement in the life-or-death decision of their child.

Forty-four States have already seen the grim irony in the fact that teenage students can't go on a field trip or receive aspirin from the school nurse without parental consent, but a young girl can flout State laws and have an abortion—a major surgical procedure—without informing her parents.

This bill helps parental notification and consent laws remain enforceable and meaningful, and it keeps in place all judicial bypass options and waiver provisions that States have enacted to accommodate young girls who come from troubled or abusive homes.

This simple, straightforward legislation was already passed by the Senate in July by a vote of 65 to 34. It received overwhelming bipartisan support. I am pleased that 14 of my Democratic colleagues, including the Senate minority leader, chose to join me and its sponsor, Senator ENSIGN, in support of this important bill. And I believe this legislation was further improved by the adoption of the Boxer-Ensign amendment, which strengthened provisions pertaining to minors who are caught in abusive home situations.

So it was a disappointment when this legislation was blocked from going to conference by a parliamentary maneuver by my colleagues from across the aisle. On multiple occasions, we sought to go to conference with the House on this legislation, only to have this routine procedural move obstructed.

I would like to commend the work of the bill's sponsor, my colleague JOHN ENSIGN. I am glad that the House chose to pick up this legislation and pass it with instructions.

I believe it is important to pass this legislation, which has the approval of around 80 percent of the American public and is supported on both sides of the aisle. It protects underage minors. It respects and protects parental involvement in the life-or-death decisions of their child. And it prevents the violation of State laws. It should not be allowed to be blocked. I hope my colleagues will join me in voting for S. 403, the Child Custody Protection Act, and passing this long-obstructed, overwhelmingly supported, commonsense legislation.

NATO FREEDOM CONSOLIDATION ACT OF 2006

Mr. FRIST. Mr. President, for more than 50 years, the North Atlantic Treaty Organization has served as a force for stability, security, and peace in Europe. It remains the foundation of security on the Continent and the cornerstone of U.S. engagement in Europe. Today it is the key institution helping to secure a Europe that is whole, free, and at peace.

Not only is it the most successful alliance in history, but NATO has also contributed to the democratic transition of our former adversaries in Central and Eastern Europe by fostering the development of new, strong, and democratic allies capable of contributing to our common security goals. NATO's enlargement over the past decade has strengthened the strongest alliance in history and helped spread democracy and liberty. For this reason, it is essential that we keep the door to NATO accession open for others.

Today, I am proud to introduce the NATO Freedom Consolidation Act of 2006, along with Senators LUGAR, BIDEN, SMITH, and MCCAIN. This legislation expresses the Senate's support for the accession of Albania, Croatia, Georgia, and Macedonia to NATO.

I welcome the progress made by these countries in implementing the political, economic, and military reforms needed to qualify for NATO membership. Each of these countries has made substantive contributions to peace and stability in the region and has expressed a desire for closer affiliation with this institution.

Albania, Croatia, and Macedonia have already made tremendous strides in implementing their National Programs under NATO's Membership Action Plan. The MAP remains the key vehicle for NATO to review and assess the readiness of each aspirant for full membership. I am confident that these three countries will continue to progress toward the goals pursued through the MAP, and I look forward to future reports of each country's progress.

Georgia is also coordinating its reform efforts with NATO members to meet the criteria for eventual membership in the Alliance. NATO recently announced the launching of an intensified dialogue with the Georgian Government. The United States stands ready to assist the Georgian people as they continue their reform efforts.

In addition to expressing the Congress's support for their eventual NATO membership, this legislation also designates Albania, Croatia, Georgia, and Macedonia as eligible to receive assistance under the NATO Participation Act of 1994. To underscore this commitment, it authorizes security assistance in the amount of $3.2 million for Albania, $3 million for Croatia, $10 million for Georgia, and $3.6 million for Macedonia.

Previous rounds of NATO enlargement have shown that the expansion of this great alliance benefits not only the new members but the alliance itself. Albania, Croatia, Georgia, and Macedonia stand to gain as much from NATO membership as the current Allies do from their accession.

The United States cannot build a safer and better world alone. The support of our NATO allies and the strengthening of the alliance are essential in the global war on terrorism. The alliance will be critical in successfully dealing with the mutual challenges we will face in the years ahead.

The United States will continue to work with these countries to institute the reforms necessary for NATO membership. I urge my colleagues to support this bipartisan legislation. And I look forward to the day when Albania, Croatia, Georgia, and Macedonia become America's NATO allies and the most successful alliance in history becomes even stronger.

TRIBUTE TO MR. THOMAS KUSTER

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a dedicated first responder, Mr. Thomas Kuster. A former Louisville fire chief, Mr. Kuster made Kentucky his home after being stationed with the Army at Fort Knox. He began his service to the Commonwealth of Kentucky by joining the Louisville Fire Department in 1957; he quickly rose through its ranks and was appointed fire chief in 1976.

While serving as Jefferson County judge-executive, I was pleased to name Mr. Kuster to head the county's fire protection in 1980. Years later, he would finish his long career of public service as Louisville's public safety director, supervising the city's fire and police departments, EMS, and health programs.

Earlier this month, Mr. Kuster passed away, and the Commonwealth of Kentucky lost a loyal public servant. The Louisville Courier-Journal published an article highlighting Mr. Kuster's career and dedication to the safety of his fellow man. I ask that the full article be printed in the CONGRESSIONAL RECORD and that the entire Senate join me in paying respect to this honored Kentuckian.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier-Journal, Sept. 12, 2006]

THOMAS KUSTER, FORMER LOUISVILLE FIRE CHIEF, DIES

(By Paula Burba)

Retired Louisville Fire Chief Thomas Kuster, who also served as Louisville's public safety director and Jefferson County fire protection administrator, died Saturday at Baptist Hospital East: He was 69.

"Tom was a fireman's fireman, a true gentleman who cared about public safety. He dedicated his life to protecting the people of Louisville," Louisville Mayor Jerry Abramson said in a statement yesterday.

A native of Newark, Ohio, Kuster was stationed at Fort Knox for three years and decided to stay in Kentucky. He joined the Louisville Fire Department in 1957 shortly after leaving the Army. He was promoted to lieutenant in 1964, captain in 1966, district chief in 1970 and assistant chief five years later.

He was appointed fire chief in 1976 by Mayor Harvey Sloane and served in that position until 1979, years that included the last strike by the city's firefighters.

"He held things together," said Capt. Paul Routon, current president of the firefighters Local 345. "I think he was the right guy at the time for it. When we came back to work, his stance was 'Let's put this behind us and move forward.' I think he did it."

"Philosophically, I'm management," Kuster said in July 1978 when firefighters had finally voted to end the 95-hour strike—during which he had slept about six hours and responded to fire runs with other nonunion supervisors and members of the National Guard. At the same time, Kuster said, "I understand, or feel like I understand their [striking firefighters'] position."

City officials praised his leadership, while firefighters on the picket lines shook his hand.

"He didn't demand respect. He knew how to get respect," Assistant Chief Randy Winstead said yesterday.

Winstead described Kuster as "real regimental, real serious" and credited Kuster's acceptance of "social change" as one way "he turned the fire department around."

"You look at (photos of) all the other chiefs," Winstead said, "they all look like your grandfather. Except there's Tom with sideburns and long hair."

He was also the first chief to allow firefighters to wear T-shirts instead of uniform shirts inside the firehouse, Winstead said.

Kuster resigned as fire chief in 1979 after successfully resisting several efforts, according to newspaper stories, by Mayor William Stansbury's administration to demote several assistant chiefs for what he saw as political reasons.

Kuster worked in administration at the Louisville Water Co. until then County Judge Mitch McConnell chose him to head the county's fire protection in 1980.

In 1983, Kuster accepted a job as fire chief in Raleigh, N.C., where he served until 1985.

He returned to Louisville as the first department head named by Mayor-elect Abramson in 1985. He was appointed Louisville's public safety director, overseeing the police and fire departments, EMS and health programs. He held that position until 1993.

"Louisville will always be grateful for Tom's public service," Abramson said.

TRIBUTE TO LAJUANA WILCHER

Mr. MCCONNELL. Mr. President, I rise today to honor LaJuana Wilcher, a

Kentuckian who nobly served the Bluegrass State as secretary for the State's Environmental and Public Protection Cabinet, EPPC.

Appointed by the Governor in 2003, Ms. Wilcher will step down as Kentucky's top environmental regulator at the end of this month. As secretary for the EPPC, Ms. Wilcher oversaw many of Kentucky's regulatory agencies, including those that regulate the environment, coal mining, horse racing, banking, insurance, occupational safety and health, workers' compensation, housing, alcoholic beverage control, charitable gaming, and professional boxing and wrestling.

Before serving in the Governor's cabinet, Ms. Wilcher had over three decades of experience in environmental and natural-resources issues. She served in President Ronald Reagan's administration as a biologist and environmental lawyer with the U.S. National Park Service. And under President George H.W. Bush, she served as the Environmental Protection Agency's Assistant Administrator of Water.

Known for being a straight shooter who got things done, Ms. Wilcher dealt with the worst mine disaster in Kentucky in the past 16 years and pushed for tougher mine-safety legislation that was passed by the Kentucky General Assembly. She also spearheaded changes to Kentucky's horse racing industry when she instituted drug testing for horses.

Mr. President, I wish Ms. Wilcher well as she returns to her law practice in Bowling Green, KY. I ask my colleagues to join me in thanking her for her dedicated service to the Commonwealth of Kentucky and her Nation. She is a true steward of our environment.

DOMESTIC VIOLENCE AWARENESS MONTH

Mr. REID. Mr. President, I rise today to recognize October as Domestic Violence Awareness Month. By bringing attention to this serious issue, I hope that we can make progress to break the cycle of violence.

Not long ago, in communities across Nevada and our Nation, domestic violence was a problem that was kept silent. Fortunately, by raising awareness of this issue, we are making great progress in breaking that silence. Today, we can see notable progress in recognizing this problem as an epidemic that affects every community. Still, there is much work to do to heal the wounds and end the violence.

Each year, more than 32 million Americans are affected by physical, sexual, or psychological harm. Sadly, much of this harm occurs at the hands of those they should be able to trust the most—current and former partners and spouses. Twenty-nine percent of women and 22 percent of men will directly experience harm from domestic violence during their lifetime. Many experts think that these numbers are drastically underrepresentative as well because many victims do not report these crimes.

That is why we must do more. We can address the problem by supporting shelters and organizations with our financial resources and our time. In Nevada, for instance, domestic violence centers report lengthy waiting lists—for space in the shelter, for treatment programs for batters, and for victim counseling. Many shelters lack sufficient provisions like personal care products, clothing, and children's and medical supplies.

We must also dispel the myths surrounding domestic violence. It does not discriminate. Its perpetrators hide behind many different faces. Its victims answer to many different names. Domestic violence crosses all racial, economic, and societal barriers. It affects the strong as well as the weak.

Of course, my home State of Nevada is not immune from the tragic effects of domestic violence. I would relate the story of Ana Outcalt, who was murdered at the hands of her boyfriend, even after she had obtained a restraining order against him. Ana's sister, Maria, tells this story whenever she gets the chance in the hope that she may be able to help others.

I am proud to report that many other individuals and organizations in Nevada are working passionately this month to increase understanding of this devastating problem. On October 12, 2006, for example, Safe Nest will be holding an interfaith candlelight vigil in Las Vegas to celebrate survivors of domestic violence and remember its victims like Ana Outcalt. On October 21, 2006, the Family Development Foundation will be hosting its Community United for Healthy Families event, which is open to the public free of charge. On October 23, 2006, S.A.F.E. House in Henderson, NV, is holding its annual golf tournament with all proceeds benefiting the organization.

I have been a longtime supporter of legislation aimed at eradicating violence from our Nation's homes, including the Violence Against Women Act. But I encourage Members of this body and Americans nationwide to do more. We should all view Domestic Violence Month as an opportunity to help prevent this problem.

Today, I am pleased to recognize Domestic Violence Month and the efforts of many organizations across Nevada who work to stop the violence in our communities. Together, we can make a difference on this important issue and break the cycle of violence.

100TH ANNIVERSARY OF THE NEVADA NORTHERN RAILWAY

Mr. REID. Mr. President, I rise today to recognize the centennial of the Nevada Northern Railway. September 29 marks the 100-year anniversary of the completion of the railway from Cobre to Ely, NV. Numerous events are planned at the Nevada Northern Railway Museum this weekend to commemorate this special day, including a reenactment of the driving of the Copper spike, which originally signaled the completion of the Nevada Northern Railway to Ely, NV.

Nevada's early growth as a State would not have been possible without our Nation's mighty railroads. Towns like Ely changed from sparse camps to real towns when tracks were laid into areas that were previously accessibly only by horse or on foot. In 1904, the Nevada Consolidated Copper Company brought Nevada Northern Railway to life in order to move valuable copper ore that had been discovered in the region. And with that new connection to the outside world, a new chapter began in the life of Ely and of all the communities in eastern Nevada.

During its 77 years of service the Nevada Northern Railway carried ore, passengers and express deliveries between Ely, Cobre and McGill, but in 1983 the operation was closed and the railway stood still. Since that time, the people of Ely have worked to preserve this unique part of their history. Through the efforts of countless volunteers and staff they have turned this once vacated railway complex into a unique enterprise and popular destination for railroad enthusiasts and history buffs alike.

One of the most distinct aspects of the Nevada Northern Railway is that the original buildings, equipment, rolling stock and the majority of the company's early paper records still survive today. Walking through the Machine Shop and Engine House one can still find safety signs and employee notices that were posted on the wall during the presidency of Franklin Delano Roosevelt.

I was so pleased, Mr. President, to see the Nevada Northern Railway designated as a National Historic Landmark this week—just in time for the centennial celebration. This designation is the highest such recognition accorded by our Nation to historic sites and will place the Nevada Northern Railway in distinguished company. This recognition is well deserved.

I thank all those who have made this listing possible—the National Park Service, Secretary of the Interior Dirk Kempthorne, the staff and volunteers for the Nevada Northern Railway, the people of Ely, Ron James, the Nevada State Historic Preservation Officer, and many others.

The Northern Nevada Railway is an incredible asset for Nevada and the Nation. Hundreds of people will gather in Ely this weekend to talk about the past of this great site and to lay plans for the future. I wish them well, and I share their appreciation for this incredible piece of Nevada's history.

COMMENDING CHIEF JUSTICE ROBERT E. ROSE

Mr. REID. Mr. President, I rise today to recognize an exceptional member of my community and a close friend, Nevada Supreme Court Chief Justice Robert E. Rose. Justice Rose has been a tremendous asset to Nevada as a longstanding member of our legal community and, for the past 18 years, a Justice of the Nevada Supreme Court.

Justice Rose was recently recognized for his outstanding commitment to civil liberties. The American Civil Liberties Union of Nevada presented Chief Justice Rose with the Emilie Wanderer Civil Libertarian of the Year Award. The award, named after one of the first women admitted to the Nevada Bar Association, is given in honor of career achievement in the area of civil liberties and reflects the collective decision of representatives of Nevada's criminal defense, civil liberties, civil rights attorneys, and civil rights activists.

Chief Justice Rose is a worthy recipient of this award, and it is fitting that he should be recognized for his accomplishments to promote justice in Nevada. Serving three times as Chief Justice of the Nevada Supreme Court, he has a reputation in the legal community and on the Court as a reformer. Among the ways Justice Rose promoted the rule of law in Nevada, are the Nevada Jury Improvement Commission and the Blue Ribbon Judicial Assessment Commission. The Assessment Commission conducted a broad study of the judicial system and recommended improvements; many of those improvements have greatly advanced the Nevada justice system.

During his legal career in Nevada, spanning from his days as a law clerk for the Nevada Supreme Court to his present position as a three-term chief justice of the court, Justice Rose has had a profound impact on Nevada. He was my successor as Nevada's lieutenant governor, and his work presiding over the Nevada Senate was outstanding. His efforts as a judge to improve our legal system and his pursuit of fairness and justice have benefited every individual in my State.

In closing, I feel privileged to have Bob Rose as a friend. I appreciate all that he has done for Nevada, and know that he will continue working to protect the rights of the citizens of our State.

RECOGNIZING THE NEVADA NEWSPAPER HALL OF FAME

Mr. REID. Mr. President, I rise to recognize the newest members of the Nevada Newspaper Hall of Fame. This month, the Nevada Press Association inducted Frank, Tony, and Ted Hughes into the Hall of Fame for their contributions to journalism in Nevada.

For more than 75 years, the Mineral County Independent News has provided the small town of Hawthorne with valuable news and information about their community. For more than 50 of those 75 years, the Hughes brothers have used their skill for journalism and hometown pride to make the Independent News thrive.

Each of the Hughes brothers started at the Independent News at an early age. Tony Hughes was a paperboy. He would later sweep floors and fold papers on the weekends. Soon after his graduation from high school, Tony was hired full time.

While Tony was the first member of the Hughes family to join the paper, his brothers would soon follow. Frank and Ted Hughes joined Tony to help run the printing presses, sell advertisements and shoot photographs. Today, the brothers manage the day-to-day operations of the Independent News, and each is responsible for writing stories and reporting on the Community.

As I have expressed, the Independent News is a true family business. The paper has a total of four employees. Frank, Tony, and Ted are helped by Heidi Bunch, a receptionist who manages the office.

In an age of large media conglomerates and corporate news, it is refreshing to get the local community angle from the Independent News. Every Thursday, the residents of Hawthorne look to the Independent News to read about community events at local churches, the American Legion, and Schurz Elementary. Subscribers can also read about the local Serpents' football or basketball game as well as view important announcements about the Mineral County school system.

One of the most interesting features to me, though, is the paper's "Reflections on the Past." There you can view a summary of the events in Hawthorne from 20,50, and even 70 years ago. It is an amazing collection of Northern Nevada's rich culture and history.

All of this success is a direct result of the Hughes family. Without their hard work and dedication, this local paper might not be in existence today. I am pleased that Tony, Frank, and Ted Hughes have been recognized for their excellence in journalism, and I am proud to have the opportunity to pay tribute to them before the Senate today. I look forward to continuing to read the Independent News for years to come.

DARFUR PEACE AND ACCOUNTABILITY ACT

Mr. DURBIN. Mr. President, for over 3 years, genocide has been the order of the day in Darfur. For nearly as long, from pulpits, from street corners, from the world's editorial pages, from the floor of Congress, from the rostrum of the United Nations, and from the White House, people have decried the killing. But we haven't stopped it.

Today Darfur is on the edge of an abyss, teetering on the rim of even greater catastrophe. Unknown numbers have been killed, raped, and butchered. Millions of people have been driven from their homes. An estimated half a million people are beyond the reach of humanitarian aid today.

Humanitarian groups themselves are under attack and many are pulling back.

The Khartoum Government is reportedly engaging in indiscriminate bombing and massing forces in the region.

The U.N. Security Council has passed a resolution authorizing a 20,000 person peacekeeping force, but the Khartoum Government continues to reject it and to deny the deaths of hundreds of thousands of its citizens and endanger and threaten hundreds of thousands of others.

Now all of us who have spoken out have an obligation to do what we can to make that peacekeeping mission a reality, to help bring an end to genocide.

For the third time now, the Senate has passed a Darfur Peace and Accountability Act. I was an original cosponsor of the first of these bills and continue to support and work toward enactment of this important legislation.

This bill will impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity; will support measures for the protection of civilians and humanitarian operations; and will support peace efforts in the Darfur region.

Those efforts are in grave jeopardy. The hopes to see the Darfur Peace Agreement between the Khartoum Government and one of the opposition groups implemented, enforced, and expanded have not been fulfilled.

We must do all that we can to ensure that the peacekeeping mission authorized by the nations of the world through the United Nations under U.N. Security Resolution 2706 is deployed as soon as possible. This mission will build on the efforts of the African Union and will include African forces at its core.

The Darfur Peace and Accountability Act supports these measures. Consistent with the goals of this bill, a number of States have already acted to do their part to stop genocide.

My home State of Illinois was the first to enact a law suspending State investment in companies that conduct business in Sudan or with the Sudanese Government. The law mandates the divestment from all Illinois State Pension Systems of securities issued by any company doing business in Sudan and prohibits the State from investing in foreign government bonds of Sudan.

Illinois is following a tradition established during the campaign against apartheid in South Africa. Like that campaign, the Illinois law is a public expression that the citizens of my State and others that have passed similar legislation do not want to be party to supporting a foreign government that preys upon its own people. It is both symbolic and very tangible: the people of Illinois are choosing how they will invest their money. That is an act very much within their rights, and I salute their efforts.

Passage of the Darfur Peace and Accountability Act is an important and overdue step. But we must do more to ensure that the United Nations peacekeeping mission is implemented: the people of Darfur need UN boots on the ground, and the world must live up to its promises to end the genocide.

Mr. OBAMA. Because Senator DURBIN has hit the major points, I will simply say that the atrocities in Darfur are a moral and humanitarian emergency, and the people of the United States should be searching for effective tools to help end this violence and bloodshed. While not the only answer, I believe that divestment by individual States can be a part of the solution—it certainly was so during the fight to end apartheid in South Africa.

I strongly support the provision in the House-passed bill on this issue. My sense is that there was bipartisan, bicameral support for this provision. But because of the objections of a few key members of Congress, this provision was dropped in the interest of passing the Darfur Peace and Accountability Act, which I believe has some important provisions, before the Congress recesses at the end of this month.

I am wondering if the senior Senator from Illinois, who is also the Assistant Democratic Leader, shares this view and if he could comment on this issue.

Mr. DURBIN. I agree with the junior Senator from Illinois. There is a very powerful commitment in both Houses to take a meaningful stand against the genocide in Sudan. State governments, universities, and other institutions from coast to coast have passed divestment measures. Those voices have been heard in Congress, and I agree there is strong bicameral, bipartisan support for divestment, but that no single provision could be allowed to jeopardize passage of this important legislation, given the situation on the ground in Darfur.

Mr. OBAMA. I thank the senior Senator from Illinois. As Senator DURBIN outlined, the State of Illinois has a long and proud history on the issue of divestment. I know that we will both continue to engage to push our government and the international community to do all it can to halt the violence in Darfur and, as part of our efforts, search to enact divestment language into law. I hope to draw upon the support, just mentioned by Senator DURBIN, in pushing this measure forward over the coming months.

I yield the floor.

CONGRATULATIONS, TERRY SAUVAIN, THE "MAN FROM NOTRE DAME"

Mr. BYRD. Mr. President, every year, the University of Notre Dame presents its annual Rev. John J. Cavanaugh, C.S.C., Award to one of its alumni for extraordinary accomplishment in the field of public service. This prestigious award, which was established in 1985, is named in honor of the University's 14th president, the Rev. John J. Cavanaugh.

I am most pleased and proud to announce that the 2006 Cavanaugh Award is being presented to one of the Senate's very own, Mr. Terrence E. Sauvain, the minority staff director of the Senate Appropriations Committee.

Terry graduated from Notre Dame in 1963. He is tremendously proud to be a graduate of that great university. In fact, I have often referred to him as "the man from Notre Dame." Notre Dame is the university that has given us such American legends as Knute Rockne, George Gipp, and the Four Horsemen. Now, up there with them on Notre Dame's roll of honor will be Terry Sauvain.

After graduating from Notre Dame, and earning a master's degree from George Washington University, Terry worked for several Federal agencies, including the National Institutes of Health and the U.S. Department of Health, Education, and Welfare.

In 1973, Terry worked as a clerk on the DC Appropriations Subcommittee in the service of Senator Birch Bayh, and that launched his remarkable career on this important Senate committee. He has performed in a number of capacities on the Appropriations Committee, including serving as the majority staff director, when I was chairman between 2001–2003. Terry is only 14th person to hold that position since the creation of the Appropriations Committee in 1867.

I have been indeed fortunate to have Terry on my staff for so many years. In every task I have asked him to undertake, including 2 years of service as the Secretary to the minority leader, Terry has performed his duties with courtesy, dedication, efficiency, and diligence. In every position, he has gone above and beyond the call of duty in performing the work of the Senate, and for that, I am truly grateful.

His outstanding service to the Senate has earned him a variety of honors and recognitions. A few years ago, he was awarded an honorary doctorate of humane letters from Wheeling Jesuit University in West Virginia. Last year, he received the Nyumbani Medallion of Hope for his work in assisting me in the humanitarian fight to bring relief to children with HIV/AIDS in Africa. He is a perennial selection to Roll Call's "Fabulous Fifty" list of top congressional staffers.

In addition to his work in the Senate, Terry served our country for more than 30 years—1963-1994—in the US Coast Guard, where he attained the rank of captain. Once again, he has been the recipient of various honors. He has earned the National Guard's Eagle Award for his role in the U.S. Coast Guard-U.S. National Guard Counter-Drug Program, and the Coast Guard's Meritorious Service Medal.

I have always maintained that, "there are three things that drive Terry Sauvain: his family, his service to our country . . . and Notre Dame." Now Terry receives this well-deserved, prestigious award from his beloved alma mater. I know he is thrilled. I am thrilled for him for his lovely wife of 38 years, Veronica, and their three children, Marie Robertson, Catherine, and Terry, Jr.

Mr. President, I sincerely thank the University of Notre Dame for honoring Terry for his years of dedicated public service to the Senate and to our country. And I congratulate him for being the recipient of this distinguished award.

TRIBUTE TO GENERAL MICHAEL HAGEE

Mrs. HUTCHISON. Mr. President, I rise today to pay tribute to GEN Michael W. Hagee, the Commandant of the Marine Corps, as he prepares to relinquish the helm of the Corps and retire to private life after more than 38 years of selfless service to our Nation as a U.S. Marine.

Mike Hagee was well prepared for leadership. Raised in Fredericksburg, TX, as the son of a Navy veteran, General Hagee received an appointment to the U.S. Naval Academy. After graduating with distinction, he was commissioned as a second lieutenant in 1968. General Hagee also holds a master of science degree in electrical engineering from the U.S. Naval Postgraduate School, a master of arts degree in National Security and Strategic Studies from the Naval War College, and is a graduate of the Marine Corps Command and Staff College.

General Hagee is a Marine's marine. As a battle-tested infantry officer, he served as an infantry platoon and company commander in Vietnam, a battalion commander, Marine expeditionary unit commander, and as the commanding general of the First Marine Division and the First Marine Expeditionary Force. From the fire-swept rice paddies of Vietnam to Operation Iraqi Freedom, his keen vision and steadfast leadership have set the standard for future generations of marines.

In addition to these commands, General Hagee's professional career has included a wide variety of other command and staff assignments including two tours of duty instructing at the U.S. Naval Academy and a tour in the Office of the Director of Central Intelligence.

General Hagee's impeccable service and brave leadership are also reflected in the awards he has received throughout his career. His personal decorations include the Defense Distinguished Service Medal with palm, Defense Superior Service Medal, Legion of Merit with two Gold Stars, Bronze Star with Combat "V," Defense Meritorious Service Medal, Meritorious Service Medal with one Gold Star, Navy Achievement Medal with one Gold Star, the Combat Action Ribbon, and the National Intelligence Distinguished Service Medal.

In early 2003, General Hagee became the 33rd Commandant of a Marine Corps that was fully engaged in the global war on terror. Since then, many of us in these Chambers have had the privilege to work with General Hagee on matters of great importance to our Nation's defense. The Marine Corps' professionalism, adaptability, and excellence as they operate across the full spectrum of conflict are a testament to his vision and exemplary leadership.

I know that a grateful Nation shares my admiration for the general—a courageous leader whose discerning wisdom and deep sense of duty have been a linchpin to the security of this Nation during a truly challenging time—we have been fortunate in having him as the Commandant of our Corps of Marines. I am confident that my colleagues join me in expressing the gratefulness of the U.S. Senate, as well as thanking his wife Silke and their children for the years they have shared him with his country. Godspeed, General Hagee we wish you well.

THE STATE OF THE ECONOMY

Mr. REED. Mr. President, most American families have lost ground in the Bush economy and are working harder than ever to keep up with rising living expenses.

The administration is trying to paint a rosy picture of the economy, but the American people know better. They know that the President's policies are not working for them.

Despite 4 years of economic expansion, job growth has been modest, wages are failing to keep pace with inflation, real incomes are falling, household debt is rising, employer-provided health insurance coverage is declining, and private pensions are in jeopardy.

Slow job growth and stagnant wages during the Bush administration have depressed families' incomes. Adjusted for inflation, median household income in 2005 was 2.7 percent lower than it was in 2000 a loss of nearly $1,300 during President Bush's time in office.

Strong productivity growth has translated into higher profits for businesses, but not more take-home pay for average workers. Wages, the most important source of income for most families, have not kept pace with skyrocketing costs for many living expenses and many households are sending more family members to work in order to maintain their current living standards. This trend is likely to continue, since workers may find it even harder to get pay raises now that economic growth and job creation have begun to slow.

Indeed, as a recent Washington Post editorial observed: "[T]he recent phenomenon of wages falling even during good times is disturbing and exceptional." Mr. President, I would like to enter the entire Washington Post editorial from September 4, 2006, into the RECORD, and note that the editorial goes on to say: "So whereas past presidents could declare that a rising tide lifted all boats, Mr. Bush cannot honestly do so."

Higher prices for gasoline, college education, and medical care are squeezing the take-home pay of workers. College tuition is up 44 percent; health insurance premiums are up 87 percent; and the price of gasoline was only $1.45 per gallon when the President took office.

A recent survey by Lake Research found that 3 out of 10 workers have taken on debt for necessities like food, utility costs, and gasoline. That is shocking on its face, but not surprising when you learn that household debt hit a record high this year. Average household debt has increased by more than $26,000 since 2000, from about $75,400 to $101,700 per household. For the first time since the Great Depression, the Nation registered a negative personal savings rate last year. Far too many Americans are forced to spend more than they earn just to get by.

Sadly, the administration has made no real progress against the rising tide of poverty in America. Nearly 5½ and a half million more Americans have fallen into poverty since President Bush took office—37 million Americans are now living in poverty, including 13 million children.

We are the richest Nation in the world and yet more than 1 in 6 American children lives in poverty. The number of poor children has increased by more than 11 percent during the first 5 years of the Bush administration, but the number of children receiving temporary assistance for needy families, TANF, has declined by 15.5 percent over the same time period, according to the Department of Health and Human Services.

So while the President stumps for more tax cuts for people who don't need them, the basic needs of millions of children go unmet. Even after Hurricanes Katrina and Rita put the spotlight on this shameful problem, Americans are slipping into poverty much more easily than before and finding it so much harder to escape once they are there.

What must the American people think about this Congress's priorities when the Republican majority is more interested in finding a way to repeal the estate tax than in finding a way to reduce poverty? As Senator GRASSLEY, chairman of the Finance Committee, put it last year after the hurricanes, "It's a little unseemly to be talking about eliminating the estate tax at a time when people are suffering."

The majority in Congress has thwarted efforts to address the needs of people living in poverty but twice tried to roll back the estate tax this year. Ninety-nine percent of estates pay no estate tax at all and those who do are multimillion-dollar estates. Far from being a "death tax," the estate tax falls on heirs who seldom had any real role in earning the wealth built up by the estate holder.

The minimum wage—which hasn't been raised in 9 years is an important policy tool to lift low-income families out of poverty, but the majority in Congress won't let us have an up-or-down vote without poison pills like the estate tax.

No one who works full time should have to live in poverty, but the current minimum wage isn't enough to bring even a single parent with one child over the poverty line—even if the parent works 40 hours a week, 52 weeks a year. The average minimum wage worker brings home more than half of their family's weekly earnings, and 80 percent of those who would benefit from an increase in the minimum wage are adult workers.

The policy priorities of the administration and the majority in Congress are truly misplaced.

The ranks of those without health insurance have also grown by nearly 7 million on President Bush's watch. The number of uninsured increased to a record high 46.6 million in 2005—1.3 million more than in 2004. More Americans are now without health insurance than at any point since the Census Bureau began collecting comparable data nearly 20 years ago.

Soaring health care costs have contributed to the decline of employer-sponsored health insurance, which is the largest component of the U.S. health insurance system. The percentage of Americans with employment-based health insurance fell to 59.5 percent in 2005, which is the lowest it has been since 1993.

If you are lucky enough to have health insurance, you are paying a lot more for it. Health insurance premiums for the average family have soared by 87 percent—a stunning $5,325 jump, from $6,155 in 2000 to $11,480 in 2006.

At the same time that earnings are stagnating and costs are rising, the average worker's retirement prospects are more uncertain than ever. The number of workers employed by firms that sponsored some type of retirement plan fell by 3.7 million since President Bush took office—from 56 million in 2000 to 53 million in 2005. This reversed a trend of positive growth in employer-sponsored retirement plans in the previous 5 years.

Twenty years ago, most workers with a pension plan could expect to receive a defined benefit based on years of service and salary. Today, defined contribution plans—which shift most of the investment risk and responsibility onto workers—have become the dominant form of pension coverage. As a result of this increased risk and responsibility, average workers may end up with inadequate retirement savings.

In fact, the weakness of traditional pensions underscores the importance of the current Social Security Program. For over 60 years, Social Security has provided a dependable and predictable stream of income to retired or disabled workers, their dependents, and their survivors. Forty-eight million men, women, and children rely on Social Security benefits each month to help them live with dignity.

Social Security benefits are protected from inflation and you can't outlive them. Yet the President supports privatizing Social Security, putting the guaranteed benefits of retirees, survivors, and the disabled at risk.

We need to strengthen Social Security and improve our pensions system to ensure that Americans who work their entire lives have the financial security they deserve and worked so hard for when they retire. And although we recently enacted a pension bill, this should not be viewed as mission accomplished.

The President's deficits will only exacerbate the economic problems of middle- and low-income families.

A $5.6 trillion 10-year projected surplus from 2002 to 2011 has turned into a deficit of $2.7 trillion, based on actual deficits so far and on CBO baseline projections for the remaining years. Realistically, the 10-year deficit is probably much higher than that because this administration has a history of leaving out big-ticket items such as war costs or fixing the alternative minimum tax in its projection of future budget deficits.

Irresponsible budget policies pursued over the past 5 years by the Bush administration and the Republican Congress have mortgaged our future to foreign investors and foreign governments and damaged our international competitiveness. A little over a decade ago, the Clinton administration stepped in to stabilize the Mexican economy in the midst of a currency crisis, and today Mexico is the 10th largest holder of U.S. Treasury debt.

In this year's global competitiveness report from the World Economic Forum, the United States fell from first place last year to sixth place as high budget deficits and record trade imbalances have begun to seriously erode this country's international competitiveness.

Instead of sound budget policies aimed at preparing for the imminent retirement of the baby-boom generation, the Bush administration and the majority in Congress have, refused to adopt the kinds of budget enforcement rules that helped achieve fiscal discipline in the 1990s; have pursued an open-ended commitment to rebuilding Iraq that relies on supplemental appropriations rather than the normal budget process; and have remained committed to extending irresponsible tax cuts that will add further to the budget deficit. All of this comes at the cost of destroying greater economic opportunities for most American families.

That, of course, is not what we are hearing from the administration and its supporters, who keep telling us that the economy is doing well, that their tax cuts are an important reason why, and that everyone is benefiting. It should not be surprising that this is not a message that resonates with the American people because, in fact, the current economic recovery has been weaker than the typical business-cycle recovery since the end of World War II, and large numbers of Americans are still waiting to benefit from any economic growth.

This administration touts its tax cuts, but these cuts haven't made a dent in the pocket books of most American families.

The nonpartisan Tax Policy Center estimates that this year's tax cut will only save middle-income families about $55—about what it now costs to fill the gas tank of their minivan. But taxpayers making over $1 million will receive a cut of nearly $38,000—enough to buy a new Mercedes.

Middle and lower income families are paying the price for the President's tax cuts for the wealthiest, as investments in programs that promote greater economic prosperity for ordinary Americans have become candidates for budget cutting.

Regrettably, it is not surprising how under the Republican leadership, low-income families have been abandoned but what is surprising is how the administration and Republican majority in Congress have also squeezed the middle class.

The President has proposed cuts to elementary and secondary education, student aid and loan assistance for higher education, job training for displaced workers, childcare assistance so that parents can go to work, and community development grants aimed at expanding small businesses. The President is also shortchanging investments in research and technologies that will create the high-wage jobs of the future.

Unfortunately, the rising tide is no longer lifting all boats. The benefits of this economic recovery are simply not going to ordinary Americans. Most Americans are concerned that this is as good as economic conditions will get under the Bush economic policies. Our focus should be on strengthening the safety net for American families—whether it is raising the minimum wage or preserving Social Security, pensions, and health insurance coverage.

That is why we need a new direction for America—one that focuses on creating greater economic opportunities for all families.

I ask unanimous consent to have printed in the RECORD the Washington Post editorial dated September 4, 2006.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MR. BUSH AND LABOR DAY—WORKERS AREN'T BENEFITING FROM GROWTH

Emerging from a meeting with his economic team at Camp David on Aug. 18, President Bush declared that "solid economic growth is creating real benefits for American workers and families." This assertion was false. Mr. Bush should use this Labor Day to rethink his rhetoric and adjust his policies.

The latest evidence on what the economy is doing for workers comes from last week's Census Bureau report. This showed that the growth cycle that began at the end of 2001 has in fact created remarkably few benefits for most Americans. Between 2001 and 2005 the income of the typical, or median, household actually fell by 0.5 percent after accounting for inflation, even as workers' productivity grew by 14 percent.

The picture is hardly any better if you consider 2005 alone. Workers' pay usually takes a while to pick up after a recession: In the first stage of a recovery, unemployment falls; in the second stage, a tight labor market pushes up wages. But this second stage is taking an awfully long time to arrive. In 2005, the fourth year of the expansion, the median income did rise slightly, but that reflected a gain for retirees. The typical full-time worker continued to fall backward.

Since 1980 the wages of the typical worker have tended to decline during bad times and recoup the losses during good ones, with the overall result that they've been stagnant. That stagnation, which contrasted with rapid gains for workers at the top, was bad enough. But the recent phenomenon of wages falling even during good times is disturbing and exceptional. In the first four years of the last expansion, from 1991 to 1995, median income rose 2.9 percent; in the two upswings before that, the first four years delivered gains of more than 8 percent. So whereas past presidents could declare that a rising tide lifted all boats, Mr. Bush cannot honestly do so.

The current growth cycle has also failed to dent poverty. In fact, between 2001 and 2005, the poverty rate rose from 11.7 percent to 12.6 percent. Again, this is exceptional: In the previous five economic cycles, the poverty rate fell during the first four years of the recovery. Moreover, 5.4 percent of the population now occupies the ranks of the extremely poor, with incomes less than half the poverty line. That's the highest rate of deep poverty since 1997.

In a speech at Columbia University on Aug. 1, Treasury Secretary Henry M. Paulson, Jr. rightly acknowledged that "amid this country's strong economic expansion, many Americans simply aren't feeling the benefits." Mr. Paulson needs to explain this point to Mr. Bush, who appears to see things differently. But beyond a change of language, the president needs to understand that his tax and spending policies must do more than target growth. If policies do not take inequality into account, the majority of Americans won't benefit from economic expansion—and popular support for free trade and other pro-growth ideas will continue to deteriorate.

VERMONT LAKE MONSTERS

Mr. LEAHY. Mr. President, today I wish to applaud the Washington Nationals and the Vermont Lake Monsters for extending their player development contract for the next 2 years. This new agreement will keep Vermont as the New York-Penn League affiliate for Washington through at least the 2008 season.

Vermont has been the NY-Penn League affiliate of the Montreal Expos/Washington Nationals since joining the league in 1994, and the Vermont-Montreal/Washington affiliation is now the longest current partnership in the league. The Vermont team's on-field success is highlighted by winning the New York-Penn League championship in 1996.

Since beginning the partnership in 1994, Vermont has seen 46 of its players reach the Major Leagues. Eighteen of those 46 players were on Major League rosters during the 2006 season. On top of that, two players have been part of World Series championship teams—Geoff Blum for the Chicago White Sox in 2005, and Orlando Cabrera for the Boston Red Sox in 2004.

While the teams have struggled on the field of late, I am confident that the new Washington ownership will make a firm commitment to bolstering their player development program. The Lake Monsters' owner Ray Pecor and general manager C.J. Knudsen also should be commended for their hard work and dedication in running a top-notch franchise in Vermont. In short order, the Lake Monsters should get back to its winning ways and fans in Vermont and Washington will benefit.

TRIBUTE TO KEN CUNNINGHAM

Mr. GRASSLEY. Mr. President, I want to take this opportunity at the end of a Congress to express may gratitude and best wishes to Ken Cunningham, a long-time friend and staffer who has been like family to my wife Barbara and me for more than 25 years and left my staff a few months ago.

He served me in a number of positions during those years, including chief of staff general counsel, legislative director, and legislative assistant—sometimes juggling multiple positions at once. I used to joke with him about all the titles that he had accumulated.

But now faced with growing family obligations, he has left my staff to set up his own government relations firm.

After 2 years working for former Congressman Tom Tauke, Ken joined my new Senate staff in 1981 to handle several legislative and regulatory areas initially focusing on commerce, telecommunications, transportation, and agriculture. In fact, my very first Senate legislative victories came with Ken's help on the 1981 farm bill.

Ken and his wife Sherry lived near Barbara and me, so he and I would drive to and from work together. We got to know each other well during those commutes and quickly became good friends. It was clear that my new staffer possessed sound judgment, integrity, a strong work ethic, and a passion for serving our constituents.

He worked many years in the Senate before it became popular around here to talk about the need for a "family friendly" schedule. And yet Ken found the time and energy to earn his law degree at the Georgetown Law Center. But I knew that I could always count on him to make the necessary sacrifices to get the job done here in the Senate no matter how long the hours. He probably set an office record in the early eighties during the crunch time of an ending Congress. As he juggled several pending legislative issues, he took only 7 hours of sleep for the entire week.

As some know, the devastation of the farm crisis of the middle eighties so discouraged me that I almost did not run for reelection. But Ken, like me, grew up farming. He, too, had friends back home and was likewise crushed by their suffering. He worked tirelessly to help me fight for every bit of relief and assistance possible to help rural Americans through that tragic time.

As partial testament to his effectiveness, when I did decide to run again, and we did some polling, my highest approval ratings came from farmers and their families. And while the farm crisis led to the defeat of many Midwest legislators, I was reelected by a wide margin.

My good friend, former Senate majority leader, Bob Dole, has called Ken Cunningham the smartest staff man on Capitol Hill, and said that I am lucky to have him. Given the number of staffers Senator Dole has known over the decades, that is indeed a remarkable compliment. But Ken has proven time and again that he deserves that reputation.

Ken has always been quick to grasp the complex. He possesses incredible discernment and political instincts. He has an intense competitive spirit.

And he is tenacious—almost as tenacious as me. He probably learned that from me.

Given these positive traits, combined with his understanding of Senate legislative rules and procedure, Ken can be either a great ally, or a most formidable opponent.

Let me give you an example.

Ken's expertise and qualities proved crucial in reversing a devastating tax legislation defeat handed to us by the House of Representatives, led by then-Ways and Means Chairman Bill Archer, during consideration of the 1997 reconciliation bill.

Chairman Archer and big oil had long despised tax incentives for ethanol, one of America's few energy independence success stories, and the source of billions of dollars of income and thousands of jobs for rural Americans and farmers.

By using reconciliation to kill these tax incentives and thus creating tax savings that protected other popular programs, Chairman Archer had devised and executed a plan to kill these tax incentives that were procedurally and politically virtually impossible to stop. He rammed it through his committee and then rammed it through the full House of Representatives.

Pro-ethanol allies in both the House and the Senate faced what seemed like one of those "deer-in-the-headlights" moments.

As the Senate Finance Committee prepared to take up the reconciliation package, farm and renewable fuels groups looked to me to lead the fight. But cracking reconciliation's procedural nut at this point was a daunting challenge at best.

Ken, however, formulated a legislative response that overcame these obstacles. One Finance Committee tax counsel wryly characterized it as "clever."

The amendment was designed not only to stop Chairman Archer's handiwork, but also to extend the ethanol tax provisions by several years. This was a bold move for a number of reasons, not the least of which was the fact that it drew opposition from both the Finance Committee's chairman and ranking Democrat.

The political obstacles were even more challenging than the legislative and procedural.

Many Democrats were outright giddy with the prospects of taking back control of Congress by blaming Republicans for the loss of the ethanol program and the resulting harm to rural America.

In recognition of this temptation, Ken recommended a particular Democratic cosponsor who, though not recognized as the most experienced in these battles, we felt would fight hard against political gamesmanship. He also devised a plan that did not depend upon the Clinton administration's help to ensure success.

I will never forget how quickly the loud chortling of the big oil lobbyists fell silent as they were stunned the night my amendment passed the Senate Finance Committee by a vote of 16 to 4.

And to the amazement of many, we fought to a draw during the 1997 reconciliation battle. Both Chairman Archer's and my provisions were dropped in conference. We then braced for Chairman Archer's next attack that came with the 1998 highway bill. This time, however, Speaker Gingrich quietly assured me that if we could get my tax amendment passed once again in the Senate, he would find a way to help me in conference.

As the time came close for the House/Senate conference, the Speaker had not yet said what he would do to help. Ken explored a number of ideas. It was common practice for House committee chairmen to designate members of their party and committee to attend conferences. But researching House rules, and seeking confirmation from the House Parliamentarian, Ken determined that the actual power of appointment resides with the Speaker.

We approached the Speaker to suggest that he consider exercising this power. And indeed, that is ultimately what the Speaker did: he appointed pro-ethanol House conferees, and my legislation extending the ethanol tax incentive prevailed, while the Ways and Means chairman's language to kill the program was dropped.

When I became the new chairman of the Senate Finance Committee, Mark Prater, the committee's chief tax counsel, told me that this was by far the biggest victory he had witnessed of me. It was unheard of and astounding for a mid-level member of the Finance Committee to defeat, as I did, a Ways and Means chairman on one of his top priorities.

Mr. President, even House Speaker Gingrich was amazed as the dust settled and we emerged victorious. Addressing a group of my constituents, the Speaker characterized legislate battle as, and I quote, "the substance about which great novels are written."

I will be first to acknowledge and express gratitude for all the help that many, many people provided in this fight, but I am convinced that we would have lost and there would be no ethanol program today had Ken Cunningham not come up with the right analyses and solutions at each and every critical juncture.

Over the years, Ken helped me at one time or another in just about every area of legislation and committee assignment, but he also contributed greatly to my office as a manager—first as legislative director and then as chief of staff.

He is very good with people—tactful and empathetic. He is firm, but always fair and even-handed. He has a way of bringing calm and resolution to tensions and conflict among staff. He is a good problem solver, teacher, and coach.

It is said that actions speak louder than words. And although I am not at a loss for words of praise for Ken, I think one of my last acts before he left speaks volumes about my confidence in Ken's judgment, loyalty, friendship.

I asked him to find and hire his own replacement—someone who was just as good with the same experience. I knew he would not let me down, and I think he did a pretty good job on that last assignment.

Ken has a wonderful wife and four growing boys. Barbara and I extend our blessings and best wishes for Ken and his family. And we have absolute confidence that he will be successful in his new business.

We miss seeing him at the office every day but know we will always be close friends.

So, Ken, to a valued public servant and a trusted friend, Barbara and I say thank you for your long-standing service to Iowa and the U.S. Senate.

BANKRUPTCY REFORM

Mr. GRASSLEY. Mr. President, I rise today to discuss the impact of Public Law 109–8, the bankruptcy reform legislation of which I was the lead sponsor here in the U.S. Senate. On October 17, 2006, we will see the one-year anniversary of the new law. This law was the result of many years of comprehensive study and intense debate in Congress. There was much give and take among all interested parties over several Congresses, and the final bill that was signed into law was the result of compromise, upon compromise, upon compromise. In fact, people tend to forget that this law passed both the House and Senate by wide bipartisan margins. It is a law that was sorely needed. It is a law whose central premise—if an individual wants to file for bankruptcy and can repay some of his debt, he should do just that, repay some of that debt—is supported by almost everyone. The law's central premise is about fairness. It is about good old common sense.

The bankruptcy reform legislation was driven by a desire to restore balance to a system that had become too easy: a system where clever lawyers gamed the integrity of the bankruptcy system for the benefit of those who wanted to get out of their debts scott-free and to the detriment of those who played by the rules. In fact, bankruptcy rates in the 1990s and early 2000 timeframe exceeded bankruptcy rates during the Great Depression, despite the fact that the economy was going strong during much of this time. So with this law we closed some loopholes, made upper-income Americans repay more of their debts if they were going to seek bankruptcy, and enacted important consumer protection provisions so people could be more knowledgeable about their finances. The law retained bankruptcy for those who truly are in need of that relief, while injecting more integrity and fairness in the bankruptcy system.

So how has the new bankruptcy law worked? So far, I think it is too soon to make firm judgments. But early reports indicate the new law has been working very well. We have seen bankruptcy rates fall dramatically from about 2 million bankruptcies in 2005 to the point where I doubt there will be over 1 million bankruptcies in 2006, if current trends continue. In my mind, this is bound to help the American economy. Fewer bankruptcy filings lead me to believe that only those individuals who truly are in need of a fresh start are filing for relief. Furthermore, a natural outgrowth of fewer bankruptcy filings is a much lower cost to the American consumer and the U.S. economy.

As my colleagues may recall, the Clinton administration's Treasury Secretary, Larry Summers, told Congress that high levels of bankruptcies tend to push up interest rates. I have called that the "bankruptcy drag" on the economy. It is just common sense. When a business loses money because a customer files for bankruptcy instead of paying his bill, that business has a couple of options: Either the business can absorb the loss and spend less on growth and expansion or the business can increase what it charges other customers to offset the loss, imposing what many of us in Congress called a bankruptcy tax. It follows that businesses can weather the storm when the occasions where customers don't pay their bills are relatively rare, but when you have a scenario where filing bankruptcy is easy and customers are filing bankruptcy on a regular basis—whether they really need it or not, no questions asked—and they aren't paying their bills, well, then businesses get into trouble. Unfortunately, businesses that don't get paid aren't the only ones impacted by this.

The reality is, either way, ultimately it is the consumers and the economy that suffer the most when bankruptcies spiral out of control. People who play by the rules and pay their way are the ones who end up picking up the tab. I would rather see the "bankruptcy drag" reduced, freeing up businesses to grow, add jobs, and contribute to the Nation's economy and the people's prosperity. I would rather see the $400 "bankruptcy tax" burdening American families each year reduced so they can spend their money in a more productive way. And based merely on the bankruptcy filing numbers available from the Federal courts, I think that it is fair to say that Public Law 109-8 has been a success for our economy. Public Law 109-8 has driven a stake through the heart of this bankruptcy drag.

I have struggled with how to put a dollar figure on how much bankruptcy reform has saved the economy since it became the law of the land. During Congressional debate, we received testimony that the average amount discharged in bankruptcy is $41,000 per filing. If one does some simple math, taking the total number of consumer bankruptcies filed in the first half of this year and doubling that number, it seems we could see about 550,000 consumer bankruptcies in 2006—perhaps a little more, perhaps a little less.

As I said, the Federal courts reported that we had just over 2 million consumer bankruptcies filed in 2005. So using the $41,000 figure, bankruptcy losses cost our economy $82 billion in 2005. On the other hand, it looks as if, because of the new law, bankruptcy losses for 2006 will only be about $22.5 billion. Let me repeat: $82 billion in 2005 and $22.5 billion in 2006 after the law was put in effect.

We are not talking peanuts. That is a substantial savings for our economy. That is around $60 billion that would have been lost, that would have put a drag on our economy. And I am confidant that at least some of that money has been or will be redirected to economic growth. If this isn't success, I don't know what is.

It is also important to remember the unprecedented new consumer protections included in the new bankruptcy law. Let me mention some of them. Retirement savings receive more protections from the reach of creditors. Likewise, education savings also receive enhanced protections under the new law. And lenders who won't compromise with financially-troubled borrowers can be penalized for not negotiating out-of-court settlements.

People considering filing for bankruptcy now have access to no-cost or low-cost credit counseling and financial education. We want people who make bad financial choices to learn how to deal with their finances and quit the spending cycle. After all, better educated consumers are a benefit to everyone. The law even encourages education of young people on how to manage their money. And credit card companies are required by the new law to warn consumers about the dangers of making only minimum payments and to clearly identify payment amounts.

Moreover, bankruptcy mills that deceived people into filing for bankruptcy when they had other options available are now subject to new regulation. People should be aware that bankruptcy is not the only way out in times of financial trouble. Even a Federal Trade Commission Alert warned against bankruptcy mills and advised the American consumer that filing for bankruptcy adversely affects an individual's credit rating. Bankruptcy should be a last resort, rather than the first stop in regaining one's financial bearings.

So, all in all, Public Law 109-8 contains some of the most sweeping consumer protections enacted by Congress in a long time.

Of course, as I said earlier, it is too early to gauge the full impact of Public Law 109-8. Bankruptcy attorneys so frightened consumers by exaggerating the impact of bankruptcy reform that many consumers rushed to file prior to enactment of the law. And after the law was enacted, many consumers who truly need bankruptcy were scared away.

Some of the consumer protections contained in the law—such as minimum-payment warnings for credit cards and the like—have not yet been implemented by the Federal Reserve.

Also, the debtor attorneys who want to operate bankruptcy mills are seeking to get out from under the new regulations by claiming in court to have a constitutional right to advise consumers to run up debt on the eve of bankruptcy and not comply with the new law. I am pleased that the Justice Department is aggressively resisting this effort. These lawyers just want a license to go back to their old ways of making a quick buck by shuffling unsuspecting consumers into bankruptcy without advising them of the downsides of bankruptcy or their alternatives. These lawyers also are dragging down our economy. Bankruptcy should be reserved for those persons who have no other options, not for people who use clever legal advice to make big purchases on the eve of bankruptcy with no intention of ever repaying the debt because they can wipe away their debts clean, no questions asked.

So I will keep a watchful eye on developments in the future. But for now, almost one year later, bankruptcy reform seems to have been a success.

FIFTH ANNIVERSARY OF ANTHRAX ATTACKS

Mr. LEAHY. Mr. President, In the autumn of 2001, while the Nation was still reeling from the reality of our airplanes being turned into weapons of terror, someone, somewhere, launched another deadly terrorist attack using our postal system to deliver their weapon of choice—anthrax. Those anthrax-laced letters targeting several journalists and public officials, among them Senator Daschle and myself, jarring an already fearful Nation.

Receiving that letter was a chilling and personal reminder that the threat of terrorism was not temporary, nor was it an ocean away. Thankfully, my staff and I were unharmed, but others were not so lucky. The terrorists who sent these letters struck 22 people ranging in age from 7 months to 94 years, and the attacks resulted in the deaths of five Americans. They were people who died by simply touching an envelope—in some cases the mail was addressed to them, and in other instances, it was an envelope meant for someone else. Yet all of these people died as a result of doing what so many of us do every day—our jobs.

Five years after those attacks and 5 years into the global war on terror, there is still no perpetrator who has been arrested or convicted for these attacks. Every year around the time of the anniversary—we learn that the FBI is still working on this case and that it remains a high priority for the Bureau. Many skilled and talented people have worked diligently on this case, bringing to bear some of the most advanced forensic technology in the world.

The victims of the anthrax attacks varied in gender, race, religion, age, economic status and locale, but they all shared in the suffering. The victims who suffered the most were employees of the U.S. Postal Service, of the Department of State, of news organizations and of the Senate, and the aides, the children, and the senior citizens whose mail came in contact with the anthrax-laden letters.

Robert Stevens, a photo editor at The Sun newspaper in Boca Raton, Florida, died on October 5, 2001, at the age of 63. Thomas Morris, Jr., a Washington, DC, postal worker, died on October 21 at the age of 55. Joseph Curseen, also a Washington, DC, postal worker, died on October 22 at the age of 47. Kathy T. Nguyen, a New York City hospital worker, died on October 31 at the age of 61. And Ottilie Lundgren, a 94-year-old Connecticut retiree, died on November 21.

Many of those who survived anthrax exposure remain severely debilitated, suffering from chronic cough, fatigue, joint swelling and pain, and memory loss. Several victims have been diagnosed with depression and anxiety and are still tormented by nightmares. Many cannot return to work, and some of those who have returned are unable to do even routine tasks without difficulty. Victims say they communicate very little with one another, mostly fighting their battles alone.

On October 16, 2003, I introduced a bill to amend the September 11th Victim Compensation Fund of 2001 to provide compensation for anthrax victims on the same basis as compensation is provided to victims of September 11. The bill never made it out of the Judiciary Committee. Without this appropriate help, the surviving victims struggle to pay their medical bills and get by on worker's compensation, and many report feeling like they have borne the brunt of the anthrax attacks alone. This surely exacerbates the emotional and psychological difficulties that many anthrax victims experience. Congress should act to help these people, who are victims of the national experience of these terrorist attacks, and they should be treated accordingly.

Congress and the American people hope for answers and for a resolution of this case. We hope that lessons have been learned from it that will help prevent or minimize future biological attacks. In the meantime, let us remember the loss and the suffering of those who fell victim to this deadly episode of terrorism on our soil.

IRAQ AND U.S. NATIONAL SECURITY

Mr. FEINGOLD. Mr. President, I have listened intently over the past few weeks as the President, members of his Cabinet, and Members of this Chamber have discussed Iraq, the war on terror, and ways to strengthen our national security.

For years, now, I have opposed this administration's policies in Iraq as a diversion from the fight against terrorism. But I have never been so sure of the fact that this administration misunderstands the nature of the threats that face our country. I am also more sure than ever and it gives me no pleasure to say this—that this President is incapable of developing and executing a national security strategy that will make our country safer.

As we marked the fifth anniversary of 9/11 this month, we recalled that tragic day and the lives that were lost in New York, at the Pentagon, and in Pennsylvania. And we all recalled the anger and resolve we felt to fight back against those that attacked us. This body was united and was supportive of the administration's decision to attack al-Qaida and the Taliban in Afghanistan. No one disputed that decision.

That is because our top priority immediately following 9/11 was defeating the terrorists that attacked us. The American people expected us to devote most of our national security resources to that effort, and rightly so. But unfortunately, 5 years later, our efforts to defeat al-Qaida and its supporters have gone badly astray. The administration took its eye off the ball. Instead of focusing on the pursuit of al-Qaida in Afghanistan, it launched a politically motivated diversion into Iraq—a country with no connection to the terrorists who attacked us. In fact, the President's decision to invade Iraq has emboldened the terrorists and has played into their hands by allowing them to falsely suggest that our fight against terrorism is anti-Muslim and anti-Arab, when nothing could be further from the truth.

But instead of recognizing that our current policy in Iraq is damaging our national security, the President continues to argue that the best way to fight terrorists is to stay in Iraq. He even quotes terrorists to bolster his argument that Iraq is the central front in the war on terror. Just recently, he told the country that Osama bin Laden has proclaimed that the "third world war is raging" in Iraq and that this is "a war of destiny between infidelity and Islam."

Instead of letting the terrorists decide where we will fight them, the President should remember what he said on September 14, just 2 days after 9/11. He said, and I quote, "[t]his conflict was begun on the timing and terms of others. It will end in a way, and at an hour, of our choosing." The President was right when he said that, and he is wrong to suggest that we must stay in Iraq because that is where the terrorists want to fight us. We must fight the terrorists where they don't want to fight us—and that means engaging in a global campaign, not focusing all of our resources on one country.

The way to win a war against global terrorist networks is not to keep 140,000 American troops in Iraq indefinitely. We will weaken, not strengthen, our national security by continuing to pour a disproportionate level of our military and intelligence and fiscal resources into Iraq.

Unfortunately, because of our disproportionate focus on Iraq, we are not using enough of our military and intelligence capabilities for defeating al-Qaida and other terrorist networks around the world. While we have been distracted in Iraq, terrorist networks have developed new capabilities and found new sources of support throughout the world. We have seen terrorist attacks in India, Morocco, Turkey, Afghanistan, Indonesia, Spain, Great Britain, and elsewhere. The administration has failed to adequately address the terrorist safe haven that has existed for years in Somalia or the recent instability that has threatened to destabilize the region. And resurgent Taliban forces are contributing to growing levels of instability in Afghanistan.

Meanwhile, the U.S. presence in Iraq is being used as a recruiting tool for terrorist organizations from around the world. In Indonesia, home to historically moderate Islamic communities, conservative religious groups are becoming increasingly hostile towards the United States. In countries like Thailand, Nigeria, Mali, the Philippines, and elsewhere, militant groups are using U.S. policies in Iraq to fuel hatred towards the West.

The war in Iraq was, and remains, a war of choice. Some in this body, even those who have questioned the initial rationale for the war, suggest that we have no option but to remain in Iraq indefinitely. That argument is mistaken. We do have a choice, and that is whether we continue to devote so much of our resources to Iraq or whether we devote our resources to waging a global campaign against al-Qaida and its allies. We cannot do both.

If we choose to stay the course in Iraq, that means keeping large numbers of U.S. military personnel in Iraq indefinitely. It means continuing to ask our brave service members to somehow provide a military solution to a political problem, one that will require the will of the Iraqi people to resolve. Our military has achieved its mission in Iraq. Until we redeploy from Iraq, our very presence there will continue to generate new terrorists from around the world that will come to Iraq to attack U.S. troops.

Staying the course also means that our military's readiness levels will continue to deteriorate. It means that a disproportionate level of our military resources will continue to be focused on Iraq while terrorist networks strengthen their efforts worldwide.

The fight against the Taliban and al-Qaida in Afghanistan, too, will continue to suffer, as it has since we invaded Iraq. If we stay the course in Iraq, we won't be able to finish the job in Afghanistan.

Finally, if this were our Nation's choice, the safety of our country would be uncertain, at best. Terrorist organizations and insurgencies around the world will continue to use our presence in Iraq as rallying cry and recruiting slogan. Terrorist networks will continue to increase their sophistication and reach as our military capabilities are strained in Iraq.

I think we can see why this approach plays into the terrorists' hands—and even why bin Laden might suggest that the U.S. presence in Iraq is beneficial to his cause.

Of course, staying the course isn't a necessity.

The alternative is to establish a new national security strategy that addresses the wide-ranging nature of the threats that face our country.

This second choice will require replacing our current self-defeating national security strategy with a comprehensive one to defeat the terrorist networks that attacked us on 9/11. It will require a realignment of our finite resources. And it will also require a change in the way we view and discuss the threat to our country. We must reject phrases like "Islamic fascism," which are inaccurate and potentially offensive to peace-loving Muslims around the world. And we need to understand that there is no "central front" in this war, as the President argues.

The threats to our country are global, unlike any we have encountered in the past. Our enemy is not a state with clearly defined borders. We must respond instead to what is a loose network of terrorist organizations that do years, we were ignored, with horrific incident after horrific incident, whole families gunned down, or only young children left alive after their parents in the front seat were riddled with bullets.

Iraq is an extraordinarily dangerous place and attacks against our troops often happen without a moment's notice. Split second decisions are sometimes necessary. No one suggests that our troops should not be able to defend themselves or that they should be penalized for unavoidable mistakes. But Pentagon officials stubbornly refused to heed the most reasonable, constructive suggestions, always insisting that they were acting according to procedures.

Those procedures were woefully inadequate and they devalued innocent Iraqi lives. It is inexcusable, because it was so obvious and many casualties could have been avoided with the changes that field commanders have recently made. All it took was caring enough to do it.

The article also mentions that the Pentagon has finally been investigating and reporting on civilian casualties. It is not an exact science, since sometimes a person dressed like a civilian is actually an enemy combatant, but it is vitally important that we do our best to determine the cause of civilian casualties that result from our actions.

Section 1223 of H.R. 1815, the fiscal year 2006 Defense Authorization Act, requires a report on the Pentagon's procedures for recording civilian casualties in Iraq and Afghanistan. That report, a copy of which I only just received, is an embarrassment. It totals just two pages and it makes clear that the Pentagon does very little to determine the cause of civilian casualties or to keep a record of civilian victims.

No one expects our troops to be forensic investigators, but we do expect the Pentagon to take this issue seriously and to do its best to document and maintain a record of civilian casualties. By doing so we can make clear that we value innocent lives, we are better able to know when and how to assist the families of those injured or killed, and we can make changes to procedures to prevent such mistakes in the future.

EXHIBIT 1

[From the Wall Street Journal, June 6, 2006]

U.S. CURBS IRAQI CIVILIAN DEATHS IN CHECKPOINT, CONVOY INCIDENTS

(By Greg Jaffe)

WASHINGTON—The U.S. military has cut the number of Iraqi civilians killed at U.S. checkpoints or shot by U.S. convoys to about one a week today from about seven a week in July, according to U.S. defense officials in Iraq.

The reduction in civilian casualties shows that months before the killing of 24 Iraqis in the western Iraqi town of Haditha came to light, the military was pushing to reduce the number of Iraqi civilians killed or wounded at the hands of U.S. forces. The drop since July, however, suggests that hundreds of Iraqi civilians were killed at U.S. checkpoints or on Iraqi highways during the first two years of the war.

The shooting of civilians in such instances has angered Iraqi civilians and political leaders. It also likely has helped fuel the insurgency. Last week, Iraqi Prime Minister Nouri al-Maliki lashed out at U.S. forces for showing "no respect for citizens, smashing civilian cars and killing on a suspicion or a hunch." Mr. Maliki's comments were driven in part by the news that U.S. military investigators had opened a pair of formal probes into the mid-November incident in Haditha in which Marines allegedly killed two dozen unarmed civilians, including several women and children without provocation. Evidence indicates that the Marines tried to blame the incident on a roadside bomb and an ambush from insurgents, say lawmakers and U.S. officials familiar with the probes.

In contrast with the Haditha incident, where the killings are alleged to be intentional, checkpoint and convoy shootings are almost always the result of mistakes in which confused or disoriented Iraqi drivers don't respond to initial warnings from U.S. forces to slow down or back off, U.S. officials say. U.S. forces, worried about their own security and that of their colleagues, must make split-second decisions to fire warning shots or open fire.

Such shooting incidents—or escalation-of-force incidents, as military officials call them—result in civilian casualties in 12% of the cases. The numbers don't include civilians killed in raids resulting from bad intelligence or Iraqis killed in the crossfire of battles with insurgents.

Until July 2005, the U.S. military didn't track civilian casualties in these incidents, senior military officials say. In December, President Bush estimated that about 30,000 Iraqi civilians had been killed since the war started. His spokesman, however, said the estimate was based on media reports and not a formal military count.

The military's failure to track such killings has drawn criticism from human-rights experts. "If you don't keep track of the civilians you harm, you don't know how you are doing," said Sarah Sewall, director of the Carr Center for Human Rights Policy at Harvard University. She praised the military for paying more attention to the problem but lamented that it took so long.

Since arriving in Iraq as the No.2 military official in January, Lt. Gen. Peter Chiarelli has made reducing Iraqi civilian casualties in escalation-of-force incidents a bigger priority. Gen. Chiarelli has been critical of the U.S. military for using force too quickly.

"It is something he has been pushing since we got into theater, and we have been making good progress," said a military officer familiar with the general's efforts. Some of the decrease has been the result of changes in tactics and training. Military commanders have been ordered to ensure that their checkpoints all use the same signs and setup to minimize confusion.

U.S. soldiers have been given new equipment such as sirens and green lasers that allow them to get Iraqi drivers' attention without firing warning shots. Soldiers also have been schooled in new ways of spotting suicide bombers.

In April, Gen. Chiarelli directed his subordinate commanders to investigate all escalation-of-force incidents that result in an Iraqi being seriously wounded or killed or cause more than $10,000 in property damage. The results must be sent to Gen. Chiarelli's Baghdad headquarters. Before his order, such incidents weren't always investigated.

In recent months, senior military officials have focused less on finding insurgents and more on keeping soldiers in one place, where they provide daily security for the population. "They are getting into small towns more and staying for a longer period of time. That cuts down on mistakes," says Andrew Krepinevich, executive director of the Center for Strategic and Budgetary Assessments, a Washington defense think tank.

BREAST CANCER AWARENESS MONTH

Mr. JOHNSON. Mr. President, I am grateful for the opportunity to discuss the importance of breast cancer awareness and to highlight Breast Cancer Awareness Month, which takes place this October.

We celebrate Breast Cancer Awareness Month every October in order to raise awareness of the disease and to stress the importance of early detection through an annual mammogram for women over 40, or earlier for women with increased risk factors. I say that we celebrate Breast Cancer Awareness Month because in my family, we truly do celebrate. Were it not for the efforts of so many fine individuals and organizations to raise awareness of this disease, my wife Barbara might not have sought early treatment and won two battles with breast cancer. Barbara's triumphs truly give our family reason to celebrate.

Yet the numbers remind us that we have more work to do. Breast cancer is the most common nonskin cancer and the second leading cause of cancer-related death among women. We know we are making strides against this disease because while the breast cancer diagnosis rate has increased, the overall breast cancer death rate has decreased. Simply put, although more women are personally fighting breast cancer, more women are winning.

One of the most effective ways for women to win their battle against breast cancer is through early detection and treatment, and highlighting this fact is a fundamental goal of Breast Cancer Awareness Month. In this spirit, Barbara and I sponsor a mammogram van every year at the South Dakota State Fair in Huron, SD. The van, which our generous sponsors help us provide free of charge, offers 2 days of free mammograms for uninsured women. We are so proud to have the opportunity to offer this important screening to so many women.

I am disappointed that the President's budget request for fiscal year 2007 does not prioritize funding for cancer programs in a way that allows us to move quickly forward in the fight against breast cancer. The President requested level funding for the National Institutes of Health, NIH, the world's largest and most distinguished organization dedicated to maintaining and improving health through medical science. This proposed budget would cut funding for 18 of the 19 Institutes at NIH, including a $40 million cut for the National Cancer Institute.

I am pleased that the Labor, Health and Human Services and Education appropriations bill approved by the Appropriations Committee, on which I serve, in July not only restored funding for the National Cancer Institute, but also included a $9 million increase over the fiscal year 2006 level. While we must still travel a long path to passing this appropriations bill, I am committed to maintaining and, if possible, increasing this funding level.

Earlier this year, I joined 73 Senators in voting to add $7 billion to the Labor, Health and Human Services and Education appropriations bill. Unfortunately, the fiscal year 2006 emergency supplemental bill contained a "deeming resolution" that forced the Senate to make significant spending cuts in domestic programs. As a result, on July 20, the Senate Appropriations Committee reported out a bill that is $2 billion short of the fiscal year 2005 level. I am committed to securing the rest of the funds that so many of my colleagues and I support and to ensuring that important programs like breast cancer research and screening and treatment programs receive the benefit of these additional funds. We can only expect to conquer breast cancer and other forms of cancer if we commit the funds necessary to researching, understanding, and preventing this disease.

During the month of October, I urge my Senate colleagues, my constituents in South Dakota, and all Americans to join me in celebrating Breast Cancer Awareness Month.

BI-NATIONAL HEALTH WEEK

Mr. LUGAR. Mr. President, I appreciate this opportunity to join my friends from across the United States, Mexico, Canada, Guatemala, and El Salvador in celebrating the 6th Annual Bi-National Health Week.

Bi-National Health Week affords us an opportunity to reflect upon the many successful efforts made here in the United States in cooperation with Mexican, Canadian, Guatemalan, and Salvadorian consulates in order to promote healthy lifestyles and well-being amongst those who might otherwise lack access to important health care services.

Bi-National Health Week originated as an effort by Mexico's Secretary of Health to direct health care services to the underserved migrant populations currently living and working in the United States. Since its inception in October 2001, the network of Mexican consulates throughout the country has partnered with U.S. Federal, State and local agencies, the Institute for Mexicans Abroad, the United States-Mexico Border Health Commission, the California-Mexico Health Initiative, and various Mexican and United States colleges and universities. These partnerships have resulted in celebrations throughout the world in an effort to empower local health clinics and community organizations to provide services to the Hispanic/Latino population.

The agencies involved with the Bi-National Health week are working diligently to educate and encourage people to pursue healthy lifestyles. HIV, cholesterol, blood sugar, blood pressure, and oral screenings will be offered as examples of first-rate preventative care in order to avoid costly hospitalization and reduce future costs to the taxpayer. We must continue to work together at the Federal, State and local levels with our friends throughout the world in order to ensure that we seek every opportunity to pursue healthy lifestyles.

TRIBUTE TO FRANK IPPOLITO

Mr. CHAMBLISS. Mr. President, I am pleased to join my good friend from Iowa, the ranking minority member of the Committee on Agriculture, Nutrition and Forestry, to salute a dedicated public servant, Mr. Frank Ippolito, who is retiring after more than 30 years of distinguished service to the U.S. Government, including 24 years at the Department of Agriculture, USDA.

As the Director of the Governmental Affairs Office at USDA's Food and Nutrition Service, FNS, Mr. Ippolito is the career civil servant responsible for communications between FNS and Congress and for coordinating logistics for hearings, briefings, and legislative policy for the Under Secretary of Food, Nutrition, and Consumer Services and FNS staff.

FNS accounts for over half of USDA's annual budget. It serves a monthly average of over 25.9 million people in the Food Stamp Program, 8.22 million people in the Special Supplemental Nutrition Program for Women, Infants, and Children, WIC, and provides daily meal service to over 30.9 million students through the National School Lunch Program and 10.3 million students in the National School Breakfast Program. Mr. Ippolito is the bridge between this important agency and the Congress.

Mr. Ippolito was born and raised in Birmingham, AL. He graduated from the Birmingham Public School System in 1965, earned a B.S. in chemistry from the University of Alabama in 1969 and a law degree from the University of Alabama School of Law in 1973.

Mr. Ippolito first worked as general counsel of the Alabama Air Pollution Commission in the State capital. In 1975, he came to Washington to work for the U.S. Department of Health, Education, and Welfare, now known as the U.S. Department of Health and Human Services, and worked for the Social Security Administration and the U.S. Defense Investigative Agency.

In 1982, Mr. Ippolito came to FNS in the Office of Governmental Affairs as a legislative specialist. In 1988, he was named Director of Governmental Affairs, the position he has held for the past 18 years. As Director, he has provided invaluable guidance on FNS programs and activities both to the Under Secretary and Secretary of Agriculture and to Members of Congress for five farm bills and five child nutrition and WIC reauthorizations.

Over the course of his career, Mr. Ippolito served under six Presidents and eight Secretaries of Agriculture, five Chairmen of the U.S. House of Representatives Committee on Agriculture, and six chairmen of the U.S. Senate Committee on Agriculture, Nutrition, and Forestry.

In the Senate Agriculture Committee, in exercising our jurisdiction over FNS we not only work in a bipartisan fashion, we also work closely with the administration. When writing a farm bill or child nutrition and WIC reauthorization, we often call upon FNS staff, including Mr. Ippolito, for expertise. He put in many Saturday afternoons and late nights past 2:00 a.m. during legislative discussions and negotiations because of his dedication to providing Representatives, Senators, and our staff access to the information we need to serve the American people.

I commend Mr. Frank Ippolito for his many years of dedicated service to the U.S. Government and for the outstanding work he has done throughout his distinguished career. I congratulate him on the occasion of his retirement and extend my best wishes to him and his wife, Donna, in the years ahead.

Mr. HARKIN. Mr. President, I too wish to pay tribute to the accomplishments of Mr. Frank Ippolito and thank him for his many years of dedicated service to the American people and especially to the U.S. Department of Agriculture, Food and Nutrition Service, FNS. Mr. Ippolito has done an outstanding job as the career civil servant responsible for communications between FNS and Congress. During his long tenure, this critical agency, which benefits millions of Americans, has been greatly improved.

Mr. Ippolito has crossed many a path with countless elected officials and staff over the years, and without regard to party affiliation, he has treated each and every one of us with dignity, respect, and a helpful attitude that allows the work of Government to be performed efficiently and effectively. And in addition to his professionalism and competence, he has always carried out his work with a generous spirit and a cheerful personality.

In sum, Mr. Ippolito exemplifies the very model of a public servant. Frank Ippolito reminds us that, at its best, working for the Federal Government is ultimately about working for the people of the United States. At the end of a career, all of us who have worked in the Government or elected office should ask ourselves if, as a result of our careers, the people throughout America are better off as the result of our efforts. I am confident that Frank can enter retirement after three decades secure in his knowledge that the answer to that question is an emphatic yes.

I thank Mr. Frank Ippolito for his years of extraordinary service and wish him and his wife Donna all the best on this occasion for his retirement.

MISSED OPPORTUNITIES IN HEALTH CARE

Mr. BAUCUS. Mr. President, this Congress has made little progress on health care.

We know the problems. Health costs are rising. The number of uninsured is growing. American companies, burdened by growing health-care obligations, are struggling to compete. And what has Congress done about it? Not much.

The trends are worsening. Last month, we learned that nearly 47 million Americans lack health insurance. That is up from a bit over 40 million in 2001. Last week we learned that health insurance premiums rose 7.7 percent last year. That is twice the rate of inflation. And nearly every day, I hear from an employer concerned about the rising cost of health care.

Unfortunately, this Congress has not made progress on these top-tier health issues. Congress has not made progress even where wide agreement exists.

There is wide agreement on health information technology, or health IT. Most experts agree that smarter use of health IT would cut costs. It would increase efficiency. It would reduce medical errors. And it would save lives.

Furthermore, health IT would help us to move to system of paying health care providers for the quality of care that they provide. That is an important priority of mine.

Last November, the Senate passed a health IT bill unanimously. That was nearly 11 months ago. Yet an agreement has still not been reached with the House on a compromise health IT bill.

This bill started with broad support across the Senate. But deliberations on this bill have now turned partisan. Recently, the majority has excluded Democrats from the conference committee deliberations.

There is also wide agreement on Medicare physician reimbursements. An overwhelming majority of Senators have urged action to prevent a pending 5.1 percent cut in the Medicare physician fee schedule for 2007. And there is broad agreement on the need to start rewarding quality in Medicare. But despite agreement on both issues, Congress has yet to act.

There is also wide agreement on helping seniors confused by the new Medicare drug benefit. The new Medicare drug program imposes a penalty on those who sign up after the enrollment deadline. But the way that the Government implemented the new Medicare drug program confused seniors.

In response, Chairman GRASSLEY and I joined a wide group of Senators to introduce legislation to waive the penalty for this year. But despite broad support for this measure, it remains unaddressed.

There is also wide agreement that we need to sustain important health safety net programs. In 3 months, funding for transitional medical assistance—TMA—will expire. TMA provides temporary health coverage to low-income working parents moving from welfare to work. Without a TMA extension, nearly 800,000 working parents will lose the temporary health coverage that they need to leave welfare and lead independent lives.

There is also wide agreement that we need to enact technical corrections to last year's Deficit Reduction Act. While I did not vote for that bill, it is important that Congress clarify any misunderstandings over its intent. I know that Chairman GRASSLEY shares my interest in getting this done as soon as possible.

There is also wide agreement to support the Children's Health Insurance Program, or CHIP. CHIP has helped cut the number of uninsured kids from 10.7 million in 1997 to 8.3 million in 2005. But despite this success, 17 States face federal funding shortfalls in their CHIP programs. These shortfalls potentially jeopardize coverage for hundreds of thousands of kids. We cannot afford to lose ground in our fight to provide more health coverage for children.

There is also wide agreement that we need to improve health care in Indian Country. In June, the Finance Committee reported legislation to improve access to Medicare, Medicaid, and CHIP in Indian Country. That bill is now part of the Indian Health Care Improvement Act. That bill is being held hostage by a handful of opponents on the other side.

There is no shortage of important health issues. Many health issues spark intense partisan disagreement. But that is generally not true about the ones that I just described.

That is why it is so disappointing that these issues—from Medicare physician payments to transitional Medicaid—remain unaddressed.

If we are ever going to make progress on the most difficult problems facing our health system—rising costs, the uninsured, threats to American competitiveness—we will have to work together and pass legislation. That we cannot even work together on issues with wide agreement is deeply troubling.

NATIONAL EMPLOY OLDER WORKERS WEEK

Mr. SMITH. Mr. President, I rise today in recognition of National Employ Older Workers Week, celebrated September 24–30, 2006. All too often we concentrate only on the social and economic challenges that the rapidly increasing numbers of older Americans present this Nation. This week's designation provides the opportunity to highlight the vital role that older workers can and do play in fostering a competitive economy through their workplace contributions.

As the baby boomer generation has begun to reach traditional retirement age, this mature workforce is breaking down the negative stereotypes that cast older workers as frail, unproductive, and resistant to technological advances. Today's older generation of Americans has persevered through economic hard times and flourished in prosperity, endured war and enjoyed peace, and embraced more dramatic technological advances in science, medicine, transportation and communications than any other generation in our history. This breadth of experience should be viewed as a valuable asset bridging this country's past and future. National Employ Older Workers Week is our opportunity to recognize the wealth of experience older Americans have acquired and can contribute to the 21st century workplace, as well as the importance of work in helping seniors maintain their independence, health, and well-being.

Mr. President, I encourage my colleagues to join me in recognition of National Employ Older Workers Week. As chairman of the Senate Special Committee on Aging, I look forward to working with my colleagues to encourage the hiring and retention of older workers. We honor these workers for their experience and the contributions they have made throughout their lifetimes, and look forward to their continued contributions to our country's prosperity.

IMPROVING ELECTION PRACTICES FOR NOVEMBER 7TH

Mr. DODD. Mr. President, there has been much discussion and debate over the last 6 years on the best way to modernize the way we run Federal elections. As a result of the Help America Vote Act of 2002, HAVA, the Election Assistance Commission, EAC, a bipartisan independent agency, was created. One of the EAC's duties is to serve as a clearinghouse of election administration information for the use of election officials, the information of voters, and the good of our democracy.

The Election Assistance Commission has recently released four documents that serve as an overview on good election administration practices in preparation for the November 7 Federal elections. States are making the final push to implement the new election administration requirements enacted in HAVA which must be in place by November. As with any new Federal requirements, it is anticipated that there may be problems with new technologies, administrative failures, or human error. In light of some of the challenges faced by election officials in primaries over the last few weeks, these best practices guidelines are both timely and instructive for those who are responsible for conducting our Federal elections this fall.

The first document, "Quick Start Management Guide for New Voting Systems," covers basic polling place planning and management operations for those jurisdictions that have recently purchased new voting equipment. This document includes recommendations on contingency plans, testing procedures, and security.

The second document, "Quick Start Management Guide for Poll Workers," discusses best practices for recruiting, training, and retaining poll workers. These best practices include election day recommendations for establishing a dedicated phone line for poll workers and creating a troubleshooting guide for problems at the polls.

A third guide, "Quick Start Management Guide for Voting System Security," discusses methods of assessing technological or procedural flaws in election security, and suggests protocols on how to improve the secure functioning of the elections process. These protocols include installing only certified software, implementing procedures and systems to control physical access to voting systems, and maintaining an inventory of all election materials.

Finally, the fourth guide, "Quick Start Management Guide for Ballot Preparation/Printing and Pre-election Testing," provides recommendations for ballot preparation and logic and accuracy testing of systems. These best practices include testing all components of the system prior to election day, replacing all batteries before each election, and ensuring that all state laws and procedures for logic and accuracy testing have been followed.

These guides have been developed based on best practices used successfully by election officials across this Nation. While many jurisdictions may already be considering these procedures, I wanted to bring these guides to the attention of my colleagues in the hope that they will pass this information on to their state and local election officials for use in the November Federal elections.

These recommendations may not cover every potential election problem faced by poll workers and voters in the fall elections. State law in some jurisdictions may even preclude election officials from implementing some of these best practices. However, these documents raise potential issues for everyone involved in the elections process to consider, and offer concrete solutions to the challenging administrative problems that impact state and local election officials. Most importantly, these procedures can help ensure that every eligible American will have an equal opportunity to cast a vote and have that vote counted in the November Federal elections.

The text of these four Quick Start Guides can be accessed on the Election Assistance Commission Internet Web site, http://www.eac.gov by following links to: Guide for New Voting Systems; Voting System Security Guide; Poll Workers Guide; and Ballot Preparation/Printing & Pre-Election Testing Guide.

THE KYOTO DECLARATION OF RELIGIONS FOR PEACE

Mr. LUGAR. Mr. President, the organization known as Religions for Peace constitutes a global network of inter-religious councils and affiliated groups, harnessed to encourage cooperation among the world's religious communities to transform conflict, build peace and advance sustainable development.

Founded in 1970 as an international, nonsectarian organization, Religions for Peace is now the largest coalition of the world's religious communities.

President of Religions for Peace is His Royal Highness Prince El Hassan bin Talal of Jordan.

Secretary General of WCRP, as the organization is known, is Dr. William F. Vendley, of the United States.

Our former colleague and my fellow Hoosier, John Brademas, who served in the House of Representatives from Indiana for 22 years and then became president of New York University, which he now serves as President Emeritus, is an International Trustee of Religions for Peace.

Last month, in Kyoto, Japan, more than 800 religious leaders, from all major traditions and over 100 countries, met at the Eighth World Assembly of the World Conference of Religions for Peace.

The theme of this assembly was Confronting Violence and Advancing Shared Security.

At the request of our former colleague Representative Brademas, I ask unanimous consent to have the final statement issued by the Kyoto Assembly printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE KYOTO DECLARATION ON CONFRONTING VIOLENCE AND ADVANCING SHARED SECURITY—RELIGIONS FOR PEACE EIGHTH WORLD ASSEMBLY

PREAMBLE

Representing all major religious traditions and every region of the world, more than eight hundred religious leaders from over one hundred countries convened in Kyoto, Japan as the Eighth World Assembly of the World Conference of Religions for Peace to address the theme, "Confronting Violence and Advancing Shared Security." We, the Assembly Delegates, come from the global Religions for Peace network of local, national, regional, and international inter-religious councils and groups, as well as networks of youth and women of faith. We recognize and build on the significant contributions and statements of youth and women of faith made in their respective assemblies.

The first Religions for Peace World Assembly that convened in Kyoto in 1970, and every Assembly since, affirmed deeply held and widely shared religious principles that still inspire our search for peace with justice today. We share a conviction of the fundamental unity of the human family, and the equality and dignity of all human beings. We affirm the sacredness of the individual person and the importance of his or her freedom of conscience. We are committed to the ethical values and attitudes commonly shared by our religious traditions. We uphold the value of life manifest in human community and in all creation. We acknowledge the importance of the environment to sustain life for the human family. We realize that human power is neither self-sufficient nor absolute, and that the spirit of love, compassion, selflessness, and the force of inner truthfulness ultimately have greater power than prejudice, hate, enmity or violence. Meeting in Japan, the nation that experienced the horrors of nuclear attacks, we commit ourselves to continue to struggle toward comprehensive nuclear disarmament and against the proliferation of arms.

The first Assembly of Religions for Peace declared: "As men and women of religions, we confess in humility and penitence that we have very often betrayed our religious ideals and our commitment to peace. It is not religion that has failed the cause of peace, but religious people. This betrayal of religion can and must be corrected." It is crucial now to engrave the reflection of our respected predecessors deeply in our hearts.

Today, we live in a world in the grip of many forms of violence, both direct and structural. Violent conflicts—within states and across borders, carried out by both state and non-state actors—take lives and destroy communities. They cause more civilian than military casualties and their disproportionate impact is on vulnerable populations.

Religious communities in particular must play a central role identifying and confronting violence in all its forms and manifestations. The world's religions have experienced abuse by those who seek to misuse religion for their own purposes. In ongoing violent conflicts around the world, religion is being used as a justification or excuse for violence. We must regretfully accept that some groups within our religious communities have indeed sought to employ violence. We must reject this and recommit religions to the way of peace. Religious communities and leaders must stand up, speak out, and take action against the misuse of religion.

The diverse and interconnected threats currently experienced by innumerable members of the human family call for a much broader understanding of violence in the world. The world's religious communities must play a central role partnering with one another and all sectors of society, to prevent and stop war, expose injustice, combat poverty, and protect the earth.

The time to do this is now; and our key to confronting violence is cooperation based on mutual respect and acceptance.

CONFRONTING VIOLENCE

Today, genocide, state-sponsored repression, terrorism, and other forms of human rights abuse violate international law, target innocent civilians, and threaten the safety of many communities. State laws restricting human rights and civil liberties are also a form of violence. Conflict-related disease, famine, displacement and environmental catastrophes constitute serious threats to life. Violence against women and children, including rape, forced pregnancy, enslavement, forced labor, prostitution, the use of child soldiers, and trafficking, has become a tactic of warfare in many conflicts.

Direct physical threats are the most commonly offered definition of violence, but the reality of the diverse and interconnected chronic threats to human survival experienced by millions calls for a much broader understanding of violence in the world. Economic injustices leading to extreme poverty and hunger kill 50,000 people each day. Preventable and treatable diseases kill millions. Twenty-five million people have already died from AIDS, while approximately forty million more are living with HIV and AIDS, and the impact on our communities is devastating. Many corporations, especially at the multinational level, set their business interests without concern for values that foster sustainable development. Environmental degradation and dwindling resources threaten our planet's ability to sustain life.

The poor, the powerless, and the most vulnerable populations disproportionately suffer the consequences of violence in all its forms, ranging from armed conflict to extreme poverty to environmental degradation.

Unfortunately, religion plays a significant role in some of the most intractable and violent conflicts around the world. Religion is being hijacked by extremists, and too often by politicians, and by the media. Extremists use religion to incite violence and hatred and foster sectarian conflict, contrary to our most deeply held beliefs. Religious people need to recognize the reasons why religions are being hijacked, such as through manipulation and misuse of their central principles. Politicians often exploit and manipulate sectarian differences to serve their own ends, frequently dragging religion into social, economic and political disputes. The media also contribute to the scapegoating of religions in conflict situations through disrespectful representations. They also too easily identify parties to a conflict by religious labels and present religion as a source of conflict without reporting the diversity within religious traditions and the many ways that religious communities are confronting violence and working for peace.

A MULTI-RELIGIOUS RESPONSE

As people of religious conviction, we hold the responsibility to effectively confront violence within our own communities whenever religion is misused as a justification or excuse for violence. Religious communities need to express their opposition whenever religion and its sacred principles are distorted in the service of violence. They should take appropriate steps to exercise their moral authority to oppose attempts to misuse religion.

There are religious and ethical imperatives for multi-religious cooperation to resist and reject violence, prevent it when possible, as well as promote reconciliation and healing.

Our religious traditions call us to care for one another and to treat the problems faced by others as our own. Violence against any individual is an attack against all and should prompt our concern. Religious communities know that they are especially called to stand on the side of the most vulnerable, including the poor, the marginalized, and the defenseless. Our religious traditions acknowledge the fundamental vulnerability of human life. The vulnerability of each person should make us recognize the need to respond to the vulnerability of all persons.

There are also practical grounds for cooperation. No group is immune to violence or its consequences. War, poverty, disease, and the destruction of the environment have direct or indirect impacts on all of us. Individuals and communities deceive themselves if they believe they are secure while others are suffering. Walls can never be high enough to insulate us from the impacts of the genuine needs and vulnerabilities of others. No nation can be secure while other nations are threatened. We are no safer than the most vulnerable among us.

The efforts of individual religious communities are made vastly more effective through multi-religious cooperation. Religious communities working together can be powerful actors to prevent violence before it erupts, diffuse conflict, mediate among armed groups in the midst of conflict, and lead their communities to rebuild war-torn societies.

Religious communities are called not only to reject war and foreign occupation, sectarian violence, weapons proliferation, and human rights abuse, but also to identify and confront the root causes of injustice, economic inequalities, governance failures, development obstacles, social exclusions, and environmental abuses.

SHARED SECURITY

The moral and ethical convictions of our diverse religious traditions provide a moral foundation for confronting violence in its many forms and for suggesting a vision of shared security.

Existing notions of security inadequately address violence in its many forms. National security does not necessarily ensure peace; in fact, it often promotes violence and foments insecurity. Armed conflict takes place between states, and increasingly within states and among non-state actors. Human security acknowledges the solidarity of the human family by approaching security from the perspective of human rights and needs. But defining human security in these terms fails to address adequately how these needs are to be met and who is responsible for ensuring them.

A well-developed concept of shared security articulates security needs, how they are to be met, and the necessary agents, instruments, and relationships to achieve it.

Importantly, shared security would highlight the collective responsibility of all people to meet our common need for security.

Shared security requires all sectors of society to acknowledge our common vulnerabilities and our shared responsibility to address them. It is undertaken collectively by multiple stakeholders acknowledging that every sector of society must confront violence if we hope to do so effectively. It supports participatory and democratic forms of governance. Governments, international organizations, civil society, and religious communities themselves must all advance shared security. Effective shared security spans boundaries of geography, nationality, ethnicity, and religion. It marshals human responsibility, accountability and capacity wherever it exists.

Effective shared security, at all levels of community, meets national security needs; acknowledges and addresses both direct and chronic threats to individual physical security; and protects the poor, the powerless and the most vulnerable. It strengthens governance efforts and addresses the disparities and inequities of globalization. Shared security supports religious communities and religious leaders in their efforts to oppose the abuse of religion for violent ends and to build institutions for collaboration among governments, all elements of civil society and religious communities. A commitment to shared security enables multi-religious networks, such as the global Religions for Peace network, in their efforts to transform conflict, build peace, struggle for justice, and advance sustainable development.

RELIGIONS FOR PEACE

Religions for Peace has become a major global multi-religious voice and agent for peace. Guided by respect for religious differences, the global Religions for Peace network fosters multi-religious collaboration harnessing the power of religious communities to transform conflict, build peace, and advance sustainable development.

We, the delegates of the Eighth World Assembly of Religions for Peace, are firmly united in our commitment to prevent and confront violence in all its forms and confident in the power of multi-religious cooperation to advance a common vision of shared security. We are determined to mobilize our religious communities to work together and with all sectors of society to stop war, struggle to build more just communities, foster education for justice and peace, eliminate poverty and advance sustainable development for future generations.

A MULTI-RELIGIOUS CALL TO ACTION

As religious leaders, we commit ourselves to advance shared security through advocacy, education, and other forms of multi-religious action, and to share this Kyoto Declaration within our religious communities.

We call on all sectors of society—public and private, religious and secular—to work together to achieve shared security for the human family.

Specifically, the Religions for Peace World Assembly calls on:

(1) Religious communities to:

Resist and confront any misuse of religion for violent purposes;

Become effective educators, advocates and actors for conflict transformation, fostering justice, peacebuilding, and sustainable development;

Draw upon their individual spiritual traditions to educate their members on our shared responsibilities to advance shared security;

Strengthen peace education on all levels;

Hold governments accountable for the commitments they make on behalf of their peoples;

Network locally, nationally, regionally and globally to foster multi-religious cooperation among the world's religious bodies; and

Partner with governments, international organizations and other sectors of society to confront violence and advance a new notion of shared security.

(2) The global network of Religions for Peace to:

Foster high-level multi-religious cooperation around the issue of shared security;

Build, equip, and network inter-religious councils locally, nationally, and regionally;

Strengthen the global Religions for Peace network as a platform for collaboration to advance shared security;

Further commit to actions for women's empowerment and women's human rights within its structures at all levels;

Embrace the central position of religious women and place gender concerns at the center of the shared security agenda;

Keep religious youth and their concerns at the center of its agenda and promote their full involvement in advancing shared security;

Support and collaborate with the Peacebuilding Commission of the United Nations;

Advocate practices that advance sustainable development and environmental protection; and

Partner with all sectors of society, especially in the fight against HIV/AIDS.

(3) Governments, International Organizations, and the Business Sector to:

Support the efforts of religious leaders to address violence within and beyond their communities, and include them as appropriate in political negotiations surrounding conflict situations;

Forge partnerships with religious communities to achieve the Millennium Development Goals to eradicate extreme poverty and hunger, combat disease, and advance sustainable development;

Harness advances in science and technology toward peaceful purposes and to eliminate poverty and advance sustainable development; and

Seek out religious networks for their ability to reach vast numbers of people and their capacity to effect change.

We ask all people of goodwill to support and collaborate with religious communities as we work toward shared security for all.

These commitments and the calls to action that arise from them express our most deeply held and widely shared religious beliefs.—Kyoto, Japan, August 29, 2006.

TELECOM REFORM

Mr. VITTER. Mr. President, I rise today to highlight the critical need we have in this country for broadband deployment. We are currently ranked 12th in the world in broadband deployment, and we must improve on this meager standing to be competitive in the world market.

The telecom reform legislation that has been reported by the Senate Commerce Committee is the right step in encouraging more broadband. I applaud Chairman STEVENS and the rest of the committee for reporting this important bill. We need to end bureaucratic regulation on the video and broadband markets so that more competition will come to the marketplace. Americans deserve to have choices in who provides their telephone service, their cable service, and their broadband internet service. We have the opportunity to get this done for our constituents, and I urge the Senate to pass H.R. 5252, The Advanced Telecommunications and Opportunity Reform Act of 2006, expeditiously.

Telecom reform has hit the national stage, and I was proud to support the Advanced Telecommunications and Opportunity Reform Act of 2006 when the Commerce Committee carefully considered the legislation. Our committee voted on this bill over 10 weeks ago, so it's time for the Senate to act. This is our chance to get it right on telecom reform and save cable consumers money on their bills. Despite the hard work of the Commerce Committee, some of our colleagues are holding up this important bill. I believe it is past time to bring this bill to the floor for a debate and a vote.

This legislation will usher video competition into communities across the U.S., and it will catapult rural areas into the 21st century digital era. By setting national franchise standards, negotiations between video service providers and local authorities will change from a years-long struggle to a maximum of 90 days. Accelerating the entrance of new companies into our communities will increase television choices, which ultimately lead providers to lower their rates and improve their service.

By doing away with the unnecessarily long local franchise process, current and new companies can quickly reach rural communities, where we need it most. Small companies that can't possibly break through the existing red tape will be able to quickly roll out quality service to cable- and high-speed-deprived areas. At the same time, larger companies will have opportunities to increase their investment and build better services to reach even more customers. This is a win-win situation for my State and the country.

Also, this bill has numerous other critical components—one of which being the assistance it provides to our Nation's first responders. The First Responder Coalition, a group consisting of tens of thousands of concerned citizens and first responders, strongly supports this legislation as it delivers key assistance for interoperability. "Interoperability" is a term that refers to local, State, and Federal agencies being able to communicate effectively during the time of a crisis. This legislation will allocate up to $1 billion in much-needed funds to first responders specifically for interoperable communications, and my amendment adopted in committee will speed up the delivery of that important funding. As we witnessed in last year's devastating hurricane season, local governments need dedicated and easily accessible technology so they can communicate with each other, as well as State and Federal authorities in the event of similar circumstances that require critical early responses. In Louisiana, nothing could be more important for us.

I am asking us today to heed the call for the entire country deserving for the great benefits of this bill. We have an opportunity to get the job done right—once and for all—for America's consumers. We need choices in television providers, more broadband deployment, vital interoperability funding, and more technology to rural areas. The Advanced Telecommunications Opportunity Reform Act of 2006 is the right next step for us.

HISPANIC HERITAGE MONTH

Mr. FEINGOLD. Mr. President, today and throughout Hispanic Heritage Month, we honor the proud history of our Nation's Hispanic community, and we pay tribute to the extraordinary contributions that people of Hispanic heritage have made and continue to make to the United States.

In 1968, Congress authorized President Lyndon Johnson to proclaim a week in September as National Hispanic Heritage Week. The observance was expanded in 1988 to a month-long celebration. During this month, America celebrates the culture and traditions of Spain, Mexico and the Spanish-speaking nations of Central America, South America and the Caribbean. The celebration begins on September 15 because that is the anniversary of independence of five Latin American countries—Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. In addition, Mexico and Chile celebrate their independence days on September 16 and September 18, respectively.

National Hispanic Heritage Month celebrates people whose roots extend back to more than 20 different nations around the world and who are an integral part of America's communities. Currently, there are more than 43 million Hispanic Americans, the fastest growing ethnic group in the United States. Hispanic Americans are the most decorated ethnic group in the history of our military, and we are deeply grateful for their contributions to our Nation's defense.

Hispanic Americans have made invaluable contributions to every part of American society, from the arts, to medicine to politics to our economy. We are a richer nation in every sense because of those contributions, and because of what they represent—a country that draws strength from its great diversity.

But as we celebrate Hispanic Heritage Month, it is also time to address the challenges that face the Hispanic community, such as lack of access to education and health care, inadequate working conditions, racial profiling and, for many, the difficulty of keeping their families together while working to become legal, permanent residents of this great country.

This celebration should serve as a call to action for Congress. We must ensure that Hispanic Americans have access to educational and economic opportunities as they pursue the American dream. I have long fought attempts to cut funding for important programs such as Pell grants, the High School Equivalency Program, and College Assistance Migrant Program. I have cosponsored the DREAM Act—the Development, Relief, and Education for Alien Minors Act—which would provide higher education opportunities for children who are long-term U.S. residents of good moral character, and who came to this country illegally as children through no fault of their own.

Another crucial piece of legislation is AgJOBS—the Agricultural Job Opportunities, Benefits, and Security Act. This proposal would enable undocumented agricultural workers to legalize their status, and would reform the H2-A agricultural worker visa program so that growers and workers will not continue to rely on illegal paths to employment in the future.

Congress must also continue working toward establishing a realistic immigration system that has adequate opportunities for people to come to the United States legally. In Wisconsin, businessowners have come to rely on foreign workers for their economic success. Simply imposing new border security measures alone, which some have advocated, is not enough.

In closing, I want to express my hope that Congress will work to address these issues and other urgent matters for Hispanic Americans across the country. We should not limit our celebration of Hispanic Heritage to one month but rather work all year long to ensure that all Hispanic Americans can equally participate in, and contribute to, the progress of our great Nation.

TRAGEDY STRIKES AGAIN

Mr. LEVIN. Mr. President, it is unfortunate that it sometimes seems to require high profile tragic school shootings to focus the Nation's attention on the easy access to guns by young adults and children. Sadly, we find ourselves once again examining the subject in the aftermath of not one, but two shootings.

On April 27, 1999, we paused in the Senate to observe a moment of silence in tribute to those who died at Columbine High School and to express our sympathy for their loved ones. Since that tragedy, tens of thousands of people have been killed by guns and, according to the Brady Campaign, there is an unlocked gun in one of every eight family homes.

On September 13, 2006, a 25-year-old-man opened fire in the cafeteria at Dawson College in Montreal, Canada. He began firing randomly at students killing one and injuring 19 others. Five of those injured are in critical condition. Wielding a rapid-fire rifle in addition to two other weapons, the shooter walked through the halls of the college shooting indiscriminately. Prior to the incident, the shooter had openly expressed his fondness for the events surrounding the 1999 slaughter at Columbine High School. While this episode took place in Canada, similar incidences have occurred all too frequently in the United States.

On September 17, 2006, five Duquesne University basketball players were shot while leaving a school dance. So far, two young men have been arraigned on charges of attempted homicide, aggravated assault, criminal conspiracy and weapons-related offenses. A 19-year-old woman has been arrested on charges of reckless endangerment, carrying a firearm without a license and criminal conspiracy. One player, remains in critical condition with one bullet and fragments of another in his head.

It is impossible to come to terms with these or any of the other shooting tragedies that have claimed the lives of far too many young people. Yet after such tragedies, we ask ourselves if they might have been prevented. The answer, of course, at least in part is yes. Congress can and must work to keep guns out of the hands of young people.

What will it take to pass legislation that requires firearms to be sold or transferred with storage or safety devices? What will it take to pass child access prevention legislation, which would require adults to store firearms safely and securely in places that are reasonably inaccessible to children? Congress and the President should work to enact these and other common-sense gun safety reforms that will keep our young people alive and safe.

PHYSICIAN REIMBURSEMENT

Mr. ALLARD. Mr. President, I come to the floor today to speak about an issue that would greatly impact this country's physicians and our constituents ability to access care. The issue of physician reimbursements under Medicare is important to me and my Colorado constituents. Congress was able to take steps to address the reimbursement issue for 2006, but once again physicians are faced with the possibility of a decreased reimbursement for 2007. Many physicians and physician groups have contacted Congress, requesting that the problem be addressed.

Ellice Zirinski, who works in Family Practice in Arvada, CO, wanted Congress to know that she would strongly urge them to take action and increase Medicare reimbursement to physicians. Should reimbursement decline as legislated, she could no longer afford to give care to her patients and stay in practice. She does not want to jeopardize her patients' access to care. We need to find a way to provide physicians with a positive reimbursement before January 2007. For some time, physicians in Colorado have been concerned with the possibility of a reduction in their reimbursement schedule.

I am greatly concerned with the fact that hospitals, nursing homes, and other Medicare providers continue to receive positive updates, while private physicians are forced to no longer accept Medicare patients, or, even worse, forced out of practice. Tom Mino, a Doctor of Osteopathy in Broomfield, CO, told me, "I may have to consider a change in occupation—or at least move away from solo practice." This trend could result in more physicians practicing in an institutional setting instead of private practice. This concerns me greatly.

I have heard time and time again that Colorado's rural physicians will have no other choice than to stop accepting Medicare patients. Mark Laitos, an M.D. in Longmont, CO, said, "I live in a small town. My patients are my friends and my friends are my patients. We go to church together. I won't abandon them, but my biggest worry is that my practice will be overrun with new Medicare patients as more and more of my colleagues make the decision to stop seeing Medicare patients." That means that my rural constituents will no longer have access to care.

The final conference agreement on the Deficit Reduction Act of 2005, S. 1932, approved February 1, 2006, overrode the mandatory 4.4 percent decrease for 2006 by freezing payments at the 2005 levels. A freeze in the physician reimbursement rate for 2007 is not enough. We need to take steps to ensure that physicians receive a positive reimbursement update.

The issue of physician reimbursement affects the entire United States and all of our constituents. Because of this, I urge my colleagues to take the necessary action to ensure that physicians receive a positive Medicare reimbursement update for 2007.

RELIGIOUS LIBERTY AND CHARITABLE DONATION CLARIFICATION ACT OF 2006

Mr. HATCH. Mr. President, I rise today in support of the Religious Liberty and Charitable Donation Clarification Act of 2006. My distinguished colleague from Illinois, Senator OBAMA, and I have worked diligently and quickly to clarify the treatment of charitable contributions in chapter 13 of the Bankruptcy Code. As many of my colleagues know, a bankruptcy court in the Northern District of New York recently upheld an objection to the confirmation of a chapter 13 plan due to the inclusion of a charitable contribution in the disposable income calculation. Shortly after learning of the decision I, along with Senators GRASSLEY and SESSIONS, sent a letter to the Department of Justice expressing my concern about the treatment of charitable contributions in the Chapter 13 context, and while I believe the Department of Justice will affirm its policy of allowing charitable contributions that are consistent with the Religious Liberty and Charitable Contribution Protection Act of 1998, I do not want the religious practices and beliefs of individuals subject to the vagaries of judicial interpretation.

As a whole, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, BAPCPA, was—and still is—a good bill. However, like many large bills, it was not perfect. As a key architect of the recent bankruptcy reforms, I can say without equivocation that Congress intended to preserve the Religious Liberty and Charitable Contribution Protection Act of 1998 in BAPCPA. Unfortunately, the Northern District of New York thought differently.

I do not like impromptu legislative responses to judicial decisions, particularly ones with limited precedential value; however, I believe that Senator OBAMA and I have put together a narrowly-tailored clarification that leaves little doubt about Congress' intent when it passed BAPCPA. I want to make it very clear that this bill does not, in any way, affirm the Northern District of New York Bankruptcy Court's reasoning in In re Diagostino. I agree with the Department of Justice's position that charitable contributions consistent with the requirements of the 1998 Religious Liberty and Charitable Contribution Protection Act should be allowed under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. The bill that Senator OBAMA and I introduced is meant to simply clarify existing law in furtherance of the Department's interpretation and Congress's intent.

HONORING AMERICAN INDIAN CODE TALKERS

Mr. JOHNSON. Mr. President, I wish to speak today of the Code Talkers Recognition Act, which passed the Senate last week with 79 cosponsors. This bill would present commemorative medals to Sioux, Comanche, Choctaw, Sac and Fox, and any other Native American code talkers that served during World War I and World War II in recognition of the contributions of their service to the United States.

Earlier this summer, I, along with Senator JOHN THUNE, were able to present Clarence Wolf Guts, our last remaining Lakota code talker, with a star quilt on behalf of the National Indian Education Association. Mr. Wolf Guts is now 83 years old and is of Oglala and Rosebud descent. Mr. Wolf Guts attended St. Francis Indian School in Marty, SD, and spent most of his life living on the Pine Ridge Reservation. He now lives in a state veteran's home in Hot Springs, SD.

In his late teens, Mr. Wolf Guts enlisted in the Marines and served as a radio operator during World War II. He has become a spokesman among tribal elders and traditional leaders about the importance of keeping native languages alive for future generations. He is very proud to be a veteran, a full-blooded Lakota, and a Lakota speaker.

Earlier this year, another Lakota code talker, Charles Whitepipe, passed away. Mr. Whitepipe, a Sicangu Lakota from the Rosebud tribe, valiantly served in the Army as a Code Talker in World War II. He served as a "Forward Observer" on Japanese-held islands in the South Pacific, communicating by radio with a ship-based partner, using the Lakota language to direct artillery fire from ships at sea onto the islands.

Other Lakota code talkers that will also be recognized in this legislation include Eddie Eagle Boy, Simon Brokenleg, Iver Crow Eagle, Sr., Edmund St. John, Walter C. John, John Bear King, Phillip "Stoney" LaBlanc, Baptiste Pumpkinseed, and Guy Rondell.

During World War II, these men were Army radio operators who used their native Lakota, Nakota, and Dakota dialects to transmit strategic messages to foil enemy surveillance in both the Pacific and European theaters. There is no doubt that the bravery and the courage of Mr. Whitepipe and Mr. Wolf Guts, as well as the other code talkers, helped to make the United States the free and proud place it is today. While Navajos have received the most recognition, it is important to remember that members of at least 17 other tribes also served as code talkers in World War I and World War II.

The syntax and tonal qualities of the native languages were so complex that no message transmitted by any code talker was ever decoded by the enemy. However, for the code talkers who returned home, there were no parades or special recognition, as they were sworn to secrecy, an oath they kept and honored but one that robbed them of the accolades and place in history that they rightfully deserved.

The accomplishments of the code talkers were even more heroic, given the cultural context in which they were operating. Subjected to alienation in their homeland and discouraged from speaking their native languages, they still stepped forward and developed the most significant and successful military code of their time. That spirit of military service continues today. Native Americans make up a higher percentage of servicemen and servicewomen in the Armed Forces than any other ethnic group in America. They have served with honor in all of America's wars, beginning with the Revolutionary War and on through our current operations in Iraq.

I commend the work of Senators INHOFE, GRASSLEY, HARKIN and THUNE for their work in moving this bill forward, as well as the leadership of the Banking Committee, Senators SHELBY and SARBANES. It is now time to honor all of our native code talkers that have contributed to the safety of our Nation.

TELEPHONE RECORDS AND PRIVACY PROTECTION ACT OF 2006

Mr. LEAHY. Mr. President, we have recently been reminded of the tremendous threat to consumer privacy posed by what is known as phone pretexting—the use of fraud and deception to acquire consumer phone records. The investigation into pretexting at Hewlett-Packard is just the latest example of why there is a need to enact legislation to safeguard the privacy and security of Americans' sensitive personal data.

Consumer telephone records have become a hot commodity and this information is a treasure trove for those who would misuse it to make a profit or who exploit it for harmful purposes. More and more, this sensitive personal information is being collected, stored and disseminated without our knowledge or consent.

Last Spring, the Senate Judiciary Committee unanimously reported a bipartisan bill that would protect the privacy interests of millions of American consumers who use cell phones, by making the act of pretexting illegal. The Telephone Records and Privacy Protection Act—TRAPP Act—S. 2178, clarifies that it is illegal to use deception and fraud to obtain and sell confidential phone records. The bill ensures that the Department of Justice has the legal authority to seek criminal penalties and up to 10 years imprisonment for anyone who engages in pretexting. The legislation also preserves the rights of State and local governments to enforce their own privacy laws, to best protect the privacy rights of consumers.

In April, the House unanimously passed an essentially identical phone pretexting bill, H.R. 4709. The language used in that bill was worked out with Senators from both sides of the aisle before it was considered by the House, so that when adopted by the Senate it could be sent directly to the President for his signature. I have worked for months now to make progress on that bill and it has been cleared for passage twice by all Democratic Senators. First, we cleared it with an amendment that would have also passed the Second Chance Act and consensus court security measures. When Senate Republicans refused to clear that measure, Senate Democrats also cleared the bill for passage in the identical form that it passed the House and without any amendments. An anonymous Republican hold on the measure is preventing its passage.

I know of no legitimate reason for this delay. The Senate could pass this bill today and send it to the President to be signed into law. Instead of passing this bipartisan privacy legislation, it appears this Republican-led Congress will recess without acting on this bill—forcing millions of Americans to continue to play Russian roulette with their sensitive personal information.

This week the former chair of Hewlett Packard, Patricia Dunn, called on Congress to pass bright-line laws regarding phone pretexting to avoid a repeat of the fiasco at HP. The TRAPP Act would do exactly that. This bill would help shut down the growing black market for consumer telephone records.

I support this bill and I commend the bill's lead cosponsors in the Senate and the House—Senators SPECTER, SCHUMER and DURBIN, and Representatives LAMAR SMITH and JOHN CONYERS—for their leadership on this privacy issue. I hope whoever is objecting on the Republican side will stop the needless delay of this legislation. If there is a legitimate concern, come forward and work with us.

The Senate should also act on a more comprehensive privacy bill that Chairman SPECTER and I have cosponsored—the Personal Data Privacy and Security Act, S. 1789. This important measure was favorably reported by the Judiciary Committee last November. But, the Republican Senate leadership would not allow this bill to be considered by this Congress either.

Our bill requires companies that have databases with sensitive personal information about Americans to establish and implement data privacy and security programs. The bill also requires data brokers to provide notice to consumers when their sensitive personal information has been compromised.

We have a bill that significantly advances the ball in protecting the privacy of all Americans, and I will continue to work to move this legislation toward passage.

U.N. SUPPORT OF THE CYPRIOT PEACE PROCESS

Mr. BIDEN. Mr. President, the country of Cyprus has occupied a special place in my heart for many years. My admiration for the island and its people grew in recent months as Cypriots opened their arms to assist the thousands of American citizens who fled from Lebanon during this summer's fighting between Hezbollah and Israel. This exceptional display of Hellenic hospitality has reaffirmed Cyprus's importance as a safe harbor amid the unsettled waters of the eastern Mediterranean and a key partner for the United States.

For far too long, however, Cyprus has existed as an island divided. An invasion by Turkey in 1974 needlessly separated the island's ethnically Greek and Turkish citizens—two communities that had successfully coexisted for centuries. A generation has now grown to adulthood on either side of a Green Line that segregates Cypriots from both their peaceful shared history and their promising shared destiny. Mr. President, I believe we must correct this wrong before another generation endures a similar fate.

In 2004, United Nations Secretary General Kofi Annan presented a plan to reunite the island's two communities. The Annan plan certainly wasn't perfect, but it brought the island closer to reunification than any peace initiative in the past three decades. After the plan failed to gain the support of the Greek Cypriot community in an April 2004 referendum, the drive to unify the island largely stagnated, and the U.N. closed its "good offices" mission in Nicosia that had worked to facilitate peace negotiations.

Over the summer, I have been encouraged by the first real signs of movement toward a settlement since the Annan plan was rejected. Ibrahim Gambari, the United Nations Under Secretary General for Political Affairs, visited Cyprus in July and presided over a joint meeting between the President of the Republic of Cyprus, Tassos Papadopoulos, and the head of the Turkish Cypriot community, Mehmet Ali Talat. The two leaders reaffirmed their commitment to seek a political settlement in an agreement signed on July 8. They are now poised to begin a new round of technical talks that I hope will move the peace process forward.

Mr. President, others have rightly stated that Cypriot problems need Cypriot solutions, but I am convinced that those solutions won't be forthcoming without the forceful support of the international community. For years, the United Nations has played a critical role in Cyprus, maintaining a ceasefire and facilitating a political settlement. Under Secretary Gambari will report to the U.N. Security Council in the beginning of December, and the Security Council and Secretary General will subsequently decide whether to renew the mandate of UNFICYP, the U.N. Peacekeeping mission in Cyprus, and reopen the Secretary General's good offices mission in Nicosia.

Greek and Turkish Cypriot leaders should take advantage of this window of opportunity and launch the technical talks they committed to as part of the July 8 agreement. Once they do, the international community should be ready to support them. I am convinced that given the right conditions and adequate international backing, a solution in Cyprus is both possible and attainable. I hope that members of the Security Council will reach the same conclusion and act accordingly when the issue is before them, and that the new U.N. Secretary General will build on Secretary General Annan's leadership to facilitate a peaceful resolution of this long-running conflict.

When it finally happens, the reunification of Cyprus will have significance far beyond the shores of the Mediterranean. A united Cyprus will stand as an example to the world of how different ethnic groups can overcome past wrongs, bridge differences, and live together as neighbors. At a time when too many countries are beset by demons of ethnic and sectarian hatred, it is more important than ever to find an answer to the Cyprus question. If the United States and other members of the international community are willing to act as catalysts for a political settlement, I am confident that future generations of Cypriots can enjoy the peace they rightly deserve.

PROSTATE CANCER AWARENESS MONTH

Mr. JOHNSON. Mr. President, September is Prostate Cancer Awareness Month, and I would like to take advantage of this opportunity to remind men and the women who love them that early detection saves lives.

Prostate cancer is the most commonly diagnosed nonskin cancer in American men and it is one of the leading causes of cancer-related death among men. Approximately one out of every six men will develop it at some point in their lives. In fact, according to the American Cancer Society, more than 230,000 new cases of prostate cancer are diagnosed each year in the United States and, sadly, about 27,000 sons, fathers, brothers and husbands will die of the disease. Fortunately, through early detection and treatment, fewer men are dying and more men are living long and healthy lives following their diagnosis.

A simple blood test, the prostate-specific antigen, or PSA, test can detect prostate cancer, and is usually administered by your regular doctor. Health experts recommend that doctors offer men yearly screening beginning at age 50. However, men with one or more high risk factors should consider starting yearly testing at age 45 or earlier and some may choose to take a PSA test at age 40, to establish a baseline level for future comparison.

Each year my wife Barbara and I sponsor a cancer booth at the South Dakota State Fair in Huron, SD. For many years, we have been able to provide free PSA tests to hundreds of men, and several people have returned to the booth to tell us that the PSA test they took at the fair detected their cancer, and they are now on the road to a full recovery. Barb and I are grateful that we are able to offer this service, and that it is making a difference for South Dakotans.

Many individuals have had their own lives or the lives of family and friends touched by cancer; I am so grateful that my own battle with this disease had a successful outcome. Prostate cancer is often not an easy subject to discuss, but uncomfortable though the topic may be for some, we must remember that early detection saves lives. My wife Barbara is a two-time cancer survivor, and her experience taught me that early detection and swift treatment is the best defense in fighting any form of cancer.

I am proud to add my voice to those who are working to fight prostate cancer, and to commend them on their indefatigable efforts to raise awareness of the risks, to promote early detection and treatment, and to further our efforts to understand and eliminate this disease. I urge men to discuss their risks and screening options with their doctor, and I urge women to raise this important topic with the men in their lives. Through screening and early detection, we truly can save lives.

HEARING CANCELLATION

Mr. FEINGOLD. Mr. President, the Senate Foreign Relations Committee was supposed to hold its third hearing on Darfur in as many years this week, but it was postponed because the administration couldn't field the appropriate witnesses. In a region where each day means hundreds of innocent lives lost and thousands more terrorized and displaced, time is not on our side.

I want to begin my statement today by acknowledging that there have been some positive developments over the past month relating to the international community's response to the violence in Darfur. I welcomed the passage of United Nations Resolution 1706, a U.S.-backed initiative authorizing a 22,000-strong U.N. peacekeeping force for Darfur. The President's appointment of Andrew Natsios as his Special Envoy to Sudan was long overdue. And, while it isn't perfect, the recently passed bipartisan Darfur Peace and Accountability Act is a first step that reaffirms the United States' determination to lead the way on the long path ahead to achieving a sustainable peace in Sudan.

Unfortunately, none of these developments have changed conditions on the ground. Nor have the strong words that our Government or the international community used to condemn the perpetrators of violence in Darfur over the past few years. In December 2003, the administration issued a statement expressing "deep concern" about the humanitarian and security situation in Darfur and calling "on the Government of Sudan to take concrete steps to control the militia groups it has armed, to avoid attacks against civilians and to fully facilitate the efforts of the international humanitarian community to respond to civilian needs."

Had Secretary Rice or Ambassador Bolton found the time to speak with us this week, they no doubt would have reiterated the administration's boast that the United States has been the largest single contributor of humanitarian aid to Darfur and the most generous supporter of the existing African Union force. Similarly, some of my colleagues in the Senate are quick to point out that we were the first to condemn the atrocities in Darfur as genocide in July 2004 and have appropriated more than $1.5 billion to ease the suffering of innocent Darfurians since then.

I do not wish to imply that these statements and funds are unimportant. But they are not enough.

For those of us with a long history of engagement in Africa, today's crisis in Darfur is eerily familiar. After all, this is the same regime we saw attack its own citizens in indiscriminate bombing raids and obstruct humanitarian access during two decades of bloody civil war with southern Sudan. The genocide underway in Darfur should not be considered in isolation but in the larger context of Sudan's tumultuous history. We cannot afford to forget that more than 2 million Sudanese were killed and 4.5 million displaced in the north-south civil war that ended with last year's Comprehensive Peace Agreement. That fragile peace, as well as May's Darfur Peace Agreement, now hang in the balance as the Sudanese Government renews its practice of organized atrocities as a method of governance.

More than 2 years after our Government called the violence in Darfur a "genocide," the United States must lead the international community in taking action to stop the ongoing violence and to mitigate further violence.

First, the United States must throw its entire weight behind concerted diplomatic action to convince Khartoum to allow a U.N. peacekeeping force into Darfur. This means that the full array of economic and political incentives at our disposal should be devoted to pressuring those who persist in supporting Khartoum—namely, China, Russia, and the Arab League—to isolate the genocidal regime until it stops targeting civilians and cooperates with U.N. peacekeepers. These countries must not allow their complacency to become complicity in the crimes against humanity being perpetrated in Darfur.

Second, it means bolstering the courageous but inadequate African Union peacekeeping force that has been doing its best to protect the people of Darfur for more than 2 years. At this point, the A.U. force is our only vehicle for establishing stability throughout the region. Unfortunately, in its current form, it is incapable of doing so without significant assistance from the international community. The United States must lead a renewed international effort to provide whatever financial, logistical, technical, and military resources are necessary for the deployment of the robust United Nations peacekeeping force as soon as possible.

Third, the U.S. Government must engage fully in the work required to find a political solution to conflict in Darfur. This means establishing a peace process that will expand the Darfur Peace Agreement to incorporate all militias and political factions in Darfur, along with the Government in Khartoum. While I do not doubt the good intentions of former Deputy Secretary Zoellick, his efforts to create a peace agreement were hasty and incomplete. We will need sustained, detailed, and aggressive engagement with all of the parties to the conflict before we can expect lasting results. While I would like to think that building on the Darfur Peace Agreement might work, it may not. We need to be prepared to start from scratch and build an agreement in which all parties can find common ground.

We also need to begin preparing to introduce additional, more forceful options to stop the genocide. We must signal to Khartoum that the international community will not tolerate continued violence and that it is prepared to use forceful measures to stop it. A NATO-enforced no-fly zone over Darfur would halt the Sudanese Government's indiscriminate bombing campaign and escorts for humanitarian envoys would ensure that aid reaches those who desperately need it. We need to explore this option and identify other avenues to create humanitarian space throughout the region.

The President's new special envoy must get to work immediately. He must work to bring an unprecedented diplomatic force on Khartoum, and he must begin preparing other, more aggressive options should conditions continue to worsen.

Finally, we must signal clearly to those who commit crimes against humanity that the world is watching and that they will be held accountable for their actions via targeted and aggressive sanctions—including financial and travel restrictions—and criminal prosecution. This climate of impunity must be eliminated so that organized atrocities do not become a widespread governance tool.

I would like to close by saying that we should not lose sight of the broader, long-term objective of sustainable peace throughout Sudan. We must devise a comprehensive strategy for expanding the Darfur Peace Agreement to include those parties that have not yet signed and for instituting and strengthening mechanisms to prevent parties from backsliding into full-scale conflict.

Our experience with the Sudanese Government over the past two decades has shown that words mean little. Without immediate and vigorous action, these are only more empty promises to the people of Darfur. Time is not on our side; we cannot afford to delay any longer or defer to the obstructionist tactics of brutal regimes. The people of Sudan deserve more than our outrage; they deserve our action. And the time to act is now.

THE NEED FOR REAUTHORIZATION OF PUBLIC LAW 106-393

Mr. CRAIG. Mr. President, I rise to make a few comments regarding the Secure Rural Schools and Community Self-Determination Act, or County Payments Act as it has been nicknamed.

Today is a sad day for the 780 counties that benefit from the County Payment Act because with the last day of this fiscal year, the act expires.

In 2000, the Congress passed Public Law 106-393 to address the needs of the forest counties of America and to focus on creating a new cooperative partnership between citizens in forest counties and our Federal land management to develop forest health improvement projects on public lands and simultaneously stimulate job development and community economic stability.

The act has been an enormous success in achieving and even surpassing the goals of Congress. This act has restored programs for students in rural schools, and prevented the closure of numerous isolated rural schools. It has been a primary funding mechanism to provide rural school students with educational opportunities comparable to suburban and urban students. Over 4,400 rural schools receive funds because of this act.

Next, the act has allowed rural county road districts and county road departments to address the severe maintenance backlog. Snow removal has been restored for citizens, tourists, and school buses. Bridges have been upgraded and replaced and culverts that are hazardous to fish passage have been upgraded and replaced.

In addition, over 70 Resource Advisory Committees, or RACs have been formed. These RACs cover our largest 150 forest counties. Nationally these 15-person diverse RAC stakeholder committees have studied and approved over 2,500 projects on Federal forestlands and adjacent public and private lands. These projects have addressed a wide variety of improvements drastically needed on our national forests. Projects have included fuels reduction, habitat improvement, watershed restoration, road maintenance and rehabilitation, reforestation, campground and trail improvement, and noxious weed eradication.

RACs are a new and powerful partnership between county governments and the land management agencies. They are rapidly building the capacity for collaborative public land management decisionmaking in over 150 of our largest forest counties in America and are reducing the gridlock over public land management, community by community.

The legacy of this act over the last few years is positive and substantial. This law should be extended so it can continue to benefit the forest counties, their schools, and continue to contribute to improving the health of our national forests.

If we do not work to reauthorize this act, all of the progress of the last 6 years will be lost. Schools in timber-dependent communities will lose a substantial part of their funding. These school districts will have to start making tough budget decisions such as keeping or canceling after school programs, sports programs, music programs, and trying to determine what is the basic educational needs of our children. Next, counties will have to reprioritize road maintenance so that only the essential services of the county are met because that is all they will be able to afford.

Thirty of our colleagues have joined Mr. WYDEN and myself in recognizing the importance of the reauthorization of this act by cosponsoring S. 267. And while we have run out of time in this fiscal year, I look forward to working with my colleagues in the lameduck session to address this issue.

REMEMBERING NATIONAL PUBLIC LANDS DAY

Mr. CRAIG. Mr. President, on September 30, will once again observe National Public Lands Day. For the 13th straight year, thousands of citizens across the country help clean up public parks, rivers, lakes, forests, rangelands, and beaches. These volunteers will hit the ground running and spruce up trails, build bridges, plant trees, and much more. I commend each and everyone of them for their important public service. Their work inspires us to step back and consider just what our public lands mean to us.

Almost 100 years ago, the great conservationist President Teddy Roosevelt addressed a special session of Congress on the subject of our natural resources and spoke words that should be listened to carefully by everyone who has an interest in keeping the United States the most prosperous and dynamic nation on the face of the Earth. "These resources, which form the common basis of our welfare, can be wisely developed, rightly used, and prudently conserved only by the common action of all the people . . ." Listen to those words and notice the wise approach of a man considered one of our most radical conservationists, a President who put 234 million acres into the public trust. This is not a man who lived on the ideological extremes. He did not advocate roping off all the land and allowing no admittance. Nor would he stand by and let the land be ransacked and misused. Let me speak again his words: ". . . wisely developed, rightly used, and prudently conserved . . ." That approach was correct in 1909, and it is the right one now.

Today's younger generation understands that our natural resources are not limitless, that we can not endlessly exploit them. They are more environmentally savvy perhaps than their parents. And I believe they also grasp the need for smart conservation, for devising collaborative policies that ensure public access to public land now and in the future.

Some lands ought to have restrictions on use. I do not dispute that, and I do not advocate any careless "rollback" of environmental regulations. But this is not a time to exact an economic toll on our country by ignoring the resources available for use in our public lands. It is a time to tap into our ingenuity and devise ways to utilize them while responsibly mitigating any environmental impact. This is not an insurmountable challenge; Americans have accomplished more difficult tasks in our history.

Lastly, I would like to emphasize the issue of public ownership. These lands are owned by the people. We policymakers need to always keep that in mind and not just pay this fact lip-service. National Public Lands Day is a perfect time to remind ourselves who owns this land. We must be flexible with the different types of recreation and access to public land that people want.

Mr. President, in closing, let me add that Americans have always had a strong relationship with public lands and have always understood the need to preserve them for posterity. Sometimes we hear it said that people only care for what they themselves privately owned that what is held in common will often fall into disrepair. The work that will be accomplished this September 30th disproves that idea. And I am optimistic that future generations will be enjoying the same public lands we do today.

NOMINATION OF RICHARD HOAGLAND

Mr. ENSIGN. Mr. President, I rise to speak today about an issue of great importance to the Armenian community, the nomination of Richard Hoagland to be the next U.S. Ambassador to the Republic of Armenia.

I respect the office of the President and the powers that are granted to appoint individuals that are in support of the administration's agenda; however, there is justifiable concern about the recall of our Ambassador to a regionally important country and the subsequent nomination of his replacement. The reported reason for the recall of Ambassador Evans revolves around the failure of our Government to officially recognize the Armenian genocide. That is unacceptable.

Once again, I want to go on record as being opposed to the continued denial of the Armenian genocide. The bigger issue is not that of an appointment of this or any official who recognizes his duties and will be diligent in carrying them out but of acknowledging the genocide as part of an appropriate foreign policy.

I have long sought to bring recognition to the crimes perpetuated against the Armenian people as genocide. In fact, I have introduced S. Res. 320, which affirms the Armenian genocide. The resolution calls on the President to state that the slaughter of Armenians by the Ottoman Empire was genocide and to recall the proud history of U.S. intervention in opposition to the Armenian genocide. It is important that the U.S. once and for all reaffirms the incontestable facts of history and allows our representatives to speak out about the crimes perpetuated against the Armenian people from 1915 to 1923. It is my sincere hope that this legislation comes before the full Senate soon.

As we fight to ensure freedom around the globe, we must ensure that our future reflects the lessons of the past. In this case the facts are incontestable. Armenians were subjected to deportation, expropriation, abduction, torture, massacre, and starvation. Yes, the Armenian people were victims of genocide. Genocide at any time, at any place, is wrong and needs to be confronted and remembered.

UNFINISHED BUSINESS

Mrs. BOXER. Mr. President, as the Republican leadership gavels this session to a close, I am disappointed by the inaction and missed opportunities on America's most crucial priorities.

First, although we did finally pass a long overdue port security bill, we still have a long way to go to protect our infrastructure. We knew before 9/11 that our ports are soft targets, and since that terrible day, many experts have continued to warn us that they are vulnerable to attack.

Since the 9/11 attacks, we have spent only $984 million on port security grants, despite Coast Guard estimates that $5.4 billion is needed over 10 years. That total includes the grants that were released this week.

To make matters worse, port security funds aren't reaching the ports that need them the most. In California, port security grants awarded by the Bush administration have fallen from $33.3 million in fiscal year 2005 to $13.3 million in fiscal year 2006, a staggering 60 percent reduction. Despite the fact that California's ports carry over 47 percent of all goods imported into the United States, we are receiving only eight percent of the total port security grants funding.

In addition, the final port security bill lacks the Senate-passed transit and rail security provisions. The last three major attacks have been on transit systems in Madrid, London, and in July, Mumbai. According to APTA, there are $6 billion in transit security needs across the country. But last year, Congress appropriated only $150 million for transit and rail security. That is barely a drop in the bucket. Americans take 33 million trips on transit each day. We must do more to protect them.

The Senate bill also does not consider aviation security. Yes, aviation security has improved greatly in the last five years. But five years after 9/11, we are still not screening cargo loaded on board passenger planes. I am pleased that DHS will launch a pilot program at San Francisco Airport, SFO, this October to check all commercial cargo for explosives on passenger flights, but we should be doing this at every airport in America to ensure the safety of passengers and the solvency of the airline industry.

But until that time, at the very least, we need to use at least one blast resistant cargo container on passenger planes that carry cargo. This was one of the major recommendations of the 9/11 Commission. When I tried to offer an amendment to do just that, the Republican managers of the bill blocked my amendment.

Cost is not the problem here. The price to place one blast-resistant container on planes is about $75 million or a little more than the price of 5 hours in Iraq. The American people deserve to know that we are doing everything we can to keep them safe. We cannot allow terrorists to exploit holes in our aviation security system.

Second, although we passed border fence legislation, we failed to act on the AgJOBS bill, which would provide a much-needed solution to the farm labor shortage crisis that is threatening our nation's farm economy. In California and across America, fruit and vegetables are dying on the vine and rotting in the fields because there are no workers to harvest the crops.

Earlier today, my friend from Georgia, Senator CHAMBLISS, came to the floor to speak against the AgJOBS bill. He said that as he has traveled the country this year holding farm bill hearings, every farmer he met told him to oppose AgJOBS.

Yet, if the Senator from Georgia had come to California, our Nation's largest agricultural State, he would have heard from farmers who desperately need and want the AgJobs bill passed now. And they are not alone. Farmers in States experiencing labor shortages in Idaho, Washington, New York and Florida, among others, want this bill, as do a broad coalition of pro-agriculture groups.

The H–2A program is badly in need of reform, and the AgJOBS bill, which the Senate has already passed with more than 60 votes, enacts those meaningful reforms. These AgJobs will save users money, simplify the program, streamline the litigation process, and bring stability to our nation's agricultural work force.

And third, we also failed to stand up for fair and smooth elections. On Tuesday, Senators DODD, FEINGOLD and I introduced the Confidence in Voting Act of 2006, S. 3943, a simple bill that would reimburse electoral jurisdictions for the cost of contingency paper ballots for the General Election. Under the bill, the jurisdictions would be reimbursed for their documented costs up to $0.75 per contingency paper ballot printed.

This bill is timely in light of the recent problems with voting machines in Maryland, Illinois, Ohio and other states. It is clear that many jurisdictions that use electronic voting machines and other voting systems will need to have a backup plan for the upcoming November 7, 2006, general election.

The Confidence in Voting Act of 2006 would work within the existing structure of the Help America Vote Act of 2002 to provide reimbursement funding for jurisdictions that provide a contingency paper ballot in addition to their existing voting system. The estimated maximum cost of this measure is approximately $15 million a small price to pay to ensure that every American's vote is counted.

The American people deserve better. We face great challenges that will determine our safety and prosperity for years to come. I urge my colleagues to join me in supporting long overdue legislation for the security of our infrastructure, to aid our farmers, and to ensure our right to fair and accountable elections.

DEPARTMENT OF DEFENSE SURVIVOR BENEFITS PLAN

Mr. NELSON of Florida. Mr. President, although we have accomplished much to be proud of in this Defense authorization bill, I am profoundly disappointed that once again we have failed to eliminate the SBP-DIC offset.

For the last 5 years I have been talking about the unfair and painful offset of the Defense Department's survivors benefits plan against Veterans Affairs' dependency and indemnity compensation, or DIC. This offset mistreats the survivors of our servicemembers who die on active duty now and our 100 percent disabled military retirees who purchased this benefit at the end of their careers. It is wrong, we know it, and the Senate has tried to fix it—but we have fallen short again.

I have reminded the Senate of the Good Book's words, that in God's eyes the true measure of our faith is how we look after orphans and widows in their distress. And they are in distress. We are in a violent struggle around the world with brutal and vicious enemies. Sadly, Americans are lost every day.

We must never forget that the families left behind by our courageous men and women in uniform bear the greatest pain. Their survivors' lives are forever altered; their futures left unclear. They suffer the enduring cost of the ultimate sacrifice, and the Nation that asked for that sacrifice must honor it. We are the ones who must recognize that the Nation has an obligation to those who give their lives for our country.

This conference report does not include the Senate's provision to eliminate this offset. In the Senate, we included the funds necessary to support this change in our version of the budget resolution. Accordingly, the Armed Services Committee included a provision to eliminate the offset, thanks to our chairman, Senator JOHN WARNER. However, the conference could not find a way to bring this to closure. Our eligible survivors are again let down.

Mr. President, I have felt honored over the years to champion this important change in our survivor benefits system. And, although disappointed, I am no less honored or resolved to continue this fight. I thank my many Senate colleagues who have felt as strongly as I about taking care of our military widows and orphans. I look forward to working with them again when we bring this to the Senate again in our next session. Our military men and women, and their survivors would never give up; neither will we.

GLOBAL WARMING REDUCTION ACT OF 2006

Ms. SNOWE. Mr. President, I rise today as the lead cosponsor for the Kerry-Snowe Global Warming Reduction Act of 2006. Six years into the 21st century, global warming should be on a trajectory toward solutions . . . international and domestic policies confronting climate change should already be in place. We believe that our bill will ultimately lead to decisive action to minimize the many dangers posed by global warming by calling for an 85 percent reduction of greenhouse gas emissions no later than 2050. Thankfully, Senator KERRY and I are not working in a policy vacuum as the United States is a party to the 1992 United Nations Framework Convention on Climate Change, which has the objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent "dangerous anthropogenic interference" with the climate system.

The risks associated with a temperature increase above two degrees centigrade are grave, including the disintegration of the Greenland ice sheet, which, if it were to melt completely, would raise global average sea level by approximately 23 feet, devastating many of the world's coastal areas and population centers. The Intergovernmental Panel on Climate Change projects that temperatures will rise between 1.4 to 5.8 degrees centigrade, or 2.5 to 10.4 degrees fahrenheit, by the end of the century, under a range of expected emissions trends.

The Kerry-Snowe bill will map out the way to stabilization through a cap and trade system for major sectors of our society and establish the climate reinvestment fund consisting of amounts collected from carbon auctions of allowances and civil penalties. The fund will be used for investment in clean energy research and technology. The bill also provides for a research and development program on global climate change and abrupt climate change research. We also call for a renewable portfolio standard requiring 20 percent of electricity from renewable electricity by 2020, and an updated Renewable Fuel Standard and E85 infrastructure requirements of 10 percent by 2020.

The act also contains vehicle greenhouse gas emission standards for cars and light-duty vehicles as well as medium and heavy-duty vehicles. Importantly, our bill includes a resolution expressing the urgent need for the administration to reengage in international climate negotiations.

I do not come lightly nor lately to the climate change issue. That is why, this past year, when asked by three major independent think tanks—the Center for American Progress in the United States, the Institute for Public Policy Research in the U.K. and the Australia Institute—I accepted the cochairmanship of the high level International Climate Change Taskforce—the ICCT—to chart a way forward on climate change on a parallel track with the Kyoto Protocol process. This led me to meetings both in Washington and London with my Cochair, the Rt. Honorable Stephen Byers of the U.K. for the international, cross-party, cross-sector collaboration of leaders from public service, science, business, and civil society from both developed and developing countries.

We set out a pathway to solve climate change issues in tandem collaboratively finding common ground through recommendations that are both ambitious and realistic to engage all countries, and, critically, including those not bound by the Kyoto Protocol and major developing countries. Our ICCT report, "Meeting the Climate Challenge," recommends ways to involve the world's largest economies in the effort, including the U.S. and major developing nations, focusing on creating new agreements to achieve the deployment of clean energy technologies and a new global policy framework that is both inclusive and fair. Like the Kerry-Snowe legislation, the ICCT Report calls for the establishment of a long-term objective of preventing global average temperature from rising more than 2 degrees centigrade.

The taskforce arrived at the 2 degrees centigrade temperature increase goal on the basis of an extensive review of the relevant scientific literature that shows that, as the ICCT Report states:

> Beyond the 2 degrees centigrade level, the risks to human societies and ecosystems grow significantly. It is likely, for example, that average temperature increases larger than this will entail substantial agricultural losses, will greatly increase the numbers of people at risk of water shortages, and widespread adverse health impacts.

Our ICCT Report goes on to say that:

> Climate science is not yet able to specify the trajectory of atmospheric concentrations of greenhouse gases that corresponds precisely to any particular global temperature rise. Based on current knowledge, however, it appears that achieving a high probability of limiting global average temperature rise to 2 degrees centigrade will require that the increase in greenhouse-gas concentrations as well as all the other warming and cooling influences on global climate in the year 2100, as compared with 1750, should add up to a net warming no greater than what would be associated with a CO_2 concentration of about 400 parts per million (ppm).

The Kerry-Snowe bill reverses the growth of greenhouse gas emissions starting in 2010 and then progresses to more rapid reductions over time, out to 2050, meant to protect against a temperature rise above 2 degrees centigrade, which is predicted to mean that global atmospheric concentrations of carbon dioxide will not exceed 450 parts per million. The bill gets the US on the right track, but at the same time avoiding any negative impact on our economy.

Achieving success for our policy imperatives means disabusing skeptics and opponents alike of cherished mythologies that environmental protection and economic growth are mutually exclusive. The irony is both are actually increasingly interdependent and will only become more so as the 21st century progresses. Robust companies dedicated to reducing emissions are proof-positive "going-green" represents a burgeoning sector of our economy, not the drain and hindrance we've been led to believe for so many years.

And to their credit the most progressive U.S. companies have reduced emissions even further than required in climate bills offered in the Congress to date. In an act of economic acumen, they are hedging their bets by adopting internal targets—and, these companies are saving money by reducing their energy consumption and positioning themselves to compete in the growing global market for climate-friendly technologies. Any cost-conscious CFO or forward-thinking CEO for that matter should admit that to prevent pollution now will most certainly cost less than cleaning it up later.

And the economics of prevention and stewardship resonate more when you consider property that erodes because of rising sea levels, farm land that fails to yield crops and becomes barren and arid, and revenue opportunities squandered because of dwindling fishing stocks caused by hotter temperatures. These represent real costs to the bottom line not to mention irreparable damage to our health and quality of life.

Mr. President, temperatures are rising to levels the earth has not experienced for more than a thousand years. The snows of Kilimanjaro are melting so fast that they may completely vanish in 15 years. Alaska's average temperature has increased nearly five and a half degrees over the past 30 years and explains melting permafrost, sagging roads, and dying forests. A Peruvian glacier in the Andes Mountain, as reported by The Washington Post, is receding at a rate of 360 yards per year, up from a recession rate of just four yards per year for most of the 1960s and 70s. There is the massive decline in coral reefs critical to sea life worldwide. And in my state of Maine, softwood trees—the heart of our papermaking industry—and sugar maple trees that spur a large tourist industry are in danger of moving northward over the next 50 years, along with our annual potato crop worth approximately $110 million.

We obviously do not have time in this Congress to debate the Kerry-Snowe bill, but we plan to use our bill as a marker to start the debate in the 110th Congress. The United States Congress is fully capable of enacting policies that change our climate for the better and guarantee a better quality of life for the generations to follow.

EXTENSION OF THE HIGHER EDUCATION ACT

Mr. ENZI. Mr. President, I rise today to encourage my colleagues to pass H.R. 6138, which would provide for a temporary extension of the Higher Education Act of 1965 by extending its provisions through June 30, 2007.

This extension, unfortunately, is the sixth time the Higher Education Act has temporarily been extended. It is now critical to move forward with the Higher Education Act and reauthorize the remaining discretionary programs. As my colleagues know, the mandatory portions of the higher education law were reauthorized in February under the Deficit Reduction Act of 2006.

We have the bill out of the Senate Committee on Health, Education, Labor, and Pensions, but haven't had the floor time to debate it. I am making the Higher Education Act a top priority for 2007 because postsecondary education is the key to the future successes of our students, our communities, and the economy.

DISASTER ASSISTANCE REFORMS

Ms. LANDRIEU. Mr. President, like many in Congress, I am disappointed that we are adjourning Congress for the October recess without enacting comprehensive U.S. Small Business Administration disaster assistance reforms. As our small businesses impacted by Hurricanes Katrina and Rita last year can attest, this is an agency that is in woeful need of substantive reforms to its Disaster Assistance Program. Our businesses had to wait 4 to 6 months for SBA disaster loans to be approved, and some are still waiting to this day, for loan amounts to be disbursed.

For my part, I have worked for the past year to enact substantive SBA disaster reforms to ensure that 'lessons learned' from Katrina and Rita were incorporated and that businesses nationwide could count on a better prepared and more efficient SBA should a disaster strike their community. Under the leadership of the chair and ranking member of the Senate Small Business Committee, Senators OLYMPIA SNOWE and JOHN KERRY, we sent to the Senate floor bipartisan legislation, S. 3778, which along with reauthorizing SBA programs, also enacts comprehensive SBA disaster reforms. Instead of working with us to take up and pass this important bill, the administration has frustrated this bill's passage at every turn and will not allow it to the Senate floor for consideration—almost 9 weeks after it was introduced. I am concerned about this lack of urgency from the SBA and the administration so just this week, I sent a letter to the new SBA Administrator Steve Preston. In this letter, I requested his cooperation with our committee to pass this important legislation before Congress adjourns at the end of the year.

I will ask that a copy of this September 27, 2006, letter be printed in the RECORD.

As we adjourn tonight, I note that we are set to pass legislation which temporarily extends programs under the Small Business Act until February 2, 2007. Although I do believe it is essential to extend these SBA programs, I worked with my colleague Senator KERRY to revise this date to November 17, 2006. This November date would have ensured that the Congress would have to return in November and at least attempt to pass SBA Disaster reforms. Instead, with these programs authorized through February 2, 2007, the Congress will adjourn in September 2006 and not take up SBA reauthorization until at least February 2007. I am disappointed by this development because, as elected officials, I believe it sends the wrong signal to our small business community.

If the Congress, in partnership with the SBA, does not address these systemic problems now, I am afraid that it will continue to plague the SBA's disaster response for future disasters. I believe there is a general consensus that these reforms need to get done. Therefore, I will continue my work with my colleagues from sides of the aisle to make these essential improvements this year.

Mr. President, I ask unanimous consent that the letter to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 27, 2006.

Hon. STEVEN C. PRESTON,
Administrator, U.S. Small Business Administration, Washington, DC.

DEAR ADMINISTRATOR PRESTON: Let me take this opportunity to again congratulate you on your confirmation as Administrator of the U.S. Small Business Administration (SBA). Your management experience and passion to serve will prove extremely helpful to you in this challenging position.

I write you today because, as a member of the Senate Committee on Small Business and Entrepreneurship, as well as senator from a state hit hard by both Hurricanes Katrina and Rita, I believe it is my duty to ensure that we implement substantive changes to SBA's Disaster Assistance Program during this session of Congress.

The SBA's response to Hurricanes Katrina and Rita was too slow and lacking in urgency-threatening the very survival of our affected businesses. A year has passed since Hurricanes Katrina and Rita, yet while Congress is currently acting on extensive reforms for the Federal Emergency Management Agency (FEMA), there has been only incremental changes to SBA's Disaster Assistance Program. That is why I am pleased to learn that you have recently created the Accelerated Disaster Response Initiative to identify and help implement process improvements to enable the SBA to respond more quickly in assisting businesses and homeowners in need of assistance after a disaster. I applaud these efforts and your leadership on this issue. But much more must be done to address the systemic problems that led to delays and inaction post-Katrina and Rita.

For our part, the Senate is also attempting to address the multiple problems that hampered SBA's ability to assist impacted Gulf Coast small businesses and homeowners. Under the leadership of the Chair and Ranking Member of the Senate Committee on Small Business and Entrepreneurship, Senators Snowe and Kerry, the committee voted unanimously to approve S. 3778, the "Small Business Reauthorization and Improvements Act of 2006" and sent it to the full Senate for consideration. A copy of the bill is attached for your convenience. This bipartisan legislation re-authorizes SBA programs, and also of great importance to me and my constituents, makes essential reforms to SBA's Disaster Assistance Program. However, Since S. 3778 was introduced on August 2, 2006, almost nine weeks ago, it has been blocked from consideration and the Committee is still waiting for budget information so that it may file its report on the bill. It is my understanding that the administration and SBA has several concerns about this bill in its current form.

I am very concerned at this apparent deadlock, a deadlock which threatens our bipartisan efforts to implement comprehensive SBA Disaster Assistance reforms before the end of the year. In particular, I believe that there must be SBA reforms in the following areas:

Short-Term Assistance: Following Katrina and Rita small businesses waited, on average, four to six months for approvals and disbursements on SBA Disaster Loans. In order to ensure the long-term survival of small businesses impacted by a catastrophic disaster, SBA needs to be in the business of short-term recovery-by providing either emergency bridge loans or grants.

Disaster Loan Process for Homeowners: While SBA's mission is to "aid, counsel, assist and protect, insofar as is possible, the interests of small business concerns" it also has the added responsibility of helping affected homeowners rebuild their housing post-disaster. Katrina and Rita resulted in record numbers of SBA Disaster Loan applications from homeowners, which strained SBA's existing resources and personnel. If the SBA must bear this responsibility, the agency should improve the process as well as possibly seek greater coordination and cooperation with the U.S. Department of Housing and Urban Development on disaster housing assistance.

Expedited Disaster Loans to Businesses: The SBA currently has no mechanism in place to expedite Disaster Loans to impacted businesses that are either a major source of employment or that can demonstrate a vital contribution to recovery efforts in the area, such as businesses who construct housing, provide building materials, or conduct debris removal. The SBA need the ability to fast-track loans to these businesses, in order to jumpstart local economies and recovery efforts.

Economic Injury Disaster Loans: Although Katrina and Rita directly affected businesses along the Gulf Coast, additional businesses in the region, as well as the rest of the country, were economically impacted by the storms. The SBA must have the ability to provide nationwide, or perhaps regional, economic injury disaster loans to businesses which can demonstrate economic distress or disruption from a future major disaster.

Loss Verification and Loan Processing: Following the Gulf Coast hurricanes, the SBA struggled for months to hire enough staff to inspect losses and process loan applications. Although SBA now has trained reserves to handle such surges in demand, the SBA also needs the permanent authority to enter into agreements with qualified private lenders and credit unions to process Disaster Loans and provide loss verification services.

Administrator Preston, I was impressed by your expressed willingness to be a bridge between Congress and the White House. For the SBA to truly bring its disaster capabilities to the next level, I believe that it must work in concert with the Congress. Together, we must remove layers of bureaucracy and red tape, which, following Katrina and Rita, both overwhelmed and frustrated dedicated SBA employees and those affected by the hurricane must also give the SBA new tools to ensure that problems that occurred post-Katrina and Rita never happen again.

Last month we marked the one-year anniversary of Hurricane Katrina, and now mark the one-year anniversary of Hurricane Rita. It is essential that we take action now to make substantive reforms to the SBA Disaster Assistance Program. We owe nothing less to our small businesses. I ask that you continue working with my office on this important issue and respond to our approach in writing no later than October 31, 2006. This will help us develop a proposal which can address the concerns of the SBA as well as provide a better and more responsive SBA Disaster Assistance Program for our small businesses.

Thank you in advance for your assistance with this request.

Sincerely,

MARY L. LANDRIEU,
U.S. Senator.

INDIAN GAMING REGULATORY ACT

Mr. BAUCUS. Mr. President, I have filed an amendment to S. 2078, the proposed Indian Gaming Regulatory Act Amendments of 2006. The amendment would require the National Indian Gaming Commission, the NIGC, to utilize the well-accepted negotiated rulemaking process in promulgating any regulations required to implement the provisions contained in S. 2078. Let me take a moment to explain the amendment.

Congress adopted the Negotiated Rulemaking Act in 1990. It appears at 5 USC, sections 561 and following. Congress permanently reauthorized the act in 1996. It provides an alternative to adversarial rulemaking. It saves time and reduces litigation.

The Negotiated Rulemaking Act allows interested stakeholders and the Federal agency to be a part of the process. Negotiated rulemaking is a process by which tribes and Government agencies enter into negotiations in good faith and reach consensus on proposed rufts. All the legal requirements of notice, such as publication in the Federal Register, are employed. A negotiated rulemaking committee is employed. Thus there is transparency and accountability. If the negotiated rulemaking succeeds, it culminates in proposed rules that the Federal agency formally proposes. The Federal agency retains the ultimate authority, however, on any such proposed rule, as the agency retains responsibility in making final decisions and publishing the rule in the Federal Register.

A variety of Federal agencies have successfully used the Negotiated Rulemaking Act in developing regulations. Among them are the Environmental Protection Agency, the Federal Aviation Administration, the National Park Service, the Department of Transportation, the Occupational Safety and Health Administration, and the United States Forest Service.

As well, Federal agencies that have worked directly with Indian country have successfully used the negotiated rulemaking process. Among those are the Indian Health Service, the Bureau of Indian Affairs, and the Department of Housing and Urban Development when HUD developed the regulations under the Native American Housing and Self Determination Act.

Some argue that it is not appropriate to require the NIGC to bring in tribes as a part of the negotiated rulemaking process because they are the entity being regulated. But we are dealing with sovereign Indian Nations that already have significant regulatory regimes in effect. The original Indian Gaming Regulatory Act already was a major intrusion into the status of tribes as units of government fully capable of managing their own affairs. To suggest that it is somehow problematic for tribal governments to have an institutionalized role in developing regulations is totally contrary to the very concept of our government-to-government relationship with tribes. That is a philosophy subscribed to by the chairman of the Indian Affairs Committee on many occasions.

I urge my colleagues to support my amendment.

TRIBUTE TO THE LATE SENATOR PAUL WELLSTONE

Mr. DAYTON. Mr. President, I have been asked by a Capitol employee, Mr. Albert Cary Caswell, to have printed in the CONGRESSIONAL RECORD a poem he wrote in memory of the late, great Minnesota Senator, Paul Wellstone.

Senator Wellstone was my friend of 22 years and Minnesota's senior Senator and my mentor during my first 2 years here. I have missed his conscience, his courage, and his eloquence in the Senate every day since his tragic death in an airplane crash nearly 4 years ago.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

WALKING WITH GIANTS

(By Albert Cary Caswell)

We who here, who have walked upon life's road . . .
A question asked, "What of the full measure of one's footprints cast . . . as to this our world as bestowed?"
Are ours but just mere footprints, or with giant gaits have we here now strode? As all within these our short lifetimes shows!

Do we walk with giants, or but there with just mere men?
Do we dare to grow, do we dare to be great . . . as time and time again? As these our lifetimes begin!
Will we become giants, or will we forever more remain but just mere men? As in this, our shortest of times our lives as then . . .

Shine!
For in our lives and in our times, will we fade or will we shine?
Are we that bright beacon of light and hope which so brilliantly shines? That

bright beam of light which so flows through time!
One Paul Wellstone, whose title as a giant as now so belongs!
For in his life and in his deeds, for in this his courageous quest to so succeed. . . . his bright legend as a giant so lives on . . .
A small man of girth, but within his great heart and his soul . . . and all within his mind, so lies his true worth as he has gone!
For from this his most humble of beginnings, as had he so come!
As to a professor, who with his great burning passion so taught our future . . . had so led our young!
Until, on a little green school bus. . . . his dreams were so to be cast! As well into a future where his greatness was to be so sung!
A man, who among his classrooms would so spread his dreams . . .
Talking of all those giants, who so upon a Senate floor as throughout the decades had convened . . .
As one day too, Paul . . . would also walk upon those most hallowed of all halls . . . where too, his greatness would be seen!
Walking with giants. . . . such as Dole, Glenn, Thurmond, Byrd, Simpson, Inouye and Kennedy . . .
A proud Liberal . . . a man of great passion . . . for in him we were all but "Left With The Best" oh so very splendidly!
A Great American Patriot . . . a most courageous candidate . . . a Great Crusader and A True Fine Champion of Democracy!
A man with a huge heart,
A man with such a warm smile, which so placed him high above all the others . . . while, setting him apart!
A fighter and a champion . . . a true winner among just mere men . . . the little guy's best friend . . . a true fine work of art!
In this the arena of life . . . he was but a sheer delight!
A Great Father . . . A Great Husband . . . A Wonderful Human Being . . . who to all so brought his light!
For the steps that he made, clearly so portrays the stuff of which giants are made . . . as we so ponder here this night!
An American Tale . . . as was his, The True Great American Dream . . .
So happy and so blessed, as he stood so boldly debating near Webster's desk. . . . as ever so he was seen!
Like a modern day Webster, Clay, or Calhoun he too, made history's heart so swoon . . . where, and whenever he convened!
For within his life and within his times, there are but so many great truths about him of which we find,
As he's left us with such great lessons, with such bright lights . . . to touch all of our children's hearts and minds!
All about being warm and kind, all about passion within hearts & within strong minds, and that no mountain cannot be climbed!
As he was a shining voice!
As he was a Liberal's Liberal, as he was truly his people's choice!
A battler no doubt, while reaching out. . . . ever speaking out. . . . for all of those others, who so surely had no voice!
If only but as Paul. . . . we too. . . . in our lives. . . . and our times. . . . could all so live . . .
Oh what great gifts we could shine, to these our children and this our world in our time, Oh such warm blessings we would give!
For in this our lives and in these our times, will we such the courage find, To Walk With Giants, touching the lives of all who live!

In Memory of a great American Patriot—Paul Wellstone—his wife Sheila, and his precious daughter Marcia, and all those aboard the plane. May our Lord bless the families and help them to find peace. (This was read in Minnesota, on television for his memorial.)

ADDITIONAL STATEMENTS

COMMENDING STAFF OF PENROSE-ST. FRANCIS HOSPITAL

• Mr. ALLARD. Mr. President, today I pay tribute to those individuals from Penrose-St. Francis Hospital in Colorado Springs, CO, who graciously agreed to provide medical attention to retired Air Force veteran Mr. Richard Mc Whorter following a critical injury in April, 2006, while working in Amman, Jordan.

The staff of Penrose-St. Francis worked quickly and tirelessly to arrange for the appropriate procedures in order to best help Mr. Mc Whorter given the urgency and unfortunate extenuating circumstances. Most notably, Penrose-St. Frances was willing to absorb all costs for any treatment performed. Tragically, Mr. Mc Whorter passed away prior to his return to the United States for treatment.

Nonetheless, the honorable intentions of those at Penrose-St. Francis are worthy of acknowledgment and their demonstration of compassion should serve as an example for others in the health care industry.

I would like to thank the following individuals for their kindness and generosity in attempting to save Mr. Mc Whorter following his accident. I would also like to issue my sincere condolences to the Mc Whorter family for their loss.

Dr. Dave Ross
Dr. Roger Nagy
Dr. Bill Chambers
Dr. Michael Brown
Dr. Glen House
President and CEO Rick O'Connell
Ms. Pat Burgess•

RECOGNIZING JNO S SOLENBERGER & CO.

• Mr. ALLEN. Mr. President, I am pleased to acknowledge Jno S Solenberger & Co., Inc. of Winchester, VA, for over 100 years of service. Throughout the years, the success of Jno S Solenberger & Co., Inc has been based on the belief of providing excellent customer service.

When the hardware store first opened over a century ago, its founders, John S. Solenberger and his cousin Daniel Stouffer, worked tirelessly to build a company known for its quality products and excellent customer service. Four generations later, John T. Solenberger, Jr., the current president of the company, still upholds the original vision of his great-grandfather, contributing in his own way toward the company growing success through numerous expansions and renovations.

Solenberger many contributions to Winchester rich historical heritage, including his commitment to serving his customers with the utmost care and expertise, are significant accomplishments. I am proud to stand before you today and recognize Jno S Solenberger & Co., Inc. as a fine exemplar to the business community of Virginia.•

RECOGNIZING BANK OF CLARKE COUNTY

• Mr. ALLEN. Mr. President, I am pleased to acknowledge the 100th anniversary of Bank of Clarke County, the first independent, privately owned bank in Berryville, VA. More than a century ago, 10 local investors decided that a community bank would assist in the continued recovery from the Civil War's reconstruction efforts. After pooling together $10,000 in capital, the Bank of Clarke County was formed. As the oldest continuously operating bank in the area, Bank of Clarke County has remained committed to serving the local communities and its citizens. Its success today can be attributed to its long-term vision and dedicated staff.

Over the years, Bank of Clarke has undergone numerous expansions and renovations, permanently moving to the greater Winchester area in 1992 and opening 10 full-service branch locations, one express branch, and a network of 23 local ATMs. Despite their continual expansion and growth as a business, Bank of Clarke County remains dedicated to serving the community through volunteer work with over 150 local organizations.

The Bank of Clarke County continues to perform outstanding work in serving its local citizens and the entire Commonwealth of Virginia. I congratulate its members on their continued run of success, and thank them for the work they are doing to make Virginia a better place to live, work, and raise a family.•

RECOGNIZING THE SHOCKEY COMPANIES

• Mr. ALLEN. Mr. President, I am pleased to acknowledge the Shockey Companies for over 100 years of service. When the company began in 1896, its founder, Mr. Howard Shockey, developed a reputation in Winchester, VA, for his superior craftsmanship and hard working attitude. Today, more than three generations later, the Shockey Companies have remained true to their commitment to serve the Winchester and mid-Atlantic region with the craftsmanship, quality, and old-fashioned values that the company was first built upon.

Over the past three generations, the Shockey Companies expanded even further, working on transportation projects for interstate bridges and interchanges on the highways of Maryland, Delaware, Virginia, West Virginia, and the District of Columbia. Their early adoption of improved concrete methods and materials was instrumental in the company efforts to save time and reduce costs.

Their continual commitment to provide Virginians with the highest level of expertise and technology speaks to the company integrity and consistent standard of excellence. On behalf of the many Virginian families and communities who have benefited from the Shockey Companies services over the last century, I would like to express my sincere appreciation.•

RECOGNIZING WINCHESTER MEDICAL CENTER

• Mr. ALLEN. Mr. President, I am pleased to acknowledge Winchester Medical Center for over 100 years of service. Over the past century, Winchester Medical Center has worked tirelessly to build a hospital committed to providing extensive and sophisticated medical services using the most advanced technology and science. Its success today can be attributed to its long-term vision and dedicated staff, which both the local community of Winchester and I are immensely proud of.

In 1903 the Winchester Medical Center had just 35 beds, four employees, and one patient. Since then, it has evolved into one of the premier regional medical centers in the United States, now boasting 405 beds, 2,483 full-time employees, a team of devoted volunteers who worked 76,000 hours last year alone, and numerous renovations. The center specializes in heart care and open heart surgery, cancer care, orthopedic surgery, 24-hour emergency services, including a helipad and neonatal intensive care transport, neurosciences, rehabilitation services, behavioral health, and women and children services. With such a highly qualified staff, it is no surprise that patients are referred from a 17-county area in Virginia, Maryland, and West Virginia to the center for medical treatment.

Any institution committed to giving back to the local community from which it was founded and grew is commendable. One dedicated to saving and improving the lives of Virginians for the last 100 years, and with as much care and expertise as Winchester Medical Center, is an accomplishment I respect and admire.•

RECOGNIZING HEDGEBROOK FARM

• Mr. ALLEN. Mr. President, I am pleased to acknowledge Hedgebrook Farm, in Bartonville, VA. Hedgebrook Farm has been owned and operated by the same family since its establishment over 100 years ago.

For the past half century, the 110-acre farm has offered amusing attractions such as a pumpkin patch, as well as a beautiful log home. Hedgebrook Farm also provides educational school tours and a young farmers' camp.

I would like to acknowledge the current managers of Hedgebrook Farm, Kitty Hockman Nicolas and her daughter, Shannon N. Triplett, for their exceptional work upholding their family's original commitment to preserve the environment, educate local youth, and maintain a pesticide-free, hormone- and antibiotic-free farm.

The Hedgebrook Farm continues to perform outstanding work in serving its local community. I congratulate its owners on over a century of success and thank them for the work they are doing to make Virginia a better place to live, work, and raise a family.•

RECOGNIZING THE WINCHESTER STAR

• Mr. ALLEN. Mr. President, I am pleased to acknowledge the Winchester Star which has proudly served the newspaper needs of our Commonwealth with dedication and distinction since the Fourth of July, 1896. Started by 23-year-old John I. Sloat, the first edition of the Winchester Star consisted of only four pages and sold for a penny. By the end of its first year, circulation had already reached 400. Today, circulation exceeds 22,000 daily.

For the past century, the journalists and employees of the Winchester Star have worked tirelessly to provide accurate, quick, and reliable news service. As a reader of the Winchester Star, I sincerely respect their curious approach and objective presentation of the news, and I admire their consistent pledge to keep Virginians intelligently informed of international, national, and local news every day.

Their success can be attributed not only to a hard working staff but also to their swift implementation of modern technology to expedite the printing process and meet new customer demand. Whether it was the adoption of Goss Urbanite off-set press printing in 1964, which permitted a 64-page edition of the paper, or the addition of a Saturday edition and morning newspaper in 1980, the Winchester Star has consistently proved itself as one of Virginia's leading newspapers. I am proud to acknowledge the Winchester Star's accomplishments over the past century, and I am confident that they will continue to serve their customers with the expertise, quality, and dependability that they are known for.•

RECOGNIZING HILL HIGH FARM

• Mr. ALLEN. Mr. President, I am pleased to acknowledge over 100 years of service by Hill High Farm of Winchester, VA. The farm has been owned and operated by the Wright family since its establishment in scenic Shenandoah Valley over 100 years ago. Hill High Farm has been recognized by the Commonwealth of Virginia as a "Century Farm".

While the farm continues to grow apples, raise cattle, and maintain a dairy herd as it did a century ago, today they offer other exciting attractions such as a straw maze, corn maze, hay rides, and farm animals. Their expansion from a fourth of an acre of pumpkins to 20 acres and continual promotion of new special events has captured the public interest. In the fall during harvest time Hill High Farm opens their farm to over 1,000 visitors, including school groups. This April, the farm will be featured on the Discovery Channel by Pilot Productions, an independent television production company based in England.

To express their appreciation for the continual support of local patrons, the Wright family gives back to their community through annual charity events such as the Youth Development Center's Annual Punkin' Chunkin' Contest. I would like to recognize Hill High Farm as an historical trademark of Shenandoah Valley, loved and cherished by so many in the Virginian community.•

RECOGNIZING GLAIZE COMPONENTS

• Mr. ALLEN. Mr. President, I am pleased to acknowledge Glaize Components, an internationally recognized lumber company founded in Winchester, VA, more than 150 years ago. The company first started in Northern Shanendoah Valley as a charcoal production business, but quickly evolved into a lumber company.

When Glaize Components was founded in 1854, they made a commitment to providing the highest level of quality to their customers, employees, and industry. To meet increasing market demand and expand their geographic reach, Glaize Components has opened two new plant locations in Shelby, NC, and LaCrosse, VA.

Throughout its history, Glaize Components products have included a complete line of building components for residential and commercial uses, such as roof trusses, wall panels, and floor trusses. Their use of software systems specifically designed for truss systems and their incorporation of laser-guided truss building processes has gained them international recognition by manufacturers from Africa, Russia, China, and Japan.

The immense respect Glaize Components receives for its superior manufacturing processes—both at home and abroad—is a testament to their success and leadership in the industry. I am honored to acknowledge Glaize Components accomplishments over the past century, and I am confident that they will continue to serve their customers with the expertise, quality, and dependability for which they are known.•

RECOGNIZING THE INSURANCE CENTER OF WINCHESTER

• Mr. ALLEN. Mr. President, I am pleased to acknowledge the Insurance Center of Winchester, the oldest and largest independently owned insurance agency in the Northern Shenandoah Valley in Virginia. Over the past century, and particularly in the last decade, the insurance industry has undergone radical transformations from technological advancements to expanding competition. I would like to recognize the Insurance Center of Winchester for their exceptional ability to adapt to these changes while maintaining their original commitment to excellent service and expertise.

The Insurance Center of Winchester provides service to thousands of homeowners, renters, autos, RVs and motorcycles, and provides comprehensive group benefit plans to many of the region's top businesses and industries. In addition to those services, the Insurance Center of Winchester also provides health, disability, and life insurance to individuals. Over the years, the Insurance Center of Winchester has expanded to three departments, Personal Lines Insurance, Commercial Lines Insurance, and Financial Services. But what distinguishes them as the leading insurance company of Northern Shenandoah Valley is their employees' ability to solve complex issues and their commitment to personal customer service.

Since 1902, the Insurance Center of Winchester has put an emphasis on maintaining a relationship-based business, helping them gain the respect and trust from the Virginia community which they have worked so hard to develop. I would like to acknowledge the Insurance Center of Winchester's accomplishments over the last century, and I am confident that they will continue to flourish in the future.•

RECOGNIZING THE ENDERS AND SHIRLEY FUNERAL HOME

• Mr. ALLEN. Mr. President, I am pleased to acknowledge the 114th anniversary of the Enders and Shirley Funeral Home which has had a fruitful working relationship with Winchester County over the past century. Founded in 1892 by John H. Enders on East Main Street in Berryville, VA, the funeral home was originally known for its warm, home-like atmosphere, and convenient location.

Over the past century, the Enders and Shirley Funeral Home has serviced its community with compassion and honesty. The Enders family has earned respect and admiration from the Winchester community not only for their success as a business, but for their integrity and incessant devotion to the Winchester community.

I commend the Enders family for their unwavering support and passion for helping families get through the hardships involved with planning their loved one's funerals. I am proud of their many accomplishments and am confident that the Enders and Shirley Funeral Home will continue to flourish in the future.•

RECOGNIZING WINCHESTER PRINTERS, INC.

• Mr. ALLEN. Mr. President, I am pleased to acknowledge Winchester Printers, Inc., which has proudly served the commercial printing needs of businesses, universities, and organizations of the Winchester-Frederick County, VA, area for over a century. The family-owned and operated company can be traced back 114 years through three generations to 1892, and has remained firmly committed to its standard of superior expertise and craftsmanship ever since.

I was recently excited to hear that the Printing Industries of Virginia awarded Winchester Printers, Inc. with the Dietz Memorial Award for the fourth year in a row. Competing against nearly 5,000 entries from printing and graphic arts firms around the world, Winchester was honored with the Best in Show Award for the 2003 Henkel Harris Portfolio designed by Erkel and Associates. The company also received a Certificate of Merit in the Worldwide Print Competition hosted by the Printing Industries of America.

Over the past century, Winchester Printers, Inc. has developed a strong relationship and loyal following with the local Virginian community. In 2004, Winchester Printers became 1 of 16 local manufacturers to participate in an Economic Development Commission program highlighting career opportunities in Winchester and Frederick County for local high school students. Upholding the traditional values the company was founded upon, Winchester Printing, Inc. continues to give back to Virginians and grow as an internationally recognized company. I am proud to recognize Winchester Printers, Inc. as a fine exemplar of the business community of Virginia.•

TRIBUTE TO DAVID ROSELLE

• Mr. BIDEN. Mr. President, earlier this year, Dr. David Roselle, a personal friend and longtime president of my alma mater, the University of Delaware, announced that he will retire in May. I have the greatest respect for Dr. Roselle and the tremendous job he has done at the institution I love.

The average tenure of a university president, I am told, is a little over 6 years, about the term of a U.S. Senator. When Dr. Roselle leaves, he will have served 17 years, equivalent to almost a three-term Senator. That is staying power that has let him turn the University of Delaware from a very good regional school into a university, known nationally for its academic excellence.

When constituents ask me: "My child has gotten into this university or that university. Where should she go?" I say go to that university they can get into now and are quite certain 10 years from now they would never be admitted. That certainly would have been my story at the University of Delaware.

Back when I was a student in the early 1960s, we had 4,000 undergraduates, maybe 400 graduate students. Today, there are 15,000 undergraduates and 3,000 graduate students. They come from all over the country and world.

But what is really different between then, and now, is not the quantity, but that even the highest caliber students must now worry about their ability to get in. During Dr. Roselle's tenure, the SAT scores of entering freshman has risen significantly.

All of us in public service have the goal to leave the place better than how we found it, and Dr. Roselle has clearly done that, on many fronts.

Physically, under his leadership, he oversaw the building and rebuilding of about two dozen structures, including a new sports/convocation center, a new center for the arts that opened recently, new laboratories, new residences, and new academic buildings. He brought technology into the infrastructure, so all campus buildings are 21st century ready.

Financially, he has nearly quadrupled the university's endowment, to $1.2 billion, far exceeding anyone's expectations. The number of endowed faculty positions has increased from 20 some 10 years ago to more than 100 today, allowing the university to attract excellent faculty members.

Since he arrived, he increased student aid from $19 million to $56 million and started scholarship support so more students can study abroad. The University of Delaware started the first Study Abroad Program in the world 80 years ago, and today, 40 percent of undergraduates spend some time learning abroad, increasingly important preparation for a job in today's global economy.

All of us in this Chamber should feel good about helping expand the university's scientific programs. During Dr. Roselle's tenure, Congress appropriated almost $90 million for defense work, primarily at the University's Center for Advanced Composite Materials. It has been put to good use. They have developed critical basic composite materials and production techniques to produce the lighter, more capable vehicles, guns, armor, and ships our military needs.

We also should feel good about the millions of dollars Congress has directed to the university to help fight avian influenza, develop clean energy technologies, and for biotechnology research, among other activities.

I also note that Dr. Roselle presided over Blue Hen football teams that combined had a 135-54-1 record and brought to Newark a national championship, a proud day for all of our alumni.

The list of his accomplishments is long, and I could go on. But it is not so much what he has built, as what the 70,000 students who graduated during his tenure will accomplish with the quality education he had such a strong hand in giving them.

Our alma mater has a wonderful line, "We give thee thanks for glorious days beneath thy guiding hand," and it is certainly his hand as well as his head and heart that has guided the university into the wonderful institution it is today.

I know I speak for all of my colleagues in extending Dr. Roselle our heartfelt congratulations.●

RECOGNIZING MAJOR RICHARD "RICKIE" N. HAGAN

• Mr. BUNNING. Mr. President, I would like to recognize the outstanding military service and contributions to our country by MAJ Richard "Rickie" N. Hagan of Tompkinsville, KY.

Major Hagan has served his country in the Army for 27 years. He is a graduate of the Kentucky Military Academy at Fort Knox, KY and the Command and General Staff College at Fort Leavenworth, KS. He was deployed to Iraq in July of 2004 and again in 2005 with the 377th Theater Support Command, TSC, of New Orleans, LA.

His overseas assignment included the 1st Corp Support Command, 82nd Airborne Division in Balad, Iraq. He worked as a Theater LNO—liaison officer—in Balad and in Baghdad to Multi National Forces-Iraq. As an OIC—officer in charge—of an LNO team, he served with distinction by gathering and analyzing key intelligence information. For this service, he has been awarded the Bronze Star, The Combat Action Badge, the Meritorious Service Medal, The Iraq Campaign, the Global War on Terrorism Medal and the Global War Expeditionary Medal.

Outside of his military service, Major Hagan has continuously been an active member of his local church and community. He taught military history and the art of war to ROTC Cadets at Middle Tennessee State University in Murfreesboro, TN. For 6 years he served as a city councilman in Tompkinsville, KY, was President of the Monroe County Wellness Board, and served on the YMCA and Chamber of Commerce Boards. After returning from Iraq, Major Hagan lent his services to the people of the Gulf Coast following Hurricane Katrina.

Currently Major Hagan owns a small business and serves as an S2 intelligence officer for the 5/515 Cavalry Squadron in Fort Knox, KY.

The citizens of the State of Kentucky are proud of MAJ Rickie N. Hagan's service. They join me in thanking him for his contributions to the Army and the United States, and in wishing him all the best both now and in the future.●

BILL ZADICK

• Mr. BURNS. Mr. President, today I wish to honor a man that has worked his way to and excelled in the highest level of athletic competition, Mr. Bill Zadick. Bill competed in the wrestling world championship in Gaungzhu, China, where he won the gold medal in the 66 kilogram weight class. The wrestling world championship brings together the top wrestlers from around the world, and to win a gold medal is evidence of determination, dedication, and elite talent. The semifinal match that Bill won exemplified these characteristics as he fought for every point in a weight class deemed to be the most difficult of all. Not to be overlooked was the silver medal victory achieved by Mr. Mike Zadick, brother to Bill, in the 60 kilogram weight class. As did Bill, Mike represented the fine qualities of a champion and the honor in his achievement will be long celebrated.

Growing up in Great Falls, Bill excelled in wrestling during high school and later at the University of Iowa. His hard work ethic, adopted from his father, helped shape Bill into a world-class wrestler. After the 2001 world championships where Bill placed seventh, his desire for perfection landed him in Colorado Springs where he developed a training program that would eventually earn him a gold medal. Not only has Bill set an example for athletic excellence, but he has acted as a role model for fellow Montanans. Montana has enjoyed recognition on the world platform before, and it is because of men like Bill that we have the opportunity to continue this great honor.

Considered to be a part of the greatest wrestling family in Montana, Bill and Mike Zadick deserve the praise and recognition given to them. We are proud as well as fortunate to have men such as Bill and Mike Zadick from Montana, demonstrating their amiable work ethic and acting as role models to younger generations of athletes and students alike.●

INAUGURATION OF DR. WILLIAM CLARK, III

• Mr. CHAMBLISS. Mr. President, I congratulate Dr. Spurgeon William Clark, III on the occasion of his inauguration as The Medical Association of Georgia's 152nd President this weekend. I have had the privilege of knowing Dr. Clark for many years. He is an esteemed physician, community leader, devoted father and son, and dear friend.

Dr. Clark graduated from Waycross High School in 1971 and earned a bachelor's degree cum laude in 1975 from Davidson College in North Carolina. He received his medical degree from the Medical College of Georgia and interned at Eastern Virginia Medical School in Norfolk. He performed his residency at Bascom Palmer Eye Institute at the University of Miami.

Dr. Clark operates the Clark Eye Clinic in Waycross, GA, and attends patients of all ages. There is no question that he is a leader in his field. He has been included in "The Best Doctors in the South" in 1996, 1998, 2002, 2004 and 2006. He has performed groundbreaking surgeries involving the perfecting of new refractive surgeries, cataract surgeries and the refining of implanting lenses. His ophthalmology career includes time and work spent as an active member of Satilla Regional Medical Center, Emory Eye Care Center, the Atlanta VA Medical Center, where he has been a clinical assistant professor since 1997, and the Medical College of Georgia, where he has been a clinical assistant professor since 1998. He has previously served the Medical Association of Georgia as a member, delegate and as a member of the Board of Directors. He has also served the Georgia AMA delegation as Vice Chair and as President-elect, the Okefenokee Medical Association as President, as the Secretary as well as Director of the Eighth District Medical Society, and as President and Chairman of the Board of the Okefenkee Physicians Network, Inc., and as Vice President of the Satilla Regional Medical Center Staff Executive Committee.

Dr. Clark's accomplishments are indeed endless. Not only is he a leader in the medical field, he is an active citizen and parent in the Waycross community. He has received awards on numerous occasions for his service. He is the recipient of the 1987 Jack Williams Community Service Award, the 1988 Waycross Jaycees Outstanding Young American Award, the 1989 Waycross Pogo Good Citizenship Award, the Ware 2000 Excellence in Education Award, and the 1990 Rotarian of the Year Award.

He has served as Vice President and President of the Williams Heights Elementary School PTA, as President of the Waycross Middle School PTA, and as a board member of the Okefenokee Heritage Center. Additionally, he has served in leadership positions with the United Way, the Waycross-Ware County Chamber of Commerce, the Downtown Waycross Development Authority, the First United Methodist Curch, the Waycross Bank & Trust, and the Okefenokee Swamp Park Association.

Dr. Clark and his wife, Jill, have three daughters Victoria, Evelyn, and Alora. I know that this is a special time in particular for Dr. Clark and his family, because this inauguration continues a tradition of family service within the medical community. Dr. Clark's father previously served as the Medical Association of Georgia's 130th President in 1984.

I offer my congratulations to Dr. Clark on his inauguration this weekend and commend him for all his accomplishments. I know he will serve The Medical Association of Georgia well as their 152nd President.•

A DEDICATED AND PASSIONATE IDAHO EDUCATOR

• Mr. CRAPO. Mr. President, today I honor a dedicated and passionate teacher in my home State of Idaho. In the late summer of 1963 J. Kent Marlor first stepped onto the campus of Ricks College in Rexburg, ID, as a brand new 26-year-old teacher. During that first year, he taught economic history and political science and took the role of debate coach. When asked of his years at Ricks, he said, "I don't know how I did it the first year I came here . . . I've had chances to go to a number of different places over the years, but have always wanted to stay here [because] I love Idaho. I love the wildlife and the smallness of the school . . . You know all the students [and] the faculty [and] the spirit that has always been here is a great thing for me." On August 24, 2006, he retired after 43 years teaching thousands of students in the political science department. He retired as the longest serving instructor in the 118-year history of the institution.

Kent is a man well loved by those with whom he has come in contact. He has touched the lives of many of his students and has been able to help them gain confidence and direction in their fields of study. He is a mentor to many and will be missed by faculty and students alike at Ricks College, which became Brigham Young University-Idaho in 2000.

During an interview with the Rexburg Standard Journal, Marlor said, "Success of a teacher is really measured in the success of his students." The newspaper reported that Marlor's students are now judges, doctors, attorneys, legislators and editors.

I have had firsthand experience with the fruits of Kent Marlor's educational efforts. Over the years, at least 10 of my Senate interns have been his students as well as several current and former members of my staff. When talking about his former students, Marlor said, "My reward for being a teacher comes when I see what my students have accomplished."

Before his long and distinguished teaching career, Marlor served his count in Naval Intelligence and at the National Security Agency. He has also served as president of the Idaho Wildlife Federation and the chairman of the Idaho Fish and Game Advisory Committee. At his side in many of these meetings was his wife of over 50 years, Sharon. Together they raised six children who have also been very active in education and in their communities.

Even though he has served in our Nation's Armed Forces, intelligence service, and in various community organizations, his most gratifying service has come with the Teton Peaks Council of the Boy Scouts of America. Over the years, Kent and Sharon earned their spot in the Boy Scout Hall of Fame by organizing countless campouts, merit badge camps, Eagle Scout projects and Courts of Honor. In recognition of his efforts, Kent was honored with the Silver Beaver Award in 1982. Sharon was honored with the same award in 1989.

Kent loves the outdoors. His love of fishing is legendary in the Upper Snake River Valley. There isn't a lake, reservoir, river, stream, creek, ditch, or puddle that hasn't been explored with his beloved rod and reel at least once in the last 40 years. It is my understanding that Scout troops who go on extended camping trips with Kent don't take much food with them. Wherever they go, Kent is sure to provide plenty of fresh trout for breakfast, lunch, and dinner. Kent taught his Scouts to appreciate the beauty around them as well as how to conserve it for future generations.

I wish Kent and Sharon Marlor many happy years in retirement and thank them both for the contribution to education and the youth of Idaho.•

TRIBUTE TO MARY BOURDETTE

• Mr. DODD. Mr. President, I wish to pay tribute to Mary Bourdette, who passed away earlier this month after a 15-month struggle with ALS. My condolences go to Mary's family and the many friends and colleagues with whom she shared her spirit and commitment to social justice and making our country stronger through our families.

Mary is missed by me and so many others who had the honor to work with her as she championed the needs of those who have no voice in the political process. Our nation is truly better for Mary's 30 years of work on behalf of children and families.

Mary, who keenly understood the legislative process, combined her passion for good policy with a political pragmatism that yielded real results. She never lost sight of the important issues and built effective coalitions to guide important legislation to passage. Most notably, her focus on the children never wavered.

Her commitment, talent, and leadership improved the lives of countless Americans. I had the honor to have worked with her over the past 20 years on behalf of those among us with the greatest needs. Mary had an ability to get to the heart of the matter and move it forward. She was a driving force during the 3½ years we worked to win enactment of the child care and development block grant. She played a critical role in expanding the earned-income tax credit to help even more low-income families. She also helped to move forward important bills related to foster care and adoption. Her keen understanding of the technical Federal budget process benefited innumerable children and their families.

I am especially grateful for Mary's tireless work related to Head Start. During reauthorization of this important legislation in 1993, she was instrumental in the creation of Early Head Start that provided more comprehensive assistance to parents and their infants and toddlers. When the law was again reauthorized in 1998, Mary was there to ensure that it was further strengthened.

I applaud Mary's many accomplishments throughout her distinguished career. From the Legal Services Corporation to the Children's Defense Fund to the Child Welfare League of America to the U.S. Department of Health and Human Services, her dedication to helping the most vulnerable among us never wavered.

Mary Bourdette made enormous contributions and left all of us with much to protect and to build on in the future. We and the Nation's families are so grateful to Mary for her dedication and work to better the lives of our Nation's children.•

EXTRAORDINARY PUBLIC SERVICE STAFF

• Mr. HARKIN. Mr. President, over the August recess, I had the opportunity to visit the newly opened community health centers of Southern Iowa, located in Leon, IA. I had been fortunate to secure $300,000 for renovations and equipment at the facility, and I was eager to see how these resources are being put to use.

As I toured the facility and talked with staff, I was freshly reminded of the extraordinary public service rendered by community health centers all across the United States. But the center in Leon is truly exceptional. The facility itself is welcoming, modern, and well equipped. And the staff members—from physicians to nurses to custodians—are truly an inspiration. They clearly have a special passion for their work, and they take pride in the fact that they are providing first-rate health care in one of the most underserved areas of my State.

Dr. Martin Luther King, Jr., used to say that "Life's most persistent and urgent question is: What are you doing for others?" Let me tell you, the dedicated professionals at the community health centers of Southern Iowa have answered that question in powerful ways. They have committed themselves to providing high-quality health care to all comers, regardless of ability to pay. All are welcomed equally. All are served with excellence.

This is why, as ranking member on the education and health appropriations subcommittee, I am 100 percent committed to securing appropriate funding for community health centers. One thing I know for certain: Every dollar Congress appropriates for centers like the one in Leon is a dollar spent wisely and frugally. It never ceases to amaze me how their staffs are able to do so much—and to serve so many people—with such modest resources.

I daresay that nobody in the health care profession faces greater challenges than those who choose to work in community health centers—challenges including chronic illness, cultural and linguistic differences, geographical barriers, homelessness, and on and on. Nothing stops these superb professionals.

And one more thing: Community health centers have a well-deserved reputation for caring and kindness. In some ways, their physicians and nurses are a throwback to another era. They offer a direct and personal style of health care. They follow up. They care about prevention and wellness.

So I am deeply grateful to executive director Gary Rees, to medical director, Dr. Patricia Magle, and to all the wonderful staff and board members at the community health centers of Southern Iowa. They work their hearts out to provide the very best health care in a part of my State that has been neglected for too long. I deeply appreciate their passion, their compassion, and their dedication to public service.

Mr. President, in late August, I had the pleasure of attending a ceremonial ribbon-cutting ceremony at the new United Community Health Center in Storm Lake, IA. Having secured funding for the center, which actually opened its doors last March, I was eager to meet with the staff and assess their progress.

I was incredibly impressed by all that this facility has been able to accomplish with relatively modest resources. I call it "the little community health center that could." The facility is welcoming, modern, and well equipped. And the staff members are truly an inspiration. They have a special passion for their work, and they take pride in the fact that they are providing first-rate health care to underserved communities.

Dr. Martin Luther King, Jr., used to say that "Life's most persistent and urgent question is: What are you doing for others?" Let me tell you, the dedicated staff members at the United Community Health Center have answered that question in powerful ways. They have committed themselves to providing high-quality health care to all comers, regardless of ability to pay. All are welcomed equally. All are served with excellence.

This is why, as ranking member on the education and health appropriations subcommittee, I am 100 percent committed to securing appropriate funding for community health centers all across America. One thing I know for certain: Every dollar Congress appropriates for centers like the one in Storm Lake is a dollar spent wisely and frugally. It never ceases to amaze me how their staff members are able to do so much—and to serve so many people—with such limited resources.

I daresay that nobody in the health care profession faces greater challenges than those who choose to work in community health centers—challenges including chronic illness, cultural and linguistic differences, geographical barriers, homelessness, and on and on. Nothing stops these superb professionals.

And one more thing: community health centers have a well-deserved reputation for caring and kindness. In some ways, their physicians and nurses are a throwback to another era. They offer a direct and personal style of health care. They follow up. They care about prevention and wellness.

So I am deeply grateful to executive director Renea Seagren, to board chair Mark Prosser, and all the other members of the staff and board at the United Community Health Center. And also to founding board member Larry Rohret, whose dedication to improving the lives of those in greatest need was instrumental in establishing the health center. I was saddened that Larry did not live to see the health center open its doors.

These devoted people work their hearts out to provide the very best health care to some of our most needy citizens. I deeply appreciate their passion, their compassion, and their dedication to public service.

Mr. President, earlier this year, I had the opportunity to visit the newly opened Community Health Center of Fort Dodge in north-central Iowa. I had been fortunate to secure $280,000 for planning and equipment at the facility, and I was eager to see how these resources are being put to use.

As I toured the facility and talked with staff, I was freshly reminded of the extraordinary public service rendered by community health centers all across the United States. But the center in Fort Dodge is truly exceptional. Thanks to their new community health center designation, the folks, there, were able to transition from two free clinics operating very much part time, to a full-time, comprehensive primary care center serving all of Webster County.

And the staff members—from physicians to nurses to custodians—are truly an inspiration. They clearly have a special passion for their work, and they take pride in the fact that they are providing first-rate health care to some of the most underserved people in my state.

Mr. President, several years ago, I encouraged leaders in the Fort Dodge community to apply to for community health center designation. I remember visiting a free clinic being operated by St. Mark's Episcopal Church back in 2003 and meeting a woman who was in such pain from a toothache that she had removed her own tooth with a hammer and screwdriver. No human being should have to resort to such a crude remedy—certainly not in the United States of America. And thanks to the new center in Fort Dodge, those kinds of desperate measures are a thing of the past.

Dr. Martin Luther King, Jr., used to say that "Life's most persistent and urgent question is: What are you doing for others?" Let me tell you, the dedicated professionals at the Community Health Center of Fort Dodge have answered that question in powerful ways. They have committed themselves to providing high-quality health care to all comers, regardless of ability to pay. All are welcomed equally. All are served with excellence.

This is why, as ranking member on the education and health appropriations subcommittee, I am 100 percent committed to securing appropriate funding for Community Health Centers. One thing I know for certain: Every dollar Congress appropriates for centers like the one in Fort Dodge is a dollar spent wisely and frugally. It never ceases to amaze me how their staffs are able to do so much—and to serve so many people—with such modest resources.

I daresay that nobody in the health care profession faces greater challenges than those who choose to work community health centers—challenges including chronic illness, cultural and linguistic differences, geographical barriers, homelessness, and on and on. Nothing stops these superb professionals.

And one more thing: community health centers have a well-deserved reputation for caring and kindness. In some ways, their physicians and nurses are a throwback to another era. They offer a direct and personal style of health care. They follow up. They care about prevention and wellness.

So I am deeply grateful to executive director Kathy Wilkes to Randy Kuhlman and Father Steve Hall, who spearheaded the CHC designation effort; to board chair Craig Johnsen and the other board members; and to all the wonderful staff members at the Community Health Center of Fort Dodge. They work their hearts out to provide the very best health care to all who pass through their doors. I deeply appreciate their passion, their compassion, and their dedication to public service.●

RECOGNIZING CONCHY BRETOS

● Mr. MARTINEZ. Mr. President, today I congratulate Ms. Conchy Bretos of Miami, FL, recipient of the 2006 Purpose Prize. This new national award was initiated this year by Civic Ventures, a nonprofit organization dedicated to generating ideas and programs to help society achieve the greatest return on the experience of older Americans.

After a varied career in housing, marketing, health, women's issues and government, Conchy Bretos became committed to doing something about the thousands of low-income elders and disabled adults who were not getting the service they needed to stay in their homes.

She became the driving force behind the Helen Sawyer building in Miami, the Nation's first public housing project to offer assisted-living service. Her efforts have resulted in the creation of similar services in 40 public housing projects in a dozen States, allowing many older adults to maintain their independence while they receive the medical care they need.

I want to recognize the role of the Purpose Prize itself in changing our society's view of aging. America's growing older population is one of our greatest untapped resources, and we need to do everything possible as a society to recognize the great contributions they can make.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and treaties which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE DISTRICT OF COLUMBIA'S 2007 BUDGET REQUEST ACT—PM 57

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Homeland Security and Governmental Affairs:

To the Congress of the United States:

Pursuant to my constitutional authority and consistent with section 446 of The District of Columbia Self-Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's 2007 Budget Request Act.

The proposed 2007 Budget Request Act reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For 2007, the District estimates total revenues and expenditures of $7.61 billion.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 29, 2006.*

MESSAGES FROM THE HOUSE

At 9:32 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5825. An act to update the Foreign Intelligence Surveillance Act of 1978.

H.R. 6143. An act to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had signed the following enrolled bills:

S. 56. An act to establish the Rio Grande Natural Area in the State of Colorado, and for other purposes.

S. 213. An act to direct the Secretary of the Interior to convey certain Federal land to Rio Arriba County, New Mexico.

S. 2146. An act to extend relocation expenses test programs for Federal employees.

H.R. 5574. An act to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 12:42 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1472. An act to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the "Tito Puente Post Office Building".

H.R. 4720. An act to designate the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, as the "Beverly J. Wilson Post Office Building".

H.R. 5418. An act to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges.

H.R. 5681. An act to authorize appropriations for the Coast Guard for fiscal year 2007, and for other purposes.

H.R. 5736. An act to designate the facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, as the "Vincent J. Whibbs, Sr. Post Office Building".

H.R. 5929. An act to designate the facility of the United States Postal Service located at 950 Missouri Avenue in East St. Louis, Illinois, as the "Katherine Dunham Post Office Building".

H.R. 5989. An act to designate the facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, as the "John J. Sinde Post Office Building".

H.R. 5990. An act to designate the facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, as the "Wallace W. Skyes Post Office Building".

H.R. 6075. An act to designate the facility of the United States Postal Service located at 101 East Gay Street in West Chester, Pennsylvania, as the "Robert J. Thompson Post Office Building".

H.R. 6078. An act to designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the "Chuck Fortenberry Post Office Building".

H.R. 6151. An act to designate the facility of the United States Postal Service located at 216 Oak Street in Fannington, Minnesota, as the "Hamilton H. Judson Post Office".

The message further announced that the House has passed the following bills, without amendment:

S. 3187. An act to designate the Post Office located at 5755 Post Road, East Greenwich, Rhode Island, as the "Richard L. Cevoli Post Office".

S. 3613. An act to designate the facility of the United States Postal Service located at 2951 New York Highway 43 in Averill Park, New York, as the "Major George Quamo Post Office Building".

The message also announced that pursuant to section 491 of the Higher Education Act (20 U.S.C. 1098(c)), and the order of the House of December 18, 2005, and upon the recommendation of the Minority Leader, the Speaker reappoints the following member on the part of the House of Representatives to the Advisory Committee on Student Financial Assistance for a three-year term effective October 1, 2006: Mr. Robert Shireman of Oakland, California.

ENROLLED BILL SIGNED

At 1:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker had signed the following enrolled bill:

H.R. 5631. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

At 3:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3930. An act to authorize trial by military commission for violations of the law of war, and for other purposes.

ENROLLED BILL SIGNED

At 2:56 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker had signed the following enrolled bill:

S. 3930. An act to authorize trial by military commission for violations of the law of war, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

At 6:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

At 7:50 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6233. An act to amend the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

At 8:51 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

ENROLLED BILLS SIGNED

At 11:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker had signed the following enrolled bills:

S. 203. An act to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

S. 3187. An act to designate the Post Office located at 5755 Post Road, East Greenwich, Rhode Island, as the "Richard L. Cevoli Post Office".

S. 3613. An act to designate the facility of the United States Postal Service located at 2951 New York Highway 43 in Averill Park, New York, as the "Major George Quamo Post Office Building".

The enrolled bills were subsequently signed on September 30, 2006, by the President pro tempore (Mr. STEVENS).

At 12:46 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4772. An act to simplify and expedite access to the Federal courts for injured parties whose rights and privileges under the United States Constitution have been deprived by final actions of Federal agencies or other government officials or entities acting under color of State law, and for other purposes.

H.R. 6203. An act to provide for Federal energy research, development, demonstration, and commercial application activities, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker pro tempore (Mr. DAVIS of Virginia) signed the following enrolled bills:

H.R. 318. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

H.R. 326. An act to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area and for other purposes.

H.R. 562. An act to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932–1933.

H.R. 1728. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating portions of Ste. Genevieve County in the State of Missouri as a unit of the National Park System, and for other purposes.

H.R. 2107. An act to amend Public Law 104-329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes.

H.R. 3443. An act to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

H.R. 4841. An act to amend the Ojito Wilderness Act to make a technical correction.

The enrolled bills were subsequently signed on September 30, 2006, by the Acting President pro tempore (Mr. FRIST).

At 1:01 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3699. An act to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 3661. An act to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas.

ENROLLED BILLS SIGNED

The Secretary of the Senate announced that the Acting President pro tempore (Mr. FRIST) had signed the following enrolled bills on September 30, 2006:

H.R. 6138. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

H.R. 6198. An act to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3982. A bill to amend the Public Health Service Act to provide assured compensation for first responders injured by experimental vaccines and drugs.

S. 3983. A bill to amend the Public Health Service Act to provide assured compensation for first responders injured by experimental vaccines and drugs and to indemnify manufacturers and health care professional for the administration of medical products needed for biodefense.

S. 3992. A bill to amend the Exchange Rates and International Economic Policy Coordination Act of 1998 to clarify the definition of manipulation with respect to currency, and for other purposes.

S. 3993. A bill to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3994. A bill to extend the Iran and Libya Sanctions Act of 1996.

S. 4041. A bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

H.R. 5252. A bill to promote the deployment of broadband networks and services (Rept. No. 109–354).

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

S. 3648. A bill to compromise and settle all claims in the case of Pueblo of Isleta v. United States, to restore, improve, and develop the valuable on-reservation land and natural resources of the Pueblo, and for other purposes (Rept. No. 109–354).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2751. A bill to strengthen the National Oceanic and Atmospheric Administration's drought monitoring and forecasting capabilities (Rept. No. 109–356).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 3718. A bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes (Rept. No. 109–357).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted on September 28, 2006:

By Mr. WARNER for the Committee on Armed Services.

*Ronald J. James, of Ohio, to be an Assistant Secretary of the Army.

*Nelson M. Ford, of Virginia, to be an Assistant Secretary of the Army.

*Major General Todd I. Stewart, USAF, (Ret.), of Ohio, to be a Member of the National Security Education Board for a term of four years.

*John Edward Mansfield, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2011.

*Larry W. Brown, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2010.

*Peter Stanley Winokur, of Maryland, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2009.

Air Force nominations beginning with Col. Theresa M. Casey and ending with Col. Byron C. Hepburn, which nominations were received by the Senate and appeared in the Congressional Record on May 25, 2006. (minus 1 nominee: Col. Garbeth S. Graham)

Air Force nomination of Col. James A. Buntyn to be Brigadier General.

Air Force nomination of Brig. Gen. Johnny A. Weida to be Major General.

Air Force nomination of Maj. Gen. Loyd S. Utterback to be Lieutenant General.

Air Force nomination of Lt. Gen. Stephen G. Wood to be Lieutenant General.

Air Force nomination of Maj. Gen. Raymond E. Johns, Jr. to be Lieutenant General.

Air Force nomination of Lt. Gen. Robert D. Bishop, Jr. to be Lieutenant General.

Army nominations beginning with Colonel Joseph Anderson and ending with Colonel Perry L. Wiggins, which nominations were received by the Senate and appeared in the Congressional Record on April 24, 2006. (minus 1 nominee: Colonel Curtis D. Potts)

Army nomination of Brig. Gen. Carla G. Hawley-Bowland to be Major General.

Army nomination of Col. Julia A. Kraus to be Brigadier General.

Army nomination of Col. Rodney J. Barham to be Brigadier General.

Army nomination of Brig. Gen. Michael A. Kuehr to be Major General.

Army nomination of Gen. Bantz J. Craddock to be General.

Army nomination of Col. Simeon G. Trombitas to be Brigadier General.

Army nomination of Lt. Gen. Robert Wilson to be Lieutenant General.

Army nomination of Col. Stephen J. Hines to be Brigadier General.

Army nomination of Gen. Dan K. McNeill to be General.

Army nomination of Maj. Gen. Joseph F. Peterson to be Lieutenant General.

Army nomination of Maj. Gen. James D. Thurman to be Lieutenant General.

Army nomination of Lt. Gen. Peter W. Chiarelli to be Lieutenant General.

Army nomination of Lt. Gen. Charles C. Campbell to be General.

Marine Corps nomination of Maj. Gen. Ronald S. Coleman to be Lieutenant General.

Navy nomination of Capt. Matthew L. Nathan to be Rear Admiral (lower half).

Navy nominations beginning with Capt. William A. Brown and ending with Capt. Steven J. Romano, which nominations were received by the Senate and appeared in the Congressional Record on April 24, 2006.

Navy nomination of Vice Adm. James G. Stavridis to be Admiral.

Navy nomination of Rear Adm. (lh) Thomas R. Cullison to be Rear Admiral.

Navy nomination of Capt. Janice M. Hamby to be Rear Admiral (lower half).

Navy nomination of Capt. Steven R. Eastburg to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Joseph F. Campbell and ending with Capt. Thomas J. Eccles, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2006.

Navy nomination of Vice Adm. Ann E. Rondeau to be Vice Admiral.

Navy nomination of Vice Adm. Mark P. Fitzgerald to be Vice Admiral.

Navy nomination of Vice Adm. Evan M. Chanik, Jr. to be Vice Admiral.

Navy nomination of Rear Adm. Michael K. Loose to be Vice Admiral.

Navy nomination of Vice Adm. Kevin J. Cosgriff to be Vice Admiral.

Navy nomination of Rear Adm. John J. Donnelly to be Vice Admiral.

Navy nomination of Rear Adm. Melvin G. Williams, Jr. to be Vice Admiral.

Navy nomination of Rear Adm. Paul S. Stanley to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Raymond A. Bailey and ending with Andrew D. Woodrow, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Air Force nominations beginning with Richard E. Aaron and ending with Eric D. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Air Force nominations beginning with Gary J. Connor and ending with Michael T. Wingate, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Air Force nominations beginning with Gary J. Connor and ending with Efren E. Recto, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2006.

Air Force nominations beginning with Dennis R. Hayse and ending with John W. Woltz, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2006.

Air Force nomination of James J. Gallagher to be Colonel.

Air Force nomination of Norman S. West to be Lieutenant Colonel.

Air Force nomination of David P. Collette to be Major.

Air Force nomination of Paul M. Roberts to be Major.

Air Force nomination of Lisa D. Mihora to be Major.

Air Force nomination of David E. Edwards to be Colonel.

Air Force nominations beginning with Michael D. Backman and ending with Stan G. Cole, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Air Force nomination of Kevin Brackin to be Major.

Air Force nominations beginning with Amy K. Bachelor and ending with Anita R. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Air Force nominations beginning with John G. Bulick, Jr. and ending with Donald J. White, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Air Force nominations beginning with Timothy A. Adam and ending with Louis V. Zuccarello, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Air Force nominations beginning with Wade B. Adair and ending with Randall Webb, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Air Force nominations beginning with James W. Barber and ending with Steven P. Vandewalle, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Air Force nominations beginning with Dennis R. Hayse and ending with Rodney Phoenix, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2006.

Air Force nomination of Randall J. Reed to be Major.

Air Force nomination of Andrea R. Griffin to be Major.

Air Force nomination of Russell G. Boester to be Colonel.

Air Force nominations beginning with Russell G. Boester and ending with Vlad V. Stanila, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2006.

Army nominations beginning with Josslyn L. Aberle and ending with Frank H. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Army nominations beginning with Timothy F. Abbott and ending with X2566, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Army nominations beginning with Darryl K. Ahner and ending with Guy C. Younger, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Army nominations beginning with Robert L. Abbott and ending with X1943, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Army nominations beginning with Nakeda L. Jackson and ending with Steven R. Turner, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Army nominations beginning with Larry W. Applewhite and ending with Dennis H. Moon, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Army nomination of Katherine M. Brown to be Major.

Army nominations beginning with Jonathan E. Cheney and ending with James S. Newell, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Army nominations beginning with Kevin P. Buss and ending with Jill S. Vogel, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Army nomination of John Parsons to be Major.

Army nominations beginning with Page S. Albro and ending with Janet L. Prosser, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Army nominations beginning with Michael C. Doherty and ending with Nestor Soto, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Army nominations beginning with Heidi P. Terrio and ending with John H. Wu, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Army nominations beginning with Michael T. Abate and ending with X3541, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Army nominations beginning with James M. Camp and ending with Cathy E. Leppiaho, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2006.

Army nominations beginning with Robert J. Arnell III and ending with David A. White, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2006.

Army nominations beginning with James M. Foglemiller and ending with Timothy E. Gowen, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2006.

Army nomination of Michael L. Jones to be Colonel.

Army nominations beginning with Neelam Charaipotra and ending with Douglas Posey, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2006.

Army nomination of Sandra E. Roper to be Major.

Army nominations beginning with Gary W. Andrews and ending with Stephen D. Tableman, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2006. (minus 1 nominee: Robert R. Davenport)

Army nominations beginning with Josefina T. Guerrero and ending with Mary Zachariakurian, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2006.

Army nomination of Herbert B. Heavnber to be Colonel.

Army nomination of Paul P. Knetsche to be Lieutenant Colonel.

Army nominations beginning with Craig N. Carter and ending with Michael E. Fisher, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2006.

Army nomination of Louis R. Macareo to be Major.

Army nominations beginning with Donald A. Black and ending with Joseph O. Streff, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2006.

Army nominations beginning with Carol A. Bowen and ending with Paula M. B. Wolfert, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2006.

Army nominations beginning with Dirett C. Alfred and ending with Michael Youngblood, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2006.

Army nominations beginning with Karen E. Altman and ending with Ruth A. Yerardi, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2006.

Army nominations beginning with Robert D. Akerson and ending with Jerome Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2006.

Marine Corps nomination of David M. Reilly to be Major.

Marine Corps nomination of Raul Rizzo to be Major.

Navy nominations beginning with Tracy A. Bergen and ending with Donald R. Wilkinson, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Navy nominations beginning with Michael N. Abreu and ending with Robert K. Williams, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Navy nominations beginning with Cristal B. Caler and ending with Kimberly J. Schulz, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Navy nominations beginning with Kevin L. Achterberg and ending with Peter A. Wu, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Navy nominations beginning with Scott R. Barry and ending with Jeffrey C. Woertz, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Navy nominations beginning with Ruth A. Bates and ending with Bruce G. Ward, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Navy nominations beginning with Darryl C. Adams and ending with Richard Westhoff III, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Navy nominations beginning with Alfred D. Anderson and ending with Michael R. Yohnke, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Navy nominations beginning with Henry C. Adams III and ending with John J. Zuhowski, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006 (minus 1 nominee: James R. Carlson II)

Navy nominations beginning with Lori J. Cicci and ending with John M. Poage, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2006.

Navy nominations beginning with Ryan G. Batchelor and ending with Jason T. Yauman, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Marc A. Aragon and ending with Robert A. Yee, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Michael J. Barriere and ending with Michael D. Wagner, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with John A. Anderson and ending with Jay A. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Gerard D. Avila and ending with Eddi L. Watson, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Rene V. Abadesco and ending with Michael W. F. Yawn, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Amy L. Bleidorn and ending with Micah A. Weltmer, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Corey B. Barker and ending with William R. Urban, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Nathaniel A. Bailey and ending with Matthew C. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Tracy L. Blackhowell and ending with Sean M. Woodside, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Charles J. Ackerknecht and ending with James G. Zoulias, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Dennis K. Andrews and ending with Raymond M. Summerlin, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Navy nominations beginning with James S. Brown and ending with Winfred L. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Navy nominations beginning with Lillian A. Abuan and ending with Kevin T. Wright, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Navy nominations beginning with Andreas C. Alfer and ending with Alison E. Yerkey, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Navy nominations beginning with Michael J. Adams and ending with Heather A. Watts, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Navy nominations beginning with Emily Z. Allen and ending with Joseph W. Yates, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Navy nominations beginning with Karen L. Alexander and ending with John W. Zumwalt, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Navy nominations beginning with Alexander T. Abess and ending with Lauretta A. Ziajko, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Navy nominations beginning with Chad E. Betz and ending with Tracie M. Zielinski, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Navy nominations beginning with Wang S. Ohm and ending with Viktoria J. Rolff, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2006.

Navy nominations beginning with Ilin Chuang and ending with William P. Smith, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2006.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SPECTER for the Committee on the Judiciary.

Marcia Morales Howard, of Florida, to be United States District Judge for the Middle District of Florida.

Leslie Southwick, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

Gregory Kent Frizzell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

Lisa Godbey Wood, of Georgia, to be United States District Judge for the Southern District of Georgia.

Robert James Jonker, of Michigan, to be United States District Judge for the Western District of Michigan.

Paul Lewis Maloney, of Michigan, to be United States District Judge for the Western District of Michigan.

Janet T. Neff, of Michigan, to be United States District Judge for the Western District of Michigan.

Nora Barry Fischer, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Sharon Lynn Potter, of West Virginia, to be United States Attorney for the Northern District of West Virginia for the term of four years.

Deborah Jean Johnson Rhodes, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

FINANCIAL DISCLOSURE

Clyde Bishop, of Delaware, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands.

Nominee: Clyde Bishop.

Post: Ambassador to the Republic of the Marshall Islands.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: none.

3. Children and Spouses: Sean and Wilma Bishop: none; Jeanne Bishop and Kevin Deffenbaugh: none.

Parents: Deceased.

5. Grandparents: Deceased.

6. Brothers and Spouses: none.

7. Sisters and Spouses: Annette and Samuel Watson, none; Margeret Cave, none; Janet and Nahum Smith, none; Donald and Claudette Evans, none.

Charles L. Glazer, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Nominee: Charles L. Glazer.

Post: Ambassador to El Salvador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: $2,000, 4/26/2006, Connecticut Victory 2006; $1,000, 12/31/2005, Straight Talk America; $1,000, 10/03/2005, Republican National Committee; $1,000, 6/29/2005, Connecticut Republicans; $100, 10/06/2004, Martinez for Senate; $2,000, 9/17/2004, Bush-Cheney '04; $2,000, 8/13/2004, Joint Candidate Committee; $2,000, 8/06/2004, Shays for Congress; $25,000, 4/22/2004, RNC; $1,000, 3/26/2004, Simmons for Congress; $1,000, 3/19/2004, Shays for Congress; $25,000, 12/31/2003, RNC; $357, 11/18/2003, Bush-Cheney '04; $1,010, 9/15/2003, Bush-Cheney '04; $1,000, 3/25/2003, Arlen Spector; $1,000, 10/31/2002, Elizabeth Dole Committee; $1,000, 9/20/2002, Simmons for Congress; $250, 1/21/2002, Simmons for Congress.

2. Spouse: Janet H. Glazer: $1,000, 10/31/2002; Elizabeth Dole Committee.

3. Children and Spouses: Lindsay Hollis: none.

Charles Louis, Jr.: none.

Alexander Herbert: none.

4. Parents: Jean Meyer Mellitz: none.

Charles Sidney Glazer: Deceased.

5. Grandparents: Deceased.

6. Brothers and Spouses: none.

7. Sisters and Spouses: Patricia Glazer: $420, 6/01/2005, Hillary Rodham Clinton; $500, 9/22/2004, DNC Services Corp; $250, 9/14/2004, Emily's List; $500, 6/4/2004, John Kerry; $250, 4/26/2004, Move On.org.

Richard Mittenthal: $2,000, 8/06/2004, Kerry Victory 2004; $2,000, 8/06/2004, Kerry Victory 2004.

Frank Baxter, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay.

Nominee: Frank Edward Baxter.

Post: Ambassador to the Republic of Uruguay.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date and donee:

1. Self: $2,100.00, 06/06, Santorum 2006; $1,000.00, 06/06, Talent for Senate Committee; $1,000.00, 06/06, Friends of Congressman Tom Lantos; $(300.00), 05/06, ERIC PAC; $1,000.00, 05/06, Ken Calvert for Congress; $2,100.00, 05/06, Rick Santorum for Senate 2006; $25,000.00, 04/06, Republican National Committee; $(1,000.00), 03/06, Ensign for Senate; $2,000.00, 03/06, Mike DeWine for U.S. Senate; $2,000.00, 03/06, Ensign for Senate; $1,000.00, 03/06, Friends of George Allen; $2,000.00, 03/06, Jon Kyl for U.S. Senate; $2,000.00, 03/06, Mark Kennedy 2006; $1,000.00, 03/06, Mark Kennedy 2006; $900.00, 03/06, Friends of Conrad Burns—2006; $1,100.00, 03/06, Friends of Conrad Burns—2006; $2,100.00, 03/06, Steele for Maryland; $3,700.00, 03/06, National Republican Congressional Committee; $2,100.00, 03/06, Kevin McCarthy for Congress; $1,000.00, 02/06, Ed Royce for Congress; $1,000.00, 12/05 Evan Bayh Committee; $1,000.00, 11/05, Friends of Conrad Burns—2006; $5,000.00, 10/05, National Republican Senatorial Committee; $1,000.00, 09/05, ERIC PAC; $2,100.00, 09/05, Hastert for Congress Committee; $500.00, 08/05, Dan Burton for Congress Committee; $2,100.00, 08/05, Ensign for Senate; $500.00, 08/05, Ed Royce for Congress; $500.00, 06/05, Buck McKeon for Congress; $500.00, 06/05, Sharron Angle Your Voice in Congress; $1,000.00, 06/05, Ken Calvert for Congress; $1,000.00, 05/05, Talent for Senate Committee; $25,000.00, 04/05, Republican National Committee; $1,000.00, 03/05, Dan Burton for Congress Committee; $1,000.00, 03/05, Friends of George Allen; $2,000.00, 03/05, Hastert for Congress Committee; $500.00, 03/05, Ed Royce for Congress; $2,000.00, 02/05, 21st Century PAC; $2,000.00, 10/04, DeMint for Senate Committee; $1,000.00, 09/04, Hastert for Congress Committee; $500.00, 09/04, Ed Royce for Congress; $1,000.00, 09/04, Tim Escobar for Congress; $500.00, 08/04, Republican National Committee; $2,000.00, 07/04, Pete Coors for Senate; $(7,500.00), 07/04, National Republican Senatorial Committee; $500.00, 07/04, Ken Calvert for Congress; $(345.00), 07/04, Victory 2004/California Republican Party; $2,000.00, 06/04, Lungren for Congress; $2,000.00, 06/04, Bill Jones for U.S. Senate; $2,000.00, 06/04, McConnell Senate Committee 2008; $2,000.00, 06/04, McConnell Senate Committee 2008; $(5,000.00), 06/04, National Republican Congressional Committee; $500.00, 06/04, Coronado for Congress; $2,000.00, 06/04, Friends of Katherine Harris; $(515.00), 06/04, Republican Central Committee of LA

County (Federal Account); $(5,000.00), 06/04, Los Angeles County Lincoln Clubs Political Action Committee; $2,000.00, 04/04, Martinez for Senate; $2,000.00, 03/04, Thune for U.S. Senate; $2,000.00, 03/04, Thune for U.S. Senate; $500.00, 03/04, Ed Royce for Congress; $1,000.00, 03/04, Tim Escobar for Congress; $(5,000.00), 03/04, Republican Central Committee of LA County (Federal Account); $1,000.00, 02/04, Rico Oller for Congress; $2,000.00, 02/04, Bill Jones for U.S. Senate; $500.00, 02/04, Dylan Glenn for Congress; $500.00, 02/04, DeMint for Senate Committee; $250.00, 02/04, Ed Royce for Congress; $25,000.00, 02/04, Republican National Committee; $1,000.00, 02/04, Hastert for Congress Committee; $(2,500.00), 02/04, Republican Central Committee of LA County (Federal Account); $500.00, 02/04, Friends of Ed Laning for U.S. Congress; $2,500.00, 01/04, Republican Central Committee of LA County (Federal Account); $250.00, 12/03, Cantor for Congress; $3,000.00, 11/03, 21st Century PAC; $2,000.00, 09/03, Toomey for Senate; $500.00, 09/03, Evan Bayh Committee; $250.00, 09/03, Ed Royce for Congress; $5,000.00, 09/03, Los Angeles County Lincoln Clubs Political Action Committee; $5,000.00, 09/03, Republican Central Committee of LA County (Federal Account); $345.00, 09/03, Victory 2004/California Republican Party; $5,000.00, 08/03, National Republican Congressional Committee; $500.00, 08/03, 21st Century PAC; $2,000.00, 07/03, Bluegrass Committee; $250.00, 06/03, Ed Royce for Congress; $2,000.00, 06/03, Bush-Cheney 2004 (Primary); $25,000.00, 05/03 Republican National Committee; $1,000.00, 03/03, Missourians for Kit Bond; $10,000.00, 03/03, National Republican Senatorial Committee; $515.00, 02/03, Victory 2004/California Republican Party; $1,000.00, 10/02, John Tbune for South Dakota; $1,000.00, 10/02, Dough Ose for Congress; $500.00, 09/02, Richard Pombo for Congress; $(5,000.00), 09/02, Republican Party of Florida; $(5,000.00), 08/02, Republican Party of Florida; $1,000.00, 07/02, Garrett for Congress 2002; $500.00, 07/02, Lindsey Graham for Senate; $1,000.00, 07/02, Devin Nunes Campaign Committee; $1,000.00, 06/02, Friends of Katherine Harris; $5,000.00, 06/02, Republican Party of Florida; $500.00, 05/02, King for Congress; $25,000.00, 04/02, Republican National State Elections Committee; $500.00, 04/02, Ed Royce for Congress; $1,000.00, 03/02, John Thune for South Dakota; $1,000.00, 03/02, Norm Coleman for U.S. Senate; $1,000.00, 02/02, Jim Patterson for Congress; $1,000.00, 02/02, Dough Ose for Congress.

2. Spouse: Kathrine Forest Baxter: $300.00, 06/06, ERIC PAC; $2,100.00, 06/06, Santorum '06; $25,000.00, 04/06, Republican National Committee; $3,700.00, 03/06, National Republican Congressional Committee; $1,000.00, 12/05, Walberg for Congress; $5,000.00, 10/05, National Republican Senatorial Committee; $2,100.00, 09/05, Hastert for Congress Committee; $2,100.00, 09/05, Hastert for Congress Committee; $25,000.00, 04/05, Republican National Committee; $2,000.00, 02/05, 21st Century PAC; $2,000.00, 10/04, Walcher for Congress; $2,000.00, 10/04, Martinez for Senate; $2,000.00, 10/04, Michels for U.S. Senate; $2,000.00, 10/04, Coburn for Senate Committee; $2,000.00, 10/04; Jeff Flake for Congress; $2,000.00, 10/04, Pete Coors for Senate; $2,000.00, 10/04, DeMint for Senate Committee; $7,500.00, 08/04, National Republican Senatorial Committee; $2,000.00, 06/04, McConnell Senate Committee; $2,000.00, 06/04, McConnell Senate Committee; $2,000.00, 06/04, Friends of Katherine Harris; $2,000.00, 06/04, Lungren for Congress; $2,000.00, 06/04, Bill Jones for U.S. Senate; $2,000.00, 03/04, Thune for U.S. Senate; $2,000.00, 03/04, Thune for U.S. Senate; $25,000.00, 02/04, Republican National Committee; $2,000.00, 02/04, Bill Jones for U.S. Senate; $25,000.00, 10/03, Republican National Committee; $2,000.00, 06/03, Bush-Cheney 2004 (Primary); $1,000.00, 10/02, John Thune for South Dakota; $1,000.00, 06/02, Monteith for Congress; $1,000.00, 04/02, Republican Party of Florida.

3. Children and Spouses: Stacey Bell: None.

Matthew Baxter: None.

Jaime Baxter: None.

Katherine Baxter-Silva: None.

Anthony Silva: None.

4. Parents: Deceased.

5. Grandparents: Deceased.

6. Brothers and Spouses: Joseph Baxter: $2,000.00, 10/03, Bush-Cheney 2004 (Primary).

Kathleen Baxter: $2,000.00, 10/03, Bush-Cheney 2004 (Primary).

James Baxter: None.

Elmer ("Mike") Baxter: $200.00, 05/06, Holmes for Congress.

7. Sisters and Spouses: Jane Baxter: $200.00, 04/04, Democratic National Committee.

Genevieve Dunn: None.

Joel Dunn: None.

Mary Simons: None.

Rodney Simmons: None.

CALIFORNIA STATE AND LOCAL CONTRIBUTION REPORT .

1. Self: Frank Edward Baxter: $500:00, 09/06; Friends of Glen Forsch; $1,000.00, 09/06, Parrish for Treasurer Committee; $1,000.00, 09/06, Tokofsky for School Board; $1,000.00, 09/06, Taxpayers for Bob Huff; $1,000.00, 09/06; Re-elect Audra Strickland for Assembly; $500.00, 08/06, Taxpayers for Ackerman; $994.00, 08/06, California Republican Party; $5,000.00, 08/06, Californians To Stop 89; $1,000.00, 08/06, Kevin De Leon for State Assembly; $2,800.00, 08/06, McClintock for Lieutenant Governor; $2,800.00, 08/06, McPherson for Secretary of State; $2,000.00, 08/06, McPherson for Secretary of State; $5,600.00, 08/06, Poizner for Insurance Commissioner; $2,000.00, 08/06, Poochigian for Attorney General; $10,000.00, 07/06, Michael Antonovich Officeholder Account; $25,000.00, 07/06, Victory '06; $500.00, 06/06, Jose Juizar Office Holder Account; $1,000.00, 06/06, Friends of Ana Teresa Fernandez; $2,800.00, 06/06, McClintock for Lt. Governor; $1,000.00, 06/06, Rocky Delgadillo Officeholder Account; $5,000.00, 06/06, Tony Strickland for Controller; $1,000.00, 05/06, Mayoral Committee for Government Excellence; $10,000.00, 05/06, Monica Garcia for School Board; $10,000.00, 05/05, Republican Party of Los Angeles County; $25,000.00, 05/05, Stop the Reiner Initiative; $700.00, 04/06, Taxpayers for Bob Huff; $500.00, 04/06, Bill Rosendahl Officeholder Committee; $1,300.00, 04/06, Taxpayers for Bob Huff; $1,000.00, 03/06, Jack O'Connell 2006; $2,600.00, 03/06, Jack O'Connell 2006; $1,000.00, 03/06, Lee Baca Attorney;s Fees Fund; $2,500.00, 03/06, McPherson for Secretary of State; $2,100.00, 03/06, McPherson for Secretary of State; $400.00, 03/06, McPherson for Secretary of State; $2,000.00 03/06, Richman for Treasurer; $5,000.00 03/06, Stop the Reiner Initiative; $1,600.00, 03/06, Tony Strickland for Controller; $100,000.00, 02/06, California Republican Party; $500.00, 02/06, Greig Smith Officeholder Committee; $3,600.00, 02/06, McClintock for Lt. Governor; $22,300.00, 01/06, Californians for Schwarzenegger; $5,000.00, 01/06, Committee to Elect Dr. Phil Kurzner; $20,000.00, 01/06, Friends of Ana Teresa Fernandez; $10,000.00, 01/06, Los Angeles County Lincoln Club; $5,000.00, 01/06, Monica Garcia for School Board; $1,000.00, 12/05, Curt Pringle for Mayor; $1,000.00, 12/05, McPherson for Secretary of State; $1,000.00, 12/05, Ming for City Council; $2,000.00, 11/05, Tony Strickland for Controller; $5,000.00, 10/05, California Recovery Team; $2,500.00, 10/05, Charles Poochigian for Attorney General; $1,000.00, 10/05, Yaroslavsky in 2006; $125,000.00, 09/05, Californians for Paycheck Protection; $125,000.00, 09/05, Californians for Paycheck Protection; $500.00, 09/05, Curt Pringle for Mayor; $1,000.00, 09/05, Friends of Nancy Comaford; $2,000.00, 09/05, Michelle Park Steel; $25,000.00, 09/05, Redistrict California; $2,000.00, 09/05, Wen Chang for City Council Committee; $500.00, 08/05, Audra Strickland for Assembly; $500.00, 08/05, Taxpayers for Brandon Powers; $1,000.00, 07/05, California College Republicans; $25,000.00, 07/05, California Recovery Team; $25,000.00, 07/05, California Republican Party; $2,000.00, 07/05, Greg Hill for Assembly 2005; $2,000.00, 07/05, McClintock for Lt. Governor; $1,000.00, 07/05, Michael Antonovich Officeholder Account; $1,000.00, 07/05, Gloria Molina 2006; $500.00, 07/05, Tom La Bonge for City Council; $48.00, 07/05, California Republican Party; $500.00, 06/05, Huizer for City Council; $600.00, 06/05, Randall Hernandez for Mayor; $2,000.00, 06/05, Tony Strickland for Controller; $1,000.00, 05/05, Jack O'Connell 2006; $1,000.00, 04/05, Antonioa Villaraigosa for Mayor; $500.00, 04/05, Audra Strickland for Assembly; $500.00, 04/05, Bill Rosendahl for City Council; $2,000.00, 04/05, Californians for Rocky Delgadillo; $2,000.00, 04/05, Charles Poochigian for Attorney General; $1,000.00, 04/05, David Tokofsky for School Board; $1,000.00, 04/05, Friends of Sheriff Lee Baca; $25,000.00, 04/05, Small Business Action Committee; $1,000.00, 03/05, Hahn for Mayor 2005; $1,000.00, 03/05, Michelle Park Steel; $10,000.00, 03/05, Republican Party of Los Angeles County; $50,000.00, 03/05, Small Business Action Committee; $765.17, 03/05, Small Business Action Committee; $22,300.00, 02/05, California Recovery Team; $50,000.00, 02/05, California Republican Party; $22,300.00, 02/05, Californians for Schwarzenegger; $2,500.00, 01/05, California Club for Growth; $500.00, 01/05, Greig Smith Officeholder Committee; $1,000.00, 01/05, Jack O'Connell 2006; $1,000.00, 01/05, Jon Lauritzen for LA School Board; $1,000.00, 11/04, Villaraigosa for Mayor; $1,000.00, 11/04, Yaroslavsky Officeholder Account; $1,000.00, 10/04, Ackerman for Senate; $5,000.00, 10/04, California Club for Growth; $10,000.00, 10/04, California Recovery Team; $5,000.00, 10/04, No New Taxes Committee; $500.00, 10/04, Peters for Assembly; $5,000.00, 10/04, Yes on Proposition 1A; $500.00, 09/04, Alan Wapner for State Assembly; $3,200.00, 09/04, Audra Strickland for Assembly; $500.00, 09/04, Gabriel for Assembly; $500.00, 09/04, Garcetti for City Council; $500.00, 09/04, Los Angeles County Lincoln Club; $10,000.00, 09/04, Los Angeles County Lincoln Club; $10,000.00, 09/04, New Majority; $500.00, 09/04, Peters for Assembly; $3,200.00, 09/04, Podesto for Senate; $5,000.00, 08/04, Friends of Margaret Quinones; $100.00, 08/04, Los Angeles County Lincoln Club; $100.00, 08/04, Pacific Palisades Republican Party; $500.00, 08/04, Greg Hill for Assembly; $10,000.00, 07/04, California Recovery Team; $25,000.00, 07/04, California Republican Party; $345.00, 07/04, California Republican Party; $500.00, 07/04, Devore in 2004; $1,000.00, 07/04, Michael Antonovich Officeholder Account; $1,000.00, 07/04, Republican Party of Los Angeles County; $9,000.00, 07/04, Republican Party of Los Angeles County; $515.00, 07/04, Republican Party of Los Angeles County; $500.00, 07/04, Rocky Delgadillo Officeholder Account; $1,000.00, 06/04, Bernard Parks for Mayor; $5,300.00, 06/04, Bill Simon for Treasurer; $5,300.00, 06/04, Bill Simon for Treasurer; $1,000.00, 06/04, Bob Hertzberg for a Great LA; $5,000.00, 06/04, Californians Against Higher

Property Taxes; $1,000.00, 06/04, David Tokofsky for School Board; $1,000.00, 06/04, Greg Hill for Assembly; $2,000.00, 06/04, Jose Huizar; $500.00, 06/04, Krisiloff for City Council; $5,000.00, 06/04, Los Angeles County Lincoln Club; $500.00, 06/04, Ming for City Council; $500.00, 06/04, Peters for Assembly; $500.00, 05/04, Castellanos for Senate; $2,000.00, 05/04, Friends of Marlene Canter; $3,200.00, 05/04, Taxpayers for Bob Huff; $1,000.00, 04/04, Audra Strickland for Assembly; $500.00, 04/04, Gabriel for Assembly; $3,200.00, 04/04, McClintock for Senate; $500.00, 04/04, Re-elect Rocky Delgadillo; $5,000.00, 04/04, Republican Party of Los Angeles County; $500.00, 03/04, Alan Wapner for State Assembly; $3,200.00, 03/04, Bob Pohl for Assembly; $25,000.00, 03/04, California Republican Party; $500.00, 03/04, Committee to Re-elect Dennis Zine; $500.00, 04/04, Curt Pringle for Mayor; $1,000.00, 03/04, Hahn for Mayor 2005; $1,000.00, 03/04, Kuykendall Assembly Committee; $350.00, 03/04, Ming for City Council; $25,000.00, 02/04, California Recovery Team; $5,000.00, 02/04, Committee for Quality Neighborhood Schools; $1,000.00, 02/04, Friends of Bonnie Garcia; $1,000.00, 02/04, Mark Isler for Assembly; $2,500.00, 02/04, Republican Party of Los Angeles County; $2,500.00, 02/04, Republican Party of Los Angeles County; $5,300.00, 01/04, Committee to Elect Dr. Phil Kurzner; $5,000.00, 12/03, Republican Future; $30.00, 11/03, Los Angeles County Lincoln Club; $500.00, 10/03, Greig Smith Officerholder Committee; $1,000.00, 10/03, Jose Huizar; $30.00, 10/03, Los Angeles County Lincoln Club; $3,000.00, 09/03, California College Republicans; $345.00, 09/03, California Republican Party; $21,200.00, 09/03, Californians for Schwarzenegger; $2,000.00, 09/03, Coalition to Reform Frivolous Lawsuits; $5,000.00, 09/03, Los Angeles County Lincoln Club; $3,200.00, 09/03, Reformers for Steve Poizner; $10,000.00, 09/03, Total Recall; $30.00, 08/03, Los Angeles County Lincoln Club; $250.00, 08/03, Mike Spence for West Covina School Board; $10,000.00, 08/03, Rescue California; $21,200.00, 07/03, Bill Simon for Governor; $5,000.00, 07/03, California Republican Party; $30.00, 07/03, Los Angeles County Lincoln Club; $500.00, 07/03, Rocky Delgadillo Officeholder Account; $500.00, 06/03, Re-Elect Supervisor Don Knabe; $3,200.00, 06/03, Tom McClintock for Senate; $30.00, 05/03, Los Angeles County Lincoln Club; $500.00, 05/03, Re-Elect Steve Colley; $234,70, 05/03, Republican Party of Los Angeles County; $500.00, 05/03, Tom La Bonge for City Council; $5,000.00, 04/03, California Republican Party; $5,000.00, 04/03, California Republican Party; $5,000.00, 04/03, Coalition for Kids; $500.00, 04/03, Greig Smith for City Council; $30.00, 04/03, Los Angeles County Lincoln Club; $500.00, 03/03, Curt Pringle for Mayor; $1,000.00, 03/03, Friends of Antonovich; $2,000.00, 03/03, Lincoln Club of Northern California; $500.00, 02/03, 53rd ADRCC; $5,000.00, 02/03, Coalition for Kids; $1,000.00, 02/03, Genethia Hudley-Hayes for School Board; $5,000.00, 02/03, Republican Party of Los Angeles County; $1.000.00, 01/03, Mark Isler for Community College Board; $2,500.00, 12/02, Caprice Young for School Board; $20,000.00, 12/02, Coalition for Kids; $500.00, 12/02, Re-Elect Steve Cooley for District Attorney; $2,000.00, 12/02, Tony Strickland for Assembly; $2,000.00, 10/02, Andrea Strickland for Assembly; $25,000.00, 10/02, Bill Simon for Governor; $50,000.00, 09/02, Bill Simon for Governor; $1,000.00, 09/02, Dick Ackerman for Attorney General; $1,000.00, 09/02, Friends of Bob Pacheco; $500.00, 09/02, Keith Olberg for Secretary of State; $500.00, 08/02, Greg Conlon for State Treasurer; $1,344.96, 07/02, Bill Simon for Governor; $1,000.00, 07/02, Keith Olberg for Secretary of State; $500.00, 07/02, Rocky Delgaldillo Officeholder Account; $1,000.00, 07/02, Tom McClintock for Controller; $1,000.00, 06/02, Genethia Hudley-Hayes for School Board; $1,104.33, 06/02, Bill Simon for Governor; $500.00, 06/02, Michael Wissot for California; $1,000.00, 05/02, Gary Mendoza for Insurance Commissioner; $9,818.85, 04/02, Citizens for After School Program; $500.00, 04/02, Curt Pringle for Mayor; $100,000.00, 04/02, Bill Simon for Governor; $500.00, 03/02, Claude Parrish for State Board of Equalization; $1,658.67, 03/02, Bill Simon for Governor; $500.00, 02/02, Michael Antonovich Officeholder Account; $500.00, 02/02, Friends of Sheriff Lee Baca; $1,000.00, 02/02, Tom McClintock for Controller; $2,000.00, 02/02 Caprice Young for School Board.

OTHER STATE AND LOCAL CONTRIBUTION REPORT

$2,000.00, 08/06, Bob Ehrlich for Maryland; $5,000.00, 05/06, Swann for Governor; $1,000.00, 04/06, Ken Blackwell for Governor; $2,000.00, 04/06, DeVos for Governor; $2,000.00, 03/06, Friends of Tom Suozzi; $2,000.00, 12/05 Team 88; $1,000.00, 12/05, Weld for New York; $500.00, 09/05, Campaign of Nick Loeb; $500.00, 06/05, Charlie Crist for Governor; $5,000.00, 08/04, Booker Team for Newark; $500.00, 08/04, Committee to Re-elect Kevin P. Chavous; $1,000.00, 04/02, Booker Team; $1,000.00, 03/02, Empower the People; $1,000.00, 03/02, Friends of Pataki.

CALIFORNIA STATE AND LOCAL CONTRIBUTION REPORT

2. Spouse: Kathrine Forest Baxter; $2,200.00, 02/06, Californians for Schwarzenegger; $42,400.00, 01/06, Californians for Schwarzenegger; $1,000.00, 10/05, Yarosloavsky in 2006; $600.00, 06/05, Randal Hernandez for Mayor; $500.00, 06/05, Jose Huizar for City Council; $1,000.00, 04/05, Friends of Sheriff Lee Baca; $1,000.00, 02/05, Jerry Brown for Attorney General; $1,000.00, 02/05, Bob Hertzberg for Mayor; $10,600.00, 12/04, Bill Simon for Treasurer; $1,000.00, 06/04, Bernard Parks for Mayor; $500.00, 06/04, Robert Ming for City Council; $350.00, 03/04, Robert Ming for City Council; $500.00, 11/03, Tom La Bonge for City Council; $5,000.00, 08/03, Californians for Schwarzenegger; $500.00, 08/03, Greig Smith for City Council; $1,000.00, 08/03, Re-Elect Steve Cooley; $1,000.00, 07/03, Friends of Antonovich; $500.00, 06/03, Re-Elect Supervisor Don Knabe; $500.00, 05/03, Taxpayers for Bob Huff; $5,000.00, 04/03, David Tokofsky for School Board; $25,000.00, 08/02, Bill Simon for Governor; $30,000.00, 01/02, Californians for Richard Riordan.

OTHER STATE AND LOCAL CONTRIBUTION REPORT

$1,000.00, 08/06, Carcieri for Governor; $500.00, 06/05, Charlie Crist for Governor.

STATE AND LOCAL CONTRIBUTION REPORT

Children and Spouses: Stacey Bell: None.
Matthew Baxter: None.
Jaime Baxter: None.
Katherine Baxter-Silva: None.
Anthony Silva: None.
Parents: Deceased.
Grandparents: Deceased.
Brothers and Spouses: Joseph Baxter: None.
Kathleen Baxter: None.
James Baxter: None.
Elmer ("Mike") Baxter: None.
Sisters and Spouses: Jane Baxter: None.
Genevieve Dunn: None.
Joel Dunn: None.
Mary Simmons: None.
Rodney Simmons: None.

Donald Y. Yamamoto, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Ethiopia.

Nominee: Donald Y. Yamamoto.

Post: Ambassador to Ethiopia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: None.
3. Children and Spouses: Michael: None.
Laura: None.
4. Parents: Hideo and Sachiko Yamamoto: None.
5. Grandparents: Deceased.
6. Brothers and Spouses: Ronald Yamamoto: None.
7. Sisters and Spouses: None.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID:

S. 3994. A bill to extend the Iran and Libya Sanctions Act of 1996; read the first time.

By Mr. DEMINT (for himself and Mr. OBAMA):

S. 3995. A bill to provide education opportunity grants to low-income secondary school students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 3996. A bill to amend the Internal Revenue Code of 1986 to allow section 1031 treatment for exchanges involving certain mutual ditch, reservoir, or irrigation company stock; to the Committee on Finance.

By Mr. SANTORUM:

S. 3997. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax proportional to the number of million British thermal units of natural gas produced by a high Btu fuel facility; to the Committee on Finance.

By Mr. FEINGOLD:

S. 3998. A bill to amend the Servicemembers Civil Relief Act to provide relief for servicemembers with respect to contracts for cellular phone service, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. CLINTON:

S. 3999. A bill to amend the Rural Electrification Act of 1936 to establish an Office of Rural Broadband Initiatives in the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LUGAR:

S. 4000. A bill to amend the Internal Revenue Code of 1986 to modify the alcohol credit and the alternative fuel credit, to amend the Clean Air Act to promote the installation of fuel pumps for E-85 fuel, to amend title 49 of the United States Code to require the manufacture of dual fueled automobiles, and for other purposes; to the Committee on Finance.

By Mr. SUNUNU (for himself, Mr. LEAHY, Mr. GREGG, and Mr. JEFFORDS):

S. 4001. A bill to designate certain land in New England as wilderness for inclusion in the National Preservation system and certain land as a National Recreation Area, and for other purposes; considered and passed.

By Mr. BAUCUS:

S. 4002. A bill to establish the Canyon Ferry National Recreation Area in the State of Montana, to establish the Canyon Ferry Recreation Management Fund, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself and Mr. LUGAR):

S. 4003. A bill to require the Secretary of Energy to award funds to study the feasibility of constructing 1 or more dedicated ethanol pipelines to increase the energy, economic, and environmental security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 4004. A bill to suspend temporarily the duty on certain structures, parts, and components for use in an isotopic separation facility in southern Ohio; to the Committee on Finance.

By Mr. MARTINEZ (for himself, Mr. VITTER, Mr. NELSON of Florida, and Ms. LANDRIEU):

S. 4005. A bill to establish the National Hurricane Research Initiative to improve hurricane preparedness, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLEN (for himself and Mr. INHOFE):

S. 4006. A bill to amend the Technology Administration Act of 1998 to encourage United States leadership in the development, application, and use of commercial space and airborne remote sensing and other geospatial information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI:

S. 4007. A bill to authorize the Secretary of the Interior to conduct feasibility studies to identify opportunities to increase the surface flows of the Rio Grande, Canadian, and Pecos Rivers in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 4008. A bill to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ:

S. 4009. A bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 4010. A bill to amend the Toxic Control Substance Act, the Comprehensive Environmental Response, Compensation, and Liabilitiy Act of 1980, the Emergency Planning and Right-To-Know Act of 1986, and the Federal Hazardous Substances Act, and to authorize the Administrator of the Environmental Protection Agency to provide grants to States to protect children and other vulnerable sub-populations from exposure to environmental pollutants, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COLEMAN:

S. 4011. A bill to amend the Medicare Prescription Drug, Improvement and Modernization Act of 2003 to restore State authority to waive the application of the 35-mile rule to permit the designation of a critical access hospital in Cass County, Minnesota; to the Committee on Finance.

By Mr. THUNE:

S. 4012. A bill to promote a substantial commercial coal-to-fuel industry and decrease the dependence of the United States on foreign oil, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 4013. A bill to amend the Internal Revenue Code of 1986 to expand the resources eligible for the renewable energy credit to kinetic hydropower, and for other purposes; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. FRIST, Mr. BIDEN, Mr. SMITH, and Mr. MCCAIN):

S. 4014. A bill to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of Albania, Croatia, Georgia, and Macedonia to NATO, and for other purposes; to the Committee on Foreign Relations.

By Mr. CORNYN:

S. 4015. A bill to amend the Internal Revenue Code of 1986 to increase the amount of gain excluded from the sale of a principal residence; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LEAHY, and Ms. STABENOW):

S. 4016. A bill to amend the Public Health Service Act to provide the licensing of comparable biological products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 4017. A bill to provide for an appeals process for hospital wage index classification under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. KERRY, and Mr. OBAMA):

S. 4018. A bill to establish a Vote by Mail grant program; to the Committee on Rules and Administration.

By Mrs. BOXER:

S. 4019. A bill to require persons seeking approval for a liquefied natural gas facility to identify employees and agents engaged in activities to persuade communities of the benefits of the approval; to the Committee on Energy and Natural Resources.

By Mr. DAYTON (for himself, Mr. OBAMA, Mr. DURBIN, Ms. STABENOW, Mr. DORGAN, and Mr. HARKIN):

S. 4020. A bill to amend the Petroleum Marketing Practices Act to prohibit restrictions on the installation of renewable fuel pumps, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON (for herself, Mr. SCHUMER, and Mr. KENNEDY):

S. 4021. A bill to amend title XVIII of the Social Security Act to provide for comprehensive health benefits for the relief of individuals whose health was adversely affected by the 9/11 disaster; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. SCHUMER, and Mr. KENNEDY):

S. 4022. A bill to provide protections and services to certain individuals after the terrorist attack on September 11, 2001, in New York City, in the State of New York, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 4023. A bill to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. OBAMA, and Mr. BINGAMAN):

S. 4024. A bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority and other health disparity populations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself, Mr. LOTT, Mr. LEAHY, and Ms. LANDRIEU):

S. 4025. A bill to strengthen antitrust enforcement in the insurance industry; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 4026. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 4027. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for certain professional development and other expenses of elementary and secondary school teachers and for certain certification expenses of individuals becoming science, technology engineering, or math teachers; to the Committee on Finance.

By Mr. MENENDEZ:

S. 4028. A bill to fight criminal gangs; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 4029. A bill to increase the number of well-educated nurses, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH:

S. 4030. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 4031. A bill to require prisons and other detention facilities holding Federal prisoners or detainees under a contract with the Federal Government to make the same information available to the public that Federal prisons and detention facilities are required to do by law; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself and Mr. NELSON of Florida):

S. 4032. A bill to discourage international assistance to the nuclear program of Iran and transfers to Iran of advanced conventional weapons and missiles; to the Committee on Foreign Relations.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mr. DURBIN, Mr. SCHUMER, and Mrs. CLINTON):

S. 4033. A bill to provide for Kindergarden Plus programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself and Mrs. CLINTON):

S. 4034. A bill to amend title 18 of the United States code to prohibit certain types of vote tampering; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 4035. A bill to amend the Higher Education Act of 1965 to repeal the school as lender program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER (for himself, Ms. SNOWE, Mr. BAYH, Ms. COLLINS, Mr. SALAZAR, and Mr. CHAFEE):

S. 4036. A bill to establish procedures for the expedited consideration by Congress of certain proposals by the President to rescind amounts of budget authority and reinstate pay-as-you-go; to the Committee on the Budget.

By Mr. SCHUMER:

S. 4037. A bill to amend the Consumer Credit Protection Act to protect consumers from inadequate disclosures and certain abusive practices in rent-to-own transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SARBANES:

S. 4038. A bill to establish the bipartisan and independent Commission on Global Resources, Environment, and Security, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 4039. A bill to amend the Clean Air Act to establish an economy-wide global warming pollution emission cap-and-trade program to assist the economy in transitioning to new clean energy technologies, to protect employees and affected communities, to protect companies and consumers from significant increases in energy costs, and for other purposes; to the Committee on Finance.

By Mr. LEAHY:

S. 4040. A bill to ensure that innovations developed at federally-funded institutions are available in certain developing countries at the lowest possible cost; to the Committee on the Judiciary.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 4041. A bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes; read the first time.

By Mr. DURBIN (for himself, Mr. CHAMBLISS, Mr. CONRAD, and Mr. BAYH):

S. 4042. A bill to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Forces; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 4043. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate a portion of Interstate Route 14 as a high priority corridor, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself and Mr. OBAMA):

S. 4044. A bill to clarify the treatment of certain charitable contributions under title 11, United States Code; considered and passed.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 4045. A bill to designate the United States courthouse located at the intersections of Broad Street, Seventh Street, Grace Street, and Eighth Street in Richmond, Virginia, as the "Spottswood W. Robinson III and Robert Merhige Jr. Courthouse"; to the Committee on Environment and Public Works.

By Mrs. DOLE:

S.J. Res. 41. A joint resolution recognizing the contributions of the Christmas tree industry to the United States economy and urging the Secretary of Agriculture to establish programs to raise awareness of the importance of the Christmas tree industry; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. KERRY):

S. Res. 591. A resolution calling for the strengthening of the efforts of the United States to defeat the Taliban and terrorist networks in Afghanistan and to help Afghanistan develop long-term political stability and economic prosperity; to the Committee on Foreign Relations.

By Mr. SANTORUM:

S. Res. 592. A resolution designating the week of November 5 through 11, 2006, as "Long-Term Care Awareness Week"; to the Committee on the Judiciary.

By Mr. ALLEN (for himself and Mr. WARNER):

S. Res. 593. A resolution supporting the goals and ideals of National Children and Families Day to encourage the adults of the United States to support and listen to children and to help children throughout the United States achieve their hopes and dreams; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. COLEMAN, Mr. KENNEDY, Mr. HARKIN, Mr. DAYTON, Mr. FEINGOLD, Mr. REED, Mr. DODD, Mrs. MURRAY, and Mr. LAUTENBERG):

S. Res. 594. A resolution expressing the sense of the Senate that Senator Paul Wellstone should be remembered for his compassion and leadership on social issues and that Congress should act to end discrimination against citizens of the United State who live with a mental illness by making legislation relating to mental health parity a priority for the 110th Congress; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mrs. BOXER, and Mrs. FEINSTEIN):

S. Res. 595. A resolution recognizing the Lawrence Berkeley National Laboratory as one of the premier science and research institutions of the world; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself, Ms. SNOWE, Mr. PRYOR, Mr. SANTORUM, Mr. KERRY, and Mr. MENENDEZ):

S. Res. 596. A resolution designating Tuesday, October 10, 2006, as "National Firefighter Appreciation Day" to honor and celebrate the firefighters of the United States; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. SALAZAR, Mr. MARTINEZ, Mr. BINGAMAN, and Mr, NELSON of Florida):

S. Res. 597. A resolution designating the period beginning on October 8, 2006, and ending on October 14, 2006, as "National Hispanic Media Week", in honor of the Hispanic media of the United States; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. DODD, Mr. COCHRAN, Mr. INHOFE, Mr. AKAKA, Mr. PRYOR, Mr. TALENT, Ms. STABENOW, Mr. MARTINEZ, Mr. CRAIG, Mr. KERRY, Mr. SALAZAR, Mr. LIEBERMAN, Mr. STEVENS, Mr. ALEXANDER, Mr. ROCKEFELLER, Mr. JOHNSON, Mr. ENSIGN, Mr. LEVIN, Mr. ALLEN, Mr. DURBIN, Mr. BIDEN, Mr. VOINOVICH, Ms. MURKOWSKI, Mrs. DOLE, and Mr. ENZI):

S. Res. 598. A resolution designating the week beginning October 15, 2006, as "National Character Counts Week"; to the Committee on the Judiciary.

By Mr. REED (for himself, Ms. COLLINS, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SARBANES, Ms. MIKULSKI, Mr. DODD, Mr. BIDEN, Mr. NELSON of Nebraska, Mrs. MURRAY, Mr. WYDEN, Ms. STABENOW, Ms. CANTWELL, Mr. FEINGOLD, Mr. INOUYE, Mr. JOHNSON, Mr. CARPER, Mr. DEWINE, Mr. OBAMA, Mr. CHAFEE, Mr. KERRY, Mr. DURBIN, Mr. LEVIN, Mrs. CLINTON, Mrs. LINCOLN, Mr. SCHUMER, Mr. BOND, Mr. SANTORUM, Mr. PRYOR, Ms. SNOWE, Ms. LANDRIEU, Mr. HAGEL, Mr. LEAHY, Mr. SPECTER, Mr. BAYH, Mr. MENENDEZ, Mrs. BOXER, and Mrs. FEINSTEIN):

S. Res. 599. A resolution designating the week of October 23, 2006, through October 27, 2006, as "National Childhood Lead Poisoning Prevention Week"; to the Committee on the Judiciary.

By Mr. BYRD (for himself, Mr. LUGAR, Mr. ROCKEFELLER, Mr. KERRY, Mr. BINGAMAN, Ms. STABENOW, Mr. ENSIGN, Ms. CANTWELL, Mr. DODD, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. LEVIN, Mr. WYDEN, Mr. BURR, Mr. BAYH, Mr. BIDEN, Mr. DEWINE, Mr. DURBIN, Mr. DORGAN, Mr. LIEBERMAN, Mr. CONRAD, Mr. SALAZAR, Mr. HAGEL, Mr. GRASSLEY, and Mr. REID):

S. Res. 600. A resolution designating October 12, 2006, as "National Alternative Fuel Vehicle Day"; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself, Mr. SALAZAR, Mr. MENENDEZ, and Mr. NELSON of Florida):

S. Res. 601. A resolution recognizing the efforts and contributions of outstanding Hispanic scientists in the United States; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. DORGAN, and Mr. STEVENS):

S. Res. 602. A resolution memorializing and honoring the contributions of Byron Nelson; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. BENNETT):

S. Res. 603. A resolution designating Thursday, November 16, 2006, as "Feed America Day"; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself, Ms. SNOWE, Mr. INOUYE, Ms. LANDRIEU, Mr. VITTER, Mr. NELSON of Nebraska, Mr. SHELBY, Mr. DEMINT, Mr. COCHRAN, and Mr. MARTINEZ):

S. Res. 604. A resolution recognizing the work and accomplishments of Mr. Britt "Max" Mayfield, Director of the National Hurricane Center's Tropical Prediction Center upon his retirement; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself, Mr. COLEMAN, Mr. DAYTON, Mr. KENNEDY, Mr. HARKIN, Mr. LEAHY, Mr. FEINGOLD, Mr. REED, Mr. DODD, Mrs. MURRAY, and Mr. LAUTENBERG):

S. Res. 605. A resolution expressing the sense of the Senate that Senator Paul Wellstone should be remembered for his compassion and leadership on social issues and that Congress should act to end discrimination against citizens of the United States who live with a mental illness by making legislation relating to mental health parity a priority for the 110th Congress; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURNS (for himself, Ms. CANTWELL, Mr. BENNETT, Mr. ISAKSON, Mr.

INHOFE, Mr. ALLEN, Mrs. BOXER, Ms. MURKOWSKI, Ms. SNOWE, Ms. COLLINS, and Mr. SMITH):

S. Res. 606. A resolution expressing the sense of the Senate with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month; to the Committee on Commerce, Science, and Transportation.

By Mr. BUNNING (for himself, Mr. NELSON of Nebraska, Mr. ALLEN, Mr. CHAMBLISS, Mr. COBURN, Mr. CORNYN, Mr. CRAIG, Mr. GRASSLEY, Mr. INHOFE, Mr. ISAKSON, Mr. VITTER, Mr. ENSIGN, Mr. LUGAR, Mr. FRIST, Mr. KYL, Mr. SUNUNU, Mr. NELSON of Florida, Mr. COLEMAN, Mr. MARTINEZ, and Mr. BURNS):

S. Res. 607. A resolution admonishing the statements made by President Hugo Chavez at the United Nations General Assembly on September 20, 2006, and the undemocratic actions of President Chavez; to the Committee on Foreign Relations.

By Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. NELSON of Florida, Mr. DURBIN, Mr. CORNYN, Mr. DOMENICI, Mr. LAUTENBERG, Mr. SMITH, Mr. FRIST, Mr. MCCAIN, Mr. KENNEDY, Mr. SALAZAR, Mr. REID, Mr. MARTINEZ, Mrs. CLINTON, Mr. LIEBERMAN, Mrs. BOXER, and Mr. MENENDEZ):

S. Res. 608. A resolution recognizing the contributions of Hispanic Serving Institutions, and the 20 years of educational endeavors provided by the Hispanic Association of Colleges and Universities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURR (for himself, Mr. ALEXANDER, and Mr. ISAKSON):

S. Res. 609. A resolution honoring the children's charities, youth-serving organizations, and other nongovernmental organizations committed to enriching and bettering the lives of children and designating the week of September 24, 2006, as "Child Awareness Week"; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. LUGAR, Mr. WARNER, Ms. MURKOWSKI, Mr. CHAFEE, Mr. DEMINT, Mr. MCCAIN, Ms. SNOWE, Ms. COLLINS, Mr. SMITH, Mr. LAUTENBERG, Mrs. BOXER, Mr. DODD, Mr. MENENDEZ, Ms. CANTWELL, Ms. LANDRIEU, Mr. JEFFORDS, Mr. COCHRAN, Mr. LIEBERMAN, Mr. KERRY, and Mrs. FEINSTEIN):

S. Res. 610. A resolution expressing the sense of the Senate that the United States should promote the adoption of, and the United Nations should adopt, a resolution at its October meeting to protect the living resources of the high seas from destructive, illegal, unreported, and unregulated fishing practices; to the Committee on Foreign Relations.

By Mr. FEINGOLD (for himself, Mr. HAGEL, Ms. LANDRIEU, and Mr. DEWINE):

S. Res. 611. A resolution supporting the efforts of the Independent National Electoral Commission of the Government of Nigeria, political parties, civil society, religious organizations, and the people of Nigeria from one civilian government to another in to he general elections to be held in April 2007; to the Committee on Foreign Relations.

By Mr. AKAKA:

S. Con. Res. 121. A concurrent resolution expressing the sense of the Congress that joint custody laws for fit parents should be passed by each State, so that more children are raised with the benefits of having a father and a mother in their lives; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. CRAIG, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 359, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 394

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 394, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 401

At the request of Mr. HARKIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 401, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 842

At the request of Mr. KENNEDY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 842, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1326

At the request of Mr. SESSIONS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1326, a bill to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft.

S. 1353

At the request of Mr. REID, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1508

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1508, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 1948

At the request of Mrs. CLINTON, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2154

At the request of Mr. REID, his name was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2322

At the request of Mr. ENZI, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2563

At the request of Mr. COCHRAN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part.

S. 3485

At the request of Mr. DORGAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3485, a bill to amend the Tariff

Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 3535

At the request of Mr. TALENT, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 3535, a bill to modernize and update the National Housing Act and to enable the Federal Housing Administration to use risk based pricing to more effectively reach underserved borrowers, and for other purposes.

S. 3616

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3616, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to preserve affordable housing in multifamily housing units which are sold or exchanged.

S. 3651

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3651, a bill to reduce child marriage, and for other purposes.

S. 3655

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3655, a bill to amend the Internal Revenue Code of 1986 to allow individuals eligible for veterans health benefits to contribute to health savings accounts.

S. 3696

At the request of Mr. BROWNBACK, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 3696, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 3703

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3703, a bill to provide for a temporary process for individuals entering the Medicare coverage gap to switch to a plan that provides coverage in the gap.

S. 3705

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3705, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER), the Senator from Nevada (Mr. REID), the Senator from Washington (Ms. CANTWELL), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. ISAKSON) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3787

At the request of Mr. SANTORUM, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 3787, a bill to establish a congressional Commission on the Abolition of Modern-Day Slavery.

S. 3792

At the request of Mr. MARTINEZ, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3792, a bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for qualified elementary and secondary education tuition.

S. 3814

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3814; a bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005.

S. 3828

At the request of Mr. INHOFE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3828, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 3883

At the request of Mr. COLEMAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3883, a bill to amend the Internal Revenue Code of 1986 to provide an alternate sulfur dioxide removal measurement for advanced coal-based generation technology units under the qualifying advanced coal project credit.

S. 3884

At the request of Mr. LUGAR, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 3884, a bill to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

S. 3912

At the request of Mr. ENSIGN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 3912, a bill to amend title XVIII of the Social Security Act to extend the exceptions process with respect to caps on payments for therapy services under the Medicare program.

S. 3936

At the request of Mr. FRIST, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Delaware (Mr. BIDEN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 3936, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 3944

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3944, a bill to provide for a 1-year extension of programs under title XXVI of the Public Health Service Act.

S. 3961

At the request of Mr. STEVENS, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 3961, a bill to provide for enhanced safety in pipeline transportation, and for other purposes.

S. 3962

At the request of Mr. DOMENICI, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from North Carolina (Mr. BURR) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 3962, a bill to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to assure protection of public health and safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes.

S. 3971

At the request of Mr. BROWNBACK, his name was added as a cosponsor of S. 3971, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

At the request of Mr. SANTORUM, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 3971, supra.

S. 3984

At the request of Mr. HARKIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 3984, a bill to improve programs for the identification and treatment of post-deployment mental health conditions, including post-traumatic stress disorder, in veterans and members of the Armed Forces, and for other purposes.

S. 3991

At the request of Mr. CONRAD, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. JEFFORDS), the Senator from Wyoming (Mr. ENZI), the

Senator from Wyoming (Mr. THOMAS), the Senator from Vermont (Mr. LEAHY) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 3991, a bill to provide emergency agricultural disaster assistance, and for other purposes.

At the request of Mr. ROBERTS, his name was added as a cosponsor of S. 3991, supra.

S. CON. RES. 119

At the request of Mrs. LINCOLN, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Con. Res. 119, a concurrent resolution expressing the sense of Congress that public policy should continue to protect and strengthen the ability of farmers and ranchers to join together in cooperative self-help efforts.

S. RES. 549

At the request of Mr. SANTORUM, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Res. 549, a resolution expressing the sense of the Senate regarding modern-day slavery.

AMENDMENT NO. 5022

At the request of Mr. CRAIG, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 5022 intended to be proposed to H.R. 6061, a bill to establish operational control over the international land and maritime borders of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 3994. A bill to extend the Iran and Libya Sanctions Act of 1996; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3994

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 13(b) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking "on September 29, 2006" and inserting "on November 17, 2006".

By Mr. DEMINT (for himself and Mr. OBAMA):

S. 3995. A bill to provide education opportunity grants to low-income secondary school students; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEMINT. Mr. President, I rise to speak about legislation that I am introducing today along with the Senator from Illinois, Mr. OBAMA. At this time of year, with much bitter partisanship, I really am pleased to work with Senator OBAMA for something that we think is important to the country.

The Education Opportunity Act is a bill that would significantly expand college-level opportunities for low-income high school students and teach these students that success in school can mean success in life.

In the fast-paced, technologically advanced global economy of the 21st century, old distinctions between high school and college are becoming obsolete. For our students to succeed in tomorrow's workplace, we must be innovative and allow more choices of study today.

As we look toward reauthorizing No Child Left Behind, I believe it is important to examine what has worked and where students are still falling between the cracks. While we have expanded advanced placement classes, what we call AP classes, through the President's Advanced Placement Incentives Program, I believe we are missing another vital avenue to increase college-level opportunities for low-income students. That is why I am proud to work together with Senator OBAMA to establish education opportunity grants for high school students.

Our bill is similar to the Federal Pell grant program, which funds need-based aid that does not have to be repaid by the students. These grants could be made available for classes at community colleges or universities that would admit a high school student to enroll in classes. These grant scholarships will help keep our high school students in school by raising their expectations and showing them that they can do college-level work. They could also accumulate college-level credits while still in high school.

Our national dropout rate is at record highs, and it is on the rise. In my own home State of South Carolina, high school students are dropping out at an alarming rate, with half of all students failing to complete high school in 4 years. It is no secret that most of these at-risk students are from low-income families.

Currently, there are only two ways high school students can gain college credit. They either take the AP classes at high school or participate in dual enrollment programs. Some high schools, particularly those with a high percentage of low-income students, are not able to offer advanced placement classes, and students are required to forgo college classes that they might want to take because their families can't afford to foot the bill. The result is that students with great promise who happen to come from disadvantaged families lose interest in a school that does not offer classes tailored to their talents and interests.

Senator OBAMA and I believe if we expose students to the hundreds of classes available at their local colleges, some of which are listed on the chart behind me, many students who are not excited about high school world history classes will, instead, discover that they are interested in computer science or marketing and can learn a skill that they can see will directly apply to a future job.

Make no mistake, traditional classes in biology, English, and history are important. But if a student drops out because they don't have the flexibility to also pursue more nontraditional avenues, those classes do not do them any good.

Education opportunity grants are a cost-effective way to educate students by utilizing the preexisting infrastructure already available at local colleges. I believe this will show many students that a college degree is attainable and that they will be better prepared to start college or enter the workforce with marketable skills as a high school graduate.

As I mentioned before, I believe it is critical that we do a better job accommodating the needs of all our students and continue to create opportunities for each young person to learn in ways that make sense to them and have direct application to their goals in life.

This legislation is one more valuable option for our educational system to empower students and parents with choices and the ability to follow an educational path that meets their individual needs.

It is time we stopped forcing our kids to fit our educational system and, instead, force our educational system to fit our kids. That is the only way that success in school will mean success in life.

I thank Senator OBAMA and his great staff for working with my office on this important legislation, and I look forward to working with the Senator from Wyoming, Mr. ENZI, and the Senator from Massachusetts, Ranking Member KENNEDY, to make this legislation a reality.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I rise today to join my colleague from South Carolina, Senator JIM DEMINT, in introducing the Education Opportunity Act.

We often hear that many students who graduate from high school are not ready for the academic rigors of college. This is especially problematic for students from low-income families. For these students to succeed in the transition to college, they must have opportunity, and a continuity of classroom experiences that prepare them for success. Academic rigor in a high school curriculum is essential in establishing the momentum necessary for a student to progress toward a bachelor's degree.

The unfortunate fact is that not all students have access to a challenging high school curriculum. Low-income students are often disadvantaged by a lack of rigorous courses in their high school, especially in subjects such as the advanced mathematics courses that are so important for college success. Universities and community colleges have increasingly provided such courses to high school students. But the cost of such classes can be a barrier to low-income students, who are the very students most likely to be enrolled in high schools that provide the most limited access to challenging college preparatory curricula.

This legislation will provide a program for grant support to allow thousands of students with limited exposure to college-level programs in their high schools to earn college credit at their local university or community college. I urge my colleagues to join us in extending opportunities for college success to deserving low-income high school students.

By Mr. FEINGOLD:

S. 3998. A bill to amend the Servicemembers Civil Relief Act to provide relief for servicemembers with respect to contracts for cellular phone service, and for other purposes; to the Committee on Veterans' Affairs.

Mr. FEINGOLD. Mr. President, today I introduce a bill that seeks to make life a little easier for our servicemembers and their families when they are called up to duty or transferred. We all recognize the heroic service the men and women in our armed services provide the Nation each day. So when I heard stories about servicemembers and their families in Wisconsin having trouble canceling their cell phone contracts after being called up, I looked for a way to help. With the prospect of a combat assignment, the last thing our men and women in uniform should have to worry about are early termination fees or being forced to pay for a service they cannot use. I tried to have this provision adopted as an amendment to the Defense authorization bill in June and, while I was unsuccessful, I will continue to push for the adoption of this commonsense measure.

These problems with canceling cellular phone service have not been just isolated incidents. In fact, the issue has been raised by the Wisconsin National Guard. I ask unanimous consent that the full testimony of First Lieutenant Melissa Inlow of the Wisconsin Army National Guard made at a hearing on a Wisconsin State assembly bill in April be printed in the RECORD.

I just want to highlight one part of that testimony that makes the point that this is a real issue facing our servicemembers: "It's becoming increasingly difficult to get cell phone service providers to suspend the contract. Even with suspension the soldiers are still paying up to $25 a month for a service they cannot reap the benefits of. These fees can accumulate to more than the termination fee which on average is $200." First Lieutenant Inlow went on to specifically recommend that the Servicemembers' Civil Relief Act be amended to include a section on cellular phones.

First Lieutenant Inlow and the Wisconsin National Guard are not alone in this opinion either. The National Guard Association of the United States, the Enlisted Association of the National Guard of the United States, and the Military Officers Association of America have all expressed support for my amendment—which is virtually identical to the legislation I introduce today.

It is common now for cellular phone contracts to require a contract term of up to two years. Along with these long contracts, there are often early termination fees of several hundred dollars. When a National Guard member is called up to active duty or a soldier is transferred overseas or to a base that isn't covered by their current provider, they often face the prospect of either paying these significant fees or paying monthly fees for the remainder of the contract for a service they cannot use. While many servicemembers and their families have been able to work with telecommunications companies to eventually get the early termination fee canceled, the account suspended, or the fees reduced, they have enough to deal with after being called up that they should not have this added burden as well.

My legislation proposes that we bring these cellular phone contracts in line with what we have already done for residential and automotive leases in the Servicemembers' Civil Relief Act—let the servicemembers cancel the contract. Under my proposal, if servicemembers are called up for more than 90 days, transferred overseas, or transferred to a U.S. duty station where they could not continue their service at the same rate, they could cancel their contract without a termination fee.

While my legislation helps to prevent servicemembers from being financially punished for volunteering to protect this country, I have also tried to make sure that the telecommunications providers are treated fairly as well. That is why I have included a provision that would allow the providers to request the return of cell phones provided as part of the contract. If the company requests the return under this provision, it would also have to give the servicemember the option of paying a prorated amount for the cell phone should he or she wish to keep it. Moreover, if the provider and servicemember mutually agree to suspend instead of terminate the contract, the bill makes sure that the reactivation fee is waived.

While this is a modest addition to the rights of servicemembers, it is important that we remove as many unfair burdens facing this country's men and women in uniform as we can. I hope my colleagues will share this view and quickly adopt this nonpartisan proposal.

TESTIMONY FOR THE RECORD OF FIRST LIEUTENANT MELISSA INLOW AT A HEARING ON WISCONSIN ASSEMBLY BILL 1174 ON APRIL 17, 2006

Thank you, chairman and members of the committee, for the opportunity to speak. The Department of Military Affairs and the Wisconsin National Guard is in support of senate bill 1174. I am First Lieutenant Melissa Inlow, a Judge Advocate General Officer with the Wisconsin Army National Guard. By granting servicemembers the right to terminate their cell phone contracts upon mobilization, you are ensuring further protections and peace of mind for our servicemembers. In August of 2005, I was brought on to provide legal assistance to our deployed servicemembers and their families. Since that time, about 3–5 percent of my time has been dedicated to assisting servicemembers in resolving issues with their cell phone service contracts. It's becoming increasingly difficult to get cell phone service providers to suspend the contract. Even with suspension the soldiers are still paying up to $25 a month for service they cannot reap the benefits of. These fees can accumulate to more than the termination fee which on average is $200. I've found it very difficult and sometimes impossible to reach a live person and very difficult to reach a person with decision making authority. Each time I have had to call a cellular phone service provider, I have talked to a different customer service representative, and each has given me a different resolution to the cell phone issue. The companies are lacking significantly in internal consistency when it comes to resolving cell phone contract issues. It has been my experience that the customer service representatives of cell phone companies experience high turn over rate and are not aware of the wireless provider's policy on military suspension. It is extremely frustrating for me; I can only imagine the undue stress and strain it causes our deploying servicemembers and their families that are left behind to deal with these issues. This change will likely help ease the stress deployment places on our servicemembers allowing them to focus on their mission. I hope that the Federal Government will follow suit and amend the Servicemember's Civil Relief Act to incorporate a section on cell phone contracts.

By Mr. LUGAR:

S. 4000. A bill to amend the Internal Revenue Code of 1986 to modify the alcohol credit and the alternative fuel credit, to amend the Clean Air Act to promote the installation of fuel pumps for E–85 fuel, to amend title 49 of the United States Code to require the manufacture of dual fueled automobiles, and for other purposes; to the Committee on Finance.

Mr. LUGAR. Mr. President, I rise to introduce the National Fuels Initiative of 2006. This act presents to this Congress a plan to bring meaningful reductions in the amount of oil we consume in the United States and reduce our dependency on oil imports. Dependence on imported oil has put the United States in a position that no great power should tolerate. Our economic health is subject to forces far beyond our control, including the decisions of hostile countries. We maintain a massive military presence overseas, partly to preserve our oil lifeline. We have lost leverage on the international stage and are daily exacerbating the problem by participating in an enormous wealth transfer to authoritarian nations that happen to possess the commodity that our economy can least do without. The hundreds of billions of dollars we spend on oil imports each year weakens our economy, enriches hostile regimes, and is used by some to support terrorism.

In the absence of revolutionary changes in energy policy, we are risking multiple disasters for our country that will constrain living standards, undermine our foreign policy goals, and leave us highly vulnerable to the machinations of rogue states. There are at least six threats posed by oil dependence. First oil is vulnerable to supply disruption as a result of natural disasters, wars, and terrorist attacks. Price shocks resulting from a major supply loss can put the U.S. economy into recession. Second, global oil reserves are becoming more limited as easy supply is depleted, global demand rapidly increases, and governments exert more control over reserves. This makes oil more expensive in the short term, and creates the prospect that supplies may not be accessible in the future. Third, some oil-rich nations are using energy as an overt weapon. Adversarial regimes from Venezuela, to Iran, to Russia are using energy supplies as leverage against their neighbors. Fourth, hundreds of billions of dollars in oil export revenues flowing to authoritarian regimes increase corruption and hurt democratic reform. Some oil-rich nations are using this money to invest in terrorism, instability, or demagogic appeals to populism. Fifth, the threat of global climate change has been made worse by inefficient and unclean use of non-renewable energy like oil. This could bring about drought, famine, disease, and mass migration. And finally, dependence on oil increases instability and undermines development in much of the developing world. Rising energy costs can undermine our foreign assistance and hurt stability, development, disease eradication, and efforts to combat the root causes of terrorism.

The new geo-political reality emerging from the global energy situation and United States dependence on oil imports demand that we dramatically decrease the amount of oil we consume. In March 2006, I delivered an address at the Brookings Institution in which I described "a shifting balance of realism" from those who believe in the immutability of oil's domination of our economy and a laissez faire approach to energy policy to those who recognize that our Nation has no choice but to seek a major reorientation in the way we get our energy. Marginally reducing our reliance on imported oil over the course of the next few decades via the slow progress of market forces will be welcome, but by the time a sustained energy crisis fully motivates market forces, we are likely to be well past the point where we can save ourselves from extensive suffering. We must respond to our energy vulnerability as a crisis. This is the very essence of a problem requiring Congressional action.

The heart of America's geostrategic problem is reliance on imported oil in a market that is dominated by volatile and hostile governments. We can start to break petroleum's grip right now. The key is to replace oil used in transportation with renewable fuels and to improve the fuel efficiency of our cars and trucks.

I outlined the 5 central components of this energy plan at the Richard G. Lugar—Purdue University Summit on Energy Security on August 29th, 2006. First, this bill sets a goal for the United States to expand production of renewable fuels to at least 100 billion gallons a year by 2025. Some of this added production will come from current corn-based ethanol and biodiesel, but a great majority will be from emerging cellulosic technology allowing ethanol from diverse sources of renewable biomass. Second, virtually all new cars sold in America should be flex-fuel capable. These vehicles give Americans the choice to use E–85, a blend of 85 percent ethanol and 15 percent gasoline, or regular gasoline. This bill would require that virtually all vehicles would be manufactured as flexible fuel vehicles within ten years. This provision was also part of the Biomass Security Act of 2006 which I joined Senator HARKIN in introducing earlier this year. Third, roughly 25 percent of our nation's fueling stations should offer E–85 within the next ten years. This provision was also part of the Biomass Security Act of 2006. This will give consumers choice and help spur investment in renewable fuel production. Fourth, the bill would enact increased mileage standards that set a target of steadily improving fuel economy every year, as well as encourage research into new advanced technology vehicles such as hybrids and coal-based transportation fuels. I joined Senator OBAMA in introducing this provision earlier this year as the Fuel Economy Reform Act of 2006. Finally, the bill would establish a revolutionary variable alternative fuel tax credit to support growth of alternative fuel production. While this novel portion of the bill should be further debated and improved, its aim is to increase investment in cellulosic ethanol, coals to liquid, and other non-petroleum based fuels by reducing risks posed by oil price manipulation of foreign regimes.

We must move now to address our energy vulnerability because sufficient investment cannot happen overnight, and it will take years to build supporting infrastructure and to change behavior. Americans need to know exactly what the plan is and how we will achieve it. We not only must understand how to bring alternatives to the market, we must establish what degree of change would improve our national security situation, then tailor national policy to achieve that goal. The energy plan presented in this bill is a package of proposals that would dramatically improve America's security posture. The plan would achieve the replacement of 6.5 million barrels of oil per day by volume—the rough equivalent of one third of the oil used in America and one half of our oil imports. It would provide more jobs for Americans instead of sending a deluge of money to hostile countries, support our farmers instead of foreign terrorists, and promote green fuels over fossil fuels.

I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Fuels Initiative".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Declaration of United States policy on the development and use of renewable alternative fuels.
Sec. 4. Modification to alcohol credit and alternative fuel credit.
Sec. 5. Installation of E–85 fuel pumps by major oil companies at owned stations and branded stations.
Sec. 6. Requirement to manufacture dual fueled automobiles.
Sec. 7. Definition of automobile.
Sec. 8. Average fuel economy standards.
Sec. 9. Credit trading and compliance.
Sec. 10. Consumer tax credit.
Sec. 11. Advanced technology motor vehicles manufacturing credit.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The national security and economic prosperity of the United States is threatened by our oil dependence, and the reliance of the United States on oil imports impinges on our foreign policy. Adversarial regimes rich in oil and natural gas are using their energy supplies as leverage against import-dependent countries and are using increased revenues from oil and gas exports to gain international influence, fund anti-American appeals, entrench authoritarianism, and support terrorism.

(2) Global competition for oil reserves is increasing as supply is depleted, demand increases, and foreign governments attempt to exert more control over reserves. Supplies of oil are vulnerable to disruption resulting from war, political manipulation, natural disasters, and terrorist attacks. A major loss in oil supply could result in a price shock extremely damaging to the economy of the United States and our way of life, and competition over scarce resources could create conflict.

(3) Inefficient and unclean use of oil damages the environment and worsens the threat of global climate change.

SEC. 3. DECLARATION OF UNITED STATES POLICY ON THE DEVELOPMENT AND USE OF RENEWABLE ALTERNATIVE FUELS.

Congress declares that:

(1) It is the policy of the United States to reduce dependence on imported oil through increased efficiency and diversification of fuel sources through dramatically expanded use of clean alternative fuels. Such a reduction will increase the foreign policy flexibility of the United States, make the United States less vulnerable to oil supply disruption, and promote economic growth. The United States will continue to promote research and development of a range of alternatives fuels, and it will implement policies to accelerate the deployment and commercialization of existing efficiency and alternative fuels technologies.

(2) It is the policy goal of the United States to produce and utilize the equivalent of at least 100,000,000,000 gallons of renewable fuel per year by 2025. This amount of renewable fuel, along with innovation in fuel efficiency, will substantially reduce the need for oil imports in the United States.

(3) It is the policy of the United States to promote the development of a global biofuels market through partnerships with other nations and to reduce trade barriers for renewable fuels.

SEC. 4. MODIFICATION TO ALCOHOL CREDIT AND ALTERNATIVE FUEL CREDIT.

(a) INCOME TAX CREDIT FOR ALCOHOL.—

(1) RATE BASED ON PRICE OF OIL.—Section 40 of the Internal Revenue Code of 1986 (relating to alcohol used as fuel) is amended by striking "60 cents" each place it appears and inserting "the applicable amount".

(2) APPLICABLE AMOUNT.—Subsection (h) of section 40 of such Code is amended to read as follows:

"(h) APPLICABLE AMOUNT.—

"(1) IN GENERAL.—For purposes of this section, the term 'applicable amount' means, with respect to any quarter—

"(A) $.05 for each $1 (or any fraction thereof) by which $45 exceeds—

"(i) in the case of the alcohol mixture credit, the average price of a barrel of oil for the quarter during which the qualified mixture in which the alcohol was used is sold or used, and

"(ii) in the case of the alcohol credit, the average price of a barrel of oil for the quarter during which the alcohol was sold or used, and

"(B) $0 for any quarter in which the price of a barrel of oil is greater than $45.

"(2) DETERMINATION OF AVERAGE PRICE.—The average price of a barrel of oil shall be determined under regulations prescribed by the Secretary.

"(3) BARREL.—For purposes of this subsection, the term 'barrel' means 42 United States gallons.".

(3) ELIMINATION OF SMALL ETHANOL PRODUCER CREDIT.—

(A) Section 40(a) of such Code is amended—

(i) by striking ", plus" at the end of paragraph (2) and inserting a period, and

(ii) by striking paragraph (3).

(B) Section 40(b) of such Code is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(C)(i) Section 40(d)(3) of such Code is amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(ii) Section 40(d)(3)(C) of such Code, as redesignated by clause (i), is amended by striking "subparagraph (A), (B), or (C)" and inserting "subparagraph (A) or (C)".

(D) Section 40 of such Code is amended by striking subsection (g) and by redesignating subsection (h), as amended by paragraph (2), as subsection (g).

(4) EXTENSION OF CREDIT.—Paragraph (1) of section 40(e) of such Code is amended—

(A) in subparagraph (A), by striking "2010" and inserting "2020", and

(B) in subparagraph (B), by striking "2011" and inserting "2021".

(5) CONFORMING AMENDMENT.—Section 40(b) of such Code, as amended by subsection (a), is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(b) MODIFICATIONS TO EXCISE TAX CREDIT AND PAYMENTS FOR ALCOHOL.—

(1) IN GENERAL.—Paragraph (2) of section 6426(b) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount shall be the amount determined under section 40(g).",

(2) EXTENSION.—

(A) ALCOHOL FUEL MIXTURE CREDIT.—Paragraph (5) of section 6426(b) of such Code is amended by striking "2010" and inserting "2020".

(B) PAYMENTS.—Subparagraph (A) of section 6427(e)(5) of such Code is amended by striking "2010" and inserting "2020".

(c) MODIFICATIONS TO EXCISE TAX AND PAYMENTS FOR ALTERNATIVE FUEL.—

(1) ALTERNATIVE FUEL CREDIT.—

(A) RATE.—

(i) IN GENERAL.—Paragraph (1) of section 6426(d) of the Internal Revenue Code of 1986 is amended by striking "50 cents" and inserting "the applicable amount".

(ii) APPLICABLE AMOUNT.—Subsection (d) of section 6426 of such Code is amended by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount shall be the amount determined under section 40(g).".

(B) EXTENSION.—Paragraph (5) of section 6426(d) of such Code, as redesignated by paragraph (1), is amended by striking "2009 (September 30, 2014, in the case of any sale or use involving liquified hydrogen)" and inserting "2020".

(2) ALTERNATIVE FUEL MIXTURE CREDIT.—

(A) RATE.—

(i) IN GENERAL.—Paragraph (1) of section 6426(e) of the Internal Revenue Code of 1986 is amended by striking "50 cents" and inserting "the applicable amount".

(ii) APPLICABLE AMOUNT.—Subsection (e) of section 6426 of such Code is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount shall be the amount determined under section 40(g).".

(B) EXTENSION.—Paragraph (4) of section 6426(e) of such Code, as redesignated by paragraph (1), is amended by striking "2009 (September 30, 2014, in the case of any sal or use involving liquified hydrogen)" and inserting "2020".

(3) PAYMENTS.—Paragraph (5) of section 6427(e) is amended by inserting "and" at the end of subparagraph (B), by striking subparagraphs (C) and (D), and by inserting after subparagraph (B) the following:

"(C) any alternative fuel or alternative fuel mixture (as defined in subsection (d)(3) or (e)(3) of section 6426) sold or used after September 30, 2020.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel used or sold in quarters beginning after the date of the enactment of this Act.

SEC. 5. INSTALLATION OF E-85 FUEL PUMPS BY MAJOR OIL COMPANIES AT OWNED STATIONS AND BRANDED STATIONS.

Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding at the end the following:

"(11) INSTALLATION OF E-85 FUEL PUMPS BY MAJOR OIL COMPANIES AT OWNED STATIONS AND BRANDED STATIONS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) E-85 FUEL.—The term 'E-85 fuel' means a blend of gasoline approximately 85 percent of the content of which is derived from ethanol produced in the United States.

"(ii) MAJOR OIL COMPANY.—The term 'major oil company' means any person that, individually or together with any other person with respect to which the person has an affiliate relationship or significant ownership interest, has not less than 4,500 retail station outlets according to the latest publication of the Petroleum News Annual Factbook.

"(iii) SECRETARY.—The term 'Secretary' means the Secretary of Energy, acting in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Agriculture.

"(B) REGULATIONS.—The Secretary shall promulgate regulations to ensure that each major oil company that sells or introduces gasoline into commerce in the United States through wholly-owned stations or branded stations installs or otherwise makes available 1 or more pumps that dispense E-85 fuel (including any other equipment necessary, such as including tanks, to ensure that the pumps function properly) at not less than the applicable percentage of the wholly-owned stations and the branded stations of the major oil company specified in subparagraph (C).

"(C) APPLICABLE PERCENTAGE.—For the purpose of subparagraph (B), the applicable percentage of the wholly-owned stations and the branded stations shall be determined in accordance with the following table:

Calendar year:	**"Applicable percentage of wholly-owned stations and branded stations (percent):**
2008	5
2009	10
2010	15
2011	20
2012	25
2013	30
2014	35
2015	40
2016	45
2017 and each calendar year thereafter.	50.

“(D) GEOGRAPHIC DISTRIBUTION.—

“(i) IN GENERAL.—Subject to clause (ii), in promulgating regulations under subparagraph (B), the Secretary shall ensure that each major oil company described in subparagraph (B) installs or otherwise makes available 1 or more pumps that dispense E–85 fuel at not less than a minimum percentage (specified in the regulations) of the wholly-owned stations and the branded stations of the major oil company in each State.

“(ii) REQUIREMENT.—In specifying the minimum percentage under clause (i), the Secretary shall ensure that each major oil company installs or otherwise makes available 1 or more pumps described in that clause in each State in which the major oil company operates.

“(E) FINANCIAL RESPONSIBILITY.—In promulgating regulations under subparagraph (B), the Secretary shall ensure that each major oil company described in that subparagraph assumes full financial responsibility for the costs of installing or otherwise making available the pumps described in that subparagraph and any other equipment necessary (including tanks) to ensure that the pumps function properly.

“(F) PRODUCTION CREDITS FOR EXCEEDING E–85 FUEL PUMPS INSTALLATION REQUIREMENT.—

“(i) EARNING AND PERIOD FOR APPLYING CREDITS.—If the percentage of the wholly-owned stations and the branded stations of a major oil company at which the major oil company installs E–85 fuel pumps in a particular calendar year exceeds the percentage required under subparagraph (C), the major oil company earns credits under this paragraph, which may be applied to any of the 3 consecutive calendar years immediately after the calendar year for which the credits are earned.

“(ii) TRADING CREDITS.—Subject to clause (iii), a major oil company that has earned credits under clause (i) may sell credits to another major oil company to enable the purchaser to meet the requirement under subparagraph (C).

“(iii) EXCEPTION.—A major oil company may not use credits purchased under clause (ii) to fulfill the geographic distribution requirement in subparagraph (D).”.

SEC. 6. REQUIREMENT TO MANUFACTURE DUAL FUELED AUTOMOBILES.

(a) REQUIREMENT.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by inserting after section 32902 the following:

“§32902A. Requirement to manufacture dual fueled automobiles

“(a) REQUIREMENT.—Each manufacturer of new automobiles that are capable of operating on gasoline or diesel fuel shall ensure that the percentage of such automobiles, manufactured in any model year after model year 2007 and distributed in commerce for sale in the United States, which are dual fueled automobiles is equal to not less than the applicable percentage set forth in the following table:

“For the model year:	The percentage of dual fueled automobiles manufactured shall be not less than:
2008	10 percent
2009	20 percent
2010	30 percent
2011	40 percent
2012	50 percent
2013	60 percent
2014	70 percent
2015	80 percent
2016	90 percent
2017 and beyond	100 percent

“(b) PRODUCTION CREDITS FOR EXCEEDING FLEXIBLE FUEL AUTOMOBILE PRODUCTION REQUIREMENT.—

“(1) EARNING AND PERIOD FOR APPLYING CREDITS.—If the number of dual fueled automobiles manufactured by a manufacturer in a particular model year exceeds the number required under subsection (a), the manufacturer earns credits under this section, which may be applied to any of the 3 consecutive model years immediately after the model year for which such credits are earned.

“(2) TRADING CREDITS.—A manufacturer that has earned credits under paragraph (1) may sell credits to another manufacturer to enable the purchaser to meet the requirement under subsection (a).”.

(2) TECHNICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32902 the following:

“32902A. Requirement to manufacture dual fueled automobiles.”.

(b) ACTIVITIES TO PROMOTE THE USE OF CERTAIN ALTERNATIVE FUELS.—The Secretary of Transportation shall carry out activities to promote the use of fuel mixtures containing gasoline or diesel fuel and 1 or more alternative fuels, including a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels, to power automobiles in the United States.

SEC. 7. DEFINITION OF AUTOMOBILE.

(a) IN GENERAL.—Section 32901(a)(3) of title 49, United States Code, is amended by striking “rated at—” and all that follows through the period at the end and inserting “rated at not more than 10,000 pounds gross vehicle weight.”.

(b) FUEL ECONOMY INFORMATION.—Section 32908(a) of title 49, United States Code, is amended, by striking “section—” and all that follows through “(2)” and inserting “section, the term”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to model year 2009 and each subsequent model year.

SEC. 8. AVERAGE FUEL ECONOMY STANDARDS.

(a) STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in the header, by inserting “MANUFACTURED BEFORE MODEL YEAR 2012” after “NON-PASSENGER AUTOMOBILES”; and

(B) by adding at the end the following: “This subsection shall not apply to automobiles manufactured after model year 2011.”;

(2) in subsection (b)—

(A) in the header, by inserting “MANUFACTURED BEFORE MODEL YEAR 2012” after “PASSENGER AUTOMOBILES”;

(B) by inserting “and before model year 2009” after “1984”; and

(C) by adding at the end the following: “Such standard shall be increased by 4 percent per year for model years 2009 through 2011 (rounded to the nearest 1/10 mile per gallon)”; and

(3) by amending subsection (c) to read as follows:

“(c) AUTOMOBILES MANUFACTURED AFTER MODEL YEAR 2011.—(1) Not later than 18 months before the beginning of each model year after model year 2011, the Secretary of Transportation shall prescribe, by regulation—

“(A) an average fuel economy standard for automobiles manufactured by a manufacturer in that model year; or

“(B) based on 1 or more vehicle attributes that relate to fuel economy—

“(i) separate standards for different classes of automobiles; or

“(ii) standards expressed in the form of a mathematical function.

“(2)(A) Except as provided under paragraphs (3) and (4) and subsection (d), standards under paragraph (1) shall attain a projected aggregate level of average fuel economy of 27.5 miles per gallon for all automobiles manufactured by all manufacturers for model year 2012.

“(B) The projected aggregate level of average fuel economy for model year 2013 and each succeeding model year shall be increased by 4 percent from the level for the prior model year (rounded to the nearest 1/10 mile per gallon).

“(C) Notwithstanding subparagraphs (A) and (B), the fleetwide average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year for that manufacturer's domestic fleet and for its foreign fleet as calculated under section 32904 as in effect before the date of enactment of the National Fuels Initiative shall not be less than 92 percent of the average fuel economy projected by the Secretary for the combined domestic and foreign fleets manufactured by all manufacturers in that model year.

“(3) If the actual aggregate level of average fuel economy achieved by manufacturers for each of 3 consecutive model years is at least 5 percent less than the projected aggregate level of average fuel economy for such model year, the Secretary shall make appropriate adjustments to the standards prescribed under this subsection.

“(4)(A) Notwithstanding paragraphs (1) through (3) and subsection (b), the Secretary of Transportation may prescribe a lower average fuel economy standard for 1 or more model years if the Secretary of Transportation, in consultation with the Secretary of Energy, determines that the minimum standards prescribed under paragraph (2) or (3) or subsection (b) for each model year—

“(i) are technologically unachievable;

“(ii) cannot be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States; or

“(iii) is shown, by clear and convincing evidence, not to be cost effective.

“(B) If a lower standard is prescribed for a model year under subparagraph (A), such standard shall be the maximum standard that—

“(i) is technologically achievable;

“(ii) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States; and

“(iii) is cost effective.

“(5) In determining cost effectiveness under paragraph (4)(A)(iii), the Secretary of Transportation shall take into account the total value to the Nation of reduced petroleum use, including the value of reducing external costs of petroleum use, using a value for such costs equal to 50 percent of the value of a gallon of gasoline saved or the amount determined in an analysis of the external costs of petroleum use that considers—

“(A) value to consumers;

“(B) economic security;

"(C) national security;

"(D) foreign policy;

"(E) the impact of oil use—

"(i) on sustained cartel rents paid to foreign suppliers;

"(ii) on long-run potential gross domestic product due to higher normal-market oil price levels, including inflationary impacts;

"(iii) on import costs, wealth transfers, and potential gross domestic product due to increased trade imbalances;

"(iv) on import costs and wealth transfers during oil shocks;

"(v) on macroeconomic dislocation and adjustment costs during oil shocks;

"(vi) on the cost of existing energy security policies, including the management of the Strategic Petroleum Reserve;

"(vii) on the timing and severity of the oil peaking problem;

"(viii) on the risk, probability, size, and duration of oil supply disruptions;

"(ix) on OPEC strategic behavior and long-run oil pricing;

"(x) on the short term elasticity of energy demand and the magnitude of price increases resulting from a supply shock;

"(xi) on oil imports, military costs, and related security costs, including intelligence, homeland security, sea lane security and infrastructure, and other military activities;

"(xii) on oil imports, diplomatic and foreign policy flexibility, and connections to geopolitical strife, terrorism, and international development activities;

"(xiii) all relevant environmental hazards under the jurisdiction of the Environmental Protection Agency; and

"(xiv) on well-to-wheels urban and local air emissions of 'pollutants' and their uninternalized costs;

"(F) the impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases;

"(G) the impact of United States payments for oil imports on political, economic, and military developments in unstable or unfriendly oil exporting countries;

"(H) the uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage; and

"(I) additional relevant factors, as determined by the Secretary.

"(6) When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation may not use a value less than the greatest of—

"(A) the average national cost of a gallon of gasoline sold in the United States during the 12-month period ending on the date on which the new fuel economy standard is proposed;

"(B) the most recent weekly estimate by the Energy Information Administration of the Department of Energy of the average national cost of a gallon of gasoline (all grades) sold in the United States; or

"(C) the gasoline prices projected by the Energy Information Administration for the 20-year period beginning in the year following the year in which the standards are established.

"(7) In prescribing standards under this subsection, the Secretary may prescribe standards for 1 or more model years.

"(8)(A) Not later than December 31, 2016, the Secretary of Transportation, the Secretary of Energy, and the Administrator of the Environmental Protection Agency shall submit a joint report to Congress on the state of global automotive efficiency technology development, and on the accuracy of tests used to measure fuel economy of automobiles under section 32904(c), utilizing the study and assessment of the National Academy of Sciences referred to in subparagraph (B).

"(B) The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the technological opportunities to enhance fuel economy and an analysis and assessment of the accuracy of fuel economy tests used by the Administrator of the Environmental Protection Agency to measure fuel economy for each model under section 32904(c). Such analysis and assessment shall identify any additional factors or methods that should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles. The Secretary and the Administrator of the Environmental Protection Agency shall furnish, at the request of the Academy, any information which the Academy determines to be necessary to conduct the study, analysis, and assessment under this subparagraph.

"(C) The report submitted under subparagraph (A) shall include—

"(i) the study of the National Academy of Sciences referred to in subparagraph (B); and

"(ii) an assessment by the Secretary of technological opportunities to enhance fuel economy and opportunities to increase overall fleet safety.

"(D) The report submitted under subparagraph (A) shall identify and examine additional opportunities to reform the regulatory structure under this chapter, including approaches that seek to merge vehicle and fuel requirements into a single system that achieves equal or greater reduction in petroleum use and environmental benefits.

"(E) The report submitted under subparagraph (A) shall—

"(i) include conclusions reached by the Administrator of the Environmental Protection Agency, as a result of detailed analysis and public comment, on the accuracy of current fuel economy tests;

"(ii) identify any additional factors that the Administrator determines should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles; and

"(iii) include a description of options, formulated by the Secretary and the Administrator, to incorporate such additional factors in fuel economy tests in a manner that will not effectively increase or decrease average fuel economy for any automobile manufacturer.

"(F) There is authorized to be appropriated to the Secretary such amounts as are required to carry out the study, analysis, and assessment required by subparagraph (B)."; and

(4) in subsection (g)(2), by striking "(and submit the amendment to Congress when required under subsection (c)(2) of this section)".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended—

(A) in section 32903—

(i) by striking "passenger" each place it appears;

(ii) by striking "section 32902(b)–(d) of this title" each place it appears and inserting "subsection (c) or (d) of section 32902";

(iii) by striking subsection (e); and

(iv) by redesignating subsection (f) as subsection (e); and

(B) in section 32904(a)—

(i) by striking "passenger" each place it appears; and

(ii) in paragraph (1), by striking "subject to" and all that follows through "section 32902(b)–(d) of this title" and inserting "subsection (c) or (d) of section 32902".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to automobiles manufactured after model year 2011.

SEC. 9. CREDIT TRADING AND COMPLIANCE.

(a) CREDIT TRADING.—Section 32903(a) of title 49, United States Code, is amended—

(1) by inserting "Credits earned by a manufacturer under this section may be sold to any other manufacturer and used as if earned by that manufacturer; except that credits earned by a manufacturer described in section 32904(b)(1)(A)(i) may not be sold to or purchased by a manufacturer described in 32904(b)(1)(A)(ii)," after "earns credits."; and

(2) by striking "3 consecutive model years immediately" each place it appears and inserting "model years".

(b) TREATMENT OF IMPORTS.—

(1) CONFORMING AMENDMENT.—Section 32904(b) is amended by striking "passenger" each place it appears.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to automobiles manufactured after model year 2011.

(c) MULTI-YEAR COMPLIANCE PERIOD.—Section 32904(c) of such title is amended—

(1) by inserting "(1)" before "The Administrator"; and

(2) by adding at the end the following:

"(2) The Secretary, by rule, may allow a manufacturer to elect a multi-year compliance period of not more than 4 consecutive model years in lieu of the single model year compliance period otherwise applicable under this chapter.".

SEC. 10. CONSUMER TAX CREDIT.

(a) ELIMINATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN BURN TECHNOLOGY VEHICLES ELIGIBLE FOR ALTERNATIVE MOTOR VEHICLE CREDIT.—

(1) IN GENERAL.—Section 30B of the Internal Revenue Code of 1986 is amended—

(A) by striking subsection (f); and

(B) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Paragraphs (4) and (6) of section 30B(h) of such Code are each amended by striking "(determined without regard to subsection (g))" and inserting "determined without regard to subsection (f))".

(B) Section 38(b)(25) of such Code is amended by striking "section 30B(g)(1)" and inserting "section 30B(f)(1)".

(C) Section 55(c)(2) of such Code is amended by striking "section 30B(g)(2)" and inserting "section 30B(f)(2)".

(D) Section 1016(a)(36) of such Code is amended by striking "section 30B(h)(4)" and inserting "section 30B(g)(4)".

(E) Section 6501(m) of such Code is amended by striking "section 30B(h)(9)" and inserting "section 30B(g)(9)".

(b) EXTENSION OF ALTERNATIVE VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES.—Paragraph (3) of section 30B(i) of such Code (as redesignated by subsection (a)) is amended by striking "December 31, 2009" and inserting "December 31, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

SEC. 11. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal

Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

"SEC. 30D. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

"(a) Credit Allowed.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of the qualified investment of an eligible taxpayer for such taxable year.

"(b) Qualified Investment.—For purposes of this section—

"(1) In general.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

"(A) to re-equip, expand, or establish any manufacturing facility in the United States of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

"(B) for engineering integration performed in the United States of such vehicles and components as described in subsection (d),

"(C) for research and development performed in the United States related to advanced technology motor vehicles and eligible components, and

"(D) for employee retraining with respect to the manufacturing of such vehicles or components (determined without regard to wages or salaries of such retrained employees).

"(2) Attribution rules.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

"(c) Definitions.—In this section:

"(1) Advanced technology motor vehicle.—The term 'advanced technology motor vehicle' means—

"(A) any qualified electric vehicle (as defined in section 30(c)(1)),

"(B) any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)),

"(C) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)),

"(D) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating),

"(E) any new qualified alternative fuel motor vehicle (as defined in section 30B(e)(4), including any mixed-fuel vehicle (as defined in section 30B(e)(5)(B)), and

"(F) any other motor vehicle using electric drive transportation technology (as defined in paragraph (3))..

"(2) Electric drive transportation technology.—The term 'electric drive transportation technology' means technology used by vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, such as battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, and plug-in hybrid fuel cell vehicles.

"(3) Eligible components.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

"(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

"(i) electric motor or generator;

"(ii) power split device;

"(iii) power control unit;

"(iv) power controls;

"(v) integrated starter generator; or

"(vi) battery;

"(B) with respect to any hydraulic new qualified hybrid motor vehicle—

"(i) accumulator or other energy storage device;

"(ii) hydraulic pump;

"(iii) hydraulic pump-motor assembly;

"(iv) power control unit; and

"(v) power controls;

"(C) with respect to any new advanced lean burn technology motor vehicle—

"(i) diesel engine;

"(ii) turbo charger;

"(iii) fuel injection system; or

"(iv) after-treatment system, such as a particle filter or NOx absorber; and

"(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

"(4) Eligible taxpayer.—The term 'eligible taxpayer' means any taxpayer if more than 20 percent of the taxpayer's gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

"(d) Engineering Integration Costs.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

"(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

"(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

"(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

"(4) validating functionality and performance of components and subsystems for a specific vehicle application.

"(e) Limitation Based on Amount of Tax.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(1) the sum of—

"(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

"(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

"(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

"(f) Reduction in Basis.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(g) No Double Benefit.—

"(1) Coordination with other deductions and credits.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

"(2) Research and development costs.—

"(A) In general.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

"(B) Costs taken into account in determining base period research expenses.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

"(h) Business Carryovers Allowed.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (e) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback to each of the 15 taxable years immediately preceding the unused credit year and as a carryforward to each of the 20 taxable years immediately following the unused credit year.

"(i) Special Rules.—For purposes of this section, rules similar to the rules of section 179A(e)(4) and paragraphs (1) and (2) of section 41(f) shall apply

"(j) Election Not to Take Credit.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

"(k) Regulations.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(l) Termination.—This section shall not apply to any qualified investment after December 31, 2010.".

(b) Conforming Amendments.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30D(g).".

(2) Section 6501(m) of such Code is amended by inserting "30D(k)," after "30C(e)(5),".

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

"Sec. 30D. Advanced technology motor vehicles manufacturing credit.".

(c) Effective Date.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 1999.

By Mr. HARKIN (for himself and Mr. Lugar):

S. 4003. A bill to require the Secretary of Energy to award funds to study the feasibility of constructing 1 or more dedicated ethanol pipelines to increase the energy, economic, and environmental security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HARKIN. Mr. President, today I am introducing the Ethanol Infrastructure Expansion Act of 2006. This bill directs the Department of Energy, DOE, to study and evaluate the feasibility of transporting ethanol by pipeline. I am pleased that my colleague, Senator Lugar of Indiana, is joining me as a cosponsor of this bill.

There is broad recognition that we need to reduce our almost-complete dependence on oil for energy in our transportation sector. We also understand that there is not a single, simple solution to this dependence. I believe that we need to use energy more efficiently and promote alternatives to oil-based fuels in transportation.

The most promising liquid fuel alternative to conventional gasoline today is ethanol. Use of ethanol as an additive in gasoline and in the form of E85 is expanding rapidly, and for good reasons. First of all, as a domestically-produced fuel, ethanol contributes to our national energy security. As a gasoline additive, ethanol provides air quality benefits by reducing auto tailpipe emissions of air pollutants. Because ethanol is biodegradable, its use poses no threat to surface water or groundwater. Finally, the production of ethanol provides national and regional economic and job-growth benefits by using local resources and labor to contribute to critical national transportation energy needs,

My Congressional colleagues and I have recognized the benefits and potential of ethanol and have promoted its expanded production and use in numerous bills, including most recently in the 2005 energy bill. A key provision in that legislation is the renewable fuels standard under which motor vehicle fuel sold in the United States is required to contain increasing levels of renewable fuels. Several other provisions promote the production and use of ethanol from cellulose, which is an especially attractive approach because it enables the use of a broad variety of plentiful and low-cost feedstocks including corn stover, wheat straw, forest industry wastes and woody municipal wastes.

The benefits of ethanol are reflected in the rapid expansion of its production and use, which has increased by more than 20 percent annually for the past several years. Moreover, ethanol's longer-term potential to become a very significant energy source for transportation also is gaining attention. A number of studies have concluded that ethanol can contribute 20 to 30 percent or more of our transportation fuel in the future. Several of my Senate colleagues joined me to introduce S. 2817, the Biofuels Security Act of 2006 which calls for domestic production and use of renewable fuels to reach 60 billion gallons a year by 2030. I am especially proud of the leadership role that my State of Iowa and the neighboring states of the Midwest are going to play in this expansion.

Given this outlook, it is time for us to consider the full implications of such a transition. One issue that deserves prompt attention is that of ethanol transport. The volumes of ethanol to be shipped in the future strongly suggest that pipeline transport should be evaluated because of the potential economic and environmental advantages that alternative might offer as compared to shipment by highway, rail tanker or barge. As production volumes increase, especially in the Midwest, it is likely to be more economical to pump ethanol through pipelines than to ship it in containers across the country. Pipeline shipping also would reduce the vehicle emissions associated with rail or tanker shipment, as well as being more energy efficient.

For all of these reasons, we should begin to consider development of an ethanol pipeline network. Given the pace of ethanol's growth, it is likely that our Nation could begin to benefit from pipeline transport of ethanol as early as the 2015 to 2020 timeframe. The current state of knowledge regarding transport of ethanol by pipeline is limited. However, it is being done in Brazil, a world leader in the production and use of ethanol. Still, it is also known that the water solubility of ethanol introduces technical and operational issues bearing on shipment of ethanol in multi-product pipelines. Thus, the planning, siting, design, financing, permitting and construction of the first ethanol pipelines may well take as long as a decade, perhaps longer. For that reason, we need to begin now to develop a better understanding of this ethanol transport option.

This bill initiates that process by directing the Department of Energy to conduct ethanol pipeline feasibility studies. It calls for analyses of the technological, economic, regulatory, financial and siting issues related to transporting ethanol via pipelines. A systematic analysis of these ethanol pipeline issues will provide the substantive information necessary for assessing the costs and benefits of this transport alternative. DOE would either fund private sector studies or conduct the studies on its own. The results of these studies will provide a clearer picture of the benefits and challenges of pipeline transport of ethanol. They will provide critical information, both for the ethanol industry as it contemplates ethanol transport alternatives, and for policy-makers seeking to understand what federal policies or programs might be appropriate to promote the most cost-effective and environmentally sound ethanol transportation in the future.

We have broad agreement on the need to do all that we can to reduce our dependence on oil. We are promoting expanding production and use of renewable fuels in many ways, but we need to consider the full range of infrastructure issues that broader ethanol use entails. Because of the rapid growth of ethanol production and use, these studies of pipeline transport of ethanol should be undertaken in the very near future. I urge my Senate colleagues to join me in passing this important and timely legislation.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 4004. A bill to suspend temporarily the duty on certain structures, parts, and components for use in an isotopic separation facility in southern Ohio; to the Committee on Finance.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4004

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN STRUCTURES, PARTS, AND COMPONENTS FOR USE IN AN ISOTOPIC SEPARATION FACILITY IN SOUTHERN OHIO.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.13.75	Certain structures, parts, and components for use in an isotopic separation facility (isotopic separation equipment) consisting of cold boxes, feed ovens, and feed purification systems, including their associated cooling systems, control systems, weighing systems, and cylinder handling systems, for the construction of an isotopic separation facility in southern Ohio known as the "American Centrifuge Plant" (provided for in subheading 8401.20.00).	Free	No change	No change	On or before 12/31/2009	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. DOMENICI:

S. 4007. A bill to authorize the Secretary of the Interior to conduct feasibility studies to identify opportunities to increase the surface flows of the Rio Grande, Canadian, and Pecos Rivers in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, monsoons this summer provided New Mexico with a brief reprieve from drought conditions that have persisted in some areas of New Mexico since 2000. We would be remiss to let our recent good fortune influence our long-term water planning. July and August this year were the wettest July and August in the past 112 years. Clearly, we cannot assume these events will become commonplace. For this reason, we must take steps to ensure we are prepared for future droughts and increasing competition for limited water supplies.

Despite summer rains, many reservoirs are still far below historical averages. According to recent reservoir data, Heron and El Vado Reservoirs on the Chama River are 71 percent and 56 percent of average, respectively; Conchas Reservoir on the Canadian River is 50 percent of average; and Elephant Butte Reservoir on the Rio Grande is 27 percent of average. Moreover, because storage in Elephant Butte Reservoir has not reached 400,000 acre feet, the Rio Grande Compact imposes restrictions on New Mexico's ability to store water in reservoirs on the Rio Grande and Chama Rivers. As such, recent rains have not contributed significantly to storage on those rivers.

The water crisis we were facing prior to the summer rains led many to question how we will allocate this finite resource among numerous and competing needs. As witnessed on the Klamath River and the Rio Grande in New Mexico, water shortages often result in litigation that pits municipalities, agricultural producers, industry, Indians, and the environmental community against one another. In order to avoid such crises in New Mexico, the United States Congress has appropriated enormous sums in order to ensure that existing uses are not curtailed. However, unless new sources of water are found, future conflict over water is inevitable.

Recent conditions illustrate the need for us to look for ways to supplement flows of the most severely impacted regions in order to stave off the hardships and conflict that result from lean water years. It is my sincere hope that record-breaking rains this summer will not breed complacency. The bill I introduce today would authorize the United States Bureau of Reclamation to investigate ways to increase the flows of the Rio Grande, Pecos and Canadian Rivers, the three rivers that have been most devastated by long-term drought. While little can be done to increase rainfall, it is my belief that this bill will help us begin to better understand ways to increase the flows of these rivers to help mitigate the damaging effects that drought imposes on the municipalities, agricultural producers, industries and endangered species that depend on the water these rivers provide.

I thank Representative HEATHER WILSON for introducing a companion measure in the House of Representatives.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Mexico Rivers Feasibility Studies Act of 2006".

SEC. 2. RIO GRANDE, CANADIAN, AND PECOS RIVERS FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this Act as the "Secretary"), in coordination with the State of New Mexico, shall, in accordance with this Act and any other applicable law, conduct feasibility studies to identify opportunities to increase the surface flows of the Rio Grande, Canadian, and Pecos Rivers in the State of New Mexico.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the feasibility studies conducted under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this Act $3,000,000.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 4008. A bill to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President. I would like to bring to the attention of the Senate a problem faced by communities in eastern New Mexico illustrative of a greater problem that will ultimately be encountered by all who depend on the Ogallala Aquifer for their water. This includes communities in New Mexico, Texas, Oklahoma, Kansas, Colorado, Nebraska, Wyoming and South Dakota. At one time, the Aquifer contained roughly the same amount of water as Lake Huron. After 65 years of mining, we are now faced with the reality that the water contained in the Ogallala Aquifer has been significantly depleted and continues to be drawn down at an alarming rate.

Many on the periphery of the Aquifer, including much of eastern New Mexico, parts of Kansas and Oklahoma have been forced to drill new wells in order to supplement existing wells that are producing water at a fraction of the volume of several decades ago. This problem is not limited to those communities overlying the Ogallala. Many other regions entirely reliant on groundwater face a similar problem. As is the case with the communities in eastern New Mexico, when the wells run dry, the only alternative for many is to ship water from long distances. In many instances, this is a very expensive proposition that exceeds the capacity of rural communities' ability to pay.

In order to address the want of a sustainable water supply in eastern New Mexico, I introduce today the Eastern New Mexico Rural Water System Act of 2006. The bill would authorize the United States Bureau of Reclamation to provide financial assistance to the Eastern New Mexico Rural Water Authority, at a 75 percent Federal cost-share, to construct a pipeline from Ute Reservoir to communities in eastern New Mexico. This project would provide them with a renewable source of water for years to come. Presently, it is unclear how many years the groundwater resources on which they rely will be available.

The communities which make up the Eastern New Mexico Rural Water Authority are due a great deal of credit for initiating engineering studies, project financing studies, and seeking support for the project from local, Federal and State governments. However, it would be misleading to suggest that securing appropriations for this or similar pipelines would be easy or that the funds will be available any time soon. The current budget of the United States Bureau of Reclamation simply cannot accommodate the large sums of money that this or other water supply projects would require. As Chairman of the Energy and Water Development Appropriations Subcommittee, I am acutely aware of this fact and I have made this clear to the communities that would benefit from the pipeline authorized by the bill that I introduce today. However, I remain committed to advocate for the need to dedicate substantially more of the national budget to this and other western water issues with Congress and the Administration. In the interim, it is my hope that we can begin the long and difficult process of moving this bill through the Federal legislature. The members of the Eastern New Mexico Rural Water Authority fully appreciate the difficulties that lie ahead.

The problem faced by eastern New Mexico communities will become commonplace as groundwater supplies are exhausted. Approximately half of the population of the United States depends on aquifers for their domestic water needs. In the coming years, the United States Congress will have to provide succor to similar communities who have no alternative than to seek assistance from the Federal Government. Commensurate with this need for assistance, Congress will also have to make budgetary decisions that take into account this widespread problem. We would be remiss in our duties to let these communities simply dryup.

I thank Senator BINGAMAN, my friend and colleague for the past 23 years and ranking member of the Energy and Natural Resources Committee for cosponsoring this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eastern New Mexico Rural Water System Act of 2006".

SEC. 2. DEFINITIONS.

In this Act:

(1) AUTHORITY.—The term "Authority" means the Eastern New Mexico Rural Water Authority, an entity formed under State law for the purposes of planning, financing, developing, and operating the System.

(2) PLAN.—The term "plan" means the operation, maintenance, and replacement plan required by section 4(b).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of New Mexico.

(5) SYSTEM.—

(A) IN GENERAL.—The term "System" means the Eastern New Mexico Rural Water System, a water delivery project designed to deliver approximately 16,500 acre-feet of water per year from the Ute Reservoir to the cities of Clovis, Elida, Grady, Melrose, Portales, and Texico and other locations in Curry and Roosevelt Counties in the State.

(B) INCLUSIONS.—The term "System" includes—

(i) the intake structure at Ute Reservoir;

(ii) a water treatment, administration, and maintenance facility with—

(I) a 30,000,000 gallon per day average peak capacity; and

(II) a 15,000,000 gallon per day average capacity;

(iii) approximately 155 miles of transmission and lateral pipelines and tunnels that range in size from 4 to 60 inches in diameter;

(iv) 3 pumping stations, including—

(I) a raw water pump station at Ute Reservoir;

(II) a booster pump station at the "Caprock" escarpment; and

(III) a booster pump station to Elida; and

(v) any associated appurtenances.

(6) UTE RESERVOIR.—The term "Ute Reservoir" means the impoundment of water created in 1962 by the construction of the Ute Dam on the Canadian River, located approximately 32 miles upstream of the border between New Mexico and Texas.

SEC. 3. EASTERN NEW MEXICO RURAL WATER SYSTEM.

(a) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide financial and technical assistance to the Authority to assist in planning, designing, conducting related preconstruction activities for, and constructing the System.

(2) USE.—

(A) IN GENERAL.—Any financial assistance provided under paragraph (1) shall be obligated and expended only in accordance with a cooperative agreement entered into under section 5(a)(2).

(B) LIMITATIONS.—Financial assistance provided under paragraph (1) shall not be used—

(i) for any activity that is inconsistent with constructing the System; or

(ii) to plan or construct facilities used to supply irrigation water for agricultural purposes.

(b) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this Act shall be not more than 75 percent of the total cost of the System.

(2) SYSTEM DEVELOPMENT COSTS.—For purposes of paragraph (1), the total cost of the System shall include any costs incurred by the Authority on or after October 1, 2003, for the development of the System.

(c) LIMITATION.—No amounts made available under this Act may be used for the construction of the System until—

(1) a plan is developed under section 4(b); and

(2) the Secretary and the Authority have complied with any requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to the System.

(d) TITLE TO PROJECT WORKS.—Title to the infrastructure of the System shall be held by the Authority or as may otherwise be specified under State law.

SEC. 4. OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.

(a) IN GENERAL.—The Authority shall be responsible for the annual operation, maintenance, and replacement costs associated with the System.

(b) OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.—The Authority, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan that establishes the rates and fees for beneficiaries of the System in the amount necessary to ensure that the System is properly maintained and capable of delivering approximately 16,500 acre-feet of water per year.

SEC. 5. ADMINISTRATIVE PROVISIONS.

(a) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out this Act.

(2) COOPERATIVE AGREEMENT FOR PROVISION OF FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Authority to provide financial assistance or any other assistance requested by the Authority for planning, design, related preconstruction activities, and construction of the System.

(B) REQUIREMENTS.—The cooperative agreement entered into under subparagraph (A) shall, at a minimum, specify the responsibilities of the Secretary and the Authority with respect to—

(i) ensuring that the cost-share requirements established by section 3(b) are met;

(ii) completing the planning and final design of the System;

(iii) any environmental and cultural resource compliance activities required for the System; and

(iv) the construction of the System.

(b) TECHNICAL ASSISTANCE.—At the request of the Authority, the Secretary may provide to the Authority any technical assistance that is necessary to assist the Authority in planning, designing, constructing, and operating the System.

(c) BIOLOGICAL ASSESSMENT.—The Secretary shall consult with the New Mexico Interstate Stream Commission and the Authority in preparing any biological assessment under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that may be required for planning and constructing the System.

(d) EFFECT.—Nothing in this Act—

(1) affects or preempts—

(A) State water law; or

(B) an interstate compact relating to the allocation of water; or

(2) confers on any non-Federal entity the ability to exercise any Federal rights to—

(A) the water of a stream; or

(B) any groundwater resource.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

(b) NONREIMBURSABLE AMOUNTS.—Amounts made available to the Authority in accordance with the cost-sharing requirement under section 3(b) shall be nonreimbursable and nonreturnable to the United States.

(c) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds appropriated pursuant to this Act shall be retained for use in future fiscal years consistent with this Act.

Mr. BINGAMAN. Mr. President, I am pleased to be co-sponsoring a bill which Senator DOMENICI and I are introducing today, that would authorize the Bureau of Reclamation to help communities in eastern New Mexico develop the Eastern New Mexico Rural Water System (ENMRWS). The water supply and long-term security to be made available by this project is absolutely critical to the region's future. I look forward to working with my colleagues here in the Senate to help make this project a reality.

This bill is very similar to a bill I introduced in June 2004 which was the subject of a hearing before the Water & Power Subcommittee of the Energy & Natural Resources Committee. At that hearing, the Bureau of Reclamation raised a number of issues that needed to be addressed by the Project sponsors prior to securing Reclamation's support. I'm happy to say that the sponsors have worked diligently to address those issues, and it is time, once again, to move this project towards authorization. I realize that there is little time left in the 109th Congress. Nonetheless, introduction of this bill now is important to ensure an ongoing dialogue with the Bureau of Reclamation and maintain progress as we head towards the 110th Congress.

The source of water for the ENMRWS is Ute Reservoir, a facility constructed by the State of New Mexico in the early 1960s. In 1966, Congress authorized Reclamation to study the feasibility of a project that would utilize Ute Reservoir to supply water to communities in eastern New Mexico (P.L. 89-561). Numerous studies were subsequently completed, but it was not until the late 1990s that several communities, concerned about their reliance on declining and degraded groundwater supplies in the area, began to plan seriously for the development of a regional water system that would make use of the renewable supply available from Ute Reservoir.

As part of that process, the Eastern New Mexico Rural Water Authority was formed to carry out the development of the ENMRWS. The Authority consists of 6 communities and 2 counties in eastern New Mexico, and has been very effective in securing local funds and State funding to support the studies and planning necessary to move the project forward. To date, the State of New Mexico has provided over $4 million to help develop the ENMRWS.

This is a very important bill to the citizens of New Mexico. It has the broad support of the communities in the region as well as financial support from the State of New Mexico. There is no question that completion of the ENMRWS will provide communities in Curry and Roosevelt counties with a long-term renewable source of water that is needed to sustain current economic activity and support future growth and development in the region. I hope my colleagues will support this legislation, thereby helping to address pressing water needs in the rural West.

By Mr. MENENDEZ:

S. 4009. A bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes; to the Committee on the Judiciary.

Mr. MENENDEZ. Mr. President, I rise today to introduce legislation designed to protect the most vulnerable members of our society, our children, from environmental pollution. We are well aware that children are especially susceptible to toxins in the environment—they spend a good deal of time playing outside, and frequently put foreign objects into their mouths. In proportion to their body weight, they eat, drink, and breathe more than adults, meaning concentrations of pollutants that might not affect adults could have serious consequences for children. Furthermore, many of their physiological systems are still developing, making them particularly sensitive to pollutants.

I believe that our environmental laws need to first and foremost protect the most vulnerable members of our society. Unfortunately, many of our statutes are designed with adults in mind, and may not adequately protect children. In addition, there have been a number of recent reports in New Jersey about schools and day care centers being built on contaminated sites. One site in particular, the Kiddie Kollege day care center in Franklin Township, NJ, was operating at the site of a former thermometer factory, exposing the children and employees to dangerous levels of mercury. Sadly, there was no requirement for the property to be tested for environmental contamination prior to opening as a day care center. Subsequently, we have learned about a number of day care centers either built on or adjacent to sites contaminated with volatile organic chemicals and other toxins.

That is why I am introducing this legislation today. The Environmental Protection for Children Act would create a grant program that encourages States to enact laws ensuring that properties are tested for pollution before a new day care center or school is allowed to open. The grants could be used for the testing and cleanup of existing schools and day care centers as well. Furthermore, this bill tightens the Federal programs that regulate hazardous chemicals and environmental pollutants—the Toxic Substances Control Act, Superfund law, Toxic Release Inventory, and Federal Hazardous Substances Act—so that the vulnerability of children to toxins and pollutants is taken into account when public health standards are being developed. It also provides for more research into the specific vulnerabilities of children to environmental pollutants, since in many cases we don't know how much additional risk children are under.

We as a Nation have assiduously acted to protect our children from many of the dangers that they face every day, but we have dropped the ball when it comes to making sure that the places where they spend their days are free from contamination. The Environmental Protection for Children Act will help fix that, and I urge my colleagues to join me in support of this important piece of legislation.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 4013. A bill to amend the Internal Revenue Code of 1986 to expand the resources eligible for the renewable energy credit to kinetic hydropower, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise to introduce a bill that will further our Nation's energy independence, and provide for sustainable electricity generation. This bill, which is cosponsored by my colleague from Oregon Senator WYDEN, will make facilities that generate electricity using kinetic hydropower eligible for a production tax credit.

Under this bill, kinetic hydropower is defined as: ocean free flowing water derived from flows from tidal currents, ocean currents, waves, or estuary currents; ocean thermal energy; or free flowing water in rivers, lakes, manmade channels, or streams.

These innovative technologies are renewable, non-emitting resources that can help meet our Nation's growing demand for electricity. In Oregon, it would be possible to produce and transmit over two hundred megawatts of wave energy without any upgrades to the existing transmission system on the coast. Already a number of preliminary permits have been filed at the Federal Energy Regulatory Commission for wave energy facilities off the Oregon coast.

These facilities would be virtually invisible from shore, and could provide predictable generation that could be easily integrated with other electricity resources. In addition, according to a January 2005 report issued by the Electric Power Research Institute, "with proper siting, converting ocean wave energy to electricity is believed to be one of the most environmentally benign ways to generate electricity."

As with many emerging renewable technologies, wave and tidal energy are more costly than traditional generation using fossil fuels. Yet, for our environment and our energy security, we must provide incentives that will encourage the development and commercialization of these resources.

I urge my colleagues to support this important legislation, and to provide this production tax credit.

By Mr. LUGAR (for himself, Mr. FRIST, Mr. BIDEN, Mr. SMITH, and Mr. McCAIN):

S. 4014. A bill to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of Albania, Croatia, Georgia, and Macedonia to NATO, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to introduce the "NATO Freedom Consolidation Act of 2006. I am pleased that the Majority Leader, Senator FRIST, Senator BIDEN, and Senator SMITH have joined me in proposing this important legislation.

The goal of this bill is to reaffirm United States support for continued enlargement of NATO to democracies that are able and willing to meet the responsibilities of membership. In particular, the legislation calls for the timely admission of Albania, Croatia, Georgia, and Macedonia to NATO and authorizes security assistance for these countries in Fiscal Year 2007. Each of these countries has clearly stated its desire to join NATO and is working hard to meet the specified requirements for membership. The bill also affirms that the United States stands ready to consider, and if all applicable criteria are satisfied, to support efforts by Ukraine to join NATO, should Ukraine decide that it wishes to meet the responsibilities of membership in the Alliance.

I believe that eventual NATO membership for these four countries would be a success for Europe, NATO, and the United States by continuing to extend the zone of peace and security. Albania, Croatia, and Macedonia have been making progress on reforms through their participation in the NATO Membership Action Plan since 2002. Unfortunately, Georgia has not yet been granted a Membership Action Plan but nevertheless has made remarkable progress. This legislation will provide important incentives and assistance to the countries to continue the implementation of democratic, defense, and economic reforms.

Since the end of the Cold War, NATO has been evolving to meet the new security needs of the 21st century. In this era, the threats to NATO members are transnational and far from its geographic borders. There is strong support among members for NATO's operation in Afghanistan, and for its training mission in Iraq. NATO's viability as an effective defense and security alliance depends on flexible, creative leadership, as well as the willingness of members to improve capabilities and address common threats.

If NATO is to continue to be the preeminent security Alliance and serve the defense interests of its membership, it must continue to evolve and that evolution must include enlargement. Potential NATO membership motivates emerging democracies to make important advances in areas such as the rule of law and civil society. A closer relationship with NATO will promote these values and contribute to our mutual security. Georgia is a young democracy that has made tremendous progress since the "Rose Revolution." It is situated in a critical geostrategic location and his host to a large portion of the Baku-Tbilisi-Ceyhan pipeline that carries important energy resources to the West from Azerbaijan and, in the future, Kazakhstan. Georgia is resisting pressure from breakaway republics backed by Moscow. In the past, border disputes have been identified as reasons a country may not be invited to join NATO. But in this case, Russia's action, not Georgia's, is frustrating Tbilisi's NATO aspirations.

Three years ago, the United States Senate unanimously voted to invite seven countries to join NATO. Today, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia are making significant contributions to NATO and are among our closest allies in the global war on terrorism. It is time again for the United States to take the lead in urging its allies to bring in new members, and to offer timely admission of Albania, Croatia, Georgia, and Macedonia to NATO.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 4017. A bill to provide for an appeals process for hospital wage index classification under the Medicare program, and for other purposes; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce with Senator SANTORUM the Hospital Payment Improvement and Equity Act, which will provide an increased reimbursement for acute care hospitals and inpatient rehabilitation facilities that are disadvantaged by Medicare payments under the Medicare area wage index reclassification system.

For a considerable period of time, there have been a number of counties in Pennsylvania that have been suffering from low Medicare reimbursements, which has caused them great disadvantage because their nurses, and other medical personnel are moving to surrounding areas. I refer specifically to Luzerne County, Lackawanna County, Wyoming County, Lycoming County, and Columbia County in northeastern Pennsylvania. Those counties are surrounded by MSAs, metropolitan statistical areas, in Newport, NY, to the north; in Allentown to the southeast; and the Harrisburg MSA to the southwest. As these counties are surrounded by MSAs with higher Medicare reimbursements, a flight of very necessary medical personnel has occurred. More recently, western Pennsylvania has been faced with Medicare reimbursement that has not kept pace with the rising cost of healthcare placing a tremendous burden on these facilities to provide good jobs at competitive wages.

It has also come to my attention that inpatient rehabilitation facilities are not provided an opportunity to obtain equitable Medicare reimbursement. Inpatient rehabilitation facilities receive adjustments in their Medicare reimbursement due to geographic disadvantages within the Medicare inpatient prospective payment system. This is based on information gathered from other acute care facilities in the MSA, not from their own wage information. Inpatient Rehabilitation Facilities, further, cannot apply for reclassification to another MSA that reflects their labor costs. This has prevented those facilities from being eligible for increased funding to assist with wages like acute care facilities, while being forced to compete for employees with those facilities that have had access to increased funding.

I have worked to find a solution to this problem for a number of years. During the conference for the fiscal year 2002 Labor, Health and Human Services, and Education Appropriations bill, the conferees agreed that there should be relief for these areas in Pennsylvania that were surrounded by areas that had higher MSA ratings. However, at the last minute, there was an objection to including language in the conference report.

To correct this problem I, with Representatives SHERWOOD and ENGLISH, brought the matter forward in the Fiscal Year 2002 Supplemental Appropriations bill. They worked to include language in the House version of the bill and I filed an amendment to the Senate bill. During conference negotiations my amendment was defeated and the provisions were not included.

As part the Fiscal Year 2004 Labor, Health and Human Services, and Education Appropriations, I provided $7 million for hospitals in Northeast Pennsylvania that continued to be disadvantaged by the Medicare area wage index reclassification. This was provided as temporary assistance for those facilities.

During the consideration of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, I met with Finance Chairman GRASSLEY and Ranking Member BAUCUS about the bill provisions, including the need for a solution to the Medicare area wage index reclassification problem in Pennsylvania. As a result, Section 508 was included in the bill, which provides increased funding for hospitals nationally to be reclassified to locations with higher Medicare reimbursement rates for three years at $300 million per year. The temporary program, which began in April 2004 and will expire April 2007, has and will provide Pennsylvania hospitals $69 million over that time, $23 million per year.

Most recently, as part of the Senate Fiscal Year 2007 Labor, Health and Human Services, and Education Appropriations bill, I provided $4.3 million for hospitals in the Scranton/Wilkes-Barre and Williamsport areas that have been harmed by the ongoing wage index problem. Further, on June 14, 2006, 20 other Senators joined me in sending a letter to Finance Chairman GRASSLEY and Ranking Member BAUCUS in support of Senate action to extend Section 508.

As the Section 508 program is scheduled to expire on March 31, 2007, and the low Medicare area wage index reimbursement is still being unfairly placed on many Pennsylvania hospitals, the legislation I am introducing would extend the current Section 508 benefit to those who are currently receiving funding and to those who deserved funds under the previous competition for this funding.

The legislation builds on the Section 508 Medicare Prescription Drug, Improvement, and Modernization Act of 2003, by providing hospitals who continue to be disadvantaged by low Medicare reimbursement an increase in funding. The bill would allow both acute care hospitals and not-for-profit inpatient rehabilitation facilities apply for funding in a similar manner as set up under Section 508. Facilities that meet specific wage and geographic criteria will receive a three year reclassification.

Under the Section 508, program a number of hospitals meet the necessary criteria to receive reclassification, however, inadequate funding of $300 million per year for the program was provided. As a result, 154 additional hospitals did not receive this vital funding. Under this legislation, sufficient funds would be provided to allow all facilities that meet wage and geographic criteria to receive reclassification funding.

To remedy the under-funding of impatient rehabilitation facilities, not for profit facilities will be eligible for funding through this program. If all acute care hospitals in an MSA apply for and receive funding through this program, or have sole community hospital status, or have reclassified to another MSA through another mechanism, then non-profit inpatient rehabilitation facilities in that MSA are eligible. Those rehabilitation facilities will be reclassified to the MSA where a majority of other hospitals from the same MSA have been reclassified.

For those hospitals who received funding under the current Section 508; they will have received the benefit of a higher wage index for three years, April 1 , 2004–March 1, 2007. These higher wages will be included in the hospitals' cost reports and be reflected in the data used to calculate a future wage index. It has always been the hope that this increased funding would enable these hospitals to pay higher wages and subsequently see an increase in the area wage index.

The problem with the wage index system is the use of three year-old audited cost report data for the calculation of the wage index. Therefore, a full year of Section 508 money from fiscal year 2004 will first be seen in the fiscal year 2008 wage index calculation. For hospitals that end their fiscal year on June 30, that wage data will not be included in their wage index calculation until fiscal year 2009. To reclassify, three years of data is needed to show the proper evidence for eligibility. Thus, the full effect of the Section 508 funding will flow through the wage index system by fiscal year 2011. For this reason, additional funding is needed for the next three years in order for these disadvantaged hospitals to continue paying competitive salaries to their employees.

Under Section 508, 121 hospitals have and will receive $900 million in assistance, while this is a significant amount of funding, it did not fix the problem of low Medicare wage reimbursement. A long term solution to this problem is needed, however the current Section 508 funding will expire on March 31, 2007 and additional funding is needed for these facilities while we work to find that solution. The loss of hospitals and jobs due to unfair CMS reimbursement is unacceptable.

The hospitals which face this low Medicare reimbursement are in great financial distress. These are hospitals which are serving an aging population in northeastern Pennsylvania and across the nation. This legislation provides Medicare reimbursement assistance for those facilities and ensures Medicare beneficiaries' access to care. I encourage my colleagues to work with Senator SANTORUM and me to move this legislation forward promptly.

By Mr. WYDEN (for himself, Mr. KERRY, and Mr. OBAMA):

S. 4018. A bill to establish a Vote by Mail grant program; to the Committee on Rules and Administration.

Mr. WYDEN. Mr. President, when many Americans think of voting, they think of long lines, malfunctioning equipment, closed polls, or even worse, fraud. That's why so many Americans don't bother to vote. But in my home State of Oregon, folks vote by mail and these sorts of problems are a thing of the past.

So today I come to the floor to talk about the sorry state of the Nation's election system and discuss my bill, the Vote by Mail Act of 2006.

There is nothing more fundamental than the right to vote. It is the foundation on which our democracy rests. Weaken the right to vote and you weaken America.

It's been almost 6 years since the 2000 Florida hanging chad debacle. And yet, problems with America's election system—and waning confidence in that system—persist.

This year's primary elections were no exception to the rule:

In Montgomery County, MD, polling places opened late because election officials forgot to distribute the access cards necessary to run the voting machines. Voters resorted to filling out provisional ballots and when those ran out, they used photocopied ballots and even scraps of paper.

Next door, in Prince George's County, MD, a handful of errors—computers incorrectly identifying voters' party affiliation, electronic voter registration lists freezing up, and voting machines failing to transmit data—delayed results of a hotly contested election and may result in a lawsuit.

Long lines, a lack of machines at certain polling places, and other irregularities cast a black mark on Ohio's 2004 Presidential election results. Unfortunately, this year's primary elections were also plagued by problems. In Cuyahoga County, Ohio's largest county, thousands of absentee ballots were incorrectly formatted for electronic scanners and had to be counted by hand. And problems with about 10 percent of the paper ballots cast meant that they couldn't be counted at all.

In Cook County, IL, new voting technology created headaches at hundreds of voting sites around the county, which delayed results in a decisive county board race.

And in Tarrant County, TX, voting machines counted ballots as many as six times, which meant that 100,000 more votes were recorded than were actually cast.

These are just a few recent examples of election system snafus that have raised concerns about voting system accuracy and reliability, concerns that have led some states to reconsider their election plans.

Last week, Maryland Governor Robert Ehrlich suggested that the state scrap its new electronic voting system and return to paper ballots. Earlier this year, Governor Bill Richardson of New Mexico got rid of his touch-screen voting machines. Connecticut's Secretary of State did the same. Both states have decided to use paper ballots and optical scanners instead of electronic machines.

But as Florida reminds us, paper isn't perfect either and right now—electronic or paper—you can expect there to be lot of problems come November 7th.

Hopefully, these problems won't affect the outcome of any election. I sure hope they don't. But whether they do or not, the Election Day problems that I expect will plague states and counties around the nation will push voter confidence in our election system further into the basement.

It's too late for Congress to do much of anything to fix the problem before the 2006 elections. But we can do something to make sure these problems don't arise ever again.

So today, along with my esteemed colleagues, Senator JOHN KERRY of Massachusetts and Senator BARACK OBAMA of Illinois, I am introducing the Vote by Mail Act of 2006, a bill that will make Election Day problems a thing of the past and quickly and effectively reinvigorate Americans' confidence in their election system and in their democracy.

The bill creates a three year, $110 million grant program to help interested states adopt vote by mail election systems like the one that Oregon voters have been successfully using for some time now.

It's a pretty simple system. Voters get their ballots in the mail. Wherever and whenever they would like, right up to Election Day, voters complete their ballots and return them.

With vote by mail, polls don't open late.

With vote by mail, there aren't any long lines at the polls.

With vote by mail, there's no more confusion about where you are supposed to vote.

There's no more debate about whether you are on the voting rolls—either you get the ballot in the mail, or you don't. If you don't, you have time to contact your election officials to sort it out.

Vote by mail means almost no chance of voter fraud because trained election officials match the signature on each ballot against the signature on each voter's registration card.

No ballot is processed or counted until everyone is satisfied that the two signatures match.

With vote by mail, you've got a paper trail. Each voter marks up his ballot and sends it in. That ballot is counted and then becomes the paper record used in the event of a recount.

With vote by mail, there's much less risk of voter intimidation. That's why a 2003 study of Oregon voters showed that those groups that would likely be most vulnerable to coercion actually prefer vote by mail.

Vote by mail results in more informed voters. Because folks get their ballots weeks before the election, they have the time they need to get educated about the candidates and the issues, and deliberate in a way not possible at a polling place.

Vote by mail leads to huge election costs savings because it gets rid of the need to transport equipment to polling stations and to hire and train poll workers. Oregon has reduced its election-related costs by 30 percent since implementing vote by mail. I expect that other states that adopt vote by mail will see the same results.

Vote by mail can help make the problems of recent elections a thing of the past. In doing so, it will make our elections fairer and help reinstill faith in our democracy.

Vote by mail works. And that's why Senator Kerry and Senator Obama and I are introducing the Vote by Mail Act of 2006 today.

It gives States funds that they can use to make the transition away from the traditional voting methods that have led to so many problems, so many concerns, and so little confidence in the American election system.

It gives States funds that they can use to adopt Oregon-style vote by mail with the technical assistance and the guidance of the Election Assistance Commission.

I believe that the Vote by Mail Act of 2006 can fix our election system once and for all.

One final point: the Help Americans Vote Act, also know as HAVA, takes important steps to ensure equal access to voting for all Americans. HAVA's protections are particularly important to voters with disabilities, and it is our responsibility to keep building on that foundation. Nothing in this bill undermines or changes those aspects of HAVA that require vote by mail systems to be just as accessible as any other voting method.

While I think Oregon has proven that people with disabilities can benefit from vote by mail, it is important to keep working with the people who know these issues best to make sure the right to vote is protected. And Senator Kerry, Senator Obama, and I look forward to working with disabled and other civil rights organizations, election reform groups, community organizations and the voters themselves to ensure that the Vote by Mail Act of 2006 further promotes access to the polls for individuals with disabilities.

So I urge my colleagues to seriously consider this bill and urge them to support it. Vote by mail has been an enormous success in Oregon. I am sure that other States that adopt it will see the same benefits. This bill helps ensure that States have that opportunity.

I asked for unanimous consent that my statement be printed into the Record and I ask for unanimous consent that the text of the Vote by Mail Act of 2006 be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 4018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vote by Mail Act of 2006".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Supreme Court declared in Reynolds v. Sims that "[i]t has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote . . . and to have their votes counted.".

(2) In the 2000 and 2004 presidential elections, voting technology failures and procedural irregularities deprived some Americans of their fundamental right to vote.

(3) In 2000, faulty punch card ballots and other equipment failures prevented accurate vote counts nationwide. A report by the Caltech/MIT Voting Technology Project estimates that approximately 1,500,000 votes for president were intended to be cast but not counted in the 2000 election because of equipment failures.

(4) In 2004, software errors, malfunctioning electronic voting systems, and long lines at the polls prevented accurate vote counts and prevented some people from voting. For instance, voters at Kenyon College in Gambier, Ohio waited in line for up to 12 hours because there were only 2 machines available for 1,300 voters.

(5) Under the Oregon Vote by Mail system, election officials mail ballots to all registered voters at least 2 weeks before election day. Voters mark their ballots, seal the ballots in both unmarked secrecy envelopes and signed return envelopes, and return the ballots by mail or to secure drop boxes. Once a ballot is received, election officials scan the bar code on the ballot envelope, which brings up the voter's signature on a computer screen. The election official compares the signature on the screen and the signature on the ballot envelope. Only if the signature on the ballot envelope is determined to be authentic is the ballot forwarded on to be counted.

(6) Oregon's Vote by Mail system has resulted in an extremely low rate of voter fraud because the system includes numerous security measures such as the signature authentication system. Potential misconduct is also deterred by the power of the State to punish those who engage in voter fraud with up to five years in prison, $100,000 in fines, and the loss of their vote.

(7) Vote by Mail is one factor making voter turnout in Oregon consistently higher than the average national voter turnout. For example, Oregon experienced a record voting-age-eligible population turnout of 70.6 percent in the 2004 presidential election, compared to 58.4 percent nationally. Oregon's turnout of registered voters for that election was 86.48 percent.

(8) Women, younger voters, and homemakers also report that they vote more often using Vote by Mail.

(9) Vote by Mail reduces election costs by eliminating the need to transport equipment to polling stations and to hire and train poll workers. Oregon has reduced its election-related costs by 30 percent since implementing Vote by Mail.

(10) Vote by Mail allows voters to educate themselves because they receive ballots well before election day, which provides them with ample time to research issues, study ballots, and deliberate in a way that is not possible at a polling place.

(11) Vote by Mail is accurate—at least 2 studies comparing voting technologies show that absentee voting methods,, including Vote by Mail systems, result in a more accurate vote count.

(12) Vote by Mail results in more up-to-date voter rolls, since election officials use forwarding information from the post office to update voter registration.

(13) Vote by Mail allows voters to visually verify that their votes were cast correctly and produces a paper trail for recounts.

(14) In a survey taken 5 years after Oregon implemented the Vote by Mail system, more than 8 in 10 Oregon voters said they preferred voting by mail to traditional voting.

SEC. 3. DEFINITIONS.

In this Act:

(1) Election.—The term "election" means any general, special, primary, or runoff election.

(2) Participating State.—The term "participating State" means a State receiving a grant under the Vote by Mail grant program under section 4.

(3) State.—The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(4) Voting System.—The term "voting system" has the meaning given such term under section 301(b) of the Help America Vote Act of 2002 (42 U.S.C. 15481(b)).

SEC. 4. VOTE BY MAIL GRANT PROGRAM.

(a) Establishment.—Not later than 270 days after the date of enactment of this Act, the Election Assistance Commission shall establish a Vote by Mail grant program (in this section referred to as the "program").

(b) Purpose.—The purpose of the program is to make implementation grants to participating States solely for the implementation of procedures for the conduct of all elections by mail at the State or local government level.

(c) Limitation on Use of Funds.—In no case may grants made under this section be used to reimburse a State for costs incurred in implementing mail-in voting for elections at the State or local government level if such costs were incurred prior to the date of enactment of this Act.

(d) Application.—A State seeking to participate in the program under this section shall submit an application to the Election Assistance Commission containing such information, and at such time as, the Election Assistance Commission may specify.

(e) Amount and Number of Implementation Grants; Duration of Program.—

(1) Amount of grants.—

(A) In general.—Subject to subparagraph (B), the amount of an implementation grant made to a participating State shall be, in the case of a State that certifies that it will implement all elections by mail in accordance with the requirements of subsection (f), with respect to—

(i) the entire State, $2,000,000; or

(ii) any single unit or multiple units of local government within the State, $1,000,000.

(B) Excess funds.—

(i) In general.—The Election Assistance Commission shall establish a process to distribute excess funds to participating States. The process shall ensure that such funds are allocated among participating States in an equitable manner, based on the number of registered voters in the area in which the

State certifies that it will implement all of its elections by mail under subparagraph (A).

(ii) EXCESS FUNDS DEFINED.—For purposes of clause (i), the term "excess funds" means any amounts appropriated pursuant to the authorization under subsection (h)(1) with respect to a fiscal year that are not awarded to a participating State under an implementation grant during such fiscal year.

(C) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—An implementation grant made to a participating State under this section shall be available to the State without fiscal year limitation.

(2) NUMBER OF IMPLEMENTATION GRANTS.—

(A) IN GENERAL.—The Election Assistance Commission shall award an implementation grant to up to 18 participating States under this section during each year in which the program is conducted.

(B) ONE GRANT PER STATE.—The Election Assistance Commission shall not award more than 1 implementation grant to any participating State under this section over the duration of the program.

(3) DURATION.—The program shall be conducted for a period of 3 years.

(f) REQUIREMENTS.—

(1) REQUIRED PROCEDURES.—A participating State shall establish and implement procedures for conducting all elections by mail in the area with respect to which it receives an implementation grant to conduct such elections, including the following:

(A) A process for recording electronically each voter's registration information and signature.

(B) A process for mailing ballots to all eligible voters.

(C) The designation of places for the deposit of ballots cast in an election.

(D) A process for ensuring the secrecy and integrity of ballots cast in the election.

(E) Procedures and penalties for preventing election fraud and ballot tampering, including procedures for the verification of the signature of the voter accompanying the ballot through comparison of such signature with the signature of the voter maintained by the State in accordance with subparagraph (A).

(F) Procedures for verifying that a ballot has been received by the appropriate authority.

(G) Procedures for obtaining a replacement ballot in the case of a ballot which is destroyed, spoiled, lost, or not received by the voter.

(H) A plan for training election workers in signature verification techniques.

(I) Plans and procedures to ensure that voters who are blind, visually-impaired, or otherwise disabled have the opportunity to participate in elections conducted by mail and to ensure compliance with the Help America Vote Act of 2002. Such plans and procedures shall be developed in consultation with disabled and other civil rights organizations, voting rights groups, State election officials, voter protection groups, and other interested community organizations.

(g) BEST PRACTICES, TECHNICAL ASSISTANCE, AND REPORTS.—The Election Assistance Commission shall—

(1) develop, periodically issue, and, as appropriate, update best practices for conducting elections by mail;

(2) provide technical assistance to participating States for the purpose of implementing procedures for conducting elections by mail; and

(3) submit to the appropriate committees of Congress—

(A) annual reports on the implementation of such procedures by participating States during each year in which the program is conducted; and

(B) upon completion of the program conducted under this section, a final report on the program, together with recommendations for such legislation or administrative action as the Election Assistance Commission determines to be appropriate.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) GRANTS.—There are authorized to be appropriated to award grants under this section, for each of fiscal years 2007 through 2009, $36,000,000, to remain available without fiscal year limitation until expended.

(2) ADMINISTRATION.—There are authorized to be appropriated to administer the program under this section, $2,000,000 for the period of fiscal years 2007 through 2009, to remain available without fiscal year limitation until expended.

(i) RULE OF CONSTRUCTION.—In no case shall any provision of this section be construed as affecting or replacing any provisions or requirements under the Help America Vote Act of 2002, or any other laws relating to the conduct of Federal elections.

SEC. 5. STUDY ON IMPLEMENTATION OF MAIL-IN VOTING FOR ELECTIONS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the "Comptroller General") shall conduct a study evaluating the benefits of nationwide implementation of mail-in voting in elections, taking into consideration the annual reports submitted by the Election Assistance Commission under section 4(f)(3)(A) before November 1, 2009.

(2) SPECIFIC ISSUES STUDIED.—The study conducted under paragraph (1) shall include a comparison of traditional voting methods and mail-in voting with respect to—

(A) the likelihood of voter fraud and misconduct;

(B) accuracy of voter rolls;

(C) accuracy of election results;

(D) voter participation in urban and rural communities and by minorities, language minorities (as defined in section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a)), and individuals with disabilities; and

(E) public confidence in the election system.

(b) REPORT.—Not later than November 1, 2009, the Comptroller General shall prepare and submit to the appropriate committees of Congress a report on the study conducted under subsection (a), together with such recommendations for legislation or administrative action as the Comptroller General determines to be appropriate.

By Mr. INHOFE:

S. 4023. A bill to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. INHOFE. Mr. President, today I introduce legislation to authorize the title transfer of the McGee Creek Reservoir dam and its associated facilities, which are located approximately 20 miles southeast of Atoka, OK.

My bill transfers title from the Bureau of Reclamation to the McGee Creek Authority.

The McGee Creek Authority is a trust of the State of Oklahoma. This Oklahoma entity was established to develop, finance, operate, and maintain the water supply in the McGee Creek Reservoir. Thus, the primary purpose is to provide a dependable "municipal and industrial" water supply for Oklahoma City, the City of Atoka, Atoka County, and the area represented by the Southern Oklahoma Development Trust. The McGee Creek Authority currently operates the dam and associated facilities.

This title transfer under this bill will allow Oklahoma City to make the necessary capital improvements and upgrades needed to assure the continued efficient operation of the Reservoir.

This bill is responsible legislation that will end requests for federal funds and will protect the federal government from legal liabilities that could be incurred in their operation.

This legislation is the result of cooperation and coordination between Oklahoma City, the McGee Creek Authority, and the Bureau of Reclamation. I thank the Bureau of Reclamation for their drafting service in preparing the legislation, as well as of course the Senate Legislative Counsel. This legislation was requested by Mayor Mick Cornett of Oklahoma City, and I am happy to assist in this worthy cause.

I ask unanimous consent to print in the RECORD the letter of request from Mayor Cornett.

I encourage my colleagues to join me in support of the bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

February 13, 2006.

Hon. JAMES INHOFE,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN INHOFE: The purpose of this letter is to request your assistance in obtaining a federal legislative authorization for the title transfer of the McGee Creek Reservoir dam and associated facilities from the Bureau of Reclamation to the McGee Creek Authority. The McGee Creek Authority is a trust of the State of Oklahoma and also currently operates the dam and associated facilities.

This title and transfer is supported by the Bureau of Reclamation and will allow Oklahoma City to make capital improvements and upgrades needed to assure the continued efficient operation of the Reservoir.

Attached is a copy of the background of the Authority's responsibility and the description of the property to be transferred.

Sincerely,

MICK CORNETT,
Mayor.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. OBAMA, and Mr. BINGAMAN):

S. 4024. A bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority and other health disparity populations; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I rise today to discuss a bill that has been very close to my heart for some time. And that is a bill that will help us better understand, and one day eliminate, the health disparities that plague this country.

Many Americans don't realize that a problem exists. But traveling through rural Tennessee and spending 20 years in medicine, I know that it does.

The fact of the matter is African-Americans have higher overall rates of death and are more likely to report poor health than white or other minorities. The death rate for all kinds of cancers is a third higher for African-Americans than it is for whites. And there are 8 times as many blacks as whites in the United States with HIV–AIDS.

In Tennessee, African-Americans are 32 percent more likely to die from heart disease. The stroke rate for black Tennesseans is 43 percent higher than for whites. The infant mortality rate among African-Americans in Tennessee is almost 3 times as high as it is for whites. In a State that ranks 3rd in the Nation for infant mortality—it's a hard statistic to swallow.

Which is why we must change it.

And that is the goal of the bill before us.

The intent of this bi-partisan bill is two-fold: to understand the root causes of health disparities, and through better understanding them, wipe them away.

To help foster that fuller comprehension of the challenge we face, this legislation will direct the Secretary of Health and Human Services to collect and report healthcare data by race and ethnicity, as well as geographic location, socioeconomic status and health literacy to identify and address health care disparities.

The legislation outlines mechanisms to research the problem, to conduct educational outreach to minorities, to increase diversity among healthcare professionals, to enhance communication between patients and doctors, and to improve the delivery of health care to minorities.

Through educational outreach we can work to change patient behavior.

The top 3 causes of death among African-Americans are heart disease, cancer, and stroke. Thirteen percent of the adult African-American population has diabetes. And the risks of each of these can be minimized through healthier diet and tobacco cessation.

The bill before us establishes grants for programs that will reach out to health disparity populations, and teach healthier habits. Emphasizing the importance of preventative care is a fundamental step in the road to reducing disparities.

Fostering better communication between healthcare providers and health disparity populations can be achieved in part by encouraging more minorities to enter the healthcare profession. To that end, the bill before us reauthorizes several programs to support educational opportunities for minorities in healthcare.

We have a long history in this country of working to eliminate the inequities driven by race, ethnicity, and socioeconomic status. I believe that the bill before us today will go a long way in helping us realize a day when we are truly a Nation of equals.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 4024

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Minority Health Improvement and Health Disparity Elimination Act".

(b) Table of Contents.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—EDUCATION AND TRAINING

Sec. 101. Cultural competency and communication for providers.
Sec. 102. Healthcare workforce, education, and training.
Sec. 103. Workforce training to achieve diversity.
Sec. 104. Mid-career health professions scholarship program.
Sec. 105. Cultural competency training.
Sec. 106. Authorization of appropriations; reauthorizations.

TITLE II—CARE AND ACCESS

Sec. 201. Care and access.
Sec. 202. Authorization of appropriations.

TITLE III—RESEARCH

Sec. 301. Agency for healthcare research and quality.
Sec. 302. Genetic variation and health.
Sec. 303. Evaluations by the Institute of Medicine.
Sec. 304. National Center for Minority Health and Health Disparities reauthorization.
Sec. 305. Authorization of appropriations.

TITLE IV—DATA COLLECTION, ANALYSIS, AND QUALITY

Sec. 401. Data collection, analysis, and quality.

TITLE V—LEADERSHIP, COLLABORATION, AND NATIONAL ACTION PLAN

Sec. 501. Office of Minority Health and Health Disparity Elimination.

SEC. 2. DEFINITIONS.

In this Act and the amendments made by this Act:

(1) Cultural competency.—The term "culturally competent"—

(A) when used to describe health-related services, means providing healthcare tailored to meet the social, cultural, and linguistic needs of patients from diverse backgrounds; and

(B) when used to describe education or training, means education or training designed to prepare those receiving the education or training to provide health-related services tailored to meet the social, cultural, and linguistic needs of patients from diverse backgrounds.

(2) Health disparity population.—The term "health disparity population" has the meaning given such term in section 903(d)(1) of the Public Health Service Act (42 U.S.C. 299a–1(d)(1)).

(3) Health literacy.—The term "health literacy" means the degree to which an individual has the capacity to obtain, communicate, process, and understand health information (including the language in which the information is provided) and services in order to make appropriate health decisions.

(4) Minority group.—The term "minority group" has the meaning given the term "racial and ethnic minority group" in section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) (as amended by section 501).

(5) Practice-based research networks.—The term "practice-based research network" means a group of ambulatory practices devoted principally to the primary care of patients, and affiliated in their mission to investigate questions related to community-based practice and to improve the quality of primary care

(6) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

TITLE I—EDUCATION AND TRAINING

SEC. 101. CULTURAL COMPETENCY AND COMMUNICATION FOR PROVIDERS.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

"SEC. 270. INTERNET CLEARINGHOUSE TO IMPROVE CULTURAL COMPETENCY AND COMMUNICATION BY HEALTHCARE PROVIDERS.

"(a) Establishment.—Not later than 1 year after the date of enactment of the Minority Health Improvement and Health Disparity Elimination Act, the Secretary, acting through the Deputy Assistant Secretary for Minority Health and Health Disparity Elimination, shall assist providers to improve the health and healthcare of racial and ethnic minority and other health disparity populations by developing and maintaining an Internet Clearinghouse within the Office of Minority Health and Health Disparity Elimination that—

"(1) increases cultural competency;

"(2) improves communication between healthcare providers, staff, and their patients, including those patients with low functional health literacy;

"(3) improves healthcare quality and patient satisfaction;

"(4) reduces medical errors and healthcare costs; and

"(5) reduces duplication of effort regarding translation of materials.

"(b) Internet Clearinghouse.—Not later than 12 months after the date of enactment of this section the Secretary, acting through the Deputy Assistant Secretary for Minority Health and Health Disparity Elimination, and in consultation with the Director of the Office for Civil Rights, shall carry out subsection (a) by—

"(1) developing and maintaining, through the Office of Minority Health and Health Disparity Elimination, an accessible library and database on the Internet with easily searchable, clinically-relevant information regarding culturally competent healthcare for racial and ethnic minority and other health disparity populations, including Internet links to additional resources that fulfill the purpose of this section;

"(2) developing and making templates for visual aids and standard documents with clear explanations that can help patients and consumers access and make informed decisions about healthcare, including—

"(A) administrative and legal documents, including informed consent and advanced directives;

"(B) clinical information, including information pertaining to treatment adherence, self-management training for chronic conditions, preventing transmission of disease, and discharge instructions;

"(C) patient education and outreach materials, including immunization or screening notices and health warnings; and

"(D) Federal health forms and notices;

"(3) ensuring that documents described in paragraph (2) are posted in English and non-English languages and are culturally appropriate;

"(4) encouraging healthcare providers to customize such documents for their use;

"(5) facilitating access to such documents, including distribution in both paper and electronic formats;

"(6) providing technical assistance to healthcare providers with respect to the access and use of information described in paragraph (1) including information to help healthcare providers—

"(A) understand the concept of cultural competence;

"(B) implement culturally competent practices;

"(C) care for patients with low functional health literacy, including helping such patients understand and participate in healthcare decisions;

"(D) understand and apply Federal guidance and directives regarding healthcare for racial and ethnic minority and other health disparity populations;

"(E) obtain reimbursement for provision of culturally competent services;

"(F) understand and implement bioinformatics and health information technology in order to improve healthcare for racial and ethnic minority and other health disparity populations; and

"(G) conduct other activities determined appropriate by the Secretary;

"(7) providing educational materials to patients, representatives of community-based organizations, and the public with respect to the access and use of information described in paragraph (1), including—

"(A) information to help such individuals—

"(i) understand the concept of cultural competence, and the role of cultural competence in the delivery of healthcare;

"(ii) work with healthcare providers to implement culturally competent practices; and

"(iii) understand the concept of low functional health literacy, and the barriers it presents to care; and

"(B) other material determined appropriate by the Secretary; and

"(8) supporting initiatives that the Secretary determines to be useful to fulfill the purposes of the Internet Clearinghouse.

"(c) DEFINITIONS.—The definitions contained in section 2 of the Minority Health Improvement and Health Disparity Elimination Act shall apply for purposes of this section.".

SEC. 102. HEALTHCARE WORKFORCE, EDUCATION, AND TRAINING.

(a) IN GENERAL.—Part F of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.) is amended by inserting after section 792 the following:

"SEC. 793. HEALTHCARE WORKFORCE, EDUCATION, AND TRAINING.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and the Deputy Assistant Secretary for Minority Health and Health Disparity Elimination, shall establish an aggregated and disaggregated database on health professional students, including applicants, matriculates, and graduates.

"(b) REQUIREMENT TO COLLECT DATA.—

"(1) IN GENERAL.—Each health professions school described in paragraph (2) that receives Federal funds, shall collect race and ethnicity data, primary language data, and other health disparity data, as feasible and pursuant to subsection (d), concerning the students described in subsection (a), as well as intended geographical site of practice and intended discipline of practice for graduates. In collecting such data, a school shall—

"(A) at a minimum, use the categories for race and ethnicity established by the Director of the Office of Management and Budget in effect on the date of enactment of the Minority Health Improvement and Health Disparity Elimination Act; and

"(B) if practicable, collect data on additional population groups if such data can be aggregated into the minimum race and ethnicity data categories.

"(2) HEALTH PROFESSIONS SCHOOL.—A health professions school described under this paragraph is a school of medicine or osteopathic medicine, public health, nursing, dentistry, optometry, pharmacy, allied health, podiatric medicine, or veterinary medicine, or a graduate program in mental health practice.

"(c) REPORTING.—Each school or program described under subsection (b), shall, on an annual basis, report to the Secretary data on race and ethnicity and primary language collected under this section for inclusion in the database established under subsection (a). The Secretary shall ensure that such disparity data is reported to Congress and made available to the public.

"(d) HEALTH DISPARITY MEASURES.—The Secretary shall develop, report, and disseminate measures of the other health data referenced in section 793(b)(1), to ensure uniform and consistent collection and reporting of these measures by health professions schools. In developing such measures, the Secretary shall take into consideration health disparity indicators developed pursuant to section 2901(c).

"(e) USE OF DATA.—Data reported pursuant to subsection (c) shall be used by the Secretary to conduct ongoing short- and long-term analyses of diversity within health professions schools and the health professions. The Secretary shall ensure that such analyses are reported to Congress and made available to the public.

"(f) CULTURAL COMPETENCY TRAINING.—The Secretary shall collect and report data from health professions schools regarding the extent to which cultural competency training is provided to health professions students, and conduct periodic assessments regarding the preparedness of such students to care for patients from racial and ethnic minority and other health disparity populations.

"(g) PRIVACY.—The Secretary shall ensure that all data collected under this section is protected from inappropriate internal and external use by any entity that collects, stores, or receives the data and that such data is collected without personally identifiable information.

"(h) PARTNERSHIP.—The Secretary may contract with external entities to fulfill the requirements under this section if such entities have demonstrated expertise and experience collecting, analyzing, and reporting data required under this section for health professional students.".

(b) NATIONAL HEALTH SERVICE CORPS PROGRAM.—

(1) ASSIGNMENT OF CORPS PERSONNEL.—Section 333(a)(3) of the Public Health Service Corps (42 U.S.C. 254f(a)(3)) is amended to read as follows:

"(3)(A) In approving applications for assignment of members of the Corps the Secretary shall not discriminate against application from entities which are not receiving Federal financial assistance under this Act.

"(B) In approving such applications, the Secretary shall—

"(i) give preference to applications in which a nonprofit entity or public entity shall provide a site to which Corps members may be assigned; and

"(ii) give highest preference to applications—

"(I) from entities described in clause (i) that are federally qualified health centers as defined in section 1905(l)(2)(B) of the Social Security Act; and

"(II) from entities described in clause (i) that primarily serve racial and ethnic minority and other health disparity populations with annual incomes at or below twice those set forth in the most recent poverty guidelines issued by the Secretary pursuant to section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).".

(2) PRIORITIES IN ASSIGNMENT OF CORPS PERSONNEL.—Section 333A of the Public Health Service Act (42 U.S.C. 254f-1) is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(ii) by striking "shall—" and inserting "shall—

"(1) give preference to applications as set forth in subsection (a)(3) of section 333;"; and

(B) by striking "subsection (a)(1)" each place it appears and inserting "subsection (a)(2)".

(3) CONFORMING AMENDMENT.—Section 338I(c)(3)(B)(ii) of the Public Health Service Act (42 U.S.C. 254q-1(c)(3)(B)(ii)) is amended by striking "section 333A(a)(1)" and inserting "section 333A(a)(2)".

SEC. 103. WORKFORCE TRAINING TO ACHIEVE DIVERSITY.

(a) CENTERS OF EXCELLENCE.—Section 736 of the Public Health Service Act (42 U.S.C. 293) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary shall make grants to, and enter into contracts with, public and nonprofit private health or educational entities, including designated health professions schools described in subsection (c), for the purpose of assisting the entities in supporting programs of excellence in health professions education for underrepresented minorities in health professions.";

(2) by striking subsection (b) and inserting the following:

"(b) REQUIRED USE OF FUNDS.—The Secretary may not make a grant under subsection (a) unless the designated health professions school involved agrees, subject to subsection (c)(1)(C), to use the funds awarded under the grant to—

"(1) develop a large competitive applicant pool through linkages with institutions of higher education, local school districts, and other community-based entities and establish an education pipeline for health professions careers;

"(2) establish, strengthen, or expand programs to enhance the academic performance of underrepresented minority in health professions students attending the school;

"(3) improve the capacity of such school to train, recruit, and retain underrepresented minority faculty members including the payment of such stipends and fellowships as the Secretary may determine appropriate;

"(4) carry out activities to improve the information resources, clinical education, curricula, and cultural and linguistic competence of the graduates of the school, as it relates to minority health and other health disparity issues;

"(5) facilitate faculty and student research on health issues particularly affecting racial and ethnic minority and other health disparity populations, including research on issues relating to the delivery of culturally competent healthcare (as defined in section 270);

"(6) carry out a program to train students of the school in providing health services to racial and ethnic minority and other health disparity populations (as defined in section 903(d)(1)) through training provided to such students at community-based health facilities that—

"(A) provide such health services; and

"(B) are located at a site remote from the main site of the teaching facilities of the school;

"(7) provide stipends as the Secretary determines appropriate, in amounts as the Secretary determines appropriate; and

"(8) conduct accountability and other reporting activities, as required by the Secretary in subsection (i).";

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) DESIGNATED SCHOOLS.—

"(A) IN GENERAL.—The designated health professions schools referred to in subsection (a) are such schools that meet each of the conditions specified in subparagraphs (B) and (C), and that—

"(i) meet each of the conditions specified in paragraph (2)(A);

"(ii) meet each of the conditions specified in paragraph (3);

"(iii) meet each of the conditions specified in paragraph (4); or

"(iv) meet each of the conditions specified in paragraph (5).

"(B) GENERAL CONDITIONS.—The conditions specified in this subparagraph are that a designated health professions school—

"(i) has a significant number of underrepresented minority in health professions students enrolled in the school, including individuals accepted for enrollment in the school;

"(ii) has been effective in assisting such students of the school to complete the program of education and receive the degree involved;

"(iii) has been effective in recruiting such students to enroll in and graduate from the school, including providing scholarships and other financial assistance to such students and encouraging such students from all levels of the educational pipeline to pursue health professions careers; and

"(iv) has made significant recruitment efforts to increase the number of underrepresented minority in health professions individuals serving in faculty or administrative positions at the school.

"(C) CONSORTIUM.—The condition specified in this subparagraph is that, in accordance with subsection (e)(1), the designated health profession school involved has with other health profession schools (designated or otherwise) formed a consortium to carry out the purposes described in subsection (b) at the schools of the consortium.

"(D) APPLICATION OF CRITERIA TO OTHER PROGRAMS.—In the case of any criteria established by the Secretary for purposes of determining whether schools meet the conditions described in subparagraph (B), this section may not, with respect to racial and ethnic minorities, be construed to authorize, require, or prohibit the use of such criteria in any program other than the program established in this section.";

(B) by amending paragraph (2) to read as follows:

"(2) CENTERS OF EXCELLENCE AT CERTAIN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—

"(A) CONDITIONS.—The conditions specified in this subparagraph are that a designated health professions school is a school described in section 799B(1).

"(B) USE OF GRANT.—In addition to the purposes described in subsection (b), a grant under subsection (a) to a designated health professions school meeting the conditions described in subparagraph (A) may be expended—

"(i) to develop a plan to achieve institutional improvements, including financial independence, to enable the school to support programs of excellence in health professions education for underrepresented minority individuals; and

"(ii) to provide improved access to the library and informational resources of the school.

"(C) EXCEPTION.—The requirements of paragraph (1)(C) shall not apply to a historically black college or university that receives funding under this paragraph or paragraph (5)."; and

(C) by amending paragraphs (3) through (5) to read as follows:

"(3) HISPANIC CENTERS OF EXCELLENCE.—The conditions specified in this paragraph are that—

"(A) with respect to Hispanic individuals, each of clauses (i) through (iv) of paragraph (1)(B) applies to the designated health professions school involved;

"(B) the school agrees, as a condition of receiving a grant under subsection (a) of this section, that the school will, in carrying out the duties described in subsection (b) of this section, give priority to carrying out the duties with respect to Hispanic individuals; and

"(C) the school agrees, as a condition of receiving a grant under subsection (a) of this section, that—

"(i) the school will establish an arrangement with 1 or more public or nonprofit community-based Hispanic serving organizations, or public or nonprofit private institutions of higher education, including schools of nursing, whose enrollment of students has traditionally included a significant number of Hispanic individuals, the purposes of which will be to cary out a program—

"(I) to identify Hispanic students who are interested in a career in the health profession involved; and

"(II) to facilitate the educational preparation of such students to enter the health professions school; and

"(ii) the school will make efforts to recruit Hispanic students, including students who have participated in the undergraduate or other matriculation program carried out under arrangements established by the school pursuant to clause (i)(II) and will assist Hispanic students regarding the completion of the educational requirements for a degree from the school.

"(4) NATIVE AMERICAN CENTERS OF EXCELLENCE.—Subject to subsection (e), the conditions specified in this paragraph are that—

"(A) with respect to Native Americans, each of clauses (i) through (iv) of paragraph (1)(B) applies to the designated health professions school involved;

"(B) the school agrees, as a condition of receiving a grant under subsection (a) of this section, that the school will, in carrying out the duties described in subsection (b) of this section, give priority to carrying out the duties with respect to Native Americans; and

"(C) the school agrees, as a condition of receiving a grant under subsection (a) of this section, that—

"(i) the school will establish an arrangement with 1 or more public or nonprofit private institutions of higher education, including schools of nursing, whose enrollment of students has traditionally included a significant number of Native Americans, the purpose of which arrangement will be to carry out a program—

"(I) to identify Native American students, from the institutions of higher education referred to in clause (i), who are interested in health professions careers; and

"(II) to facilitate the educational preparation of such students to enter the designated health professions school; and

"(ii) the designated health professions school will make efforts to recruit Native American students, including students who have participated in the undergraduate program carried out under arrangements established by the school pursuant to clause (i) and will assist Native American students regarding the completion of the educational requirements for a degree from the designated health professions school.

"(5) OTHER CENTERS OF EXCELLENCE.—The conditions specified in this paragraph are—

"(A) with respect to other centers of excellence, the conditions described in clauses (i) through (iv) of paragraph (1)(B); and

"(B) that the health professions school involved has an enrollment of underrepresented minorities in health professions significantly above the national average for such enrollments of health professions schools."; and

(4) by striking subsection (h) and inserting the following:

"(h) FORMULA FOR ALLOCATIONS.—

"(1) ALLOCATIONS.—Based on the amount appropriated under section 106(a) of the Minority Health Improvement and Health Disparity Elimination Act for a fiscal year, the following subparagraphs shall apply as appropriate:

"(A) IN GENERAL.—If the amounts appropriated under section 106(a) of the Minority Health Improvement and Health Disparity Elimination Act for a fiscal year are $24,000,000 or less—

"(i) the Secretary shall make available $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(2)(A); and

"(ii) and available after grants are made with funds under clause (i), the Secretary shall make available—

"(I) 60 percent of such amount for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting the conditions under subsection (e)); and

"(II) 40 percent of such amount for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5).

"(B) FUNDING IN EXCESS OF $24,000,000.—If amounts appropriated under section 106(a) of the Minority Health Improvement and Health Disparity Elimination Act for a fiscal year exceed $24,000,000 but are less than $30,000,000—

"(i) 80 percent of such excess amounts shall be made available for grants under subsection (a) to health professions schools that meet the requirements described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e)); and

"(ii) 20 percent of such excess amount shall be made available for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5).

"(C) FUNDING IN EXCESS OF $30,000,000.—If amounts appropriated under section 106(a) of the Minority Health Improvement and Health Disparity Elimination Act for a fiscal year exceed $30,000,000 but are less than $40,000,000, the Secretary shall make available—

"(i) not less than $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(2)(A);

"(ii) not less than $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e));

"(iii) not less than $6,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5); and

"(iv) after grants are made with funds under clauses (i) through (iii), any remaining excess amount for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (2)(A), (3), (4), or (5) of subsection (c).

"(D) FUNDING IN EXCESS OF $40,000,000.—If amounts appropriated under section 106(a) of the Minority Health Improvement and Health Disparity Elimination Act for a fiscal year are $40,000,000 or more, the Secretary shall make available—

"(i) not less than $16,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(2)(A);

"(ii) not less than $16,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e));

"(iii) not less than $8,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5); and

"(iv) after grants are made with funds under clauses (i) through (iii), any remaining funds for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (2)(A), (3), (4), or (5) of subsection (c).

"(2) NO LIMITATION.—Nothing in this subsection shall be construed as limiting the centers of excellence referred to in this section to the designated amount, or to preclude such entities from competing for grants under this section.

"(3) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—With respect to activities for which a grant made under this part are authorized to be expended, the Secretary may not make such a grant to a center of excellence for any fiscal year unless the center agrees to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the center for the fiscal year preceding the fiscal year for which the school receives such a grant.

"(B) USE OF FEDERAL FUNDS.—With respect to any Federal amounts received by a center of excellence and available for carrying out activities for which a grant under this part is authorized to be expended, the center shall, before expending the grant, expend the Federal amounts obtained from sources other than the grant, unless given prior approval from the Secretary.

"(i) EVALUATIONS.—

"(1) ADVISORY COMMITTEE.—

"(A) IN GENERAL.—Not later than 90 days after the date of enactment of the Minority Health Improvement and Health Disparity Elimination Act, the Secretary shall establish and appoint the members of an advisory committee composed of representatives of government agencies, including the Health Resources and Services Administration, the Office of Minority Health and Health Disparity Elimination, and the Indian Health Service, community stakeholders and experts in identifying and addressing the health concerns of racial and ethnic minority and other health disparity populations, and designees from health professions schools described in subsection (b).

"(B) DUTIES.—The advisory committee shall develop and recommend performance measures with which to assess, based on data to be compiled by recipients of grants or contracts under this section or section 736, 737, 738, or 739, the extent to which the program described in this section and sections 736, 737, 738, and 739 has met the purpose of this part. The advisory committee shall submit such recommendations to the Administrator of the Health Resources and Services Administration not later than 6 months after the appointment of the advisory committee.

"(C) NOTIFICATION.—Not later than 30 days after the submission of the recommendations, the Administrator of the Health Resources and Services Administration shall review the recommendations and establish performance measures described in subparagraph (B), and the Administrator shall notify recipients of grants or contracts under this section or section 736, 737, 738, or 739 of the new performance measures and make requirements related to the performance measures publicly available both on the website of the Administration and as part of any notifications of awards released to entities receiving the grants or contracts.

"(2) DATA COLLECTION AND ANNUAL EVALUATIONS.—

"(A) IN GENERAL.—The Administrator of the Health Resources and Services Administration shall collect annual data from recipients of grants or contracts under this section or section 736, 737, 738, or 739 on the performance measures established under paragraph (1).

"(B) BIANNUAL MEETING.—The Administrator of the Health Resources and Services Administration shall convene a meeting of the advisory committee established under paragraph (1) not less than twice per year. At the meeting, the advisory committee shall recommend any necessary changes to such performance measures to improve data collection and short-term evaluation with respect to the programs carried out under this section or section 736, 737, 738, or 739, and provide technical assistance as necessary.

"(3) UPDATES.—The Administrator of the Health Resources and Services Administration shall determine whether to incorporate the recommended changes as described in paragraph (2)(B) and provide technical assistance as necessary. The Administrator shall not penalize a current recipient of a grant or contract under this section or section 736, 737, 738, or 739 for failing to comply with the revised data collection or performance measure requirements if the recipient demonstrates an inability to provide additional data mandated under the requirements.

"(4) ACCOUNTABILITY.—The Administrator shall review and take into consideration performance measurement data previously collected from recipients of grants or contracts under this section or section 736, 737, 738, or 739 when deciding to renew the grants or contracts of such recipients.".

(b) COOPERATIVE AGREEMENTS FOR ONLINE DEGREE PROGRAMS AT SCHOOLS OF PUBLIC HEALTH AND SCHOOLS OF ALLIED HEALTH.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended by adding at the end the following:

"SEC. 742. COOPERATIVE AGREEMENTS FOR ONLINE DEGREE PROGRAMS.

"(a) COOPERATIVE AGREEMENTS.—The Secretary shall award cooperative agreements to accredited schools of public health, schools of allied health, and public health programs to design and implement a degree program over the Internet (referred to in this section as an 'online degree program').

"(b) APPLICATION.—To be eligible to receive a cooperative agreement under subsection (a), an accredited school of public health, school of allied health, or public health program shall submit an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) PRIORITY.—In awarding cooperative agreements under this section, the Secretary shall give priority to any accredited school of public health, school of allied health, or public health program that serves a disproportionate number of individuals from racial and ethnic minority and other health disparity populations.

"(d) REQUIREMENTS.—Awardees shall use an award under subsection (a) to design and implement an online degree program that meets the following conditions:

"(1) Limiting enrollment to individuals who have obtained a secondary school diploma or a recognized equivalent.

"(2) Maintaining significant enrollment and graduation of underrepresented minorities in health professions.".

(c) DEFINITION.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended by inserting after the part heading the following:

"SEC. 735A. APPLICATION OF DEFINITION.

"The definition contained in section 738(b)(5) shall apply for purposes of this part, except that such definition shall also apply in the case of references to 'underrepresented minority students', 'underrepresented minority faculty members', 'underrepresented minority faculty administrators', and 'underrepresented minorities in health professions'.".

SEC. 104. MID-CAREER HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.

Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is amended—

(1) in section 770, by inserting "(other than section 771)" after "this subpart";

(2) by redesignating section 770 as section 771; and

(3) by inserting after section 769 the following:

"SEC. 770. MID-CAREER HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.

"(a) IN GENERAL.—The Secretary may make grants to eligible schools to award scholarships to eligible individuals to attend the school involved, for the purpose of enabling the individuals to make a career change from a non-health profession to a health profession.

"(b) APPLICATION.—To receive a grant under this section, an eligible school shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) USE OF FUNDS.—Amounts awarded as a scholarship under this section may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in the attendance of the school involved.

"(d) DEFINITIONS.—In this section:

"(1) ELIGIBLE SCHOOL.—The term 'eligible school' means an accredited school of medicine, osteopathic medicine, dentistry, nursing, pharmacy, podiatric medicine, optometry, veterinary medicine, public health, chiropractic, allied health, a school offering a graduate program in behavioral and mental health practice, or an entity providing programs for the training of physician assistants.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who is an underrepresented minority individual who has obtained a secondary school diploma or its recognized equivalent.".

SEC. 105. CULTURAL COMPETENCY TRAINING.

Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.), as amended by section 104, is amended by adding at the end the following:

"SEC. 743. CULTURAL COMPETENCY TRAINING.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in collaboration with the Office of Minority Health and Health Disparity Elimination and Agency for Healthcare Research and Quality, shall support the development, evaluation, and dissemination of model curricula for cultural competency training for use in health professions schools and continuing education programs, and other purposes determined appropriate by the Secretary.

"(b) CURRICULA.—In carrying out subsection (a), the Secretary shall collaborate with health professional societies, licensing and accreditation entities, health professions schools, and experts in minority health and cultural competency, and other organizations as determined appropriate by the Secretary. Such curricula shall include a focus on cultural competency measures and cultural competency self-assessment methodology for health providers, systems and institutions.

"(c) DISSEMINATION.—

"(1) IN GENERAL.—Such model curricula should be disseminated through the Internet Clearinghouse under section 270 and other means as determined appropriate by the Secretary.

"(2) EVALUATION.—The Secretary shall evaluate adoption and the implementation of cultural competency training curricula, and facilitate inclusion of cultural competency measures in quality measurement systems as appropriate.".

SEC. 106. AUTHORIZATION OF APPROPRIATIONS; REAUTHORIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) such sums as may be necessary for each of fiscal years 2007 through 2011, to carry out the amendments made by sections 101 and 102 of this title (adding sections 270 and 793 to the Public Health Service Act);

(2) $45,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011, to carry out the amendments made by section 103(a) (relating to centers of excellence in section 736 of the Public Health Service Act);

(3) such sums as may be necessary for each of fiscal years 2007 through 2011, to carry out the amendments made by section 103(b) (adding section 742 to the Public Health Service Act);

(4) such sums as may be necessary for each of fiscal years 2007 through 2011, to carry out the amendments made by section 104(b) (adding section 770 to the Public Health Service Act); and

(5) such sums as may be necessary for each of fiscal years 2007 through 2011, to carry out the amendment made by section 105 (adding section 743 to the Public Health Service Act).

(b) REAUTHORIZATIONS.—The following programs are reauthorized as follows:

(1) EDUCATIONAL ASSISTANCE IN THE HEALTH PROFESSIONS REGARDING INDIVIDUALS FROM DISADVANTAGED BACKGROUND.—Section 740(c) of the Public Health Service Act (42 U.S.C. 293a(c)) is amended by striking the first sentence and inserting the following: "For the purpose of grants and contracts under section 739(a)(1), there is authorized to be appropriated $60,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2011.".

(2) SCHOLARSHIPS FOR DISADVANTAGED STUDENTS.—Section 740(a) of the Public Health Service Act (42 U.S.C. 293a(a)) is amended by striking "$37,000,000" and all that follows through "through 2002" and inserting "$51,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011".

(3) LOAN REPAYMENTS AND FELLOWSHIPS.—Section 740(b) of the Public Health Service Act (42 U.S.C. 293a(b)) is amended by striking "$1,100,000" and all that follows through "through 2002" and inserting "$1,700,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011".

(4) GRANTS FOR HEALTH PROFESSIONS EDUCATION.—Section 741 of the Public Health Service Act (42 U.S.C. 293e) is amended in subsection (b), by striking "$3,500,000" and all that follows through the period and inserting "such sums as may be necessary for each of fiscal years 2007 through 2011.".

TITLE II—CARE AND ACCESS

SEC. 201. CARE AND ACCESS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by—

(1) redesignating the second section 399O (as added by section 504 of the Violence Against Women and Department of Justice Reauthorization Act of 2005) as section 399P; and

(2) adding at the end the following:

"SEC. 399Q. ACCESS, AWARENESS, AND OUTREACH ACTIVITIES.

"(a) DEMONSTRATION PROJECTS.—The Secretary shall award multiyear contracts or competitive grants to eligible entities to support demonstration projects designed to improve the health and healthcare of racial and ethnic minority and other health disparity populations through improved access to healthcare, patient navigators, and health literacy education and services.

"(b) ELIGIBILITY.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means an organization or a community-based consortium.

"(2) ORGANIZATION.—The term 'organization' means—

"(A) a hospital, health plan, or clinic;

"(B) an academic institution;

"(C) a State health agency;

"(D) an Indian Health Service hospital or clinic, Indian tribal health facility, or urban Indian facility;

"(E) a nonprofit organization, including a faith-based organization or consortium, to the extent that a contract or grant awarded to such an entity is consistent with the requirements of section 1955;

"(F) a primary care practice-based research network; and

"(G) any other similar entity determined to be appropriate by the Secretary.

"(3) COMMUNITY-BASED CONSORTIUM.—The term 'community-based consortium' means a partnership that—

"(A) includes—

"(i) individuals who are representatives of organizations of racial and ethnic minority and other health disparity populations;

"(ii) community leaders and leaders of community-based organizations;

"(iii) healthcare providers, including providers who treat racial and ethnic minority and other health disparity populations; and

"(iv) experts in the area of social and behavioral science, who have knowledge, training, or practical experience in health policy, advocacy, cultural or linguistic competency, or other relevant areas as determined by the Secretary; and

"(B) is located within a federally- or State-designated medically underserved area, a federally designated health provider shortage area, or an area with a significant population of racial and ethnic minorities.

"(c) APPLICATION.—An eligible entity seeking a contract or grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including assurances that the eligible entity will—

"(1) target populations that are members of racial and ethnic minority groups and health disparity populations through specific outreach activities;

"(2) collaborate with appropriate community organizations and include meaningful community participation in planning, implementation, and evaluation of activities;

"(3) demonstrate capacity to promote culturally competent and appropriate care for target populations with consideration for health literacy;

"(4) develop a plan for long-term sustainability;

"(5) evaluate the effectiveness of activities under this section, within an appropriate timeframe, which shall include a focus on quality and outcomes performance measures to ensure that the activities are meeting the intended goals, and that the entity is able to disseminate findings from such evaluations;

"(6) provide ongoing outreach and education to the health disparity populations served;

"(7) demonstrate coordination between public and private entities; and

"(8) assist individuals and groups in accessing public and private programs that will help eliminate disparities in health and healthcare.

"(d) PRIORITIES.—In awarding contracts and grants under this section, the Secretary shall give priority to applicants that are—

"(1) safety-net hospitals, defined as hospitals with a low income utilization rate (as defined in Section 1923(b)(3) of the Social Security Act (42 U.S.C 1396r–4(b)(3))) greater than 25 percent;

"(2) community health centers, as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B)); and

"(3) other health systems that—

“(A) by legal mandate or explicitly adopted mission, provide patients with access to services regardless of their ability to pay;

“(B) provide care or treatment for a substantial number of patients who are uninsured, are receiving assistance under a State program under title XIX of the Social Security Act, or are members of vulnerable populations, as determined by the Secretary;

“(C) serve a disproportionate percentage of patients from racial and ethnic minority and other health disparity populations;

“(D) provide an assurance that amounts received under the grant or contract will be used to implement strategies that address patients' linguistic needs, where necessary, and recruit and maintain diverse staff and leadership; and

“(E) provide an assurance that amounts received under the grant or contract will be used to support quality improvement activities for patients from racial and ethnic minority and other health disparity populations.

“(e) USE OF FUNDS.—An eligible entity shall use such amounts received under this section for demonstration projects to—

“(1) address health disparities in the United States-Mexico Border Area, as defined in section 8 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n-6), relating to health disparities in the areas of—

“(A) maternal and child health;

“(B) primary care and preventive health, including health education and promotion;

“(C) public health and public infrastructure;

“(D) oral health;

“(E) behavioral and mental health and substance abuse;

“(F) health conditions that have a disproportionate impact on racial and ethnic minorities and a high prevalence in the Border Area;

“(G) health services research;

“(H) the health impacts of exposure to environmental hazards;

“(I) workforce training and development; or

“(J) other areas determined appropriate by the Secretary;

“(2) implement the best practices in disease management, including those that address co-occurring chronic conditions, as defined by the public- private partnership established under section 918(b), target patients with low functional health literacy, and, as feasible, incorporate health information technology;

“(3) evaluate methods for strengthening the health coverage of, and continuity of coverage of, migratory agricultural workers and seasonal agricultural workers, as such terms are defined in section 330(g), and workers in other industries with traditionally low rates of employer-sponsored health insurance;

“(4) train community health workers to educate, guide, and provide outreach in a community setting regarding problems prevalent among medically underserved populations (as defined in section 330(b)); or

“(5) identify, educate, and enroll eligible patients from racial and ethnic minorities and other health disparity populations into clinical trials.

“(f) REPORT.—Not later than 3 years after the date an entity receives a contract or grant under this section and annually thereafter, the entity shall provide to the Secretary a report containing the results of any evaluation conducted pursuant to subsection (c)(5).

“(g) DISSEMINATION OF FINDINGS.—The Secretary shall, as appropriate, disseminate to public and private entities, including Congress, the findings made in evaluations described under subsection (f).

“SEC. 399R. GRANTS FOR RACIAL AND ETHNIC APPROACHES TO COMMUNITY HEALTH.

“(a) PURPOSE.—It is the purpose of this section to provide for the awarding of grants to assist communities in mobilizing and organizing resources in support of effective and sustainable programs that will reduce or eliminate disparities in health and healthcare experienced by racial and ethnic minority individuals.

“(b) AUTHORITY TO AWARD GRANTS.—The Secretary, acting through the Centers for Disease Control and Prevention and the Office of Minority Health and Health Disparity Elimination, shall award planning, implementation, and evaluation grants to eligible entities to assist in designing, implementing, and evaluating culturally and linguistically appropriate, science-based and community-driven sustainable strategies to eliminate racial and ethnic health and healthcare disparities.

“(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

“(1) represent a coalition—

“(A) whose principal purpose is to develop and implement interventions to reduce or eliminate a health or healthcare disparity in a targeted racial or ethnic minority group in the community served by the coalition; and

“(B) that includes—

“(i) at least 3 members selected from among—

“(I) public health departments;

“(II) community-based organizations;

“(III) university and research organizations;

“(IV) American Indian tribal organizations, national American Indian organizations, Indian Health Service, or organizations serving Alaska Natives;

“(V) organizations serving Native Hawaiians;

“(VI) organizations serving Pacific Islanders; and

“(VII) interested public or private healthcare providers or organizations as deemed appropriate by the Secretary; and

“(ii) at least 1 member from a community-based organization that represents the targeted racial or ethnic minority group; and

“(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, which shall include—

“(A) a description of the targeted racial or ethnic population in the community to be served under the grant;

“(B) a description of at least 1 health disparity that exists in the racial or ethnic targeted population, including infant mortality, breast and cervical cancer screening and management, cardiovascular disease, diabetes, child and adult immunization levels, or HIV/AIDS; and

“(C) a demonstration of a proven record of accomplishment of the coalition members in serving and working with the targeted community.

“(d) PLANNING GRANTS.—

“(1) IN GENERAL.—The Secretary shall award one-time grants to eligible entities described in subsection (c) to support the planning and development of culturally and linguistically appropriate programs that utilize science-based and community-driven strategies to reduce or eliminate a health or healthcare disparity in the targeted population. Such grants may be used to—

“(A) expand the coalition that is represented by the eligible entity through the identification of additional partners, particularly among the targeted community, and establish linkages with national, State, tribal, or local public and private partners which may include community health workers, advocacy, and policy organizations;

“(B) establish community working groups;

“(C) conduct a needs assessment of the community and targeted population to determine a health disparity and the factors contributing to that disparity, using input from the targeted community;

“(D) participate in workshops sponsored by the Office of Minority Health and Health Disparity Elimination or the Centers for Disease Control and Prevention for technical assistance, planning, evaluation, and other programmatic issues;

“(E) identify promising intervention strategies; and

“(F) develop a plan with the input of the targeted community that includes strategies for—

“(i) implementing intervention strategies that have the greatest potential for reducing the health disparity in the target population;

“(ii) identifying other sources of revenue and integrating current and proposed funding sources to ensure long-term sustainability of the program; and

“(iii) evaluating the program, including collecting data and measuring progress toward reducing or eliminating the health disparity in the targeted population that takes into account the evaluation model developed by the Centers for Disease Control and Prevention in collaboration with the Office of Minority Health and Health Disparity Elimination.

“(2) DURATION.—The period during which payments may be made under a grant under paragraph (1) shall not exceed 1 year, except where the Secretary determines that extraordinary circumstances exist as described in section 340(c)(3).

“(e) IMPLEMENTATION GRANTS.—

“(1) IN GENERAL.—The Secretary shall award grants to eligible entities that have received a planning grant under subsection (d) to enable such entity to—

“(A) implement a plan to address the selected health disparity for the target population, in an effective and timely manner;

“(B) collect data appropriate for monitoring and evaluating the program carried out under the grant;

“(C) analyze and interpret data, or collaborate with academic or other appropriate institutions, for such analysis and collection;

“(D) participate in conferences and workshops for the purpose of informing and educating others regarding the experiences and lessons learned from the project;

“(E) collaborate with appropriate partners to publish the results of the project for the benefit of the public health community;

“(F) establish mechanisms with other public or private groups to maintain financial support for the program after the grant terminates; and

“(G) maintain relationships with local partners and continue to develop new relationships with national and State partners.

“(2) DURATION.—The period during which payments may be made under a grant under paragraph (1) shall not exceed 4 years. Such payments shall be subject to annual approval by the Secretary and to the availability of appropriations for the fiscal year involved.

"(f) EVALUATION GRANTS.—

"(1) IN GENERAL.—The Secretary may award grants to eligible entities that have received an implementation grant under subsection (e) that require additional assistance for the purpose of rigorous data analysis, program evaluation (including process and outcome measures), or dissemination of findings.

"(2) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to—

"(A) entities that in previous funding cycles—

"(i) have received a planning grant under subsection (d); or

"(ii) implemented activities of the type described in subsection (e)(1); and

"(B) entities that incorporate best practices or build on successful models in their action plan, including the use of community health workers.

"(g) SUSTAINABILITY.—The Secretary shall give priority to an eligible entity under this section if the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the activities for which the grant was awarded, the entity (and each of the participating partners in the coalition represented by the entity) will maintain its expenditures of non-Federal funds for such activities at a level that is not less than the level of such expenditures during the fiscal year immediately preceding the first fiscal year for which the grant is awarded.

"(h) NONDUPLICATION.—Funds provided through this grant program should supplement, not supplant, existing Federal funding, and the funds should not be used to duplicate the activities of the other health disparity grant programs in this Act.

"(i) TECHNICAL ASSISTANCE.—The Secretary may, either directly or by grant or contract, provide any entity that receives a grant under this section with technical and other nonfinancial assistance necessary to meet the requirements of this section.

"(j) DISSEMINATION.—The Secretary shall enable grantees to share best practices, evaluation results, and reports using the Internet, conferences, and other pertinent information regarding the projects funded by this section, including the outreach efforts of the Office of Minority Health and Health Disparity Elimination.

"(k) ADMINISTRATIVE BURDENS.—The Secretary shall make every effort to minimize duplicative or unnecessary administrative burdens on grantees.

"SEC. 399S. GRANTS FOR HEALTH DISPARITY COLLABORATIVES.

"(a) PURPOSE.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to eligible entities to assist in implementing systems of primary care practices through which to eliminate disparities in the delivery of healthcare and improve the healthcare provided to all patients.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

"(1) be a federally qualified health center as defined in section 1905(l)(2)(B) of the Social Security Act with the ability to establish and lead a collaborative partnership; and

"(2) submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, which shall include plans to implement collaboratives in one or more of the following areas:

"(A) Diabetes.

"(B) Asthma.

"(C) Depression.

"(D) Cardiovascular disease.

"(E) Cancer.

"(F) Preventive health, including screenings.

"(G) Perinatal health.

"(H) Patient safety.

"(I) Other areas as designated by the Secretary.

"(c) NONDUPLICATION.—Funds provided through this grant program should supplement, not supplant, existing Federal funding, and the funds should not be used to duplicate the activities of the other health disparity grant programs in this Act.

"(d) TECHNICAL ASSISTANCE.—The Secretary may, either directly or by grant or contract, provide any entity that receives a grant under this section with technical and other nonfinancial assistance necessary to meet the requirements of this section.

"(e) ADMINISTRATIVE BURDENS.—The Secretary shall make every effort to minimize duplicative or unnecessary administrative burdens on grantees.

"SEC. 399T. COMMUNITY HEALTH INITIATIVES.

"(a) PURPOSE.—The Secretary shall establish the Community Health Initiative demonstration program to support comprehensive State, tribal, or local initiatives to improve the health of racial and ethnic minority and other health disparity populations.

"(b) COMMUNITY HEALTH INITIATIVE PROGRAM.—

"(1) IN GENERAL.—The Secretary shall award Community Health Initiative Program grants to State and local public health agencies of eligible communities. Each grant shall be funded for 5 years.

"(2) ELIGIBLE COMMUNITIES.—

"(A) IDENTIFICATION.—The Secretary shall develop, after opportunity for public review and comment, and implement a metric for identifying and notifying eligible communities pursuant to subparagraph (B), and report such findings to Congress and the public.

"(B) ELIGIBILITY.—Eligible communities shall be communities that are most at risk, or at greatest disproportionate risk, for adverse health outcomes, as measured by—

"(i) overall burden of disease and health conditions;

"(ii) accessibility to and availability of health and economic resources;

"(iii) proportion of individuals from racial and ethnic minority and other health disparity populations; and

"(iv) other factors as determined appropriate by the Secretary.

"(3) AGENCY COLLABORATION.—The Secretary, in collaboration with the Deputy Assistant Secretary for Minority Health and Health Disparity Elimination, the Director of the Centers for Disease Control and Prevention, the Administrator of the Health Resources and Services Administration, the Director of the Indian Health Service, and heads of other Federal agencies as appropriate, shall determine, with respect to the Community Health Initiative Program—

"(A) core goals, objectives and reasonable timelines for implementing, evaluating and sustaining comprehensive and effective health and healthcare improvement activities in eligible communities;

"(B) current programmatic and research initiatives in which eligible communities may participate;

"(C) existing agency resources that can be targeted to eligible communities; and

"(D) mechanisms to facilitate joint application, or establish a common application, to multiple grant programs, as appropriate.

"(4) APPLICATIONS.—

"(A) IN GENERAL.—The State and local public health agencies of eligible communities shall jointly submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including a strategic plan that shall—

"(i) describe the proposed activities pursuant to paragraph (5);

"(ii) report the extent to which local institutions and organizations and community residents have participated in the strategic plan development;

"(iii) identify established public-private partnerships, and State, local, and private resources that will be available;

"(iv) identify Federal funding needed to support the proposed activities; and

"(v) report the baselines, methods, and benchmarks for measuring the success of activities proposed in the strategic plan.

"(B) COMMUNITY ADVISORY BOARD.—

"(i) IN GENERAL.—In order to receive a Community Health Initiative Program grant under this section, an eligible community shall have a community advisory board.

"(ii) MEMBERS.—

"(I) COMMUNITY.—The majority of the members of a community advisory board under clause (i) shall be individuals that will benefit from the activities or services provided by the grants under this section.

"(II) REPRESENTATIVES.—A community advisory board shall include representatives from the State health department and county or local health department, community-based organizations, environmental and public health experts, healthcare professionals and providers, nonprofit leaders, community organizers, elected officials, private payers, employers, and consumers.

"(iii) DUTIES.—A community advisory board shall—

"(I) oversee the functions and operations of Community Health Initiative Program grant activities;

"(II) assist in the evaluation of such activities; and

"(III) prepare an annual report that describes the progress made towards achieving stated goals and recommends future courses of action.

"(5) USE OF FUNDS.—An eligible community that receives a grant under this section shall use the funding to support activities to achieve stated core goals and objectives, pursuant to paragraph (3), which may include initiatives that—

"(A) promote disease prevention and health promotion, particularly for racial and ethnic minority and other health disparity populations;

"(B) facilitate partnerships between healthcare providers, public and health agencies, academic institutions, community based or advocacy organizations, elected officials, professional societies, and other stakeholder groups;

"(C) enhance the local capacity for aggregated and disaggregated health data collection and reporting;

"(D) coordinate and integrate community-based activities including education, city planning, transportation initiatives, environmental changes, and other related activities at the local level that help improve public health and address health concerns;

"(E) mobilize financial and other resources from the public and private sector to increase local capacity to address health issues;

"(F) support the training of staff in communication and outreach to the general public, particularly those at disproportionate risk for health and healthcare disparities;

"(G) assist eligible communities in meeting Healthy People 2010 objectives; and

"(H) aid eligible communities in providing employment, and cultural and recreational resources that enable healthy lifestyles.

"(6) EVALUATION.—The Secretary, directly or through contract, shall conduct and report an evaluation of the Community Health Initiative Program that shall be available to the public.

"(7) SUPPLEMENT NOT SUPPLANT.—Grant funds received under this section shall be used to supplement, and not supplant, funding that would otherwise be used for activities described under this section.

"SEC. 399U. OUTREACH.

"(a) IN GENERAL.—The Secretary, in collaboration with the Office for Minority Health and Health Disparity Elimination, the Centers for Medicare and Medicaid Services, and the Health Resources and Services Administration, shall establish a grant program to improve outreach, participation, and enrollment by eligible entities with respect to available healthcare programs.

"(b) ELIGIBILITY.—In this section, the term 'eligible entity' means any of the following:

"(1) A State or local government.

"(2) A Federal health safety net organization.

"(3) A national, local, or community-based public or nonprofit private organization.

"(4) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 relating to a grant award to nongovernmental entities.

"(5) An elementary or secondary school.

"(c) DEFINITION.—In this section:

"(1) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term 'Federal health safety net organization' means—

"(A) an Indian tribe, tribal organization, or an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider;

"(B) a Federally-qualified health center (as defined in section 330);

"(C) a hospital defined as a disproportionate share hospital;

"(D) a covered entity described in section 340B(a)(4); and

"(E) any other entity or a consortium that serves children under a federally funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the head start and early head start programs under the Head Start Act (42 U.S.C. 9831 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), and an elementary or secondary school.

"(2) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(d) PRIORITY FOR AWARD OF GRANTS.—

"(1) IN GENERAL.—In making grants under subsection (a), the Secretary shall give priority to—

"(A) eligible entities that propose to target geographic areas with high rates of—

"(i) eligible but unenrolled children, including such children who reside in rural areas; or

"(ii) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

"(B) eligible entities that plan to engage in outreach efforts with respect to individuals described in subparagraph (A) and that are—

"(i) Federal health safety net organizations; or

"(ii) faith-based organizations or consortia.

"(2) TEN PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under section 202(3) of the Minority Health Improvement and Health Disparity Elimination Act to carry out this section for a fiscal year shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.".

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) such sums as may be necessary for each of fiscal years 2007 through 2011, to carry out section 399Q of the Public Health Service Act (as added by section 201);

(2) $52,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011, to carry out section 399R of the Public Health Service Act (as added by section 201); and

(3) such sums as necessary for each of fiscal years 2007 through 2011, to carry out sections 399S, 399T, and 399U of the Public Health Service Act (as added by section 201).

TITLE III—RESEARCH

SEC. 301. AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.

Part B of title IX of the Public Health Service Act (42 U.S.C. 299b et seq.) is amended by adding at the end the following:

"SEC. 918. ENHANCED RESEARCH WITH RESPECT TO HEALTHCARE DISPARITIES.

"(a) ACCELERATING THE ELIMINATION OF DISPARITIES.—

"(1) STRATEGIC PLAN.—The Secretary, acting through the Director, and in collaboration with the Deputy Assistant Secretary for Minority Health and Health Disparity Elimination, shall develop a strategic plan regarding research supported by the agency to improve healthcare and eliminate healthcare disparities among racial and ethnic minority and other health disparity populations. In developing such plan, the Secretary shall—

"(A) determine which areas of research focus would have the greatest impact on healthcare improvement and elimination of disparities, taking into consideration the overall health status of various populations, disproportionate burden of diseases or health conditions, and types of interventions for which data on effectiveness is limited;

"(B) establish measurable goals and objectives which will allow assessment of progress;

"(C) solicit public review and comment from experts in healthcare, minority health and health disparities, health services research, and other areas as determined appropriate by the Secretary;

"(D) incorporate recommendations from the Institute of Medicine, pursuant to section 303 of the Minority Health Improvement and Health Disparity Elimination Act, as appropriate;

"(E) complete such plan within 12 months of enactment of the Minority Health Improvement and Health Disparity Elimination Act, and update such plan and report on progress meeting established goals and objectives not less than every 2 years;

"(F) include progress meeting plan goals and objectives in annual performance budget submissions;

"(G) ensure coordination and integration with the National Plan to Improve Minority Health and Eliminate Health Disparities, as described in section 1707(c) and other Department-wide initiatives, as feasible; and

"(H) report the plan to the Congress and make available to the public in print and electronic format.

"(2) ESTABLISHMENT OF GRANTS.—The Secretary, acting through the Director, and in collaboration with the Deputy Assistant Secretary for Minority Health and Health Disparity Elimination, may award grants or contracts to eligible entities for research to improve the health of racial and ethnic minority and other health disparity populations (as defined in section 903(d)).

"(3) APPLICATION; ELIGIBLE ENTITIES.—

"(A) APPLICATION.—To receive a grant or contract under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(B) ELIGIBLE ENTITIES.—To be eligible to receive a grant or contract under this section, an entity shall be a health center, hospital, health plan, health system, community clinic, or other health entity determined appropriate by the Secretary, that—

"(i) by legal mandate or explicitly adopted mission, provides patients with access to services regardless of their ability to pay;

"(ii) provides care or treatment for a substantial number of patients who are uninsured, are receiving assistance under a State program under title XIX of the Social Security Act, or are members of vulnerable populations, as determined by the Secretary;

"(iii) serves a disproportionate percentage of patients from racial and ethnic minority and other health disparity populations;

"(iv) provides an assurance that amounts received under the grant or contract will be used to implement strategies that address patients' linguistic needs, where necessary, and recruit and maintain diverse staff and leadership; and

"(v) provides an assurance that amounts received under the grant or contract will be used to support quality improvement activities for patients from racial and ethnic minority and other health disparity populations.

"(C) PREFERENCE.—Consortia of 3 or more eligible entities shall be given a preference for grant or contract funding.

"(4) RESEARCH.—The research funded under paragraph (2), with respect to racial and ethnic minority and other health disparity populations, shall—

"(A) prioritize the translation of existing research into practical interventions for improving health and healthcare and reducing disparities;

"(B) target areas of need as identified in the strategic plan pursuant to subsection (a)(1), the National Healthcare Disparities Report published by the Agency for Healthcare Research and Quality, relevant reports by the Institute of Medicine, and other reports issued by Federal health agencies;

"(C) include a focus on community-based solutions and partnerships as appropriate;

"(D) expand practice-based research networks (primary care and larger delivery systems) to include networks of delivery sites serving large numbers of minority and health disparity populations including—

"(i) public hospitals and private non-profit hospitals;

"(ii) health centers;

"(iii) health plans; and

"(iv) other sites as determined appropriate by the Director.

"(5) Dissemination of Research Findings.—To ensure that findings from the research described in paragraph (4) are disseminated and applied promptly, the Director shall—

"(A) develop outreach and training programs for healthcare providers with respect to the practical and effective interventions that result from research programs carried out with grants or contracts awarded under this section; and

"(B) provide technical assistance for the implementation of evidence-based practices that will improve health and healthcare and reduce disparities.

"(b) Realizing the Potential of Disease Management.—

"(1) Public-Private Sector Partnership to Assess Effectiveness of Existing Disease Management Strategies.—

"(A) In general.—The Secretary shall establish a public-private partnership to identify, evaluate, and disseminate effective disease management strategies, tailored to improve healthcare and health outcomes for patients from racial and ethnic minority and other health disparity populations. Such strategies shall reflect established healthcare quality standards and benchmarks and other evidence-based recommendations.

"(B) Partnership composition.—The partnership's members shall include the following:

"(i) Representatives from the following:

"(I) The Office of Minority Health and Health Disparity Elimination.

"(II) The Centers for Disease Control and Prevention.

"(III) The Agency for Healthcare Research and Quality.

"(IV) The Centers for Medicare and Medicaid Services.

"(V) The Health Resources and Services Administration.

"(VI) The Indian Health Service.

"(VII) Other agencies as designated by the Secretary.

"(ii) Representatives of health plans, employers, or other private entities that have implemented disease management programs.

"(iii) Representatives of hospitals, community health centers, large, small, or solo provider groups, or other organizations that provide healthcare and have implemented disease management programs.

"(iv) Community-based representatives who have been involved with establishing, implementing, or evaluating disease management programs.

"(v) Other individuals as designated by the Secretary.

"(C) Partnership duties.—

"(i) In general.—Not later than 18 months after the date of enactment of the Minority Health Improvement and Health Disparity Elimination Act, the partnership shall release a best practices report, with a particular focus on the following:

"(I) Self-management training.

"(II) Increasing patient participation in and satisfaction with healthcare encounters.

"(III) Helping patients use quality performance and cost information to choose appropriate healthcare providers for their care.

"(IV) Interventions outside of a traditional healthcare environment, including the workplace, school, community, or home.

"(V) Interventions utilizing community health workers and case managers.

"(VI) Interventions that implement integrated disease management and treatment strategies to address multiple chronic co-occurring conditions.

"(VII) Other interventions as identified by the Secretary.

"(2) Report.—

"(A) In general.—Not later than September 30, 2010, the partnership shall submit to the Secretary and the relevant committees of Congress a report that describes the extent to which the activities and research funded under this section have been successful in reducing and eliminating disparities in health and healthcare in targeted populations.

"(B) Availability.—The Secretary shall ensure that the report is made available on the Internet websites of the Office of Minority Health and Health Disparity Elimination, the Agency for Healthcare Research and Quality, and other agencies as appropriate.".

SEC. 302. GENETIC VARIATION AND HEALTH.

(a) In General.—The Secretary shall ensure that any current, proposed, or future research and programmatic activities regarding genomics include focus on genetic variation within and between populations, with a focus on racial and ethnic minority populations, that may affect risk of disease or response to drug therapy and other treatments, in order to ensure that all populations are able to derive full benefit from genomic tests and treatments that may improve their health and healthcare. The Secretary shall encourage, with respect to racial and ethnic minority populations, efforts to—

(1) increase access, availability, and utilization of genomic tests and treatments;

(2) determine and monitor appropriateness of use of genomic tests and treatments;

(3) increase awareness of the importance of knowing one's family history and the relationships between genes, the social and physical environment, and health; and

(4) expand genomics research that would help to—

(A) improve tests to facilitate earlier and more accurate diagnoses;

(B) enhance the safety of drugs, particularly for drugs that pose an elevated risk for adverse drug events in such populations;

(C) increase the effectiveness of drugs, particularly for diseases and conditions that disproportionately affect such populations; and

(D) augment the current understanding of the interactions between genomic, social and physical environmental factors and their influence on the causality, prevention, and treatment of diseases common in such populations.

(b) Genetic Variation, Environment, and Health Summit.—

(1) Summit.—Not later than 1 year after the date of enactment of this Act, the Director of the National Human Genome Research Institute, in collaboration with the Director of the Office of Genomics and Disease Prevention at the Centers for Disease Control and Prevention, the Director of the Office of Behavioral and Social Science Research at the National Institutes of Health, and the Deputy Assistant Secretary of the Office of Minority Health and Health Disparity Elimination, shall convene a Summit for the purpose of providing leadership and guidance to Secretary, Congress, and other public and private entities on current and future areas of focus for genomics research, including translation of findings from such research, relating to improving the health of racial and ethnic minority populations and reducing health disparities.

(2) Participation.—The Summit shall include—

(A) representatives from the Federal health agencies, including the National Institutes of Health, the Centers for Disease Control and Prevention, the Food and Drug Administration, the Health Resources and Services Administration, and additional agencies and departments as determined appropriate by the Secretary;

(B) independent experts and stakeholders from relevant industry and academic institutions, particularly those that have demonstrated expertise in both genomics and minority health and serve a disproportionate number of racial and ethnic minority patients; and

(C) leaders of community organizations that work to reduce and eliminate health disparities.

(3) Report.—Not later than 90 days after the conclusion of the Summit, the Director of the National Human Genome Research Institute shall submit to Congress and make available to the public a report detailing recommendations on—

(A) an appropriate description of human diversity, incorporating available information on genetics, for use in genomic research and programs operated or supported by the Federal Government;

(B) guiding ethics, principles, and protocols for the inclusion and designation of racial and ethnic minority populations in genomics research, particularly clinical trials programs operated or supported by the Federal Government;

(C) ways to increase access to and utilization of effective pharmacogenomic and other genetic screening and services for racial and ethnic minority populations;

(D) research opportunities and funding support in the area of genomic variation that may improve the health and healthcare of minority populations;

(E) ways to enhance integration of Federal Government-wide efforts and activities pertaining to race, genomics, and health; and

(F) need for additional privacy protections in preventing stigmatization and inappropriate use of genetic information.

(c) Pharmacogenomics and Emerging Issues Advisory Committee.—

(1) In general.—The Secretary, under section 222 of the Public Health Service Act (42 U.S.C. 217a), shall convene and consult an advisory committee on issues relating to pharmacogenomics (referred to in this subsection as the "Advisory Committee").

(2) Duties.—

(A) In general.—The Advisory Committee shall advise and make recommendations to the Secretary, through the Commissioner of Food and Drugs and in consultation with the Director of the National Institutes of Health, on the evolving science of pharmacogenomics and interindividual variability in drug response, as it relates to the health of racial and ethnic minorities.

(B) Matters considered.—The recommendations under subparagraph (A) shall include recommendations on—

(i) the ethics, design, and analysis of clinical trials involving racial and ethnic minorities conducted under section 351, 4091, or 499 of the Public Health Service Act or section 505(i), 505A, 505B, or 515(g) of the Federal Food, Drug, and Cosmetic Act;

(ii) general policy and guidance with respect to the development, approval or clearance, and labeling of medical products for racial and ethnic minorities;

(iii) the role of pharmacogenomics during the development of drugs, biological products, and diagnostics;

(iv) the understanding of interindividual variability in drug response;

(v) diagnostics or treatments for diseases or conditions common in racial and ethnic minorities; and

(vi) the identification of other areas of unmet medical need.

(3) COMPOSITION.—The Advisory Committee shall include—

(A) experts in the fields of—

(i) minority health and health disparities;

(ii) genomics;

(iii) pharmaceutical and diagnostic research and development;

(iv) ethical, legal, and social issues relating to clinical trials; and

(v) bioinformatics and information technology;

(B) representatives from minority health organizations and relevant patient organizations; and

(C) other experts as deemed appropriate by the Secretary.

(4) COORDINATION WITH OTHER ADVISORY COMMITTEES.—The Advisory Committee may consult and coordinate with other advisory committees of the Department of Health and Human Services as determined appropriate by the Secretary.

(5) RECOMMENDATIONS.—The Advisory Committee shall submit recommendations to the Secretary with respect to each of the matters described under paragraph (2)(B) prior to the development by the Secretary of the report described under paragraph (6).

(6) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary—

(A) shall, acting through the Commissioner of Food and Drugs and in consultation with the Director of the National Institutes of Health, and taking into consideration the recommendations of the Advisory Committee submitted under paragraph (5), submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the evolving science of pharmacogenomics as it relates to racial and ethnic minorities, including a review of the guidance of the Food and Drug Administration on the participation of racial and ethnic minorities in clinical trials; and

(B) shall ensure that such report is made publicly available.

SEC. 303. EVALUATIONS BY THE INSTITUTE OF MEDICINE.

(a) HEALTH DISPARITIES SUMMIT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Institute of Medicine shall convene a summit on health disparities (referred to this section as the "Summit").

(2) PURPOSE.—The purposes of the Summit include—

(A) reviewing current activities of the Federal Government in addressing health and healthcare disparities as experienced by racial and ethnic minority populations, and other health disparity populations as practicable; and

(B) assessing progress made since the 2002 Institute of Medicine National Healthcare Disparities Report.

(3) AREAS OF FOCUS.—The Summit shall examine the activities of the Federal Government to reduce and eliminate health disparities, with a focus on—

(A) education and training, including health professions programs that increase minority representation in medicine and the health professions;

(B) data collection and analysis;

(C) coordination among agencies and departments in addressing healthcare disparities;

(D) research into the causes of and strategies to eliminate health disparities; and

(E) programs that increase access to care and improve health outcomes for health disparity populations.

(4) PARTICIPATION.—Summit participants shall include—

(A) representatives of the Federal Government;

(B) experts with research experience in identifying and addressing healthcare disparities among racial and ethnic minority and other health disparity populations; and

(C) representatives from community-based organizations and nonprofit groups that address the issues of racial and ethnic minority and other health disparity populations.

(5) SUMMIT PROCEEDINGS.—Not later than 180 days after the conclusion of the Summit, the Secretary shall offer to enter into a contract with the Institute of Medicine to publish a report summarizing the discussions of the Summit and review of current Federal activities to address healthcare disparities for racial and ethnic minority and other health disparity populations.

(b) NATIONAL PLAN TO ELIMINATE DISPARITIES.—

(1) PLAN.—Not later than 2 years after the date of enactment of this Act, the Institute of Medicine shall develop an evidence-based, strategic, national plan to eliminate disparities which shall—

(A) include goals, interventions, and resources needed to eliminate disparities;

(B) establish a reasonable timetable to reach selected priorities;

(C) inform and complement the National Plan to Improve Minority Health and Eliminate Health Disparities, pursuant to section 1707(c)(2) of the Public Health Service Act (as added by section 501 of this Act); and

(D) inform the development of criteria for evaluation of the effectiveness of programs authorized under this Act (and the amendments made by this Act), pursuant to subsection (c).

(2) REPORT.—The Secretary shall offer to enter into a contract with the Institute of Medicine to publish the National Plan to Eliminate Disparities.

(c) INSTITUTE OF MEDICINE EVALUATION.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall offer to enter into a contract with the Institute of Medicine to evaluate the effectiveness of the programs authorized under this Act (and the amendments made by this Act) in addressing and reducing health disparities experienced by racial and ethnic minority and other health disparity populations. In making such an evaluation, the Institute of Medicine shall consult—

(A) representatives of the Federal Government;

(B) experts with research and policy experience in identifying and addressing healthcare disparities among racial and ethnic minority and other health disparity populations; and

(C) representatives from community-based organizations and nonprofit groups that address health disparity issues.

(2) REPORT.—Not later than 2 years after the Secretary enters into the contract under paragraph (1), the Institute of Medicine shall submit to the Secretary and relevant committees of Congress a report that contains the results of the evaluation described under such subparagraph, and any recommendations of such Institute.

(3) RESPONSE.—Not later than 180 days after the date the Institute of Medicine submits the report under this subsection, the Secretary shall publish a response to such recommendations, which shall be provided to the relevant committees of Congress and made publicly available through the Internet Clearinghouse under section 270 of the Public Health Service Act (as added by section 101).

(d) HEALTH INFORMATION TECHNOLOGY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director of the National Library of Medicine, shall offer to enter into a contract with the Institute of Medicine to study and make recommendations regarding the use of health information technology and bioinformatics to improve the health and healthcare of racial and ethnic minority and other health disparity populations.

(2) STUDY.—The study under paragraph (1), with respect to increasing access and quality of healthcare for racial and ethnic minority and other health disparity populations, shall assess and make recommendations regarding—

(A) effective applications of health information technology, including telemedicine and telepsychiatry;

(B) status of development of health information technology standards that will permit healthcare information of the type required to support patient care;

(C) inclusion of organizations with expertise in minority health and health disparities in the development of health information technology standards and applications;

(D) priority areas for research to improve the dissemination, management, and use of biomedical knowledge that address identified and unmet needs;

(E) educational and training needs and opportunities to assist health professionals understand and apply health information technology; and

(F) ways to increase recruitment and retention of racial and ethnic minorities into the field of medical informatics.

(3) REPORT.—Not later than 2 years after the Secretary enters into the contract under paragraph (1), the Institute of Medicine shall submit to the Secretary and relevant committees of Congress a report that contains the findings and recommendations of this study.

SEC. 304. NATIONAL CENTER FOR MINORITY HEALTH AND HEALTH DISPARITIES REAUTHORIZATION.

Section 485E of the Public Health Service Act (42 U.S.C. 287c-31) is amended—

(1) by striking subsection (e) and inserting the following:

"(e) DUTIES OF THE DIRECTOR.—

"(1) INTERAGENCY COORDINATION OF MINORITY HEALTH AND HEALTH DISPARITIES ACTIVITIES.—With respect to minority health and health disparities, the Director of the Center shall plan, coordinate, and evaluate research and other activities conducted or supported by the agencies of the National Institutes of Health. In carrying out the preceding sentence, the Director of the Center shall evaluate the minority health and health disparity activities of each of such agencies and shall provide for the periodic reevaluation of such activities.

"(2) CONSULTATIONS.—The Director of the Center shall carry out this subpart (including developing and revising the plan and budget required in subsection (f)) in consultation with the Directors of the agencies (or a designee of the Directors) of the National Institutes of Health, with the advisory councils of the agencies, and with the advisory council established under section (j).

"(3) COORDINATION OF ACTIVITIES.—The Director of the Center shall act as the primary Federal official with responsibility for coordinating all minority health disparities research and other health disparities research conducted or supported by the National Institutes of Health and shall—

"(A) represent the health disparities research program of the National Institutes of Health including the minority health disparities research program at all relevant executive branch task forces, committees, and planning activities;

"(B) maintain communications with all relevant Public Health Service agencies, including the Indian Health Service and various other departments of the Federal Government, to ensure the timely transmission of information concerning advances in minority health disparities research and other health disparities research between these various agencies for dissemination to affected communities and healthcare providers; and

"(C) engage with community-based organizations and health provider groups to—

"(i) increase education and awareness about the Center's activities and areas of research focus; and

"(ii) accelerate the translation of research findings into programs including those carried out by community-based organizations.";

(2) in subsection (f)—

(A) by striking the subsection heading and inserting the following:

"(f) COMPREHENSIVE PLAN FOR RESEARCH; BUDGET ESTIMATE; ALLOCATION OF APPROPRIATIONS.—";

(B) in paragraph (1)—

(i) by striking the matter preceding subparagraph (A) and subparagraph (A) and inserting the following:

"(1) IN GENERAL.—Subject to the provisions of this section and other applicable law, the Director of the Center, in consultation with the Director of NIH, the Directors of the other agencies of the National Institutes of Health, and the advisory council established under subsection (j) shall—

"(A) annually review and revise a comprehensive plan (referred to in this section as 'the Plan') and budget for the conduct and support of all minority health and health disparities research and other health disparities research activities of the agencies of the National Institutes of Health;";

(ii) in subparagraph (D), by striking ", with respect to amounts appropriated for activities of the Center,";

(iii) by striking subparagraph (F) and inserting the following:

"(F) ensure that the Plan and budget are presented to and considered by the Director during the formulation of the overall annual budget for the National Institutes of Health;";

(iv) by redesignating subparagraphs (G) and (H) as subparagraphs (I) and (J), respectively; and

(v) by inserting after subparagraph (F), the following:

"(G) annually submit to Congress a report on the progress made with respect to the Plan;

"(H) creating and implementing a plan for the systematic review of research activities supported by the National Institutes of Health that are within the mission of both the Center and other agencies of the National Institutes of Health, by establishing mechanisms for—

"(i) tracking minority health and health disparity research conducted within the agencies;

"(ii) the early identification of applications and proposals for grants, contracts, and cooperative agreements supporting extramural training, research, and development, that are submitted to the agencies and that are within the mission of the Center;

"(iii) providing the Center with the written descriptions and scientific peer review results of such applications and proposals;

"(iv) enabling the agencies to consult with the Director of the Center prior to final approval of such applications and proposals; and

"(v) reporting to the Director of the Center all such applications and proposals that are approved for funding by the agencies;"; and

(C) in paragraph (2)—

(i) in subparagraph (D), by striking "and" at the end;

(ii) in subparagraph (E), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(F) the number and type of personnel needs of the Center.";

(3) in subsection (h)—

(A) in paragraph (1), by striking "endowments at centers of excellence under section 736." and inserting the following: "endowments at—

"(A) centers of excellence under section 736; and

"(B) centers of excellence under section 485F."; and

(B) in paragraph (2)(A), by striking "average" and inserting "median";

(4) by redesignating subsections (k) and (l) as subsections (m) and (n), respectively;

(5) by inserting after subsection (j), the following:

"(k) REPRESENTATION OF MINORITIES AMONG RESEARCHERS.—The Secretary, in collaboration with the Director of the Center, shall determine the extent to which racial and ethnic minority and other health disparity populations are represented among senior physicians and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(l) CANCER RESEARCH.—The Secretary, in collaboration with the Director of the Center, shall designate and support a cancer prevention, control, and population science center to address the significantly elevated rate of morbidity and mortality from cancer in racial and ethnic minority populations. Such designated center shall be housed within an existing, stand-alone cancer center at a historically black college and university that has a demonstrable commitment to and expertise in cancer research in the basic, clinical, and population sciences.";

(6) in subsection (l)(1) (as so redesignated), by inserting before the semicolon the following: ", with a particular focus on evaluation of progress made toward fulfillment of the goals of the Plan"; and

(7) by striking subsection (m) (as so redesignated).

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

(a) SECTIONS 301, 302, AND 303.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011, to carry out sections 301, 302, and 303 (and the amendments made by such sections).

(b) SECTION 304.—

(1) IN GENERAL.—There are authorized to be appropriated $240,000,000 for fiscal year 2007, such sums as may be necessary for each of fiscal years 2008 through 2011, to carry out section 304.

(2) ALLOCATION OF FUNDS.—Subject to section 485E of the Public Health Service Act (as amended by section 304) and other applicable law, the Director of the Center under such section 485E shall direct all amounts appropriated for activities under such section and in collaboration with the Director of National Institutes of Health and the directors of other institutes and centers of the National Institutes of Health.

(3) MANAGEMENT OF ALLOCATIONS.—All amounts allocated or expended for minority health and health disparities research activities under this subsection shall be reported programmatically to and approved by the Director of the Center under such section 485E, in accordance with the Plan described under such section 485E.

TITLE IV—DATA COLLECTION, ANALYSIS, AND QUALITY

SEC. 401. DATA COLLECTION, ANALYSIS, AND QUALITY.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXIX—DATA COLLECTION, ANALYSIS, AND QUALITY

"SEC. 2901. DATA COLLECTION, ANALYSIS, AND QUALITY.

"(a) DATA COLLECTION AND REPORTING.—The Secretary shall ensure that not later than 3 years after the date of enactment of the Minority Health Improvement and Health Disparity Elimination Act any ongoing or new federally conducted or supported health programs (including surveys) result in the—

"(1) collection and reporting of data by race and ethnicity using, at a minimum, Office of Budget and Management standards in effect on the date of enactment of the Minority Health Improvement and Health Disparity Elimination Act;

"(2) collection and reporting of data by geographic location, socioeconomic position (such as employment, income, and education), primary language, and, when determined practicable by the Secretary, health literacy; and

"(3) if practicable, collection and reporting of data on additional population groups if such data can be aggregated into the minimum race and ethnicity data categories.

"(b) DATA ANALYSIS AND DISSEMINATION.—

"(1) DATA ANALYSIS.—

"(A) IN GENERAL.—The Secretary shall analyze data collected under subsection (a) to detect and monitor trends in disparities in health and healthcare for racial and ethnic minority and other health disparity populations, and examine the interaction between various disparity indicators.

"(B) QUALITY ANALYSIS.—The Secretary shall ensure that the analyses under subparagraph (A) incorporate data reported according to quality measurement systems.

"(2) QUALITY MEASURES.—When the Secretary, by statutory or regulatory authority, adopts and implements any quality measures or any quality measurement system, the Secretary shall ensure the quality measures or quality measurement system comply with the following:

"(A) MEASURES.—Measures selected shall, to the extent practicable—

"(i) assess the effectiveness, timeliness, patient self-management, patient centeredness, equity, and efficiency of care received by patients, including patients from racial and ethnic minority and other health disparity populations;

"(ii) are evidence based, reliable, and valid; and

"(iii) include measures of clinical processes and outcomes, patient experience and efficiency.

"(B) Consultation.—In selecting quality measures or a quality measurement system or systems for adoption and implementation, the Secretary shall consult with—

"(i) individuals from racial and ethnic minority and other health disparity populations; and

"(ii) experts in the identification and elimination of disparities in health and healthcare among racial and ethnic minority and other health disparity populations.

"(3) Dissemination.—

"(A) In general.—The Secretary shall make the measures, data, and analyses described in paragraph (1) and (2) available to—

"(i) the Office of Minority Health and Health Disparity Elimination;

"(ii) the National Center on Minority Health and Health Disparities;

"(iii) the Agency for Healthcare Research and Quality for inclusion in the Agency's reports;

"(iv) the Centers for Disease Control and Prevention;

"(v) the Centers for Medicare and Medicaid Services;

"(vi) the Indian Health Service;

"(vii) other agencies within the Department of Health and Human Services; and

"(viii) other entities as determined appropriate by the Secretary.

"(B) Additional research.—The Secretary may, as the Secretary determines appropriate, make the measures, data, and analysis described in paragraphs (1) and (2) available for additional research, analysis, and dissemination to nongovernmental entities and the public.

"(c) Research.—

"(1) Disparity indicators.—

"(A) In general.—The Secretary shall award grants or contracts for research to develop appropriate methods, indicators, and measures that will enable the detection and assessment of disparities in healthcare. Such research shall prioritize research with respect to the following:

"(i) Race and ethnicity.

"(ii) Geographic location (such as geocoding).

"(iii) Socioeconomic position (such as income or education level).

"(iv) Health literacy.

"(v) Cultural competency.

"(vi) Additional measures as determined appropriate by the Secretary.

"(B) Applied research.—The Secretary shall use the results of the research from grants awarded under subparagraph (A) to improve the data collection described under subsection (a).

"(2) Strategic partnerships to encourage and improve data collection.—

"(A) In general.—The Secretary may award not more than 20 grants to eligible entities for the purposes of—

"(i) enhancing and improving methods for the collection, reporting, analysis, and dissemination of data, as required under the Minority Health Improvement and Health Disparity Elimination Act; and

"(ii) encouraging the collection, reporting, analysis, and dissemination of data to identify and address disparities in health and healthcare.

"(B) Definition of eligible entity.—In this paragraph, the term 'eligible entity' means a health plan, federally qualified health center, hospital, rural health clinic, academic institution, policy research organization, or other entity, including an Indian Health Service hospital or clinic, Indian tribal health facility, or urban Indian facility, that the Secretary determines to be appropriate.

"(C) Application.—An eligible entity desiring a grant under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(D) Priority in awarding grants.—In awarding grants under this paragraph, the Secretary shall give priority to eligible entities that represent collaboratives with—

"(i) hospitals, health plans, or health centers; and

"(ii) at least 1 community-based organization or patient advocacy group.

"(E) Use of funds.—An eligible entity that receives a grant under this paragraph shall use grant funds to—

"(i) collect, analyze, or report data by race, ethnicity, geographic location, socioeconomic position, health literacy, or other health disparity indicator;

"(ii) conduct and report analyses of quality of healthcare and disparities in health and healthcare for racial and ethnic minority and other health disparity populations, including disparities in diagnosis, management and treatment, and health outcomes for acute and chronic disease;

"(iii) improve health data collection, analysis, and reporting for subpopulations and categories;

"(iv) modify, implement, and evaluate use of health information technology systems that facilitate data collection, analysis and reporting for racial and ethnic minority and other health disparity populations, and support healthcare interventions;

"(v) develop educational programs to inform patients, providers, purchasers, and other individuals served about the legality and importance of the collection, analysis, and reporting of data by race, ethnicity, socioeconomic position, geographic location, and health literacy, for eliminating disparities in health; and

"(vi) evaluate the activities conducted under this paragraph.

"(d) Technical Assistance.—The Secretary may provide technical assistance to promote compliance with the data collection and reporting requirements of the Minority Health Improvement and Health Disparity Elimination Act.

"(e) Privacy and Security.—The Secretary shall ensure all appropriate privacy and security protections for health data collected, reported, analyzed, and disseminated pursuant to the Minority Health Improvement and Health Disparity Elimination Act.

"(f) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011.".

TITLE V—LEADERSHIP, COLLABORATION, AND NATIONAL ACTION PLAN

SEC. 501. OFFICE OF MINORITY HEALTH AND HEALTH DISPARITY ELIMINATION.

(a) In General.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended to read as follows:

"SEC. 1707. OFFICE OF MINORITY HEALTH AND HEALTH DISPARITY ELIMINATION.

"(a) Establishment.—For the purpose of improving the health of racial and ethnic minority populations and other health disparity populations, as described in subsection (b), there is established an Office of Minority Health and Health Disparity Elimination within the Office of Public Health and Science. There shall be in the Department of Health and Human Services a Deputy Assistant Secretary for Minority Health and Health Disparity Elimination, who shall be the head of the Office of Minority Health and Health Disparity Elimination. The Secretary, acting through such Deputy Assistant-Secretary, shall carry out this section.

"(b) Populations to Be Served.—The Secretary shall ensure that services provided under this section are prioritized to improve the health of racial and ethnic minority groups. To the extent that services are provided to other health disparity populations, such populations, as compared to the general population, must experience a—

"(1) disproportionate burden of disease, particularly chronic conditions such as hepatitis B, diabetes, heart disease, stroke, high blood pressure, mental illness, asthma, obesity, HIV/AIDS, and cancer;

"(2) significantly elevated risk for poor health outcomes, including disability and premature mortality;

"(3) disproportionate lack of access to local health resources, including hospitals, clinics, and health professionals; and

"(4) lower socioeconomic position.

"(c) Duties.—With respect to racial and ethnic minority groups, and other health disparity groups, the Secretary, acting through the Deputy Assistant Secretary, shall carry out the following:

"(1) Coordinate and provide input on activities within the Public Health Service that relate to disease prevention, health promotion, health service delivery, health workforce, and research concerning racial and ethnic minority populations, and other health disparity populations. The Secretary shall ensure that the heads of each of the agencies of the Service collaborate with the Deputy Assistant Secretary on the development and conduct of such activities.

"(2) Not later than 1 year after the date of enactment of the Minority Health Improvement and Health Disparity Elimination Act, develop and implement a comprehensive Department-wide plan to improve minority health and eliminate health disparities in the United States, to be known as the National Plan to Improve Minority Health and Eliminate Health Disparities, (referred to in this section as the 'National Plan'). With respect to development and implementation of the National Plan, the Secretary shall carry out the following:

"(A) Consult with the following:

"(i) The Director of the Centers for Disease Control and Prevention.

"(ii) The Director of the National Institutes of Health.

"(iii) The Director of the National Center on Minority Health and Health Disparities of the National Institutes of Health.

"(iv) The Director of the Agency for Healthcare Research and Quality.

"(v) The National Coordinator for Health Information Technology.

"(vi) The Administrator of the Health Resources and Services Administration.

"(vii) The Administrator of the Centers for Medicare & Medicaid Services.

"(viii) The Director of the Office for Civil Rights.

"(ix) The Secretary of Veterans Affairs.

"(x) The Administrator of the Substance Abuse and Mental Health Services Administration.

"(xi) The Secretary of Defense.

"(xii) The Commissioner of the Food and Drug Administration.

"(xiii) The Director of the Indian Health Service.

"(xiv) The Secretary of Education.

"(xv) The Secretary of Labor.

"(xvi) The heads of other public and private entities, as determined appropriate by the Secretary.

"(B) Review and integrate existing information and recommendations as appropriate, such as Healthy People 2010, Institute of Medicine studies, and Surgeon General Reports.

"(C) Ensure inclusion of measurable short-range and long-range goals and objectives, a description of the means for achieving such goals and objectives, and a designated date by which such goals and objectives are expected to be achieved.

"(D) Ensure that all amounts appropriated for such activities are expended in accordance with the National Plan.

"(E) Review the National Plan on at least an annual basis, and report to the public and appropriate committees of Congress on progress.

"(F) Revise such Plan as appropriate.

"(G) Ensure that the National Plan will serve as a binding statement of policy with respect to the agencies' activities related to improving health and eliminating disparities in health and healthcare.

"(3) Work with Federal agencies and departments outside of the Department of Health and Human Services as appropriate to maximize resources available to increase understanding about why disparities exist, and effective ways to improve health and eliminate health disparities.

"(4) In cooperation with the appropriate agencies, support research, demonstrations, and evaluations to test new and innovative models for—

"(A) expanding healthcare access;

"(B) improving healthcare quality; and

"(C) increasing healthcare educational opportunity.

"(5) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups or health disparity populations.

"(6) Increase awareness of disparities in healthcare, and knowledge and understanding of health risk factors, among healthcare providers, health plans, and the public.

"(7) Advise in matters related to the development, implementation, and evaluation of health professions education on improving healthcare outcomes and decreasing disparities in healthcare outcomes, with focus on cultural competence.

"(8) Assist healthcare professionals, community and advocacy organizations, academic medical centers and other health entities and public health departments in the design and implementation of programs that will improve health outcomes by strengthening the patient-provider relationship.

"(9) Carry out programs to improve access to healthcare services and to improve the quality of healthcare services for individuals with low functional health literacy.

"(10) Facilitate the classification and collection of healthcare data to allow for ongoing analysis to identify and determine the causes of disparities and monitoring of progress toward improving health and eliminating health disparities.

"(11) Ensure that the National Center for Health Statistics collects data on the health status of each racial or ethnic minority group or health disparity population pursuant to section 2901.

"(12) Support a national minority health resource center to carry out the following:

"(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of healthcare.

"(B) Facilitate access to such information.

"(C) Assist in the analysis of issues and problems relating to such matters.

"(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

"(13) Support a center for linguistic and cultural competence to carry out the following:

"(A) With respect to individuals who lack proficiency in speaking the English language, enter into contracts with public and nonprofit private providers of primary health services for the purpose of increasing the access of such individuals to such services by developing and carrying out programs to improve health literacy and cultural competency.

"(B) Carry out programs to improve access to healthcare services for individuals with limited proficiency in speaking the English language. Activities under this subparagraph shall include developing and evaluating model projects.

"(14) Enter into interagency agreements with other agencies of the Public Health Service, as appropriate.

"(15) Collaborate with the Office for Civil Rights to—

"(A) assist healthcare providers with application of guidance and directives regarding healthcare for racial and ethnic minority and other health disparity populations, including—

"(i) reviewing cases with the Office of Inspector General and the Office for Civil Rights which have been closed without a finding of discrimination to determine if a pattern or practice of activities that could lead to discrimination exists, and if such a pattern or practice is identified, provide technical assistance or education, as applicable, to the relevant provider or to a group of providers located within a particular geographic area;

"(ii) biannually publishing information on cases filed with the Office for Civil Rights which have resulted in a finding of discrimination, including the name and location of the entity found to have discriminated, and any findings and agreements entered into between the Office for Civil Rights and the entity; and

"(iii) monitoring and analysis of trends in cases reported to the Office for Civil Rights to ensure that the Office of Minority Health and Health Disparity Elimination acts to educate and assist healthcare providers as necessary; and

"(B) provide technical assistance or education, as applicable, to the relevant provider or to a group of providers located within a particular geographic area.

"(16) Promote and expand efforts to increase racial and ethnic minority enrollment in clinical trials.

"(17) Establish working groups—

"(A) to examine and report recommendations to the Secretary regarding—

"(i) emergency preparedness and response for underserved populations;

"(ii) development and implementation of health information technology that can assist providers to deliver culturally competent healthcare;

"(iii) outreach and education of health disparity groups about new Federal health programs, as appropriate, including the programs under Part D of title XVIII of the Social Security Act and chronic care management programs under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (and the amendments made by such Act);

"(iv) leadership development in public health; and

"(v) other emerging health issues at the discretion of the Secretary; and

"(B) that include representation from the relevant health agencies, centers and offices, as well as public and private entities as appropriate.

"(d) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health and Health Disparities (in this subsection referred to as the 'Committee').

"(2) DUTIES.—The Committee shall provide advice to the Deputy Assistant Secretary carrying out this section, including advice on the development of goals and specific program activities under subsection (c) for racial and ethnic minority groups and health disparity population.

"(3) CHAIR.—The chairperson of the Committee shall be selected by the Secretary from among the members of the voting members of the Committee. The term of office of the chairperson shall be 2 years.

"(4) COMPOSITION.—

"(A) The Committee shall be composed of 12 voting members appointed in accordance with subparagraph (B), and nonvoting, ex-officio members designated in subparagraph (C).

"(B) The voting members of the Committee shall be appointed by the Secretary from among individuals who are not officers or employees of the Federal Government and who have expertise regarding issues of minority health and health disparities. Racial and ethnic minority groups and health disparity populations shall be appropriately represented among such members.

"(C) The nonvoting, ex officio members of the Committee shall be such officials of the Department of Health and Human Services, including the Director of the Office of Minority Health and Health Disparity Elimination and the Office for Civil Rights, and other officials as the Secretary determines to be appropriate.

"(D) The Secretary shall provide an opportunity for the Chairman and Ranking Member of the Committee on Health, Education, Labor, and Pensions of the Senate to submit to the Secretary names of potential Committee members under this section for consideration.

"(5) TERMS.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.

"(6) VACANCIES.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

"(7) COMPENSATION.—Members of the Committee who are officers or employees of the United States shall serve without additional compensation. Members of the Committee who are not officers or employees of the

United States shall receive compensation, for each day (including travel time) they are engaged in the performance of the functions of the Committee. Such compensation may not be in an amount in excess of the daily equivalent of the annual maximum rate of basic pay payable under the General Schedule for positions above GS–15 under title 5, United States Code.

"(e) CERTAIN REQUIREMENTS REGARDING DUTIES.—

"(1) RECOMMENDATIONS REGARDING LANGUAGE.—

"(A) PROFICIENCY IN SPEAKING ENGLISH.—The Deputy Assistant Secretary shall consult with the Director of the Office of International and Refugee Health, the Director of the Office for Civil Rights, and the Directors of other appropriate departmental entities regarding recommendations for carrying out activities under subsection (c)(9).

"(B) HEALTH PROFESSIONS EDUCATION REGARDING HEALTH DISPARITIES.—The Deputy Assistant Secretary shall carry out the duties under subsection (c)(7) in collaboration with appropriate personnel of the Department of Health and Human Services, other Federal agencies, and other offices, centers, and institutions, as appropriate, that have responsibilities under the Minority Health and Health Disparities Research and Education Act of 2000.

"(2) RESOURCE ALLOCATION.—

"(A) FUNDING.—In carrying out subsection (c), the Secretary shall ensure that such funding and other resources directed to health disparity populations that are not racial and ethnic minority populations are used to supplement, not supplant, funding and other resources currently or historically allocated for services provided to such populations.

"(B) ACTIVITIES.—When carrying out activities for health disparity populations that are not racial and ethnic minority populations, the Secretary shall ensure that such activities carried out by the Office of Minority Health and Health Disparity Elimination supplement, not supplant, the activities of other offices or agencies whose primary mission by established mandate, or current or historical practice is to serve such populations.

"(3) CULTURAL COMPETENCY OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (c) consider the unique cultural or linguistic issues facing such populations and are provided in the language, educational, and cultural context that is most appropriate for the individuals for whom the information and services are intended.

"(4) AGENCY COORDINATION.—In carrying out subsection (c), the Secretary shall ensure that new or existing agency offices of minority health, or other health disparity offices, report current and proposed activities to the Deputy Assistant Secretary, and provide, to the extent practicable, an opportunity for input in the development of such activities by the Deputy Assistant Secretary.

"(f) GRANTS AND CONTRACTS REGARDING DUTIES.—

"(1) IN GENERAL.—In carrying out subsection (c), the Secretary acting through the Deputy Assistant Secretary, may make awards of grants, cooperative agreements, and contracts to public and nonprofit private entities.

"(2) PROCESS FOR MAKING AWARDS.—The Deputy Assistant Secretary shall ensure that awards under paragraph (1) are made, to the extent practical, only on a competitive basis, and that a grant is awarded for a proposal only if the proposal has been recommended for such an award through a process of peer review.

"(3) EVALUATION AND DISSEMINATION.—The Deputy Assistant Secretary, directly or through contracts with public and private entities, shall provide for evaluations of projects carried out with awards made under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (g) for the fiscal year involved.

"(g) STATE OFFICES OF MINORITY HEALTH.—The Deputy Assistant Secretary shall assist the voluntary establishment and functions of State offices of minority health in order to expand and coordinate State efforts to improve the health of minority and other health disparity populations.

"(1) PRIORITIES.—The Deputy Assistant Secretary may facilitate, with respect to minority and health disparity populations—

"(A) integration and coordination of State and national efforts, including those pertaining to the National Plan pursuant to subsection (b);

"(B) strategic plan development within States to assess and respond to local health concerns;

"(C) education and engagement of key stakeholders within States, including representatives from public health agencies, hospitals, clinics, provider groups, elected officials, community-based organizations, advocacy groups, media, and the private sector;

"(D) development and implementation of accepted standards, core competencies, and minimum infrastructure requirements for State offices;

"(E) access to State level health data for minority and health disparity populations, which may include State data collection and analysis;

"(F) development, implementation, and evaluation of State programs and policies, as appropriate;

"(G) communication and networking among States to share effective policies, programs and practices with respect to increasing access and quality of care;

"(H) recognition and reporting of State successes and challenges; and

"(I) identification of Federal grant programs and other funding for which States could apply to carry out health improvement activities.

"(2) RESOURCES.—The Deputy Assistant Secretary may provide grants and technical assistance for the voluntary establishment or capacity development of State offices of minority health.

"(3) COLLABORATION.—To the extent practicable, the Deputy Assistant Secretary may encourage and facilitate collaboration between State offices of minority health and State offices addressing the needs of other health disparity or disadvantaged populations, including offices of rural health.

"(4) DEFINITION.—For the purpose of this subsection, 'State offices of minority health' include offices, councils, commissions, or advisory panels designated by States or territories to address the health of minority populations.

"(h) REPORTS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Minority Health Improvement and Health Disparity Elimination Act, the Secretary shall submit to the appropriate committees of Congress, a report on the National Plan developed under subsection (c).

"(2) REPORT ON ACTIVITIES.—Not later than February 1 of fiscal year 2008 and of each second year thereafter, the Secretary shall submit to the appropriate committees of Congress, a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minority groups and health disparity populations. Each such report shall include the biennial reports submitted under subsection (f)(3) for such years by the heads of the Public Health Service agencies.

"(3) AGENCY REPORTS.—Not later than February 1, 2007, and on a biannual basis thereafter, the heads of the Public Health Service shall submit to the Deputy Assistant Secretary a report that summarizes the minority health and health disparity activities of each of the respective agencies.

"(i) DEFINITIONS.—In this section:

"(1) The term 'health disparity population' has the meaning given the term in section 903(d)(1).

"(2) The term 'racial and ethnic minority group' means American Indians (including Alaska Natives, Eskimos, and Aleuts), Asian Americans, Native Hawaiians and other Pacific Islanders, Blacks, and Hispanics.

"(3) The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or of any other Spanish-speaking country.

"(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $110,000,000 for fiscal year 2007, such sums as may be necessary for each of fiscal years 2008 through 2011.".

(b) TRANSFER OF FUNCTIONS; REFERENCES.—

(1) TRANSFER OF FUNCTIONS.—

(A) OFFICE OF MINORITY HEALTH AND HEALTH DISPARITY ELIMINATION.—The functions of the Office of Minority Health under section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) as in effect the day before the date of enactment of this Act are transferred to the Office of Minority Health and Health Disparity Elimination under such section 1707 (as amended by subsection (a)).

(B) DEPUTY ASSISTANT SECRETARY FOR MINORITY HEALTH AND HEALTH DISPARITY ELIMINATION.—The functions of the Deputy Assistant Secretary for Minority Health of the Office of Minority Health under section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) as in effect the day before the date of enactment of this Act are transferred to the Deputy Assistant Secretary for Minority Health and Health Disparity Elimination of the Office of Minority Health and Health Disparity Elimination under such section 1707 (as amended by subsection (a)).

(2) REFERENCES.—

(A) OFFICE OF MINORITY HEALTH AND HEALTH DISPARITY ELIMINATION.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Office of Minority Health under section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) as in effect the day before the enactment of this Act is deemed to be a reference to the Office of Minority Health and Health Disparity Elimination under such section 1707 (as amended by subsection (a)).

(B) DEPUTY ASSISTANT SECRETARY FOR MINORITY HEALTH AND HEALTH DISPARITY ELIMINATION.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Deputy Assistant Secretary for Minority Health of the Office of Minority Health under section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) as in effect the day before the enactment of this Act is deemed to be a reference to the Deputy Assistant Secretary for Minority Health and Health Disparity Elimination of the Office of Minority Health and Health Disparity Elimination under such section 1707 (as amended by subsection (a)).

Mr. KENNEDY. Mr. President, unfortunately, serious and unjustified health disparities continue to exist in our Nation today. Over 45 million Americans have no health insurance and often don't get the health care they need, or else they receive it too late. We know that persons who are uninsured are more likely to delay doctor visits and needed screenings like mammograms and other early detection tests, which can help prevent serious illness and death. The Institute of Medicine estimates that at least 18,000 Americans die prematurely each year solely because they lack health coverage.

Some of the most shameful health disparities involve racial and ethnic minorities, and typically they are more likely to be uninsured. African Americans have a lower life expectancy than whites, and are much more likely to die from stroke, and their uninsurance rates are much higher than for their white counterparts.

Many Americans—even physicians—want to believe such disparities don't exist, but ignoring them only contributes more to the widening gap between the haves and have-nots. It's a scandal that people of color have greater difficulty obtaining good health care than other Americans. Your health should not depend on the color of your skin, the size of your bank account, or where you live. In a Nation as advanced as ours and with its state-of-the-art medical technology for preventing illness and caring for the sick, it's appalling that so many health disparities continue to exist.

That's the reason why I am introducing the Minority Health and Health Disparity Elimination Act as part of our effort to eliminate these unacceptable disparities.

The bill provides grants to communities to increase public awareness about access to health care and disease prevention. It writes the Centers for Disease Control's Racial and Ethnic Approaches to Community Health program into law, so that this successful program can involve all communities in closing the health care gap.

Greater diversity in the health care workforce is also a key part of ending these disparities. African Americans, Hispanic Americans, and other minorities account for only 6 percent of the nation's doctors and 7 percent of nurses and dentists, even though they are almost one-third of the U.S. population. The disparity in the health workforce must be closed, not just to fulfill our commitment to equality of opportunity, but because of the impact it has on health care. Studies demonstrate that minority health professionals are more likely to care for minority patients, including those who are low-income and uninsured.

The Minority Health and Health Disparity Elimination Act reauthorizes the Title VII healthcare workforce diversity programs, and supports the Centers of Excellence at Historically Black Colleges and Universities and institutions that educate Hispanic and Native American students.

A diverse health care workforce is essential for a healthy country. Emphasizing workforce diversity does not mean that health care workers of all races should not be prepared to work with diverse patients. We must also make a more serious effort to train culturally competent health care professionals and work towards creating a health care system that is accessible for the more than 46 million Americans who speak a language other than English at home. The bill creates an Internet clearinghouse to help increase cultural competency and improve communication between health care providers and patients. It also supports the development of curricula on cultural competence in health professions schools.

Language barriers in health care obviously contribute to reduced access and poorer care for those who have limited English proficiency or low health literacy. The legislation recognizes the importance of this issue for the quality of our health care system and provides funds for activities to improve and encourage services for such patients.

The Minority Health and Health Disparities Research and Education Act enacted into law in 2000 created the National Center for Minority Health and Health Disparities. The legislation I am introducing today reauthorizes this important Center and strengthens its role in coordinating and planning research that focuses on minority health and health disparities. It further strengthens research in health care quality by establishing a grant program for healthcare delivery sites and public-private partnerships to evaluate and identify best practices in disease management strategies and interventions.

In addition, the bill promotes the participation of racial and ethnic minorities and other health disparity populations in clinical trials and intensifies efforts throughout the Department of Health and Human Services to increase and apply knowledge about the interaction of racial, genetic, and environmental factors that affect people's health.

Finally, the bill reinforces and clarifies the duties of the Office of Minority Health and Health Disparity Elimination and encourages greater cooperation among federal agencies and departments in meeting these serious challenges.

I look forward to working with my colleagues to enact this needed legislation when we return to session after the election recess.

Mr. OBAMA. Mr. President, for forty years the civil rights activist Fannie Lou Hamer rallied the Nation with her statement "I am sick and, tired, of being sick and tired." She would be disheartened to know the extent to which her words are still resonating with millions of Americans today. Whether we are talking about African Americans, Latinos, Asians or American Indians, the fact is that minorities continue to suffer a greater burden of disease and die prematurely. African Americans are one-third more likely than all other Americans to die from cancer, and have the highest rate of new HIV infection. One in 3 Latinos has no insurance coverage. Fifty percent of Americans suffering from chronic hepatitis B are Asian. And among many American Indian tribes, the rate of diabetes has hit epidemic proportions, with rates near 50 percent in certain tribes. The state of minority health in this Nation is deplorable, and by many measures, is getting worse.

Researchers have contributed a substantial body of work that has increased our understanding of the factors contributing to poor health. Higher rates of uninsurance are one such factor. Racial and ethnic minorities, particularly African Americans and Latinos, are significantly more likely to be uninsured. This lack of access to care leads to delayed or foregone care, and according to the Institute of Medicine, is the 6th leading cause of death in this Nation for adults aged 25–64. But equally disturbing, an overwhelming number of studies have shown that regardless of insurance status, minorities are more likely to receive low quality health care, and as a consequence, suffer worse health outcomes.

The Institute of Medicine's 2002 historic report, Unequal Treatment: Confronting Racial and Ethnic Disparities in Healthcare, documented persistent and pervasive disparities in health care for minority groups, even after adjusting for differences in insurance status and socioeconomic factors. The American Journal of Public Health has reported that more than 886,000 deaths could have been prevented from 1991 to 2000 if African Americans had received the same level of health care as whites. In contrast, the same study estimates that technological improvements in medicine—including better drugs, devices and procedures—prevented only 176,633 deaths during the same period.

African Americans are not the only minorities getting worse care. Data has shown, for example, that compared to white Americans, Mexican Americans receive 38 percent fewer heart medications, and American Indians get recommended care for only 40 percent of quality measures. The bottom line is that although the level of health care quality is mediocre at best for all Americans, it is much worse for minority groups. And this is unacceptable.

For these reasons, I am joining my colleagues Senator FRIST and Senator KENNEDY in introducing the Minority Health Improvement and Health Disparity Elimination Act. This critical legislation has a number of important provisions to help address the dismal health status of minority and other underserved populations. First, this bill strengthens education and training in cultural competence and communication, which is the cornerstone of quality health care for all patients. It also reauthorizes the pipeline programs in Title VII of the Public Health Service Act, which seek to increase diversity in the health professions. We all know that the door to opportunity is only half open for minority students in the health professions. The percentage of minority health professionals is shockingly low—African Americans, Hispanics and American Indians account for one-third of the Nation's population but less than 10 percent of the Nation's doctors, less than 5 percent of dentists and only 12 percent of nurses. We can do better, and we must.

Lack of workforce diversity has serious implications for both access and quality of health care. Minority physicians are significantly more likely to treat low-income patients, and their patients are disproportionately minority. Studies have also shown that minority physicians provide higher quality of care to minority patients, who are more satisfied with their care and more likely to follow their doctor's recommendations.

Second, this bill expands and supports a number of initiatives to increase access to quality care. Specifically, the legislation authorizes demonstration projects to help address health disparities in the U.S.-Mexico border region, increase health coverage and continuity of coverage, identify and implement effective disease management strategies, train community health workers, and increase enrollment of minorities in clinical trials. The REACH program at the Centers for Disease Control and Prevention, and the Health Disparity Collaboratives at the Bureau of Primary Health Care are authorized in statute. And I am pleased that the Community Health Initiative has also been authorized. This new environmental public health program is modeled after the Health Action Zones in the Healthy Communities Act, S. 2047, that I introduced a year ago, and guides and strengthens community efforts to improve health in comprehensive and sustained fashion.

A third area of focus is expansion and acceleration of data collection and research across the agencies, including the Agency for Healthcare Research and Quality and the National Institutes of Health, with special emphasis on translational research. The tremendous advances in medical science and health technology, which have benefited millions of Americans, have remained out of reach for too many minorities, and translational research will help to remedy this problem. The National Center on Minority Health and Health Disparities, which has a leadership role in establishing the disparities research strategic plan at the National Institutes of Health, is reauthorized, and a new advisory committee has been established at the Food and Drug Administration, to focus on pharmacogenomics and its safe and appropriate application in minority populations.

Last but not least, I want to highlight that the bill reauthorizes the Office of Minority Health and Health Disparity Elimination. This Office has been critical in providing the leadership, expertise and guidance for health improvement activities within the agencies of the Department of Health and Human Services, and has helped to ensure coordination, collaboration and integration of such efforts as well.

In conclusion, I want to note that this is the first bipartisan effort on minority health and health disparities since 2000, when the Congress passed the last minority health bill. That bill accelerated the research that documented the full scope and magnitude of disparities in health and health care in this Nation, and more importantly, helped us understand why these disparities occur. But it is time for the next step. We've got to translate the knowledge we have gained into practical and effective interventions that will improve minority health and eliminate disparities, and this bill will help us do just that.

I urge my colleagues to join me in cosponsoring and passing this critical legislation. Regardless of how you measure it—whether by needless suffering, lost productivity, financial costs, or lives lost—disparities in health and health care are a tremendous problem and moral imperative for our Nation, and one that is within our power to address right now. On behalf of the millions of Americans who continue to be sick and tired of being sick and tired, I ask you to join me in voting yes to pass this bill.

By Mr. SPECTER (for himself, Mr. LOTT, Mr. LEAHY, and Ms. LANDRIEU):

S. 4025. A bill to strengthen antitrust enforcement in the insurance industry; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition today to introduce the Insurance Industry Antitrust Enforcement Act of 2006. This legislation would subject the insurance industry to the antitrust laws, which apply to almost every other industry in America.

Congress enacted the McCarran-Ferguson Act in 1945. It did so in response to a controversial Supreme Court case in which the Court held that the business of insurance constituted interstate commerce. The ruling opened the door to federal regulation of insurance, a business that had historically been regulated by the States. Reacting to concern from the states that they would no longer have authority to collect taxes on insurance premiums, Congress passed McCarran-Ferguson, which reaffirmed the power of the States to regulate insurance and collect taxes.

In doing so, Congress exempted insurance industry practices from the antitrust laws to the extent that such practices are "regulated by state law." Since then, the courts have liberally interpreted the phrase "regulated by state law." They have held that insurance industry practices are exempt from the antitrust laws so long as regulators have been given jurisdiction over the challenged practices—regardless of whether the regulators ever exercise that jurisdiction.

Over the years, State regulators have either chosen not to regulate, or failed to regulate, practices that would have violated the antitrust laws absent McCarran-Ferguson. With McCarran-Ferguson, such practices escape both regulatory and federal antitrust oversight. The most notorious practices to come to light involved bid-rigging and customer allocation by insurance broker, Marsh & McClennan, and several of the nation's largest insurers, including AIG and Zurich American Insurance Company. Under the scheme, Marsh steered unsuspecting clients to insurers with which it had lucrative payoff agreements. To make the scheme work, Marsh solicited fictitious bids from other complicit insurers to make the bid submitted by the selected insurer—the one that offered Marsh the highest payoff—seem competitive.

Even though the scheme eliminated competition among the insurance companies that were involved, those companies could not be prosecuted under Federal antitrust law. Several States prosecuted the insurance companies under a variety of State laws, including antitrust laws, but federal prosecutors could not bring their significant resources to bear. There simply is no justification for that. Federal law enforcement should have the power to prosecute such blatant violations of the antitrust laws.

This is not the first attempt to subject the insurance industry to Federal antitrust law. In the wake of numerous insolvencies, mismanagement and other misconduct by insurers in the late 1980s, legislation was introduced repealing the exemption. That legislation, introduced by Congressman Brooks, faced opposition from insurers who claimed that many industry practices engaged in jointly by insurance companies were pro-competitive and necessary for smaller insurers. The legislation provided a safe harbor, specifically listing the practices of insurance companies that would be exempt from the antitrust laws. However, it proved impossible to craft a list of safe harbors for all the information that competing insurers claimed they needed to share with one another. This bill has avoided that problem.

More recently, some have argued that the answer to insurance industry ills is full federal regulation. I do not necessarily believe that stripping the States of their authority to regulate the insurance industry is the answer. This bill does not do that. It allows states to continue to regulate their insurance industries. However, the existence of state regulation is no reason to prevent the Federal Government from prosecuting violators of antitrust laws. And, there is no reason to prevent Federal prosecutors from going after those violators just because they happen to work for insurance companies.

As I've said, allowing Federal prosecutors to go after those who violate the antitrust laws will not prevent states from regulating the insurance industry. If a state is actively supervising practices by its insurance industry that might otherwise violate the antitrust laws, this legislation would exempt that practice from the antitrust laws. Antitrust law does not generally apply where a state is actively regulating an industry. This is as it should be and the legislation I introduce today, the Insurance Industry Antitrust Act of 2006, incorporates that standard.

The Judiciary Committee held a hearing on this issue in May.

During the hearing, Marc Racicot, the President of the American Insurance Association, a trade association composed of the nation's largest insurers, acknowledged that "every State provides some form of antitrust regulation of insurers." In other words, many States already enforce their State antitrust laws with respect to insurers. So, I have to ask, why have we tied the hands of federal antitrust enforcers?

The insurers will argue that repealing the antitrust exemption for insurers will create uncertainty by throwing into question the legality of every joint practice engaged in by insurers. They will argue that the legality of each joint practice will have to be litigated in court. However, this bill has been drafted to avoid such litigation. Rather than incorporating a laundry list of safe harbors, an approach that was taken in the past, the bill would allow the Federal Trade Commission to issue guidelines identifying joint practices that do not raise antitrust concerns and would therefore not face scrutiny from antitrust enforcers.

This is a job for which the Commission is well equipped. In the past, the Commission along with the Justice Department issued "Statements of Antitrust Enforcement Policy in Health Care." The Health Care Statements identified joint conduct by health care providers that did not raise antitrust concerns and therefore would likely escape scrutiny by antitrust enforcers. The Health Care Statements were designed to give health care providers certainty about the legality of their joint conduct under the antitrust laws. Similar guidelines for the insurance industry would provide insurers with certainty, but at the same time, would ensure that joint practices that are anticompetitive receive scrutiny from the antitrust enforcement agencies.

Although insurers oppose repeal of their antitrust exemption, others support a repeal. In particular, the Antitrust Section of the American Bar Association has long supported repeal. During the Judiciary Committee's hearing, the current head of the Antitrust Section, Donald Klawiter noted the Section's nearly 20-year history of supporting repeal. Klawiter testified that "the benefits of antitrust exemptions almost never outweigh the potential harm imposed on society by the loss of competition." At the same hearing, Robert Hunter, testifying on behalf of the Consumer Federation of America, concluded that "application of the antitrust laws to the insurance industry could result in double-digit savings for America's insurance consumers."

It is my hope that this legislation will bring the benefits of competition to the insurance industry and to consumers. Too many consumers are paying too much for insurance due to the collusive atmosphere that exists in the insurance industry. This has become a particular problem along the Gulf Coast, where insurers have shared hurricane loss projections, which may result in double-digit premium increases for Gulf Coast homeowners.

I strongly urge members who are concerned about industry exemption from the antitrust laws and collusive insurance industry practices to support this important piece of legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Insurance Industry Antitrust Enforcement Act of 2006".

SEC. 2. AMENDMENTS.

Section 2(b) of the Act of March 9, 1945 (15 U.S.C. 1012(b)), commonly known as the McCarran-Ferguson Act, is amended by—

(1) inserting "section 5 of" after "Clayton Act, and";

(2) inserting "as section 5 relates to unfair methods of competition," after "Commission Act, as amended,";

(3) striking "to the extent that" and all that follows through "law." and inserting the following: "except to the extent—

"(1) the conduct of a person engaged in the business of insurance is undertaken pursuant to a clearly articulated policy of a State that is actively supervised by that State; or

"(2) the conduct involves a third party not engaged in the business of insurance—

"(A) that collects, compiles or disseminates aggregated historical loss data;

"(B) that develops and disseminates standardized insurance policy forms, contracts addendums or language; or

"(C) that—

"(i) facilitates other joint conduct pursuant to guidelines issued by the Federal Trade Commission or existing law; and

"(ii) does not include—

"(I) exchanging information among competitors relating to sales, profitability, prices, marketing, or distribution of any product, process, or service that is not reasonably required for the purposes enumerated in subparagraph (A) or (B);

"(II) entering into any agreement or engaging in any other conduct that would allocate a market with a competitor; or

"(III) entering into any agreement or conspiracy that would set or restrain prices of any good or service."; and

(4) adding at the end the following:

"Except as it relates to unfair methods of competition, the Federal Trade Commission Act shall be applicable to the business of insurance to the extent that such business is not regulated by State law.".

Mr. LEAHY. Mr. President, I am pleased to join Senator SPECTER, along with Senators LANDRIEU and LOTT, in introducing the "Insurance Industry Antitrust Enforcement Act of 2006."

In 1945, Congress passed the McCarran-Ferguson Act, giving the insurance industry almost complete immunity from Federal antitrust laws. The Act acknowledges the significant role States have in the regulation of the business of insurance, and implements this policy by preempting Federal antitrust laws which would intrude upon State authority in the area.

Industry specific statutory exemptions from antitrust laws are rare, and when they are enacted, it is important that we periodically revisit them to ensure that the benefits of the exemption are not outweighed by the potential harms that could be imposed on consumers from the loss of competition. The McCarran-Ferguson Act is no exception and, for good reason, has recently been revisited by the Senate Judiciary Committee.

At a recent hearing before the Committee, it became abundantly clear that the McCarran-Ferguson Act is no longer a justified or practical law; it is overly complex and stifles competition. Recognizing that the insurance industry has unique characteristics, including the dependence on collective claim and loss data, Senator SPECTER and I drafted a bill to accommodate those legitimate needs while still providing Federal regulators with the tools to investigate and prevent collusion and other anticompetitive behaviors. More specifically, our bill authorizes Federal enforcement agencies to police violations of antitrust laws, without weakening the States' comprehensive regulatory power.

American consumers, from sophisticated multi-national businesses to Vermonters shopping for personal insurance, have the right to be confident that the cost of their insurance reflects competitive market conditions and not collusive behavior. Yet, when consumers are continually faced with higher prices, fewer options, and declining quality of service from their insurance providers, there are no such assurances.

There is little disagreement that consumers are increasingly frustrated with the cost and quality of their insurance policies. This bill is an important step towards restoring integrity in our insurance markets. I hope it will act as a catalyst for action to ensure market forces are at work in the insurance industry.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 4026. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today Senator BAUCUS and I are pleased to introduce the Tax Technical Corrections Act of 2006.

Technical Corrections measures are routine for major tax acts, and are necessary to ensure that the provisions of the acts are working consistently with Congressional intent, or to provide clerical corrections. Because these measures carry out Congressional intent, no revenue gain or loss is scored from them.

Technical corrections are derived from a deliberative and consultative process among the Congressional and Administration tax staffs. That means the Republican and Democratic staffs of the House Ways and Means and Senate Finance Committees are involved, as is the staff of the Treasury Department. All of this work is performed with the participation and guidance of the non-partisan staff of the Joint Committee on Taxation. A technical enters the list only if all staffs agree it is appropriate.

By filing this bill, we hope interested parties and practitioners will comment and provide direction on further edits, additions, or deletions. These comments should be submitted in a timely manner, by the end of October. It is our hope that we may move this package of technicals in November if possible.

We ask unanimous consent that the text of the bill print in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4026

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tax Technical Corrections Act of 2006".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Amendments related to the Tax Increase Prevention and Reconciliation Act of 2005.
Sec. 3. Amendment related to the Gulf Opportunity Zone Act of 2005.
Sec. 4. Amendments related to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.
Sec. 5. Amendments related to the Energy Policy Act of 2005.
Sec. 6. Amendments related to the American Jobs Creation Act of 2004.
Sec. 7. Amendment related to the Jobs and Growth Tax Relief Reconciliation Act of 2003.
Sec. 8. Amendments related to the Economic Growth and Tax Relief Reconciliation Act of 2001.
Sec. 9. Amendment related to the Tax Relief Extension Act of 1999.
Sec. 10. Amendment related to the Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 11. Clerical corrections.

SEC. 2. AMENDMENTS RELATED TO THE TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005.

(a) AMENDMENTS RELATED TO SECTION 103 OF THE ACT.—

(1) Subparagraph (A) of section 954(c)(6) is amended—

(A) in the first sentence, by striking "which is not subpart F income" and inserting "which is neither subpart F income nor income treated as effectively connected with the conduct of a trade or business in the United States", and

(B) by striking the last sentence and inserting the following: "The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including such regulations as may be necessary or appropriate to prevent the abuse of the purposes of this paragraph.".

(2) Paragraph (6) of section 954(c) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

"(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of any interest, rent, or royalty to the extent such interest, rent, or royalty creates (or increases) a deficit which under section 952(c) may reduce the subpart F income of the payor or another controlled foreign corporation.".

(b) AMENDMENTS RELATED TO SECTION 202 OF THE ACT.—

(1) Subparagraph (B) of section 355(b)(3) is amended to read as follows:

"(B) AFFILIATED GROUP RULE.—

"(i) IN GENERAL.—For purposes of subparagraph (A), all members of such corporation's separate affiliated group shall be treated as one corporation.

"(ii) SEPARATE AFFILIATED GROUP.—For purposes of clause (i), the term 'separate affiliated group' means, with respect to any corporation, the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply. Such term shall not include any corporation which became a member of—

"(I) such separate affiliated group (determined without regard to this sentence), or

"(II) any other separate affiliated group (determined without regard to this sentence) which includes any other corporation to which subparagraph (A) applies with respect to the same distribution,

during the 5-year period described in paragraph (2)(B) by reason of one or more transactions in which gain or loss was recognized in whole or in part (and shall not include any trade or business conducted by such corporation at the time it became such a member).".

(2) Paragraph (3) of section 355(b) is amended by adding at the end the following new subparagraph:

"(E) REGULATIONS.—The Secretary shall prescribe regulations which provide for the proper application of subparagraphs (B), (C), and (D) of paragraph (2) with respect to distributions to which this paragraph applies.".

(c) AMENDMENTS RELATED TO SECTION 515 OF THE ACT.—Paragraph (2) of section 911(f) is amended—

(1) by striking "the tentative minimum tax under section 55" in the matter preceding subparagraph (A) and inserting "the amount determined under the first sentence of section 55(b)(1)(A)(i)", and

(2) by striking "the amount which would be such tentative minimum tax" each place it appears in subparagraphs (A) and (B) and inserting "the amount which would be determined under such sentence".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax Increase Prevention and Reconciliation Act of 2005 to which they relate.

SEC. 3. AMENDMENT RELATED TO THE GULF OPPORTUNITY ZONE ACT OF 2005.

(a) AMENDMENT RELATED TO SECTION 303 OF THE ACT.—Clause (iii) of section 903(d)(2)(B) of the American Jobs Creation Act of 2004, as amended by section 303 of the Gulf Opportunity Zone Act of 2005, is amended by inserting "or the Secretary's delegate" after "The Secretary of the Treasury".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 303 of the Gulf Opportunity Zone Act of 2005.

SEC. 4. AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.

(a) AMENDMENTS RELATED TO SECTION 11113 OF THE ACT.—Paragraph (3) of section 6427(l) is amended—

(1) by inserting "or under subsection (e)(2) by any person with respect to an alternative fuel (as defined in section 6426(d)(2))" after "section 6426" in subparagraph (A),

(2) by inserting "or (e)(2)" after "subsection (e)(1)" in subparagraphs (A)(i) and (B), and

(3) by inserting "AND ALTERNATIVE FUEL CREDIT" after "MIXTURE CREDIT" in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the SAFETEA-LU to which they relate.

SEC. 5. AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.

(a) AMENDMENT RELATED TO SECTION 1306 OF THE ACT.—Paragraph (2) of section 45J(b) is amended to read as follows:

"(2) AMOUNT OF NATIONAL LIMITATION.—The aggregate amount of national megawatt capacity limitation allocated by the Secretary under paragraph (3) shall not exceed 6,000 megawatts.".

(b) AMENDMENT RELATED TO SECTION 1342 OF THE ACT.—So much of subsection (b) of section 30C as precedes paragraph (1) thereof is amended to read as follows:

"(b) LIMITATION.—The credit allowed under subsection (a) with respect to all alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year at a location shall not exceed—".

(c) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—

(1) Paragraph (3) of section 41(a) is amended by inserting "for energy research" before the period at the end.

(2) Paragraph (6) of section 41(f) is amended by adding at the end the following new subparagraph:

"(E) ENERGY RESEARCH.—The term 'energy research' does not include any research which is not qualified research.".

(d) AMENDMENTS RELATED TO SECTION 1362 OF THE ACT.—

(1)(A) Paragraph (1) of section 4041(d) is amended by adding at the end the following new sentence: "No tax shall be imposed under the preceding sentence on the sale or use of any liquid if tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.".

(B) Paragraph (3) of section 4042(b) is amended to read as follows:

"(3) EXCEPTION FOR FUEL ON WHICH LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE SEPARATELY IMPOSED.—The Leaking Underground Storage Tank Trust Fund financing rate under paragraph (2)(B) shall not apply to the use of any fuel if tax was imposed with respect to such fuel under section 4041(d) or 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.".

(C) Notwithstanding section 6430 of the Internal Revenue Code of 1986, a refund, credit, or payment may be made under subchapter B of chapter 65 of such Code for taxes imposed with respect to any liquid after September 30, 2005, and before the date of the enactment of this Act under section 4041(d)(1) or 4042 of such Code at the Leaking Underground Storage Tank Trust Fund financing rate to the extent that tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

(2)(A) Paragraph (5) of section 4041(d) is amended—

(i) by striking "(other than with respect to any sale for export under paragraph (3) thereof)", and

(ii) by adding at the end the following new sentence: "The preceding sentence shall not apply with respect to subsection (g)(3) and so much of subsection (g)(1) as relates to vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions."

(B) Section 4082 is amended—

(i) by striking "(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate imposed in all cases other than for export)" in subsection (a), and

(ii) by redesignating subsections (f) and (g) as subsections (g) and (h) and by inserting after subsection (e) the following new subsection:

"(f) EXCEPTION FOR LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—

"(1) IN GENERAL.—Subsection (a) shall not apply to the tax imposed under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

"(2) EXCEPTION FOR EXPORT, ETC.—Paragraph (1) shall not apply with respect to any fuel if the Secretary determines that such fuel is destined for export or for use by the purchaser as supplies for vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.".

(C) Subsection (e) of section 4082 is amended—

(i) by striking "an aircraft, the rate of tax under section 4081(a)(2)(A)(iii) shall be zero." and inserting "an aircraft—

"(1) the rate of tax under section 4081(a)(2)(A)(iii) shall be zero, and

"(2) if such aircraft is employed in foreign trade or trade between the United States and any of its possessions, the increase in such rate under section 4081(a)(2)(B) shall be zero."; and

(ii) by moving the last sentence flush with the margin of such subsection (following the paragraph (2) added by clause (i)).

(D) Section 6430 is amended to read as follows:

"SEC. 6430. TREATMENT OF TAX IMPOSED AT LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

"No refunds, credits, or payments shall be made under this subchapter for any tax imposed at the Leaking Underground Storage Tank Trust Fund financing rate, except in the case of fuels—

"(1) which are exempt from tax under section 4081(a) by reason of section 4081(f)(2),

"(2) which are exempt from tax under section 4041(d) by reason of the last sentence of paragraph (5) thereof, or

"(3) with respect to which the rate increase under section 4081(a)(2)(B) is zero by reason of section 4082(e)(2).".

(3) Paragraph (5) of section 4041(d) is amended by inserting "(b)(1)(A)" after "subsections".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) NONAPPLICATION OF EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—The amendment made by subsection (d)(3) shall apply to fuel sold for use or used after the date of the enactment of this Act.

(3) AMENDMENT MADE BY THE SAFETEA-LU.—The amendment made by subsection (d)(2)(C)(ii) shall take effect as if included in section 11161 of the SAFETEA-LU.

SEC. 6. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 710 OF THE ACT.—

(1) Clause (ii) of section 45(c)(3)(A) is amended by striking "which is segregated from other waste materials and".

(2) Subparagraph (B) of section 45(d)(2) is amended by inserting "and" at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(b) AMENDMENTS RELATED TO SECTION 848 OF THE ACT.—

(1) Section 470 is amended by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h) and by inserting after subsection (d) the following new subsection:

"(e) EXCEPTION FOR CERTAIN PARTNERSHIPS.—

"(1) IN GENERAL.—In the case of any property which would (but for this subsection) be tax-exempt use property solely by reason of section 168(h)(6), such property shall not be treated as tax-exempt use property for purposes of this section for any taxable year of the partnership if—

"(A) such property is not property of a character subject to the allowance for depreciation,

"(B) any credit is allowable under section 42 or 47 with respect to such property, or

"(C) except as provided in regulations prescribed by the Secretary under subsection (h)(4), the requirements of paragraphs (2) and (3) are met with respect to such property for such taxable year.

"(2) AVAILABILITY OF FUNDS.—

"(A) IN GENERAL.—The requirement of this paragraph is met for any taxable year with respect to any property owned by the partnership if (at all times during the taxable year) not more than the allowable partnership amount of funds are—

"(i) subject to any arrangement referred to in subparagraph (C), or

"(ii) set aside or expected to be set aside,

to or for the benefit of any taxable partner of the partnership or any lender, or to or for the benefit of any tax-exempt partner of the partnership to satisfy any obligation of such tax-exempt partners to the partnership, any taxable partner of the partnership, or any lender.

"(B) ALLOWABLE PARTNERSHIP AMOUNT.—For purposes of this subsection, the term 'allowable partnership amount' means, as of any date, the greater of—

"(i) the sum of—

"(I) 20 percent of the sum of the taxable partners' capital accounts determined as of such date under the rules of section 704(b), plus

"(II) 20 percent of the sum of the taxable partners' share of the recourse liabilities of the partnership as determined under section 752, or

"(ii) 20 percent of the aggregate debt of the partnership as of such date.

"(iii) NO ALLOWABLE PARTNERSHIP AMOUNT FOR ARRANGEMENTS OUTSIDE THE PARTNERSHIP.—The allowable partnership amount shall be zero with respect to any set aside or arrangement under which any of the funds referred to in subparagraph (A) are not partnership property.

"(C) ARRANGEMENTS.—The arrangements referred to in this subparagraph include a loan by a tax-exempt partner or the partnership to any taxable partner, the partnership, or any lender and any arrangement referred to in subsection (d)(1)(B).

"(D) SPECIAL RULES.—

"(i) EXCEPTION FOR SHORT-TERM FUNDS.—Funds which are set aside, or subject to any arrangement, for a period of less than 12 months shall not be taken into account under subparagraph (A). Except as provided by the Secretary, all related set asides and arrangements shall be treated as 1 arrangement for purposes of this clause.

"(ii) ECONOMIC RELATIONSHIP TEST.—Funds shall not be taken into account under subparagraph (A) if such funds—

"(I) bear no connection to the economic relationships among the partners, and

"(II) bear no connection to the economic relationships among the partners and the partnership.

"(iii) REASONABLE PERSON STANDARD.—For purpose of subparagraph (A)(ii), funds shall be treated as set aside or expected to be set aside only if a reasonable person would conclude, based on the facts and circumstances, that such funds are set aside or expected to be set aside.

"(3) OPTION TO PURCHASE.—

"(A) IN GENERAL.—The requirement of this paragraph is met for any taxable year with respect to any property owned by the partnership if (at all times during such taxable year)—

"(i) each tax-exempt partner does not have an option to purchase (or compel distribution of) such property or any direct or indirect interest in the partnership at any time other than at the fair market value of such property or interest at the time of such purchase or distribution, and

"(ii) the partnership and each taxable partner does not have an option to sell (or compel distribution of) such property or any direct or indirect interest in the partnership to a tax-exempt partner at any time other than at the fair market value of such property or interest at the time of such sale or distribution.

"(B) OPTION FOR DETERMINATION OF FAIR MARKET VALUE.—Under regulations prescribed by the Secretary, a value of property determined on the basis of a formula shall be treated for purposes of subparagraph (A) as the fair market value of such property if such value is determined on the basis of objective criteria that are reasonably designed to approximate the fair market value of such property at the time of the purchase, sale, or distribution, as the case may be.".

(2) Subsection (g) of section 470, as redesignated by paragraph (1), is amended by adding at the end the following new paragraphs:

"(5) TAX-EXEMPT PARTNER.—The term 'tax-exempt partner' means, with respect to any partnership, any partner of such partnership which is a tax-exempt entity within the meaning of section 168(h)(6).

"(6) TAXABLE PARTNER.—The term 'taxable partner' means, with respect to any partnership, any partner of such partnership which is not a tax-exempt partner.".

(3) Subsection (h) of section 470, as redesignated by paragraph (1), is amended—

(A) by striking ", and" at the end of paragraph (1) and inserting "or owned by the same partnership,",

(B) by striking the period at the end of paragraph (2) and inserting a comma, and

(C) by adding at the end the following new paragraphs:

"(3) provide for the application of this section to tiered and other related partnerships, and

"(4) provide for the treatment of partnership property (other than property described in subsection (e)(1)(A)) as tax-exempt use property if such property is used in an arrangement which is inconsistent with the purposes of this section determined by taking into account one or more of the following factors:

"(A) A tax-exempt partner maintains physical possession or control or holds the benefits and burdens of ownership with respect to such property.

"(B) There is insignificant equity investment in such property by any taxable partner.

"(C) The transfer of such property to the partnership does not result in a change in use of such property.

"(D) Such property is necessary for the provision of government services.

"(E) The deductions for depreciation with respect to such property are allocated disproportionately to one or more taxable partners relative to such partner's risk of loss with respect to such property or to such partner's allocation of other partnership items.

"(F) Such other factors as the Secretary may determine.".

(4) Paragraph (2) of section 470(c) is amended—

(A) by striking "and" at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

"(B) by treating the entire property as tax-exempt use property if any portion of such property is treated as tax-exempt use property by reason of paragraph (6) thereof.", and

(B) by striking the flush sentence at the end.

(5) Subparagraph (A) of section 470(d)(1) is amended by striking "(at any time during the lease term)" and inserting "(at all times during the lease term)".

(c) AMENDMENTS RELATED TO SECTION 888 OF THE ACT.—

(1) Subparagraph (A) of section 1092(a)(2) is amended by striking "and" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) if the application of clause (ii) does not result in an increase in the basis of any offsetting position in the identified straddle, the basis of each of the offsetting positions in the identified straddle shall be increased in a manner which—

"(I) is reasonable, consistent with the purposes of this paragraph, and consistently applied by the taxpayer, and

"(II) results in an aggregate increase in the basis of such offsetting positions which is equal to the loss described in clause (ii), and".

(2)(A) Subparagraph (B) of section 1092(a)(2) is amended by adding at the end the following flush sentence:

"A straddle shall be treated as clearly identified for purposes of clause (i) only if such identification includes an identification of the positions in the straddle which are offsetting with respect other positions in the straddle.".

(B) Subparagraph (A) of section 1092(a)(2) is amended—

(i) by striking "identified positions" in clause (i) and inserting "positions",

(ii) by striking "identified position" in clause (ii) and inserting "position", and

(iii) by striking "identified offsetting positions" in clause (ii) and inserting "offsetting positions".

(C) Subparagraph (B) of section 1092(a)(3) is amended by striking "identified offsetting position" and inserting "offsetting position".

(3) Paragraph (2) of section 1092(a) is amended by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following new subparagraph:

"(C) APPLICATION TO LIABILITIES AND OBLIGATIONS.—Except as otherwise provided by the Secretary, rules similar to the rules of clauses (ii) and (iii) of subparagraph (A) shall apply for purposes of this paragraph with respect to any position which is, or has been, a liability or obligation.".

(4) Subparagraph (D) of section 1092(a)(2), as redesignated by paragraph (3), is amended by inserting "the rules for the application of this section to a position which is or has been a liability or obligation, methods of loss allocation which satisfy the requirements of subparagraph (A)(iii)," before "and the ordering rules".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

SEC. 7. AMENDMENT RELATED TO THE JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003.

(a) AMENDMENT RELATED TO SECTION 302 OF THE ACT.—Clause (ii) of section 1(h)(11)(B) is amended by striking "and" at the end of subclause (II), by striking the period at the end of subclause (III) and inserting ", and", and by adding at the end the following new subclause:

"(IV) any dividend received from a corporation which is a DISC or former DISC (as defined in section 992(a)) to the extent such dividend is paid out of the corporation's accumulated DISC income or is a deemed distribution pursuant to section 995(b)(1).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dividends received on or after September 29, 2006, in taxable years ending after such date.

SEC. 8. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 617 OF THE ACT.—

(1) Subclause (II) of section 402(g)(7)(A)(ii) is amended by striking "for prior taxable years" and inserting "permitted for prior taxable years by reason of this paragraph".

(2) Subparagraph (A) of section 3121(v)(1) is amended by inserting "or consisting of designated Roth contributions (as defined in section 402A(c))" before the comma at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 9. AMENDMENT RELATED TO THE TAX RELIEF EXTENSION ACT OF 1999.

(a) AMENDMENT RELATED TO SECTION 507 OF THE ACT.—Clause (i) of section 45(e)(7)(A) is amended by striking "placed in service by the taxpayer" and inserting "originally placed in service".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 507 of the Tax Relief Extension Act of 1999.

SEC. 10. AMENDMENT RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 3509 OF THE ACT.—Paragraph (3) of section 6110(i) is amended by inserting "and related background file documents" after "Chief Counsel advice" in the matter preceding subparagraph (A).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Internal Revenue Service Restructuring and Reform Act of 1998 to which it relates.

SEC. 11. CLERICAL CORRECTIONS.

(a) IN GENERAL.—

(1) Paragraph (5) of section 21(e) is amended by striking "section 152(e)(3)(A)" in the flush matter after subparagraph (B) and inserting "section 152(e)(4)(A)".

(2) Paragraph (3) of section 25C(c) is amended by striking "section 3280" and inserting "part 3280".

(3) Subsection (a) of section 34 is amended—

(A) in paragraph (1), by striking "with respect to gasoline used during the taxable year on a farm for farming purposes",

(B) in paragraph (2), by striking "with respect to gasoline used during the taxable year (A) otherwise than as a fuel in a highway vehicle or (B) in vehicles while engaged in furnishing certain public passenger land transportation service", and

(C) in paragraph (3), by striking "with respect to fuels used for nontaxable purposes or resold during the taxable year".

(4) Paragraph (2) of section 35(d) is amended—

(A) by striking "paragraph (2) or (4) of", and

(B) by striking "(within the meaning of section 152(e)(1))" and inserting "(as defined in section 152(e)(4)(A))".

(5) Paragraph (24) of section 38(b) is amended by striking "and" at the end.

(6) Paragraphs (2) and (3) of section 45L(c) are each amended by striking "section 3280" and inserting "part 3280".

(7) Clause (ii) of section 48A(d)(4)(B) is amended by striking "subsection" both places it appears.

(8) The last sentence of section 125(b)(2) is amended by striking "last sentence" and inserting "second sentence".

(9) Subclause (II) of section 167(g)(8)(C)(ii) is amended by striking "section 263A(j)(2)" and inserting "section 263A(i)(2)".

(10) Subparagraph (G) of section 1260(c)(2) is amended by adding "and" at the end.

(11) Paragraph (2) of section 1297(a) is amended by striking "subsection (e)" and inserting "subsection (f)".

(12) Paragraph (2) of section 1400O is amended by striking "under of" and inserting "under".

(13) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

"Sec. 1400T. Special rules for mortgage revenue bonds.".

(14) Subsection (b) of section 4082 is amended to read as follows:

"(b) NONTAXABLE USE.—For purposes of this section, the term 'nontaxable use' means—

"(1) any use which is exempt from the tax imposed by section 4041(a)(1) other than by reason of a prior imposition of tax,

"(2) any use in a train, and

"(3) any use described in section 4041(a)(1)(C)(iii)(II).

The term 'nontaxable use' does not include the use of kerosene in an aircraft and such term shall not include any use described in section 6421(e)(2)(C).".

(15) Paragraph (4) of section 4101(a) (relating to registration in event of change of ownership) is redesignated as paragraph (5).

(16) Paragraph (6) of section 4965(c) is amended by striking "section 4457(e)(1)(A)" and inserting "section 457(e)(1)(A)".

(17) Subpart C of part II of subchapter A of chapter 51 is amended by redesignating section 5432 (relating to recordkeeping by wholesale dealers) as section 5121.

(18) Paragraph (2) of section 5732(c), as redesignated by section 11125(b)(20)(A) of the SAFETEA-LU, is amended by striking "this subpart" and inserting "this subchapter".

(19) Paragraph (3) of section 6427(e) (relating to termination), as added by section 11113 of the SAFETEA-LU, is redesignated as paragraph (5) and moved after paragraph (4).

(20) Clause (ii) of section 6427(l)(4)(A) is amended by striking "section 4081(a)(2)(iii)" and inserting "section 4081(a)(2)(A)(iii)".

(21)(A) Section 6427, as amended by section 1343(b)(1) of the Energy Policy Act of 2005, is amended by striking subsection (p) and redesignating subsection (q) as subsection (p).

(B) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by paragraph (2) of section 11151(a) of the SAFETEA-LU had never been enacted.

(22)(A) Paragraph (3) of section 9002 is amended by striking "section 309(a)(1)" and inserting "section 306(a)(1)".

(B) Paragraph (1) of section 9004(a) is amended by striking "section 320(b)(1)(B)" and inserting "section 315(b)(1)(B)".

(C) Paragraph (3) of section 9032 is amended by striking "section 309(a)(1)" and inserting "section 306(a)(1)".

(D) Subsection (b) of section 9034 is amended by striking "section 320(b)(1)(A)" and inserting "section 315(b)(1)(A)".

(23) Section 9006 is amended by striking "Comptroller General" each place it appears and inserting "Commission".

(24) Subsection (c) of section 9503 is amended by redesignating paragraph (7) (relating to transfers from the trust fund for certain aviation fuels taxes) as paragraph (6).

(25) Paragraph (1) of section 1301(g) of the Energy Policy Act of 2005 is amended by striking "shall take effect of the date of the enactment" and inserting "shall take effect on the date of the enactment".

(b) CLERICAL AMENDMENTS RELATED TO THE GULF OPPORTUNITY ZONE ACT OF 2005.—

(1) AMENDMENTS RELATED TO SECTION 402 OF THE ACT.—Subparagraph (B) of section 24(d)(1) is amended—

(A) by striking "the excess (if any) of" in the matter preceding clause (i) and inserting "the greater of", and

(B) by striking "section" in clause (ii)(II) and inserting "section 32".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which they relate.

(c) CLERICAL AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.—

(1) AMENDMENTS RELATED TO SECTION 11163 OF THE ACT.—Subparagraph (C) of section 6416(a)(4) is amended—

(A) by striking "ultimate vendor" and all that follows through "has certified" and inserting "ultimate vendor or credit card issuer has certified", and

(B) by striking "all ultimate purchasers of the vendor" and all that follows through "are certified" and inserting "all ultimate purchasers of the vendor or credit card issuer are certified".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to which they relate.

(d) CLERICAL AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.—

(1) AMENDMENT RELATED TO SECTION 1344 OF THE ACT.—Subparagraph (B) of section 6427(e)(5), as redesignated by subsection (a)(19), is amended by striking "2006" and inserting "2008".

(2) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—Subparagraphs (A)(ii) and (B)(ii) of section 41(f)(1) are each amended by striking "qualified research expenses and basic research payments" and inserting "qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

By Mr. HATCH.

S. 4027. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for certain professional development and other expenses of elementary and secondary school teachers and for certain certification expenses of individuals becoming science, technology engineering, or math teachers; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce legislation designed to make the tax laws more fair for America's primary and secondary school teachers.

Our public school teachers are some of the unheralded heroes of our society.

These women and men dedicate their careers to educating the young people of America.

School teachers labor in often difficult and even dangerous circumstances. In most places, including in my home State of Utah, the salary of the average public school teacher is significantly below the national average.

A historic turnover is taking place in the teaching profession. While student enrollments are rising rapidly, more than a million veteran teachers are nearing retirement.

Experts predict that overall we will need more than two million new teachers in the next decade.

This teacher recruitment problem has reached crisis proportions in some urban and rural areas. The shortage is most acute in high-need subject areas such as math, science, and technology.

Retaining qualified teachers in the schools is only part of the puzzle. Attracting new teachers in math, science, and technology is another. It is clear that our teacher recruitment problem represents one the biggest challenges America faces as we contemplate how we are going to prepare the next generation to take their places in our society and in our economy.

Unfortunately, these problems of retention and recruitment of public school teachers are exacerbated by the unfair tax treatment these professionals currently receive under our tax law. Specifically, teachers find themselves greatly disadvantaged by the lack of deductibility of professional development expenses and of the out-of-pocket costs of classroom materials that practically all teachers find themselves supplying. Let me explain.

As many other professionals, most elementary and secondary school teachers regularly incur expenses to keep themselves current in their field of knowledge. These include subscriptions to journals and other periodicals as well as the cost of courses and seminars designed to improve their knowledge or teaching skills. These expenditures are necessary to keep our teachers up to date on the latest ideas, techniques, and trends so that they can provide our children with the best education possible.

Furthermore, almost all teachers find themselves providing basic classroom materials for their students. Because of tight education budgets, most schools do not provide 100 percent of the material teachers need to adequately present their lessons. As a result, dedicated teachers incur personal expenses for copies, art supplies, books, puzzles and games, paper, pencils, and countless other needs. If not for the willingness of teachers to purchase these supplies themselves, many students would simply go without needed materials.

I realize that employees in many fields of endeavor incur expenses for professional development and out-of-pocket expenses. In many cases, however, these costs are fully reimbursed by the employer. This is seldom the case with school teachers. Other professionals who are self-employed are able to fully deduct these types of expenses.

Under the current tax law, unreimbursed employee expenses are deductible generally, but only as miscellaneous itemized deductions. However, there are two practical hurdles that effectively make these expenses non-deductible for most teachers.

The first hurdle is that the total amount of a taxpayer's deductible miscellaneous deductions must exceed two percent of adjusted gross income before they begin to be deductible.

The second hurdle is that the amount in excess of the two percent floor, if any, combined with all other deductions of the taxpayer, must exceed the standard deduction before the teacher can itemize. Only about a third of taxpayers have enough deductions to itemize.

The unfortunate effect of these two limitations is that, as a practical matter, only a small proportion of teachers are able to deduct their professional development and out-of-pocket supplies expenses.

Let me illustrate this unfair situation with an example.

Let us consider the case of a fifth-year high school English teacher in Utah whom I will call Alice White Head. Alice is single and earns $48,000 per year. Last year she incurred $1,050 for a course she took over the summer to increase her knowledge of English literature. She also spent $450 for classroom supplies out of her own pocket. She was not reimbursed for either of these expenses, which totaled $1,500, by her school district. Under current law, Alice's expenditures are deductible, subject to the limitations I mentioned. The first limitation is that her expenses must exceed two percent of her income before they begin to be deductible. Two percent of $48,000 is $960. Thus, only $540 of her $1,500 total expenses is deductible, that portion that exceeds $960.

As a single taxpayer, Alice's standard deduction for 2006 is $5,150. Her total itemized deductions, including the $540 in miscellaneous deductions for her professional expenses and out-of-pocket classroom supplies, fall short of the standard deduction threshold. Therefore, not even the $540 of the original $1,500 in professional development expenses and out-of-pocket costs are deductible for Alice. What the first limitation did not block, the second one did, and Alice gets no deduction at all under the current law.

The way I see it, this situation is just not fair. Also, the tax treatment of teacher's expenses certainly does not help solve our teacher retention and recruitment problems.

To help alleviate this long-standing problem, five years ago I introduced the Teacher Equity for School Teachers Act of 2001. This legislation would have provided an unlimited tax deduction for the out-of-pocket expenses of school teachers for classroom supplies and other needed materials to help a teacher do his or her job. The bill would have also allowed teachers to take a deduction for their professional development expenses.

Rather than being available only for those who are able to itemize their deductions, this bill would have made these expenses "above-the-line" deductions, meaning they would be deductible whether or not the teacher itemized on their tax return.

Unfortunately, only a part of this bill was enacted. The 2001 tax bill included an above-the-line deduction for $250 for the costs of classroom expenses. While this was a great step in the right direction, it did not go nearly far enough. Moreover, the provision has now expired, and it is not clear when Congress is going to extend it.

The bill I am introducing today would do three things. First, it would reinstate the above-the-line deduction for teachers' out-of-pocket expenses for classroom supplies, make it permanent, and remove the $250 cap. Second, it would provide an unlimited deduction for the professional development expenses for school teachers. Finally, to assist in the recruitment of teachers in the most needed fields, it would provide an unlimited deduction for the cost of professionals in the fields of math, science, and technology to certify to become public school teachers.

Under my bill, the Alice of my example would be allowed to deduct all $1,500 of her professional development and classroom supplies expenses, whether she itemized or not. This would help provide tax equity, and a measure of much-needed tax relief for an underpaid professional. It would also help retain current public school teachers and attract new ones to this vital field.

Some might argue that such a generous deduction would be giving teachers preferential treatment. I disagree.

Most organizations provide training for their employees that is fully deductible to the organization and non-taxable to the employee. Yet public teachers, who are some of the most important professionals in our society, are left to foot the bill for these needed costs on their own. Also, office supplies and instructional materials are fully deductible to businesses. Should not teachers who provide these similar materials for their classrooms be afforded the same tax treatment?

Others may question the wisdom of my bill granting an unlimited tax deduction. "Why not place a limit or a cap on the amount that may be deducted?" some might ask. Again, I respectfully disagree with such critics. It is important to keep in mind the differences between a tax deduction and a tax credit. My bill calls for tax deductions, which reduce the amount of income that is subject to tax, and not for a credit, which is a dollar-for-dollar reduction in the amount of tax that is due.

With a tax deduction, a public school teacher is not receiving a cash subsidy or reimbursement for his or her expenses. Rather, he or she is merely obtaining a reduction in the amount of income that is taxed. Thus, the most benefit the teacher would receive under my bill would be a 35 percent reduction in the cost of the professional development, supplies, or certification expenses. This means that the teacher is still responsible for paying for the biggest portion of these costs. I do not believe that our public school teachers will abuse such an unlimited deduction. They will use their common sense and they will spend the appropriate amounts for their expenses.

Support for mathematics and science education at all levels is necessary to improve the global competitiveness of the United States in science and energy technology.

I endorse the efforts of my some of my colleagues to encourage more of our best and brightest students choose these fields of study. Support for qualified STEM teachers (Science, Technology, Engineering, and Mathematics) is equally important. If we are successful in increasing the supply for STEM students, we will need to increase the supply of STEM teachers.

This bill will provide incentives for these professionals to enter the teaching profession by allowing expenses in connection with teacher certification to be fully deductible, above-the-line, the same as the professional development and supplies expenses of teaching professionals.

Mr. President, this bill would provide modest tax equity for teachers who, for too long, have been footing the bill for improving the quality of teaching by themselves. It is time that Congress recognized this unfairness and corrected it.

I thank the Senate for the opportunity to address this issue today, and

I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tax Equity for School Teachers Act of 2006".

SEC. 2. DEDUCTION FOR CERTAIN PROFESSIONAL DEVELOPMENT EXPENSES AND CLASSROOM SUPPLIES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS AND FOR CERTAIN CERTIFICATION EXPENSES OF SCIENCE, TECHNOLOGY, ENGINEERING, OR MATH TEACHERS.

(a) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Subparagraph (D) of section 62(a)(2) of the Internal Revenue Code of 1986 (relating to certain expenses of elementary and secondary school teachers) is amended to read as follows:

"(D) CERTAIN PROFESSIONAL DEVELOPMENT EXPENSES, CLASSROOM SUPPLIES, AND OTHER EXPENSES FOR ELEMENTARY AND SECONDARY TEACHERS.—The sum of the deductions allowed by section 162 with respect to the following expenses:

"(i) Expenses paid or incurred by an eligible educator in connection with books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by the eligible educator in the classroom.

"(ii) Expenses paid or incurred by an eligible educator which constitute qualified professional development expenses.

"(iii) Expenses which are related to the initial certification of an individual (in the individual's State licensing system) as a qualified science, technology, engineering or math teacher.".

(b) DEFINITIONS AND SPECIAL RULES.—Section 62(d) of the Internal Revenue Code of 1986 (relating to definitions and special rules is amended by redesignating paragraph (2) as paragraph (5) and by adding after paragraph (1) the following new paragraphs:

"(2) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—For purposes of subsection (a)(2)(D)—

"(A) IN GENERAL.—The term 'qualified professional development expenses' means expenses for tuition, fees, books, supplies, equipment, and transportation required for the enrollment or attendance of an individual in a qualified course of instruction.

"(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

"(i) is—

"(I) directly related to the curriculum and academic subjects in which an eligible educator provides instruction,

"(II) designed to enhance the ability of an eligible educator to understand and use State standards for the academic subjects in which such teacher provides instruction, or

"(III) designed to enable an eligible educator to meet the highly qualified teacher requirements under the No Child Left Behind Act of 2001,

"(ii) may provide instruction to an eligible educator—

"(I) in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented), or

"(II) in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subclause (I) to learn,

"(iii) is tied to the ability of an eligible educator to enable students to meet challenging State or local content standards and student performance standards,

"(iv) is tied to strategies and programs that demonstrate effectiveness in assisting an eligible educator in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of an eligible educator, and

"(v) is part of a program of professional development for eligible educators which is approved and certified by the appropriate local educational agency as furthering the goals of the preceding clauses.

"(C) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this subsection.

"(3) QUALIFIED SCIENCE, TECHNOLOGY, ENGINEERING, OR MATH TEACHER.—For purposes of subsection (a)(2)(D), the term 'qualified science, technology, engineering, or math teacher' means, with respect to a taxable year, an individual who—

"(A) has a bachelor's degree or other advanced degree in a field related to science, technology, engineering, or math,

"(B) was employed as a nonteaching professional in a field related to science, technology, engineering, or math for not less than 3 taxable years during the 10-taxable-year period ending with the taxable year,

"(C) is certified as a teacher of science, technology, engineering, or math in the individual's State licensing system for the first time during such taxable year, and

"(D) is employed at least part-time as a teacher of science, technology, engineering, or math in an elementary or secondary school during such taxable year.

"(4) EXEMPTION FROM MINIMUM EDUCATION OR NEW TRADE OR BUSINESS EXCEPTION.—For purposes of applying subsection (a)(2)(D) and this subsection, the determination as to whether qualified professional development expenses, or expenses for the initial certification described in subsection (a)(2)(D)(iii), are deductible under section 162 shall be made without regard to any disallowance of such a deduction under such section for such expenses because such expenses are necessary to meet the minimum educational requirements for qualification for employment or qualify the individual for a new trade or business.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

By Mr. MENENDEZ:

S. 4028. A bill to fight criminal gangs; to the Committee on the Judiciary.

Mr. MENENDEZ. Mr. President, today, all across America, organized criminal gangs plague our communities, destroying the lives of thousands of young children each and every year. Unfortunately, this plague is currently not being treated effectively, and as a result has grown in size and power in almost every State in the Nation. Indeed, gang violence is no longer a State and local issue that predominantly occurs in highly urbanized areas, but has escalated into a national issue that affects our country as a whole.

In light of this, it is clear that we must recalibrate our efforts—and in addition to our local initiatives—to comprehensively confront gang violence at the national level. That is why I rise today to introduce the Fighting Gangs and Empowering Youth Act of 2006. Addressing the efforts of Federal, State, and local agencies, this legislation would comprehensively deal with all aspects of gang violence, from rigorously enforcing and appropriately sentencing criminal acts, to preventing future gang members from being recruited and such crimes from occurring.

To reduce the number of young potential recruits gangs prey upon, this bill would authorize funds for afterschool and community-based programs designed to economically empower young people. Disadvantaged students will be given the opportunity to realize their potential, through tutoring, mentoring, and job training programs as well as college preparation classes and tuition assistance. Additionally, millions of dollars would be authorized to enhance and expand anti-gang and anti-violence programs in elementary and secondary schools, ensuring that students can focus solely on learning, without having to be concerned for their personal safety. By providing "at-risk" youth with such resources and opportunities necessary to succeed in life, they will be far less susceptible to join a criminal gang.

The legislation would also expand adult and juvenile offender reentry demonstration projects to help with post-release and transitional housing, while promoting programs that hire former prisoners, and establish reentry planning procedures within communities. Prisoners with drug addictions would be forced to participate in treatment programs to be eligible for early release, which would be continued in their transition period back into society. All offenders would be encouraged to participate in educational initiatives such as, job training, GED preparation, along with a myriad of other programs. These initiatives are designed to provide offenders with the skills necessary to become legally employed when they are released from prison, which will reduce, hopefully significantly, their recidivism rates.

In addition to programs focused on gang violence prevention, my proposal would provide law enforcement officials on every level of government with the resources and information they need to accurately track and effectively neutralize criminal gangs. Specifically, this legislation would establish a program similar to the current Community Oriented Policing Services (COPS) program, to augment the number of police officers patrolling the streets of our local communities, and would authorize $700 million annually for it. Additional funds would be used not only to increase the number of officers combating gangs, but also to provide additional forensic examiners to investigate, and more attorneys to prosecute, gang crimes.

As is true with almost all problems, a better understanding of how gangs operate translates into a better understanding of how best to counter them. That is why this legislation would authorize increased funding for the National Youth Gang Survey to increase the number of law enforcement agencies whose data is collected and included in the annual survey and provide up to $8 million per year to upgrade technology to better identify gang members and include them in the National Gang Database. Additionally, this legislation would expand the Uniform Crime Reports (UCRs) to include local gang and other crime statistics from the municipal level, while also requiring the Attorney General to distinguish those crimes committed by juveniles. The bill also requires consolidation and standardization of all criminal databases, enabling law enforcement all across this country to better share information.

For those who still choose a life a crime, this proposal would increase the penalties proscribed for crimes committed in the furtherance of a gang. Gangs are dependent on committing crimes such as witness intimidation, illegal firearm possession, and drug trafficking, implementing these instruments to augment their power. Subsequently, when these crimes are committed in the furtherance of gang activity, they can be more detrimental to society than if they were committed in isolation. Thus, these tougher sentencing requirements for crimes committed in the furtherance of a gang are not only appropriate, but necessary to deter gang violence and shield society from its most dangerous and unremorseful criminals.

This legislation would also attack one of the roots of gang violence—gang recruiters, who seek out young, economically disadvantaged, at-risk youth and pressure them to join. Currently, there is no law specifically forbidding gang recruitment. This legislation would change that—making it illegal to do so—and would incarcerate an offender for up to 5 years if the person being recruited was over the age of 18, or up to 10 years if the individual was under the age of 18.

Taken together, the provisions of this bill develop a comprehensive approach to gang violence by focusing on prevention, deterrence, and enforcement. To not address all of these gang violence catalysts in their entirety would leave us with an incomprehensive approach that would do little to quell the scourge of gang violence. Therefore, I urge my colleagues to cosponsor the Fighting Gangs and Empowering Youth Act, and by doing so, give law enforcement and our communities the means to thoroughly and comprehensively counter the growing specter of gang violence that afflicts our great Nation.

I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fighting Gangs and Empowering Youth Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—PREVENTION AND ECONOMIC EMPOWERMENT

Sec. 101. Reauthorization of certain after-school programs.
Sec. 102. Reauthorization of Safe and Drug-Free Schools and Communities Act.
Sec. 103. Public and assisted housing gang elimination.
Sec. 104. Demonstration grants to encourage creative approaches to gang activity and after-school programs.
Sec. 105. Reauthorization of adult and juvenile offender State and local reentry demonstration projects.
Sec. 106. Children of incarcerated parents and families.
Sec. 107. Encouragement of employment of former prisoners.
Sec. 108. Federal resource center for children of prisoners.
Sec. 109. Use of violent offender truth-in-sentencing grant funding for demonstration project activities.
Sec. 110. Grants to study parole or post-incarceration supervision violations and revocations.
Sec. 111. Improvement of the residential substance abuse treatment for State prisoners program.
Sec. 112. Residential drug abuse program in Federal prisons.
Sec. 113. Removal of limitation on amount of funds available for corrections education programs under the Adult Education and Family Literacy Act.
Sec. 114. Technical amendment to drug-free student loans provision to ensure that it applies only to offenses committed while receiving Federal aid.
Sec. 115. Mentoring grants to nonprofit organizations.
Sec. 116. Clarification of authority to place prisoner in community corrections.
Sec. 117. Grants to States for improved workplace and community transition training for incarcerated youth offenders.
Sec. 118. Improved reentry procedures for Federal prisoners.
Sec. 119. Reauthorization of Learn and Serve America.
Sec. 120. Job Corps.
Sec. 121. Workforce Investment Act youth activities.
Sec. 122. Expansion and reauthorization of the mentoring initiative for system involved youth.
Sec. 123. Strategic community planning program.
Sec. 124. Reauthorization of the Gang Resistance Education and Training Projects Program and increase funding for the national youth gang survey.

TITLE II—SUPPRESSION AND COMMUNITY ANTI-GANG INITIATIVES

Subtitle A—Gang Activity Policing Program

Sec. 201. Authority to make gang activity policing grants.
Sec. 202. Eligible activities.
Sec. 203. Preferential consideration of applications for certain grants.
Sec. 204. Utilization of components.
Sec. 205. Minimum amount.
Sec. 206. Matching funds.
Sec. 207. Authorization of appropriations.

Subtitle B—High Intensity Interstate Gang Activity Areas

Sec. 211. Designation of and assistance for "high intensity" interstate gang activity areas.

Subtitle C—Additional Funding

Sec. 221. Additional resources needed by the Federal Bureau of Investigation to investigate and prosecute violent criminal street gangs.
Sec. 222. Grants to prosecutors and law enforcement to combat violent crime and to protect witnesses and victims of crimes.
Sec. 223. Enhancement of Project Safe Neighborhoods initiative to improve enforcement of criminal laws against violent gangs.

TITLE III—PUNISHMENT AND IMPROVED CRIME DATA

Sec. 301. Criminal street gangs.
Sec. 302. Violent crimes in furtherance or in aid of criminal street gangs.
Sec. 303. Interstate and foreign travel or transportation in aid of racketeering enterprises and criminal street gangs.
Sec. 304. Amendments relating to violent crime in areas of exclusive Federal jurisdiction.
Sec. 305. Increased penalties for use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence.
Sec. 306. Increased penalties for violent crimes in aid of racketeering activity.
Sec. 307. Violent crimes committed during and in relation to a drug trafficking crime.
Sec. 308. Expansion of rebuttable presumption against release of persons charged with firearms offenses.
Sec. 309. Statute of limitations for violent crime.
Sec. 310. Predicate crimes for authorization of interception of wire, oral, and electronic communications.

Sec. 311. Clarification to hearsay exception for forfeiture by wrongdoing.
Sec. 312. Clarification of venue for retaliation against a witness.
Sec. 313. Amendment of sentencing guidelines relating to certain gang and violent crimes.
Sec. 314. Solicitation or recruitment of persons in criminal street gang activity.
Sec. 315. Increased penalties for criminal use of firearms in crimes of violence and drug trafficking.
Sec. 316. Possession of firearms by dangerous felons.
Sec. 317. Standardization of crime reporting.
Sec. 318. Providing additional forensic examiners.
Sec. 319. Study on expanding Federal authority for juvenile offenders.

TITLE I—PREVENTION AND ECONOMIC EMPOWERMENT

SEC. 101. REAUTHORIZATION OF CERTAIN AFTER-SCHOOL PROGRAMS.

(a) 21st Century Community Learning Centers.—Section 4206 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7176) is amended—

(1) in paragraph (5), by striking "$2,250,000,000" and inserting "$2,500,000,000"; and

(2) in paragraph (6), by striking "$2,500,000,000" and inserting "$2,750,000,000".

(b) Carol M. White Physical Education Program.—Section 5401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241) is amended—

(1) by striking "There are" and inserting "(a) In General.—There are"; and

(2) by adding at the end the following:

"(b) Physical Education.—In addition to the amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated $73,000,000 for each of fiscal years 2007 and 2008 to carry out subpart 10.".

(c) Federal TRIO Programs.—Section 402A(f) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(f)) is amended by striking "$700,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "$883,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years".

(d) GEARUP.—Section 404H of the Higher Education Act of 1965 (20 U.S.C. 1070a–28) is amended by striking "$200,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "$325,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years".

SEC. 102. REAUTHORIZATION OF SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT.

(a) Safe and Drug-Free Schools and Communities.—Section 4003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7103) is amended—

(1) in paragraph (1), by striking "$650,000,000 for fiscal year 2002" and inserting "$700,000,000 for fiscal year 2007"; and

(2) in paragraph (2), by striking "such sums for fiscal year 2002, and" and inserting "$400,000,000 for fiscal year 2007".

(b) National Coordinator Initiative.—Section 4125 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7135(a)) is amended—

(1) in subsection (a)—

(A) by striking "From funds made available to carry out this subpart under section 4003(2), the Secretary may provide" and inserting "From amounts made available to carry out this subpart under section 4003(2) for each fiscal year, the Secretary shall reserve not less than $40,000,000 to provide"; and

(B) by inserting ", gang prevention," after "drug prevention"; and

(2) in subsection (b)—

(A) in the first sentence—

(i) by inserting ", gang prevention," after "serve as drug prevention"; and

(ii) by inserting ", gang," after "significant drug"; and

(B) in the second sentence, by inserting ", gang," after "analyzing assessments of drug".

(c) Mentoring Program.—Section 4130(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7140(b)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1), by striking "The Secretary may award grants from funds made available to carry out this subpart under section 4003(2)" and inserting "From amounts made available to carry out this subpart under section 4003(2) for each fiscal year, the Secretary shall reserve not less than $50,000,000 to award grants";

(2) in paragraph (5)(B)(i), by inserting "elementary school and middle school" after "serves"; and

(3) in paragraph (5)(C)(ii)(IV), by striking "4th" and inserting "kindergarten".

(d) Anti-Gang Discretionary Grants.—Subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131 et seq.) is amended by adding at the end the following:

"SEC. 4131. ANTI-GANG DISCRETIONARY GRANTS.

"(a) Authority To Make Grants.—From amounts made available to carry out this subpart under section 4003(2) for each fiscal year, the Secretary shall reserve not less than $50,000,000 to award grants, on a competitive basis, to nonprofit organizations to enable the nonprofit organizations to establish programs to assist a public elementary school or middle school in providing an innovative approach—

"(1) to combat gang activity in the school and the community surrounding the school; and

"(2) to heighten awareness of, and provide tools to reduce, gang violence in the school and the community surrounding the school.

"(b) Application.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Secretary.

"(c) Priority Consideration.—In awarding grants under this section, the Secretary shall give priority consideration to applications describing programs that target youth living in a community with a crime level above the average crime level of the State in which the community is located.".

SEC. 103. PUBLIC AND ASSISTED HOUSING GANG ELIMINATION.

(a) Short Title.—This section may be cited as the "Public and Assisted Housing Gang Elimination Act of 2006".

(b) Public and Assisted Housing.—Title V of Public Law 100–690 is amended by adding at the end the following:

"Subtitle H—Public and Assisted Housing Drug Elimination

"SEC. 5401. AUTHORITY TO MAKE GRANTS.

"The Secretary of Housing and Urban Development, in accordance with the provisions of this subtitle, may make grants to public housing agencies (including Indian Housing Authorities) and private, for-profit and nonprofit owners of federally assisted low-income housing for use in eliminating gang related crime.

"SEC. 5402. ELIGIBLE ACTIVITIES.

"Grants under this subtitle may be used in public housing or other federally assisted low-income housing projects for—

"(1) the employment of security personnel;

"(2) reimbursement of local law enforcement agencies for additional security and protective services;

"(3) physical improvements which are specifically designed to enhance security;

"(4) the employment of 1 or more individuals—

"(A) to investigate gang related crime on or about the real property comprising any public or other federally assisted low-income housing project; and

"(B) to provide evidence relating to such crime in any administrative or judicial proceeding;

"(5) the provision of training, communications equipment, and other related equipment for use by voluntary tenant patrols acting in cooperation with local law enforcement officials;

"(6) programs designed to reduce gang activity in and around public or other federally assisted low-income housing projects, including encouraging teen-driven approaches to gang activity prevention;

"(7) providing funding to nonprofit public housing resident management corporations and resident councils to develop security and gang prevention programs involving site residents.

"SEC. 5403. APPLICATIONS.

"(a) In General.—To receive a grant under this subtitle, a public housing agency or an owner of federally assisted low-income housing shall submit an application to the Secretary, at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Such application shall include a plan for addressing the problem of gang related crime on the premises of the housing administered or owned by the applicant for which the application is being submitted.

"(b) Criteria.—Except as provided by subsections (c) and (d) the Secretary shall approve applications under this subtitle based exclusively on—

"(1) the extent of the gang related crime problem in the public or federally assisted low-income housing project or projects proposed for assistance;

"(2) the quality of the plan to address the crime problem in the public or federally assisted low-income housing project or projects proposed for assistance, including the extent to which the plan includes initiatives that can be sustained over a period of several years;

"(3) the capability of the applicant to carry out the plan; and

"(4) the extent to which tenants, the local government, and the local community support and participate in the design and implementation of the activities proposed to be funded under the application.

"(c) Federally Assisted Low-Income Housing.—In addition to the selection criteria specified in subsection (b), the Secretary may establish other criteria for the evaluation of applications submitted by owners of federally assisted low-income housing, except that such additional criteria shall be designed only to reflect—

"(1) relevant differences between the financial resources and other characteristics of public housing authorities and owners of federally assisted low-income housing; or

"(2) relevant differences between the problem of gang related crime in public housing and the problem of gang related crime in federally assisted low-income housing.

"(d) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.—In evaluating the extent of the gang related crime problem pursuant to subsection (b), the Secretary may consider whether housing projects proposed for assistance are located in a high intensity interstate gang activity area designated pursuant to section 211 of the Fighting Gangs and Empowering Youth Act of 2006.

"SEC. 5404. DEFINITIONS.

"For the purposes of this subtitle, the following definitions shall apply:

"(1) SECRETARY.—The term "'Secretary'" means the Secretary of Housing and Urban Development.

"(2) FEDERALLY ASSISTED LOW-INCOME HOUSING.—The term 'federally assisted low-income housing' means housing assisted under—

"(A) section 221(d)(3), section 221(d)(4), or 236 of the National Housing Act;

"(B) section 101 of the Housing and Urban Development Act of 1965; or

"(C) section 8 of the United States Housing Act of 1937.

"SEC. 5405. IMPLEMENTATION.

"The Secretary shall issue regulations to implement this subtitle within 180 days after the date of enactment of the Fighting Gangs and Empowering Youth Act of 2006.

"SEC. 5406. REPORTS.

"The Secretary shall require grantees to provide periodic reports that include the obligation and expenditure of grant funds, the progress made by the grantee in implementing the plan described in section 5403(a), and any change in the incidence of gang related crime in projects assisted under this chapter.

"SEC. 5407. MONITORING.

"The Secretary shall audit and monitor the programs funded under this subtitle to ensure that assistance provided under this subtitle is administered in accordance with the provisions of this subtitle.

"SEC. 5408. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $200,000,000 for each of the fiscal years 2007 through 2011. Any amount appropriated under this section shall remain available until expended.

"(b) SET-ASIDE FOR ASSISTED HOUSING.—Of any amount made available in any fiscal year to carry out this subtitle, not more than 6.25 percent of such amount shall be available for grants for federally assisted low-income housing.".

(c) CONFORMING AMENDMENTS.—The table of contents for title V of Public Law 100–690 is amended by inserting the following new items:

"Subtitle H—Public and Assisted Housing Drug Elimination

"Sec. 5401. Authority to make grants.
"Sec. 5402. Eligible activities.
"Sec. 5403. Applications.
"Sec. 5404. Definitions.
"Sec. 5405. Implementation.
"Sec. 5406. Reports.
"Sec. 5407. Monitoring.
"Sec. 5408. Authorization of appropriations.".

SEC. 104. DEMONSTRATION GRANTS TO ENCOURAGE CREATIVE APPROACHES TO GANG ACTIVITY AND AFTER-SCHOOL PROGRAMS.

(a) IN GENERAL.—The Attorney General may make grants to public or nonprofit private entities (including faith-based organizations) for the purpose of assisting the entities in demonstrating innovative approaches to combat gang activity.

(b) CERTAIN APPROACHES.—Approaches under subsection (a) may include the following:

(1) Encouraging teen-driven approaches to gang activity prevention.

(2) Educating parents to recognize signs of problems and potential gang involvement in their children.

(3) Teaching parents the importance of a nurturing family and home environment to keep children out of gangs.

(4) Facilitating communication between parents and children, especially programs that have been evaluated and proven effective.

(c) MATCHING FUNDS.—

(1) IN GENERAL.—With respect to the costs of the project to be carried out under subsection (a) by an applicant, a grant may be made under such subsection only if the applicant agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs ($1 for each $3 of Federal funds provided in the grant).

(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(d) EVALUATION OF PROJECTS.—The Attorney General shall establish criteria for the evaluation of projects under subsection (a). A grant may be made under such subsection only if the applicant involved—

(1) agrees to conduct evaluations of the project in accordance with such criteria;

(2) agrees to submit to the Attorney General such reports describing the results of the evaluations as the Attorney General determines to be appropriate; and

(3) submits to the Attorney General, in the application under subsection (e), a plan for conducting the evaluations.

(e) APPLICATION FOR GRANT.—A grant may be made under subsection (a) only if an application for the grant is submitted to the Attorney General and the application is in such form, is made in such manner, and contains such agreements, assurances, and information, including the agreements under subsections (c) and (d) and the plan under subsection (d)(3), as the Attorney General determines to be necessary to carry out this section.

(f) REPORT TO CONGRESS.—Not later than October 1, 2011, the Attorney General shall submit to Congress a report describing the extent to which projects under subsection (a) have been successful in reducing the rate of gang activity in the communities in which the projects have been carried out. Such reports shall describe the various approaches used under subsection (a) and the effectiveness of each of the approaches.

(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for each of the fiscal years 2007 through 2011.

SEC. 105. REAUTHORIZATION OF ADULT AND JUVENILE OFFENDER STATE AND LOCAL REENTRY DEMONSTRATION PROJECTS.

(a) ADULT AND JUVENILE OFFENDER DEMONSTRATION PROJECTS AUTHORIZED.—Section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)) is amended by striking paragraphs (1) through (4) and inserting the following:

"(1) establishing or improving the system or systems under which—

"(A) the correctional agency of the State or local government develops and carries out plans to facilitate the reentry into the community of each offender in State or local custody;

"(B) the supervision and services provided to offenders in State or local custody are coordinated with the supervision and services provided to offenders after reentry into the community;

"(C) the efforts of various public and private entities to provide supervision and services to offenders after reentry into the community, and to family members of such offenders, are coordinated; and

"(D) offenders awaiting reentry into the community are provided with documents (such as identification papers, referrals to services, medical prescriptions, job training certificates, apprenticeship papers, and information on obtaining public assistance) useful in achieving a successful transition from prison, jail, or detention;

"(2) carrying out programs and initiatives by units of local government to strengthen reentry services for individuals released from local jails;

"(3) enabling jail or prison mentors of offenders to remain in contact with those offenders, including through the use of such technology as videoconferencing, during incarceration and after reentry into the community and encouraging the involvement of prison or jail mentors in the reentry process;

"(4) providing structured post-release housing and transitional housing, including group homes for recovering substance abusers, through which offenders are provided supervision and services immediately following reentry into the community;

"(5) assisting offenders in securing permanent housing upon release or following a stay in transitional housing;

"(6) providing continuity of health services (including screening, assessment, and aftercare for mental health services, substance abuse treatment and aftercare, and treatment for contagious diseases) to offenders in custody and after reentry into the community;

"(7) providing offenders with education, job training, responsible parenting and healthy relationship skills training designed specifically for addressing the needs of incarcerated and transitioning fathers and mothers, English as a second language programs, work experience programs, self-respect and life skills training, and other skills useful in achieving a successful transition from prison;

"(8) facilitating collaboration among corrections and community corrections, technical schools, community colleges, and the workforce development and employment service sectors to—

"(A) promote, where appropriate, the employment of people released from prison and jail, through efforts such as educating employers about existing financial incentives, and facilitate the creation of job opportunities, including transitional jobs and time limited subsidized work experience (where appropriate), for this population that will benefit communities;

"(B) connect inmates to employment, including supportive employment and employment services, before their release to the community, to provide work supports, including transportation and retention services, as appropriate, and identify labor market needs to ensure that education and training are appropriate; and

"(C) address barriers to employment, including licensing that are not directly connected to the crime committed and the risk that the ex-offender presents to the community, and provide case management services as necessary to prepare offenders for jobs that offer the potential for advancement and growth;

"(9) assessing the literacy and educational needs of offenders in custody and identifying and providing services appropriate to meet those needs, including follow-up assessments and long-term services;

"(10) systems under which family members of offenders are involved in facilitating the successful reentry of those offenders into the community, including removing obstacles to the maintenance of family relationships while the offender is in custody, strengthening the family's capacity to function as a stable living situation during reentry where appropriate, and involving family members in the planning and implementation of the reentry process;

"(11) programs under which victims are included, on a voluntary basis, in the reentry process;

"(12) identifying and addressing barriers to collaborating with child welfare agencies in the provision of services jointly to offenders in custody and to the children of such offenders;

"(13) carrying out programs that support children of incarcerated parents, including those in foster care and those cared for by grandparents or other relatives, commonly referred to as kinship care, including mentoring children of prisoners programs;

"(14) carrying out programs for the entire family unit, including the coordination of service delivery across agencies;

"(15) implementing programs in correctional agencies to include the collection of information regarding any dependent children of an incarcerated person as part of intake procedures, including the number of children, age, and location or jurisdiction, and connect identified children with services as appropriate and needed;

"(16) addressing barriers to the visitation of children with an incarcerated parent, and maintenance of the parent-child relationship as appropriate to the safety and well-being of the children, such as the location of facilities in remote areas, telephone costs, mail restrictions, and visitation policies;

"(17) creating, developing, or enhancing prisoner and family assessments curricula, policies, procedures, or programs (including mentoring programs) to help prisoners with a history or identified risk of domestic violence, dating violence, sexual assault, or stalking reconnect with their families and communities, as appropriate (or when it is safe to do so), and become mutually respectful, nonabusive parents or partners, under which particular attention is paid to the safety of children affected and the confidentiality concerns of victims, and efforts are coordinated with existing victim service providers;

"(18) developing programs and activities that support parent-child relationships, such as—

"(A) using telephone conferencing to permit incarcerated parents to participate in parent-teacher conferences;

"(B) using videoconferencing to allow virtual visitation when incarcerated persons are more than 100 miles from their families;

"(C) the development of books on tape programs, through which incarcerated parents read a book into a tape to be sent to their children;

"(D) the establishment of family days, which provide for longer visitation hours or family activities;

"(E) the creation of children's areas in visitation rooms with parent-child activities;

"(F) the implementation of programs to help incarcerated fathers and mothers stay connected to their children and learn responsible parenting and healthy relationship skills; or

"(G) mentoring children of prisoners program;

"(19) expanding family-based treatment centers that offer family-based comprehensive treatment services for parents and their children as a complete family unit;

"(20) conducting studies to determine who is returning to prison or jail and which of those returning prisoners represent the greatest risk to community safety;

"(21) developing or adopting procedures to ensure that dangerous felons are not released from prison prematurely;

"(22) developing and implementing procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

"(23) developing and implementing procedures to identify efficiently and effectively those violators of probation, parole, or post incarceration supervision who should be returned to prison or jail;

"(24) utilizing validated assessment tools to assess the risk factors of returning inmates and prioritizing services based on risk;

"(25) facilitating and encouraging timely and complete payment of restitution and fines by ex-offenders to victims and the community;

"(26) establishing or expanding the use of reentry courts and other programs to—

"(A) monitor offenders returning to the community;

"(B) provide returning offenders with—

"(i) drug and alcohol testing and treatment; and

"(ii) mental and medical health assessment and services;

"(C) facilitate restorative justice practices and convene family or community impact panels, family impact educational classes, victim impact panels, or victim impact educational classes;

"(D) provide and coordinate the delivery of other community services to offenders, including—

"(i) housing assistance;

"(ii) education;

"(iii) employment training;

"(iv) children and family support to include responsible parenting and healthy relationship skill training designed specifically to address the needs of incarcerated and transitioning fathers and mothers;

"(v) conflict resolution skills training;

"(vi) family violence intervention programs;

"(vii) culturally and linguistically competent services, as appropriate; and

"(viii) other appropriate services; and

"(E) establish and implement graduated sanctions and incentives; and

"(27) providing technology and other tools to advance post release supervision.".

(b) JUVENILE OFFENDER DEMONSTRATION PROJECTS REAUTHORIZED.—Section 2976(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(c)) is amended by striking "may be expended for" and all that follows through the period at the end and inserting "may be expended for any activity referred to in subsection (b).".

(c) APPLICATIONS; REQUIREMENTS; PRIORITIES; PERFORMANCE MEASUREMENTS.—Section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended—

(1) by redesignating subsection (h) as subsection (o); and

(2) by striking subsections (d) through (g) and inserting the following:

"(d) APPLICATIONS.—A State, unit of local government, territory, or Indian tribe, or combination thereof desiring a grant under this section shall submit an application to the Attorney General that—

"(1) contains a reentry strategic plan, as referenced in subsection (h), which describes the long-term strategy, and a detailed implementation schedule, including the jurisdiction's plans to pay for the program after the Federal funding is discontinued;

"(2) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the applicant's prisoner reentry strategy and certifies their involvement; and

"(3) describes the methodology and outcome measures that will be used in evaluating the program.

"(e) REQUIREMENTS.—The Attorney General may make a grant to an applicant under this section only if the application—

"(1) reflects explicit support of the chief executive officer of the State, unit of local government, territory, or Indian tribe applying for a grant under this section;

"(2) provides extensive discussion of the role of State corrections departments, community corrections agencies, juvenile justice systems, or local jail systems in ensuring successful reentry of ex-offenders into their communities;

"(3) provides extensive evidence of collaboration with State and local government agencies overseeing health, housing, child welfare, education, substance abuse, and employment services, and local law enforcement;

"(4) provides a plan for analysis of the applicant's existing statutory, regulatory, rules-based, and practice-based hurdles to a prisoner's reintegration into the community that—

"(A) takes particular note and makes recommendations with respect to laws, regulations, rules, and practices that disqualify former prisoners from obtaining professional licenses or other requirements necessary for certain types of employment, and that hinder full civic participation;

"(B) identifies and makes recommendations with respect to those laws, regulations, rules, or practices that are not directly connected to the crime committed and the risk that the ex-offender presents to the community; and

"(C) affords members of the public an opportunity to participate in the process described in this subsection; and

"(5) includes the use of a State, local, territorial, or tribal task force, as referenced in subsection (i), to carry out the activities funded under the grant.

"(f) PRIORITY CONSIDERATION.—The Attorney General shall give priority to grant applications under this section that best—

"(1) focus initiative on geographic areas with a high population of ex-offenders;

"(2) include partnerships with nonprofit organizations;

"(3) provide consultations with crime victims and former incarcerated prisoners and their families;

"(4) review the process by which the State and local governments adjudicate violations of parole, probation, or post incarceration supervision and consider reforms to maximize the use of graduated, community-based sanctions for minor and technical violations of parole, probation, or post incarceration supervision;

"(5) establish prerelease planning procedures for prisoners to ensure that a prisoner's eligibility for Federal or State benefits (including Medicaid, Medicare, Social Security, and Veterans benefits) upon release is established prior to release, subject to any limitations in law, and to ensure that prisoners are provided with referrals to appropriate social and health services or are linked to appropriate nonprofit organizations;

"(6) include an agreement that the applicant, in consultation with the National Institute of Justice, will modify the project design, initially and during the project, in order to facilitate the evaluation of outcomes by means, including (to the maximum extent feasible) random assignment of offenders and ex-offenders (or entities working with such persons) to program delivery and control groups; and

"(7) target high-risk offenders for reentry programs through validated assessment tools.

"(g) USES OF GRANT FUNDS.—

"(1) FEDERAL SHARE.—The Federal share of a grant received under this section may not exceed 75 percent of the project funded under the grant, unless the Attorney General—

"(A) waives, in whole or in part, the requirement of this paragraph; and

"(B) publicly delineates the rationale for the waiver.

"(2) SUPPLEMENT NOT SUPPLANT.—Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities funded under this section.

"(h) REENTRY STRATEGIC PLAN.—

"(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall develop a comprehensive strategic reentry plan that contains measurable annual and 5 year performance outcomes. The plan shall have as a goal to reduce the rate of recidivism of incarcerated persons served with funds from this section by 50 percent over a period of 5 years.

"(2) COORDINATION.—In developing reentry plans under this subsection, applicants shall coordinate with communities and stakeholders, including persons in the fields of public safety, corrections, housing, health, education, substance abuse, children and families, employment, business and members of nonprofit organizations that provide reentry services.

"(3) MEASUREMENTS OF PROGRESS.—Each reentry plan developed under this subsection shall measure the applicant's progress toward increasing public safety by reducing rates of recidivism and enabling released offenders to transition successfully back into their communities.

"(i) REENTRY TASK FORCE.—

"(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall establish or empower a Reentry Task Force, or other relevant convening authority, to examine ways to pool existing resources and funding streams to promote lower recidivism rates for returning ex-offenders and to minimize the harmful effects of incarceration on families and communities by collecting data and best practices in offender reentry from demonstration grantees and other agencies and organizations, and to provide a plan, as described in subsection (e)(4).

"(2) MEMBERSHIP.—The task force or other authority shall be comprised of relevant—

"(A) State, tribal, territorial, or local leaders;

"(B) agencies;

"(C) service providers;

"(D) nonprofit organizations; and

"(E) stakeholders.

"(j) STRATEGIC PERFORMANCE OUTCOMES.—

"(1) IN GENERAL.—Each applicant shall identify in their reentry strategic plan, as referenced in subsection (h), specific performance outcomes related to the long-term goals of increasing public safety and reducing recidivism.

"(2) PERFORMANCE OUTCOMES.—The performance outcomes identified under paragraph (1) shall include, with respect to offenders released back into the community—

"(A) reduction in recommitment rates;

"(B) reduction in crime;

"(C) increased employment and education opportunities;

"(D) reduction in violations of conditions of supervised release;

"(E) increased child support;

"(F) increased housing opportunities;

"(G) reduction in drug and alcohol abuse; and

"(H) increased participation in substance abuse and mental health services.

"(3) OTHER OUTCOMES.—States may include in their reentry strategic plan other performance outcomes that increase the success rates of offenders who transition from prison.

"(4) COORDINATION.—Applicants should coordinate with communities and stakeholders about the selection of performance outcomes identified by the applicant, and should consult with the Department of Justice for assistance with data collection and measurement activities.

"(5) REPORT.—Each grantee under this section shall submit an annual report to the Department of Justice that—

"(A) identifies the grantee's progress toward achieving its strategic performance outcomes; and

"(B) describes other activities conducted by the grantee to increase the success rates of the reentry population, such as programs that foster effective risk management and treatment programming, offender accountability, and community and victim participation.

"(k) PERFORMANCE MEASUREMENT.—

"(1) IN GENERAL.—The Department of Justice, in consultation with the grantees, shall—

"(A) identify primary and secondary sources of information to support the measurement of the performance indicators identified under this section;

"(B) identify sources and methods of data collection in support of performance measurement required under this section;

"(C) provide to all grantees technical assistance and training on performance measures and data collection for purposes of this section; and

"(D) coordinate with the Substance Abuse and Mental Health Services Administration on strategic performance outcome measures and data collection for purposes of this section relating to substance abuse and mental health.

"(2) COORDINATION.—The Department of Justice shall coordinate with other Federal agencies to identify national and other sources of information to support grantee's performance measurement.

"(3) STANDARDS FOR ANALYSIS.—Any statistical analysis of population data conducted pursuant to this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

"(l) FUTURE ELIGIBILITY.—To be eligible to receive a grant under this section for fiscal years after the first receipt of such a grant, a grantee shall submit to the Attorney General such information as is necessary to demonstrate that—

"(1) the grantee has adopted a reentry plan that reflects input from nonprofit organizations;

"(2) the grantee's reentry plan includes performance measures to assess the grantee's progress toward increasing public safety by reducing by 10 percent over the 2-year period the rate at which individuals released from prison who participate in the reentry system supported by Federal funds are recommitted to prison; and

"(3) the grantee will coordinate with the Department of Justice, nonprofit organizations, and other experts regarding the selection and implementation of the performance measures described in subsection (k).

"(m) NATIONAL ADULT AND JUVENILE OFFENDER REENTRY RESOURCE CENTER.—

"(1) AUTHORITY.—The Attorney General may, using amounts made available to carry out this subsection, make a grant to an eligible organization to provide for the establishment of a National Adult and Juvenile Offender Reentry Resource Center.

"(2) ELIGIBLE ORGANIZATION.—An organization eligible for the grant under paragraph (1) is any national nonprofit organization approved by the Federal task force established under subsection (o) that provides technical assistance and training to, and has special expertise and broad, national-level experience in offender reentry programs, training, and research.

"(3) USE OF FUNDS.—The organization receiving the grant shall establish a National Adult and Juvenile Offender Reentry Resource Center to—

"(A) provide education, training, and technical assistance for States, tribes, territories, local governments, service providers, nonprofit organizations, and corrections institutions;

"(B) collect data and best practices in offender reentry from demonstration grantees and others agencies and organizations;

"(C) develop and disseminate evaluation tools, mechanisms, and measures to better assess and document coalition performance measures and outcomes;

"(D) disseminate knowledge to States and other relevant entities about best practices, policy standards, and research findings;

"(E) develop and implement procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

"(F) develop and implement procedures to identify efficiently and effectively those violators of probation, parole, or post incarceration supervision who should be returned to prison and those who should receive other penalties based on defined, graduated sanctions;

"(G) collaborate with the Federal task force established under subsection (o) and the Federal Resource Center for Children of Prisoners;

"(H) develop a national research agenda; and

"(I) bridge the gap between research and practice by translating knowledge from research into practical information.

"(4) LIMIT.—Of amounts made available to carry out this section, not more than 4 percent shall be available to carry out this subsection.

"(n) ADMINISTRATION.—Of amounts made available to carry out this section—

"(1) not more than 2 percent shall be available for administrative expenses in carrying out this section; and

"(2) not more than 2 percent shall be made available to the National Institute of Justice to evaluate the effectiveness of the demonstration projects funded under section 2976 of the Omnibus Crime and Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) as amended by this section, using a methodology that—

"(A) includes, to the maximum extent feasible, random assignment of offenders or ex-offenders (or entities working with such persons) to program delivery and control groups; and

"(B) generates evidence on which reentry approaches and strategies are most effective.

"(o) TASK FORCE ON FEDERAL PROGRAMS AND ACTIVITIES RELATING TO REENTRY OF OFFENDERS.—

"(1) TASK FORCE REQUIRED.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Secretary of Agriculture, and the heads of such other elements of the Federal Government as the Attorney General considers appropriate, and in collaboration with stakeholders, service providers, nonprofit organizations, States, tribes, territories, and local governments, shall establish an interagency task force on Federal programs and activities relating to the reentry of offenders into the community.

"(2) DUTIES.—The task force required by paragraph (1) shall—

"(A) identify such programs and activities that may be resulting in overlapping or duplication of services, the scope of such overlapping or duplication, and the relationship of such overlapping and duplication to public safety, public health, and effectiveness and efficiency;

"(B) identify methods to improve collaboration and coordination of such programs and activities;.

"(C) identify areas of responsibility in which improved collaboration and coordination of such programs and activities would result in increased effectiveness or efficiency;

"(D) develop innovative interagency or intergovernmental programs, activities, or procedures that would improve outcomes of reentering offenders and children of offenders;

"(E) develop methods for increasing regular communication that would increase interagency program effectiveness;

"(F) identify areas of research that can be coordinated across agencies with an emphasis on applying science-based practices to support, treatment, and intervention programs for reentering offenders;

"(G) identify funding areas that should be coordinated across agencies and any gaps in funding; and

"(H) in collaboration with the National Adult and Juvenile Offender Reentry Resources Center identify successful programs currently operating and collect best practices in offender reentry from demonstration grantees and other agencies and organizations, determine the extent to which such programs and practices can be replicated, and make information on such programs and practices available to States, localities, nonprofit organizations, and others.

"(3) REPORT.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the task force established under paragraph (1) shall submit a report, including recommendations, to Congress on barriers to reentry. The task force shall provide for public input in preparing the report.

"(B) CONTENTS.—The report required by subparagraph (A) shall identify Federal and other barriers to successful reentry of offenders into the community and analyze the effects of such barriers on offenders and on children and other family members of offenders, including barriers relating to—

"(i) child support obligations and procedures;

"(ii) Social Security benefits, including barriers in timely restoration of suspended disability benefits immediately upon release, Veterans benefits, food stamps, and other forms of Federal public assistance;

"(iii) Medicaid and Medicare laws, regulations, guidelines or procedures, including barriers in timely restoration of benefits caused by delay in reinstatement of suspended Social Security disability benefits;

"(iv) education programs, financial assistance, and full civic participation;

"(v) TANF program funding criteria and other welfare benefits;

"(vi) sustainable employment and career advancement, that are not directly connected to the crime committed and the risk that the ex-offender presents to the community;

"(vii) laws, regulations, rules, and practices that restrict Federal employment licensure and participation in Federal contracting programs;

"(viii) admissions to and evictions from Federal housing programs, including—

"(I) examining the number and characteristics of ex-offenders who are evicted from or denied eligibility for Federal housing programs;

"(II) the effect of eligibility denials and evictions on homelessness, family stability and family reunification;

"(III) the extent to which arrest records are the basis for denying applications;

"(IV) the implications of considering misdemeanors 5 or more years old and felonies 10 or more years old and the appropriateness of taking into account rehabilitation and other mitigating factors; and

"(V) the feasibility of using probationary or conditional eligibility based on participation in a supervised rehabilitation program or other appropriate social services;

"(ix) reentry procedures, case planning, and transitions of persons from the custody of the Federal Bureau of Prisons to a Federal parole or probation program or community corrections;

"(x) laws, regulations, rules, and practices that may require a parolee to return to the same county that the parolee was living in prior to his or her arrest, and the potential for changing such laws, regulations, rules, and practices so that the parolee may change his or her location upon release, and not settle in the same location with persons who may be a negative influence; and

"(xi) prerelease planning procedures for prisoners to ensure that a prisoner's eligibility for Federal or State benefits (including Medicaid, Medicare, Social Security and Veterans benefits) upon release is established prior to release, subject to any limitations in law; and to ensure that prisoners are provided with referrals to appropriate social and health services or are linked to appropriate nonprofit organizations.

"(4) ANNUAL REPORTS.—On an annual basis, the task force required by paragraph (1) shall submit to Congress a report on the activities of the task force, including specific recommendations of the task force on matters referred to in paragraph (2). Any statistical analysis of population data pursuant to this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended in subsection (o)(1), as so redesignated by subsection (c) of this section, by striking "and $16,000,000 for fiscal year 2005" and inserting "$100,000,000 for fiscal year 2007, and $100,000,000 for fiscal year 2008".

(e) GRANT AUTHORIZATION.—Section 2976(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(a)) is amended by striking "States, Territories" and all that follows through the period at the end and inserting "States, local governments, territories, or Indian tribes, or any combination thereof, in partnership with stakeholders, service providers, and nonprofit organizations, for purpose of establishing adult and juvenile offender reentry demonstration projects.".

SEC. 106. CHILDREN OF INCARCERATED PARENTS AND FAMILIES.

The Secretary of Health and Human Services may—

(1) review, and make available to States, a report on any recommendations regarding the role of State child protective services at the time of the arrest of a person; and

(2) by regulation, establish such services as the Secretary determines necessary for the preservation of families that have been impacted by the incarceration of a family member with special attention given to the impact on children.

SEC. 107. ENCOURAGEMENT OF EMPLOYMENT OF FORMER PRISONERS.

The Secretary of Labor shall take such steps as are necessary to implement a program, including the Employment and Training Administration, to educate employers and 1-stop center workforce development providers about existing incentives, including the Federal bonding program and tax credits for hiring former Federal, State, or local prisoners.

SEC. 108. FEDERAL RESOURCE CENTER FOR CHILDREN OF PRISONERS.

There are authorized to be appropriated to the Secretary of Health and Human Services for fiscal years 2007 and 2008, such sums as may be necessary for the continuing activities of the Federal Resource Center for Children of Prisoners, including conducting a review of the policies and practices of State and Federal corrections agencies to support parent-child relationships.

SEC. 109. USE OF VIOLENT OFFENDER TRUTH-IN-SENTENCING GRANT FUNDING FOR DEMONSTRATION PROJECT ACTIVITIES.

Section 20102(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) to carry out any activity referred to in subsections (b) and (c) of section 2976 of the

Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w (b), (c)).".

SEC. 110. GRANTS TO STUDY PAROLE OR POST-INCARCERATION SUPERVISION VIOLATIONS AND REVOCATIONS.

(a) GRANTS AUTHORIZED.—From amounts made available to carry out this section, the Attorney General may award grants to States to study and to improve the collection of data with respect to individuals whose parole or post incarceration supervision is revoked and which such individuals represent the greatest risk to community safety.

(b) APPLICATION.—As a condition of receiving a grant under this section, a State shall—

(1) certify that the State has, or intends to establish, a program that collects comprehensive and reliable data with respect to individuals described in subsection (a), including data on—

(A) the number and type of parole or post incarceration supervision violations that occur with the State;

(B) the reasons for parole or post-incarceration supervision revocation;

(C) the underlying behavior that led to the revocation; and

(D) the term of imprisonment or other penalty that is imposed for the violation; and

(2) provide the data described in paragraph (1) to the Bureau of Justice Statistics, in a form prescribed by the Bureau. Any statistical analysis of population data pursuant to this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each fiscal years 2007 and 2008.

SEC. 111. IMPROVEMENT OF THE RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS PROGRAM.

(a) DEFINITION.—Section 1902 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff-1) is amended by—

(1) redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) inserting after subsection (b) the following:

"(c) RESIDENTIAL SUBSTANCE ABUSE TREATMENT.—In this section, the term 'residential substance abuse treatment'—

"(1) means a course of individual and group activities and treatment, lasting at least 6 months, in residential treatment facilities set apart from the general prison population; and

"(2) can include the use of pharmacotherapies where appropriate, that may extend beyond the 6-month period.".

(b) REQUIREMENT FOR AFTER CARE COMPONENT.—Subsection (d) of section 1902 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff-1), as so redesignated by subsection (a) of this section, is amended—

(1) in the subsection heading, by striking "ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT" and inserting "REQUIREMENT FOR AFTER CARE COMPONENT";

(2) by amending paragraph (1) to read as follows:

"(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with after care services."; and

(3) by adding at the end the following new paragraph:

"(4) After care services required by this subsection shall be funded by the funding provided in this part.".

SEC. 112. RESIDENTIAL DRUG ABUSE PROGRAM IN FEDERAL PRISONS.

Section 3621(e)(5)(A) of title 18, United States Code, is amended by striking "means a course of" and all that follows through the semicolon at the end and inserting the following: "means a course of individual and group activities and treatment, lasting at least 6 months, in residential treatment facilities set apart from the general prison population, which may include the use of pharmacotherapies, where appropriate, that may extend beyond the 6-month period;".

SEC. 113. REMOVAL OF LIMITATION ON AMOUNT OF FUNDS AVAILABLE FOR CORRECTIONS EDUCATION PROGRAMS UNDER THE ADULT EDUCATION AND FAMILY LITERACY ACT.

(a) IN GENERAL.—Section 222(a)(1) of the Adult Education and Family Literacy Act (20 U.S.C. 9222(a)(1)) is amended by striking ", of which not more than 10 percent of the 82.5 percent shall be available to carry out section 225".

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Education shall submit to Congress a report—

(1) on the use of literacy funds to correctional institutions as defined in section 225(d)(2) of the Adult Education and Family Literacy Act (20 U.S.C. 9224); and

(2) that specifies the amount of literacy funds that are provided to each category of correctional institution in each State, and identify whether funds are being sufficiently allocated among the various types of institutions.

SEC. 114. TECHNICAL AMENDMENT TO DRUG-FREE STUDENT LOANS PROVISION TO ENSURE THAT IT APPLIES ONLY TO OFFENSES COMMITTED WHILE RECEIVING FEDERAL AID.

Section 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(r)(1)) is amended by striking "A student" and all that follows through "table:" and inserting the following: "A student who is convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under this title shall not be eligible to receive any grant, loan, or work assistance under this title from the date of that conviction for the period of time specified in the following table:".

SEC. 115. MENTORING GRANTS TO NONPROFIT ORGANIZATIONS.

(a) AUTHORITY TO MAKE GRANTS.—From amounts made available to carry out this section, the Attorney General of the United States, in collaboration with the Secretary of Labor and the Secretary of Housing and Urban Development, shall make grants to nonprofit organizations for the purpose of providing mentoring and other transitional services essential to reintegrating ex-offenders.

(b) USE OF FUNDS.—Grant funds awarded under subsection (a) may be used for—

(1) mentoring adult and juvenile offenders during incarceration, through transition back to the community, and post release; and

(2) transitional services to assist in the reintegration of ex-offenders into the community.

(c) APPLICATION; PRIORITY CONSIDERATION.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Attorney General based on criteria developed by the Attorney General in consultation with the Secretary of Labor and the Secretary of Housing and Urban Development. Applicants will be given priority consideration if the application—

(1) includes a plan to implement activities that have been demonstrated effective in facilitating the successful reentry of offenders; and

(2) provides for an independent evaluation that includes, to the maximum extent feasible, random assignment of offenders or ex-offenders to program delivery and control groups.

(d) STRATEGIC PERFORMANCE OUTCOMES.—The Attorney General shall require each applicant under this section to identify specific performance outcomes related to the long-term goal of stabilizing communities by reducing recidivism and re-integrating ex-offenders into society.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section $25,000,000 for each of fiscal years 2007 and 2008.

SEC. 116. CLARIFICATION OF AUTHORITY TO PLACE PRISONER IN COMMUNITY CORRECTIONS.

Section 3624(c) of title 18, United States Code, is amended to read as follows:

"(c) PRERELEASE CUSTODY.—

"(1) IN GENERAL.—The Bureau of Prisons shall, to the extent practicable, assure that a prisoner serving a term of imprisonment spends 20 percent of the final portion of the term, not to exceed 12 months, to be served under conditions that will afford the prisoner a reasonable opportunity to adjust to and prepare for the prisoner's reentry into the community. Such conditions may include a community correctional facility.

"(2) AUTHORITY.—This subsection authorizes the Bureau of Prisons to place a prisoner in home confinement for the last 10 percent of the term to be served, not to exceed 6 months.

"(3) ASSISTANCE.—The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during such prerelease custody.

"(4) NO LIMITATIONS.—Nothing in this subsection shall be construed to limit or restrict the authority of the Bureau of Prisons granted under section 3621 of this title.".

SEC. 117. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

"SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

"(a) DEFINITION.—For purposes of this section, the term 'youth offender' means a male or female offender under the age of 35, who is incarcerated in a State prison, including a prerelease facility.

"(b) GRANT PROGRAM.—The Secretary of Education (in this section referred to as the 'Secretary')—

"(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States, from allocations for the States under subsection (h), to assist and encourage youth offenders to acquire functional literacy, life, and job skills, through—

"(A) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree while in prison; and

"(B) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and

"(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

"(c) Application.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for a youth offender program that—

"(1) identifies the scope of the problem, including the number of youth offenders in need of postsecondary education and vocational training;

"(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

"(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development; substance abuse, health, and parenting skills;

"(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

"(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

"(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

"(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

"(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

"(iii) attainment of employment both prior to and subsequent to release;

"(iv) success in employment indicated by job retention and advancement; and

"(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

"(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and vocational training) and State industry programs;

"(6) describes how the proposed programs will have considered or will utilize technology to deliver the services under this section; and

"(7) describes how students will be selected so that only youth offenders eligible under subsection (e) will be enrolled in postsecondary programs.

"(d) Program Requirements.—Each State correctional education agency receiving a grant under this section shall—

"(1) annually report to the Secretary regarding—

"(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

"(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2); and

"(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4), as necessary to document the attainment of project performance objectives; and

"(2) expend on each participating eligible student for an academic year, not more than the maximum Federal Pell Grant funded under section 401 of the Higher Education Act of 1965 for such academic year, which shall be used for—

"(A) tuition, books, and essential materials; and

"(B) related services such as career development, substance abuse counseling, parenting skills training, and health education.

"(e) Student Eligibility.—A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender—

"(1) is eligible to be released within 5 years (including a youth offender who is eligible for parole within such time); and

"(2) is 35 years of age or younger.

"(f) Length of Participation.—A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a secondary school diploma or its recognized equivalent. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may continue for not more than 1 year after release from confinement.

"(g) Education Delivery Systems.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

"(h) Allocation of Funds.—From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

"(i) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $30,000,000 for fiscal years 2007 and 2008.".

SEC. 118. IMPROVED REENTRY PROCEDURES FOR FEDERAL PRISONERS.

(a) General Reentry Procedures.—The Department of Justice shall take such steps as are necessary to modify existing procedures and policies to enhance case planning and to improve the transition of persons from the custody of the Bureau of Prisons to the community, including placement of such individuals in community corrections facilities.

(b) Procedures Regarding Benefits.—

(1) In general.—The Bureau of Prisons shall establish reentry planning procedures within the Release Preparation Program that include providing Federal inmates with information in the following areas:

(A) Health and nutrition.

(B) Employment.

(C) Personal finance and consumer skills.

(D) Information and community resources.

(E) Release requirements and procedures.

(F) Personal growth and development.

(2) Format.—Any written information that the Bureau of Prisons provides to inmates for reentry planning purposes shall use common terminology and language. The Bureau of Prisons shall provide the United States Probation and Pretrial Services System with relevant information on the medical care needs and the mental health treatment needs of releasing inmates. The United States Probation and Pretrial Services System shall take this information into account when developing supervision plans in an effort to address the medical care and mental health care needs of these individuals. The Bureau of Prisons shall provide inmates with a sufficient amount of all necessary medications upon release from custody.

SEC. 119. REAUTHORIZATION OF LEARN AND SERVE AMERICA.

Section 501(a)(1)(A) of the National and Community Service Act of 1990 (42 U.S.C. 12681(a)(1)(A)) is amended by striking "fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1996" and inserting "fiscal year 2007 and each of the 5 succeeding fiscal years".

SEC. 120. JOB CORPS.

Section 161 of the Workforce Investment Act of 1998 (29 U.S.C. 2901) is amended by striking "such sums as may be necessary" and inserting "$1,800,000,000 (of which $300,000,000 shall be designated to create additional Job Corps centers, especially in high gang activity areas)".

SEC. 121. WORKFORCE INVESTMENT ACT YOUTH ACTIVITIES.

Section 137(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2872(a)) is amended by striking "such sums as may be necessary" and inserting "$1,000,000".

SEC. 122. EXPANSION AND REAUTHORIZATION OF THE MENTORING INITIATIVE FOR SYSTEM INVOLVED YOUTH.

(a) Expansion.—Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. 5665) is amended by inserting at the end the following: "The Administrator shall expand the number of sites receiving such grants from 4 to 12.".

(b) Reauthorization.—Section 12213(c) of the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. 5671) is amended by striking subsection (c) and inserting the following:

"(c) Authorization of Appropriations for Part E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, $4,800,000 for fiscal years 2007, 2008, 2009, 2010, and 2011.".

SEC. 123. STRATEGIC COMMUNITY PLANNING PROGRAM.

Section 30701 of the Violent Crime Control Act of 1994 (42 U.S.C. 13801) is amended by inserting the following:

"SEC. 30701. GRANT AUTHORITY.

"(a) Grants.—

"(1) In general.—In order to prevent gang activity by juveniles, the Attorney General may award grants on a competitive basis to eligible local entities to pay for the Federal share of assisting eligible communities to develop and carry out programs that target at-risk youth and juvenile offenders aged 11 to 19, who—

"(A) have dropped out of school;

"(B) have come into contact with the juvenile justice system; or

"(C) are at risk of dropping out of school or coming into contact with the juvenile justice system.

"(2) Limitation.—No local entity shall receive a grant of less than $250,000 in a fiscal year. Amounts made available through such grants shall remain available until expended.

"(b) Program Requirements.—

"(1) Programs.—A local entity that receives funds under this section shall develop or expand community programs in eligible communities that are designed to target at-risk youths and juvenile offenders through prevention, early intervention, and graduated sanctions.

"(2) OPTIONAL ACTIVITIES.—A local entity that receives funds under this section may develop a variety of programs to serve the comprehensive needs of at-risk youth and juvenile offenders, including—

"(A) homework assistance and after-school programs, including educational, social, and athletic activities;

"(B) mentoring programs;

"(C) family counseling; and

"(D) parental training programs.

"(c) ELIGIBLE COMMUNITY IDENTIFICATION.—The Attorney General through regulation shall define the criteria necessary to qualify as an eligible community as defined in subsection (g)(3).

"(d) GRANT ELIGIBILITY.—To be eligible to receive a grant under this section, a local entity shall—

"(1) identify an eligible community to be assisted;

"(2) develop a community planning process that includes—

"(A) parents and family members;

"(B) local school officials;

"(C) teachers employed at schools within the eligible community;

"(D) local public officials;

"(E) law enforcement officers and officials;

"(F) ministers and faith-based organizations;

"(G) public housing authorities;

"(H) public housing resident organization members, where applicable; and

"(I) public and private nonprofit organizations that provide education, child protective services, or other human services to low-income, at-risk youth and juvenile offenders, and their families; and

"(3) develop a concentrated strategy for implementation of the community planning process developed under paragraph (2) that targets clusters of at-risk youth and juvenile offenders in the eligible community.

"(e) APPLICATIONS.—

"(1) APPLICATION REQUIRED.—To be eligible to receive a grant under this section, a local entity shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information, as the Attorney General may reasonably require, and obtain approval of such application.

"(2) CONTENTS OF APPLICATION.—Each application submitted under paragraph (1) shall—

"(A) contain a comprehensive plan for the program that is designed to improve the academic and social development of at-risk youths and juvenile offenders in the eligible community;

"(B) provide evidence of support for accomplishing the objectives of such plan from—

"(i) community leaders;

"(ii) a school district;

"(iii) local officials; and

"(iv) other organizations that the local entity determines to be appropriate;

"(C) provide an assurance that the local entity will use grant funds received under this subsection to implement the program requirements listed in subsection (b);

"(D) include an estimate of the number of children in the eligible community expected to be served under the program;

"(E) provide an assurance that the local entity shall prepare and submit to the Attorney General an annual report regarding any program conducted under this section; and

"(F) provide an assurance that the local entity will maintain separate accounting records for the program.

"(3) PRIORITY.—In awarding grants to carry out programs under this section, the Attorney General shall give priority to local entities which submit applications that demonstrate the greatest effort in generating local support for the programs.

"(f) FEDERAL SHARE.—

"(1) PAYMENTS.—The Attorney General shall, subject to the availability of appropriations, pay to each local entity having an application approved under subsection (e) the Federal share of the costs of developing and carrying out programs referred to in subsection (b).

"(2) FEDERAL SHARE.—The Federal share of such costs shall be 70 percent.

"(3) NON-FEDERAL SHARE.—The non-Federal share of such costs may be in cash or in kind, fairly evaluated, including personnel, plant, equipment, and services.

"(g) DEFINITIONS.—For purposes of this section—

"(1) the term 'Attorney General' means the Attorney General of the United States;

"(2) the term 'local entity' means—

"(A) a local educational agency, or

"(B) a community-based organization as defined in section 1471(3) of the Elementary and Secondary Education Act of 1965;

"(3) the term 'eligible community' means an area which meets criteria with respect to significant poverty and significant violent crime, and such additional criteria, as the Attorney General may by regulation require.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

"(1) $10,000,000 for fiscal year 2007;

"(2) $11,000,000 for fiscal year 2008;

"(3) $12,000,000 for fiscal year 2009;

"(4) $13,000,000 for fiscal year 2010; and

"(5) $14,000,000 for fiscal year 2011.".

SEC. 124. REAUTHORIZATION OF THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM AND INCREASE FUNDING FOR THE NATIONAL YOUTH GANG SURVEY.

Section 32401 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13921) is amended—

(1) in subsection (b), by striking paragraphs (1) through (6) and inserting the following:

"(A) $21,000,000 for fiscal year 2007;

"(B) $21,000,000 for fiscal year 2008;

"(C) $21,000,000 for fiscal year 2009;

"(D) $21,000,000 for fiscal year 2010; and

"(E) $21,000,000 for fiscal year 2011;"; and

(2) adding at the end the following:

"(c) USE OF FUNDS.—Up to $1,000,000 annually of such funds authorized under this Section shall be used to increase the number of samples collected by the National Youth Gang Center for its annual National Youth Gang Survey.".

TITLE II—SUPPRESSION AND COMMUNITY ANTI-GANG INITIATIVES

Subtitle A—Gang Activity Policing Program

SEC. 201. AUTHORITY TO MAKE GANG ACTIVITY POLICING GRANTS.

The Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address gang activity problems, and otherwise to enhance public safety.

SEC. 202. ELIGIBLE ACTIVITIES.

Grants made under this subtitle may include programs, projects, and other activities to—

(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment to reduce gang activity;

(2) hire and train new, additional career law enforcement officers for deployment to reduce gang activity across the Nation;

(3) procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in gang activity policing;

(4) award grants to pay for officers hired to perform intelligence in reducing gang activity;

(5) increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive gang control and prevention by redeploying officers to such activities;

(6) establish and implement innovative programs to increase and enhance proactive crime control and gang prevention programs involving law enforcement officers and young persons in the community;

(7) establish school-based partnerships between local law enforcement agencies and local school systems by using school resource officers who operate in and around elementary and secondary schools to combat gangs;

(8) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reducing gang activity and to train law enforcement officers to use such technologies; and

(9) support the purchase by a law enforcement agency of no more than 1 service weapon per officer, upon hiring for deployment in gang activity policing or, if necessary, upon existing officers' initial redeployment to gang activity policing.

SEC. 203. PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.

In awarding grants under this subtitle, the Attorney General may give preferential consideration, where feasible, to applications—

(1) for hiring and rehiring additional career law enforcement officers that involve a non-Federal contribution exceeding the 25 percent minimum under this subtitle; and

(2) that are located in a high intensity interstate gang activity area designated pursuant to section 211.

SEC. 204. UTILIZATION OF COMPONENTS.

The Attorney General may utilize any component or components of the Department of Justice in carrying out this subtitle.

SEC. 205. MINIMUM AMOUNT.

Unless all applications submitted by any State and grantee within the State pursuant to this subtitle have been funded, each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to this subtitle not less than 0.5 percent of the total amount appropriated in the fiscal year for grants pursuant to that section. In this section, "qualifying State" means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this subtitle.

SEC. 206. MATCHING FUNDS.

The portion of the costs of a program, project, or activity provided by this subtitle may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this section of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding 1 year for hiring or rehiring career law enforcement officers, the Federal share shall decrease from year to year for up to 5 years, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $700,000,000 for each of the fiscal years 2007 through 2011. Any amount appropriated under this section shall remain available until expended.

Subtitle B—High Intensity Interstate Gang Activity Areas

SEC. 211. DESIGNATION OF AND ASSISTANCE FOR "HIGH INTENSITY" INTERSTATE GANG ACTIVITY AREAS.

(a) DEFINITIONS.—In this section the following definitions shall apply:

(1) GOVERNOR.—The term "Governor" means a Governor of a State or the Mayor of the District of Columbia.

(2) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREA.—The term "high intensity interstate gang activity area" means an area within a State that is designated as a high intensity interstate gang activity area under subsection (b)(1).

(3) STATE.—The term "State" means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States. The term "State" shall include an "Indian tribe", as defined by section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(b) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.—

(1) DESIGNATION.—The Attorney General, after consultation with the Governors of appropriate States, may designate as high intensity interstate gang activity areas, specific areas that are located within 1 or more States. To the extent that the goals of a high intensity interstate gang activity area (HIIGAA) overlap with the goals of a high intensity drug trafficking area (HIDTA), the Attorney General may merge the 2 areas to serve as a dual-purpose entity. The Attorney General may not make the final designation of a high intensity interstate gang activity area without first consulting with and receiving comment from local elected officials representing communities within the State of the proposed designation.

(2) ASSISTANCE.—In order to provide Federal assistance to high intensity interstate gang activity areas, the Attorney General shall—

(A) establish criminal street gang enforcement teams, consisting of Federal, State, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal street gangs and offenders in each high intensity interstate gang activity area;

(B) direct the reassignment or detailing from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to each criminal street gang enforcement team; and

(C) provide all necessary funding for the operation of the criminal street gang enforcement team in each high intensity interstate gang activity area.

(3) COMPOSITION OF CRIMINAL STREET GANG ENFORCEMENT TEAM.—The team established pursuant to paragraph (2)(A) shall consist of agents and officers, where feasible, from—

(A) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(B) the Department of Homeland Security;

(C) the Department of Housing and Urban Development;

(D) the Drug Enforcement Administration;

(E) the Internal Revenue Service;

(F) the Federal Bureau of Investigation;

(G) the United States Marshal's Service;

(H) the United States Postal Service;

(I) State and local law enforcement; and

(J) Federal, State and local prosecutors.

(4) CRITERIA FOR DESIGNATION.—In considering an area for designation as a high intensity interstate gang activity area under this section, the Attorney General shall consider—

(A) the current and predicted levels of gang crime activity in the area;

(B) the extent to which violent crime in the area appears to be related to criminal street gang activity, such as drug trafficking, murder, robbery, assaults, carjacking, arson, kidnapping, extortion, and other criminal activity;

(C) the extent to which State and local law enforcement agencies have committed resources to—

(i) respond to the gang crime problem; and

(ii) participate in a gang enforcement team;

(D) the extent to which a significant increase in the allocation of Federal resources would enhance local response to the gang crime activities in the area; and

(E) any other criteria that the Attorney General considers to be appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $100,000,000 for each of the fiscal years 2007 to 2011 to carry out this section.

(2) USE OF FUNDS.—Of amounts made available under paragraph (1) in each fiscal year—

(A) 50 percent shall be used to carry out subsection (b)(2); and

(B) 50 percent shall be used to make grants available for community-based programs to provide crime prevention, research, and intervention services that are designed for gang members and at-risk youth in areas designated pursuant to this section as high intensity interstate gang activity areas.

(3) REPORTING REQUIREMENTS.—By February 1st of each year, the Attorney General shall provide a report to Congress which describes, for each designated high intensity interstate gang activity area—

(A) the specific long-term and short-term goals and objectives;

(B) the measurements used to evaluate the performance of the high intensity interstate gang activity area in achieving the long-term and short-term goals;

(C) the age, composition, and membership of "gangs";

(D) the number and nature of crimes committed by "gangs"; and

(E) the definition of the term "gang" used to compile this report.

Subtitle C—Additional Funding

SEC. 221. ADDITIONAL RESOURCES NEEDED BY THE FEDERAL BUREAU OF INVESTIGATION TO INVESTIGATE AND PROSECUTE VIOLENT CRIMINAL STREET GANGS.

(a) RESPONSIBILITIES OF ATTORNEY GENERAL.—The Attorney General is authorized to require the Federal Bureau of Investigation to—

(1) increase funding for the Safe Streets Program; and

(2) support the criminal street gang enforcement teams, established under section 211(b), in designated high intensity interstate gang activity areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise authorized, there are authorized to be appropriated to the Attorney General $5,000,000 for each of the fiscal years 2007 through 2011 to carry out the Safe Streets Program.

(2) AVAILABILITY.—Any amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 222. GRANTS TO PROSECUTORS AND LAW ENFORCEMENT TO COMBAT VIOLENT CRIME AND TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(5) to hire additional prosecutors to—

"(A) allow more cases to be prosecuted; and

"(B) reduce backlogs;

"(6) to fund technology, equipment, and training for prosecutors and law enforcement in order to increase accurate identification of gang members and violent offenders, and to maintain databases with such information to facilitate coordination among law enforcement and prosecutors; and

"(7) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated $20,000,000 for each of the fiscal years 2007 through 2011 to carry out this subtitle.

"(b) USE OF FUNDS.—Of the amounts made available under subsection (a), in each fiscal year 60 percent shall be used to carry out section 31702(7) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.".

SEC. 223. ENHANCEMENT OF PROJECT SAFE NEIGHBORHOODS INITIATIVE TO IMPROVE ENFORCEMENT OF CRIMINAL LAWS AGAINST VIOLENT GANGS.

(a) IN GENERAL.—While maintaining the focus of Project Safe Neighborhoods as a comprehensive, strategic approach to reducing gun violence in America, the Attorney General is authorized to expand the Project Safe Neighborhoods program to require each United States attorney to—

(1) identify, investigate, and prosecute significant criminal street gangs operating within their district;

(2) coordinate the identification, investigation, and prosecution of criminal street gangs among Federal, State, and local law enforcement agencies; and

(3) coordinate and establish criminal street gang enforcement teams, established under section 110(b), in high intensity interstate gang activity areas within a United States attorney's district.

(b) ADDITIONAL STAFF FOR PROJECT SAFE NEIGHBORHOODS.—

(1) IN GENERAL.—The Attorney General may hire Assistant United States attorneys, non-attorney coordinators, or paralegals to carry out the provisions of this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated

$7,500,000 for each of the fiscal years 2007 through 2011 to carry out this section.

TITLE III—PUNISHMENT AND IMPROVED CRIME DATA

SEC. 301. CRIMINAL STREET GANGS.

(a) CRIMINAL STREET GANG PROSECUTIONS.—Section 521 of title 18, United States Code, is amended to read as follows:

"§ 521. Criminal street gang prosecutions

"(a) DEFINITIONS.—As used in this chapter:

"(1) CRIMINAL STREET GANG.—The term 'criminal street gang' means a formal or informal group, club, organization, or association of 3 or more individuals, who individually, jointly, or in combination, have committed or attempted to commit for the direct or indirect benefit of, at the direction of, in furtherance of, or in association with the group, club organization, or association at least 2 separate acts, each of which is a predicate gang crime, 1 of which occurs after the date of enactment of the Gang Prevention and Effective Deterrence Act of 2004 and the last of which occurs not later than 10 years (excluding any period of imprisonment) after the commission of a prior predicate gang crime, and 1 predicate gang crime is a crime of violence or involves manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemicals (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) provided that the activities of the criminal street gang affect interstate or foreign commerce, or involve the use of any facility of, or travel in, interstate or foreign commerce.

"(2) PREDICATE GANG CRIME.—The term 'predicate gang crime' means—

"(A) any act, threat, conspiracy, or attempted act, which is chargeable under Federal or State law and punishable by imprisonment for more than 1 year involving—

"(i) murder;

"(ii) manslaughter;

"(iii) maiming;

"(iv) assault with a dangerous weapon;

"(v) assault resulting in serious bodily injury;

"(vi) gambling;

"(vii) kidnapping;

"(viii) robbery;

"(ix) extortion;

"(x) arson;

"(xi) obstruction of justice;

"(xii) tampering with or retaliating against a witness, victim, or informant;

"(xiii) burglary;

"(xiv) sexual assault (which means any offense that involves conduct that would violate chapter 109A if the conduct occurred in the special maritime and territorial jurisdiction);

"(xv) carjacking; or

"(xvi) manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemicals (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(B) any act punishable by imprisonment for more than 1 year under—

"(i) section 844 (relating to explosive materials);

"(ii) section 922(g)(1) (where the underlying conviction is a violent felony (as defined in section 924(e)(2)(B) of this title) or is a serious drug offense (as defined in section 924(e)(2)(A) of this title));

"(iii) subsection (a)(2), (b), (c), (g), or (h) of section 924 (relating to receipt, possession, and transfer of firearms);

"(iv) sections 1028 and 1029 (relating to fraud and related activity in connection with identification documents or access devices);

"(v) section 1503 (relating to obstruction of justice);

"(vi) section 1510 (relating to obstruction of criminal investigations);

"(vii) section 1512 (relating to tampering with a witness, victim, or informant), or section 1513 (relating to retaliating against a witness, victim, or informant);

"(viii) section 1708 (relating to theft of stolen mail matter);

"(ix) section 1951 (relating to interference with commerce, robbery or extortion);

"(x) section 1952 (relating to racketeering);

"(xi) section 1956 (relating to the laundering of monetary instruments);

"(xii) section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity);

"(xiii) section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire); or

"(xiv) sections 2312 through 2315 (relating to interstate transportation of stolen motor vehicles or stolen property); or

"(C) any act involving the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose).

"(3) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(b) PARTICIPATION IN CRIMINAL STREET GANGS.—It shall be unlawful—

"(1) to commit, or conspire or attempt to commit a predicate crime—

"(A) in furtherance or in aid of the activities of a criminal street gang;

"(B) for the purpose of gaining entrance to or maintaining or increasing position in such a gang; or

"(C) for the direct or indirect benefit of the criminal street gang, or in association with the criminal street gang; or

"(2) to employ, use, command, counsel, persuade, induce, entice, or coerce any individual to commit, cause to commit, or facilitate the commission of, a predicate gang crime—

"(A) in furtherance or in aid of the activities of a criminal street gang;

"(B) for the purpose of gaining entrance to or maintaining or increasing position in such a gang; or

"(C) for the direct or indirect benefit of the criminal street gang, or in association with the criminal street gang.

"(c) PENALTIES.—Whoever violates paragraph (1) or (2) of subsection (b)—

"(1) shall be fined under this title, imprisoned for not more than 30 years, or both; and

"(2) if the violation is based on a predicate gang crime for which the maximum penalty includes life imprisonment, shall be fined under this title, imprisoned for any term of years or for life, or both.

"(d) FORFEITURE.—

"(1) IN GENERAL.—The court, in imposing sentence on a person who is convicted of an offense under this section, shall order that the defendant forfeit to the United States—

"(A) any property, real or personal, constituting or traceable to gross proceeds obtained from such offense; and

"(B) any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violation.

"(2) CRIMINAL PROCEDURES.—The procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) of that section, and in rule 32.2 of the Federal Rules of Criminal Procedure, shall apply to all stages of a criminal forfeiture proceeding under this section.

"(3) CIVIL PROCEDURES.—Property subject to forfeiture under paragraph (1) may be forfeited in a civil case pursuant to the procedures set forth in chapter 46 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 26 of title 18, United States Code, is amended to read as follows:

"521. Criminal street gang prosecutions.".

SEC. 302. VIOLENT CRIMES IN FURTHERANCE OR IN AID OF CRIMINAL STREET GANGS.

(a) VIOLENT CRIMES AND CRIMINAL STREET GANG RECRUITMENT.—Chapter 26 of title 18, United States Code, as amended by section 301, is amended by adding at the end the following:

"§ 523. Violent crimes in furtherance or in aid of a criminal street gang

"(a) Any person who, for the purpose of gaining entrance to or maintaining or increasing position in, or in furtherance or in aid of, or for the direct or indirect benefit of, or in association with a criminal street gang, or as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value to or from a criminal street gang, murders, kidnaps, sexually assaults (which means any offense that involved conduct that would violate chapter 109A if the conduct occurred in the special maritime and territorial jurisdiction), maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, commits any other crime of violence or threatens to commit a crime of violence against any individual, or attempts or conspires to do so, shall be punished, in addition and consecutive to the punishment provided for any other violation of this chapter—

"(1) for murder, by imprisonment for any term of years or for life, a fine under this title, or both;

"(2) for kidnapping or sexual assault, by imprisonment for any term of years or for life, a fine under this title, or both;

"(3) for maiming, by imprisonment for any term of years or for life, a fine under this title, or both;

"(4) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 30 years, a fine under this title, or both;

"(5) for any other crime of violence, by imprisonment for not more than 20 years, a fine under this title, or both;

"(6) for threatening to commit a crime of violence specified in paragraphs (1) through (4), by imprisonment for not more than 10 years, a fine under this title, or both;

"(7) for attempting or conspiring to commit murder, kidnapping, maiming, or sexual assault, by imprisonment for not more than 30 years, a fine under this title, or both; and

"(8) for attempting or conspiring to commit a crime involving assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 20 years, a fine under this title, or both.

"(b) DEFINITION.—In this section, the term 'criminal street gang' has the same meaning as in section 521 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 26 of title 18, United States Code, is amended by adding at the end the following:

"522. Recruitment of persons to participate in a criminal street gang.
"523. Violent crimes in furtherance of a criminal street gang.".

SEC. 303. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF RACKETEERING ENTERPRISES AND CRIMINAL STREET GANGS.

Section 1952 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "and thereafter performs or attempts to perform" and inserting "and thereafter performs, or attempts or conspires to perform"; and

(B) by striking "5 years" and inserting "10 years";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

"(b) Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with the intent to kill, assault, bribe, force, intimidate, or threaten any person, to delay or influence the testimony of, or prevent from testifying, a witness in a State criminal proceeding and thereafter performs, or attempts or conspires to perform, an act described in this subsection, shall—

"(1) be fined under this title, imprisoned for any term of years, or both; and

"(2) if death results, imprisoned for any term of years or for life."; and

(4) in subsection (c)(2), as redesignated under subparagraph (B), by inserting "intimidation of, or retaliation against, a witness, victim, juror, or informant," after "extortion, bribery,".

SEC. 304. AMENDMENTS RELATING TO VIOLENT CRIME IN AREAS OF EXCLUSIVE FEDERAL JURISDICTION.

(a) ASSAULT WITHIN MARITIME AND TERRITORIAL JURISDICTION OF UNITED STATES.—Section 113(a)(3) of title 18, United States Code, is amended by striking "with intent to do bodily harm, and without just cause or excuse,".

(b) MANSLAUGHTER.—Section 1112(b) of title 18, United States Code, is amended by—

(1) striking "ten years" and inserting "20 years"; and

(2) striking "six years" and inserting "10 years".

(c) OFFENSES COMMITTED WITHIN INDIAN COUNTRY.—Section 1153(a) of title 18, United States Code, is amended by inserting "an offense for which the maximum statutory term of imprisonment under section 1363 is greater than 5 years," after "a felony under chapter 109A,".

(d) RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS.—Section 1961(1) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting ", or would have been so chargeable if the act or threat (other than lawful forms of gambling) had not been committed in Indian country (as defined in section 1151) or in any other area of exclusive Federal jurisdiction," after "chargeable under State law"; and

(2) in subparagraph (B), by inserting "section 1123 (relating to multiple interstate murder)," after "section 1084 (relating to the transmission of wagering information),".

(e) CARJACKING.—Section 2119 of title 18, United States Code, is amended by striking ", with the intent to cause death or serious bodily harm".

(f) CLARIFICATION OF ILLEGAL GUN TRANSFERS TO COMMIT DRUG TRAFFICKING CRIME OR CRIMES OF VIOLENCE.—Section 924(h) of title 18, United States Code, is amended to read as follows:

"(h) ILLEGAL TRANSFERS.—Whoever knowingly transfers a firearm, knowing that the firearm will be used to commit, or possessed in furtherance of, a crime of violence (as defined in subsection (c)(3)) or drug trafficking crime (as defined in subsection (c)(2)), shall be imprisoned for not more than 10 years, fined under this title, or both.".

(g) AMENDMENT OF SPECIAL SENTENCING PROVISION.—Section 3582(d) of title 18, United States Code, is amended—

(1) by striking "chapter 95 (racketeering) or 96 (racketeer influenced and corrupt organizations) of this title" and inserting "section 521 (criminal street gangs) or 522 (violent crimes in furtherance or in aid of criminal street gangs), in chapter 95 (racketeering) or 96 (racketeer influenced and corrupt organizations),"; and

(2) by inserting "a criminal street gang or" before "an illegal enterprise".

(h) CONFORMING AMENDMENT RELATING TO ORDERS FOR RESTITUTION.—Section 3663(c)(4) of title 18, United States Code, is amended by striking "chapter 46 or chapter 96 of this title" and inserting "section 521, under chapter 46 or 96,".

(i) SPECIAL PROVISION FOR INDIAN COUNTRY.—No person subject to the criminal jurisdiction of an Indian tribal government shall be subject to section 3559(e) of title 18, United States Code, for any offense for which Federal jurisdiction is solely predicated on Indian country (as defined in section 1151 of such title 18) and which occurs within the boundaries of such Indian country unless the governing body of such Indian tribe elects to subject the persons under the criminal jurisdiction of the tribe to section 3559(e) of such title 18.

SEC. 305. INCREASED PENALTIES FOR USE OF INTERSTATE COMMERCE FACILITIES IN THE COMMISSION OF MURDER-FOR-HIRE AND OTHER FELONY CRIMES OF VIOLENCE.

Section 1958 of title 18, United States Code, is amended—

(1) by striking the header and inserting the following:

"§ 1958. Use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence";

(2) in subsection (a), by striking "Whoever" through "conspires to do so" and inserting the following:

"(a) Any person who travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility in interstate or foreign commerce, with intent that a murder or other felony crime of violence be committed in violation of the laws of any State or the United States as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value, or who conspires to do so—".

(3) striking "ten" and inserting "20"; and

(4) by striking "twenty" and inserting "30".

SEC. 306. INCREASED PENALTIES FOR VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

Section 1959(a) of title 18, United States Code, is amended—

(1) by striking "Whoever" through "punished" and inserting the following:

"(a) Any person who, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in an enterprise engaged in racketeering activity, or in furtherance or in aid of an enterprise engaged in racketeering activity, murders, kidnaps, sexually assaults (which means any offense that involved conduct that would violate chapter 109A if the conduct occurred in the special maritime and territorial jurisdiction), maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, or threatens to commit a crime of violence against any individual in violation of the laws of any State or the United States, or attempts or conspires to do so, shall be punished, in addition and consecutive to the punishment provided for any other violation of this chapter—"; and

(2) by striking paragraphs (2) through (6) and inserting the following:

"(2) for kidnapping or sexual assault, by imprisonment for any term of years or for life, a fine under this title, or both;

"(3) for maiming, by imprisonment for any term of years or for life, a fine under this title, or both;

"(4) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 30 years, a fine under this title, or both;

"(5) for threatening to commit a crime of violence, by imprisonment for not more than 10 years, a fine under this title, or both;

"(6) for attempting or conspiring to commit murder, kidnapping, maiming, or sexual assault, by imprisonment for not more than 30 years, a fine under this title, or both; and

"(7) for attempting or conspiring to commit assault with a dangerous weapon or assault which would result in serious bodily injury, by imprisonment for not more than 20 years, a fine under this title, or both.".

SEC. 307. VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

"VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME

"SEC. 424. (a) IN GENERAL.—Any person who, during and in relation to any drug trafficking crime, murders, kidnaps, sexually assaults (which means any offense that involved conduct that would violate chapter 109A if the conduct occurred in the special maritime and territorial jurisdiction), maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, commits any other crime of violence or threatens to commit a crime of violence against, any individual, or attempts or conspires to do so, shall be punished, in addition and consecutive to the punishment provided for the drug trafficking crime—

"(1) in the case of murder, by imprisonment for any term of years or for life, a fine under title 18, United States Code, or both;

"(2) in the case of kidnapping or sexual assault by imprisonment for any term of years or for life, a fine under such title 18, or both;

"(3) in the case of maiming, by imprisonment for any term of years or for life, a fine under such title 18, or both;

"(4) in the case of assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment not more than 30 years, a fine under such title 18, or both;

"(5) in the case of committing any other crime of violence, by imprisonment for not more than 20 years, a fine under this title, or both;

"(6) in the case of threatening to commit a crime of violence specified in paragraphs (1) through (4), by imprisonment for not more than 10 years, a fine under such title 18, or both;

"(7) in the case of attempting or conspiring to commit murder, kidnapping, maiming, or sexual assault, by imprisonment for not more than 30 years, a fine under such title 18, or both; and

"(8) in the case of attempting or conspiring to commit a crime involving assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 20 years, a fine under such title 18, or both.

"(b) VENUE.—A prosecution for a violation of this section may be brought in—

"(1) the judicial district in which the murder or other crime of violence occurred; or

"(2) any judicial district in which the drug trafficking crime may be prosecuted.

"(c) DEFINITIONS.—As used in this section—

"(1) the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code; and

"(2) the term 'drug trafficking crime' has the meaning given that term in section 924(c)(2) of title 18, United States Code.".

(b) CLERICAL AMENDMENT.—The table of contents for the Controlled Substances Act is amended by inserting after the item relating to section 423, the following:

"Sec. 424. Violent crimes committed during and in relation to a drug trafficking crime.".

SEC. 308. EXPANSION OF REBUTTABLE PRESUMPTION AGAINST RELEASE OF PERSONS CHARGED WITH FIREARMS OFFENSES.

Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e), in the matter following paragraph (3)—

(A) by inserting "an offense under section 922(g)(1) where the underlying conviction is a serious drug offense as defined in section 924(e)(2)(A) of title 18, United States Code, for which a period of not more than 10 years has elapsed since the date of the conviction or the release of the person from imprisonment, whichever is later, or is a serious violent felony as defined in section 3559(c)(2)(F) of title 18, United States Code," after "that the person committed"; and

(B) by inserting "or" before "the Maritime";

(2) in subsection (f)(1)—

(A) in subparagraph (C), by striking "or" at the end; and

(B) by adding at the end the following:

"(E) an offense under section 922(g); or"; and

(3) in subsection (g), by amending paragraph (1) to read as follows:

"(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, or involves a drug, firearm, explosive, or destructive devise;".

SEC. 309. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.

(a) IN GENERAL.—Chapter 214 of title 18, United States Code, is amended by adding at the end the following:

"§ 3297. Violent crime offenses

"Except as otherwise expressly provided by law, no person shall be prosecuted, tried, or punished for any noncapital felony, crime of violence (as defined in section 16), including any racketeering activity or gang crime which involves any violent crime, unless the indictment is found or the information is instituted by the later of—

"(1) 10 years after the date on which the alleged violation occurred;

"(2) 10 years after the date on which the continuing offense was completed; or

"(3) 8 years after the date on which the alleged violation was first discovered.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 214 of title 18, United States Code, is amended by adding at the end the following:

"3296. Violent crime offenses.".

SEC. 310. PREDICATE CRIMES FOR AUTHORIZATION OF INTERCEPTION OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (q), by striking "or'.";

(2) by redesignating paragraph (r) as paragraph (u); and

(3) by inserting after paragraph (q) the following:

"(r) any violation of section 424 of the Controlled Substances Act (relating to murder and other violent crimes in furtherance of a drug trafficking crime);

"(s) any violation of 1123 of title 18, United States Code (relating to multiple interstate murder);

"(t) any violation of section 521, 522, or 523 (relating to criminal street gangs); or".

SEC. 311. CLARIFICATION TO HEARSAY EXCEPTION FOR FORFEITURE BY WRONGDOING.

Rule 804(b)(6) of the Federal Rules of Evidence is amended to read as follows:

"(6) **Forfeiture by wrongdoing.** A statement offered against a party that has engaged, acquiesced, or conspired, in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness.".

SEC. 312. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by—

(1) redesignating subsection (e) beginning with "Whoever conspires" as subsection (f); and

(2) adding at the end the following:

"(g) A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or was completed) was intended to be affected or was completed, or in which the conduct constituting the alleged offense occurred.".

SEC. 313. AMENDMENT OF SENTENCING GUIDELINES RELATING TO CERTAIN GANG AND VIOLENT CRIMES.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend its guidelines and its policy statements to conform to the provisions of title I and this title.

(b) REQUIREMENTS.—In carrying out this section, the Sentencing Commission shall—

(1) establish new guidelines and policy statements, as warranted, in order to implement new or revised criminal offenses created under this title;

(2) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses and the penalties set forth in this title, the growing incidence of serious gang and violent crimes, and the need to modify the sentencing guidelines and policy statements to deter, prevent, and punish such offenses;

(3) consider the extent to which the guidelines and policy statements adequately address—

(A) whether the guideline offense levels and enhancements for gang and violent crimes—

(i) are sufficient to deter and punish such offenses; and

(ii) are adequate in view of the statutory increases in penalties contained in the Act; and

(B) whether any existing or new specific offense characteristics should be added to reflect congressional intent to increase gang and violent crime penalties, punish offenders, and deter gang and violent crime;

(4) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(5) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(6) make any necessary conforming changes to the sentencing guidelines; and

(7) assure that the guidelines adequately meet the purposes of sentencing under section 3553(a)(2) of title 18, United States Code.

SEC. 314. SOLICITATION OR RECRUITMENT OF PERSONS IN CRIMINAL STREET GANG ACTIVITY.

Chapter 26 of title 18, United States Code, is amended by adding at the end the following:

"§ 522. Recruitment of persons to participate in a criminal street gang

"(a) PROHIBITED ACTS.—It shall be unlawful for any person to recruit, employ, solicit, induce, command, or cause another person to be or remain as a member of a criminal street gang, or conspire to do so, with the intent to cause that person to participate in an offense described in section 521(a).

"(b) DEFINITION.—In this section:

"(1) CRIMINAL STREET GANG.—The term 'criminal street gang' shall have the same meaning as in section 521(a) of this title.

"(2) MINOR.—The term 'minor' means a person who is less than 18 years of age.

"(c) PENALTIES.—Any person who violates subsection (a) shall—

"(1) be imprisoned not more than 5 years, fined under this title, or both; or

"(2) if the person recruited, solicited, induced, commanded, or caused to participate or remain in a criminal street gang is under the age of 18—

"(A) be imprisoned for not more than 10 years, fined under this title, or both; and

"(B) at the discretion of the sentencing judge, be liable for any costs incurred by the Federal Government, or by any State or local government, for housing, maintaining, and treating the person until the person attains the age of 18 years.".

SEC. 315. INCREASED PENALTIES FOR CRIMINAL USE OF FIREARMS IN CRIMES OF VIOLENCE AND DRUG TRAFFICKING.

(a) IN GENERAL.—Section 924(c)(1)(A) of title 18, United States Code, is amended—

(1) by striking "shall" and inserting "or conspires to commit any of the above acts, shall, for each instance in which the firearm is used, carried, or possessed";

(2) in clause (i), by striking "5 years" and inserting "7 years"; and

(3) by striking clause (ii).

(b) CONFORMING AMENDMENTS.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (c), by striking paragraph (4); and

(2) by striking subsection (o).

SEC. 316. POSSESSION OF FIREARMS BY DANGEROUS FELONS.

(a) IN GENERAL.—Section 924(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting after "violates section 922(g) of this title" and before "and has three previous convictions" the following: "and has previously been convicted

by any court referred to in section 922(g)(1) for a violent felony or a serious drug offense shall, in the case of 1 such prior conviction, where a period of not more than 10 years has elapsed since the date of the conviction or release of the person from imprisonment for that conviction, be subject to imprisonment for not more than 15 years a fine under this title, or both; in the case of 2 such prior convictions, committed on occasions different from one another, and where a period of not more than 10 years has elapsed since the date of the conviction or release of the person from imprisonment for that conviction, be subject to imprisonment for not more than 20 years a fine under this title, or both; and in the case of an individual who''; and

(2) by striking paragraph (2) and inserting the following:

''(2) As used in this subsection—

''(A) the term 'serious drug offense' means—

''(i) an offense under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), punishable by a maximum term of imprisonment of not less than 10 years; or

''(ii) an offense under State law, involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), punishable by a maximum term of imprisonment of not less than 10 years;

''(B) the term 'violent felony' means any crime punishable by a term of imprisonment exceeding 1 year, or any act of juvenile delinquency involving the use or carrying of a firearm, knife, or destructive device that would be punishable by a maximum term of imprisonment for such term if committed by an adult, that—

''(i) has, as an element of the crime or act, the use, attempted use, or threatened use of physical force against the person of another; or

''(ii) is burglary, arson, or extortion, involves the use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another; and

''(C) the term 'conviction' includes a finding that a person has committed an act of juvenile delinquency involving a violent felony.''.

(b) AMENDMENT TO SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide for an appropriate increase in the offense level for violations of section 922(g) of title 18, United States Code, in accordance with section 924(e) of such title 18, as amended by subsection (a).

(c) CONFORMING AMENDMENT.—The matter before paragraph (1) in section 922(d) of title 18, United States Code, is amended by inserting '', transfer,'' after ''sell''.

SEC. 317. STANDARDIZATION OF CRIME REPORTING.

(a) EXPANDING UNIFORM CRIME REPORTING.—Section 7332(c) of the Uniform Federal Crime Reporting Act of 1988 (28 U.S.C. 534 note) is amended by—

(1) in paragraph (2), by—

(A) inserting ''along with all municipality police departments'' after ''which routinely investigate complaints of criminal activity,''; and

(B) adding at the end the following: ''The Attorney General shall create a separate category in the Uniform Crime Reports to distinguish crimes committed by juveniles.''; and

(2) in paragraph (3), by inserting '', officials of municipalities,'' after ''State governments''.

(b) CONSOLIDATING AND STANDARDIZING ALL CRIME DATA.—Section 150008 of the Violent Crime Control and law Enforcement Act of 1994 (42 U.S.C. 14062) is amended—

(1) in subsection (a), by—

(A) inserting '', consolidate, and standardize all'' after ''strategy to coordinate'';

(B) inserting ''and crime (that would be included in the Uniform Crime Reports) related'' after ''gang-related'';

(C) striking ''and'' after ''shall acquire'' and inserting '', consolidate, and standardize all'' after ''shall acquire, collect''; and

(D) inserting ''and other crimes that would be included in the Uniform Crime Reports'' after ''incidents of gang violence'';

(2) in subsection (c), by—

(A) inserting ''the efforts and strategy of the Department of Justice in consolidating and standardizing data on all crime and'' after ''prepare a report on'';

(B) striking ''violence'' after ''national gang'' and inserting ''offenses''; and

(C) striking ''1996'' after ''January 1,'' and inserting ''2008''; and

(3) in subsection (d), by—

(A) striking ''$1,000,000'' after ''carry out this section'' and substituting ''$2,000,000''; and

(B) striking ''1996'' after ''fiscal year,'' and inserting ''2007''.

SEC. 318. PROVIDING ADDITIONAL FORENSIC EXAMINERS.

Section 816 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (28 U.S.C. 509) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (5) as (6) and inserting after paragraph (4) the following:

''(5) to hire additional forensic examiners to help with forensic work and to fight gang activity; and''; and

(2) in subsection (b), by striking paragraph (1) and inserting the following:

''(1) AUTHORIZATION.—There is hereby authorized to be appropriated in each fiscal year $55,000,000 for purposes of carrying out this section.''

SEC. 319. STUDY ON EXPANDING FEDERAL AUTHORITY FOR JUVENILE OFFENDERS.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the costs and benefits associated with expanding Federal authority to prosecute offenders under the age of 18 who are gang members who commit criminal offenses.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) examine the ability of the judicial systems of the States to respond effectively to juveniles who are members of 'criminal street gangs', as defined under section 521 of title 18, United States Code;

(2) examine the extent to which offenders who are 16 and 17 years old are members of criminal street gangs, and are accused of committing violent crimes and prosecuted in the adult criminal justice systems of the individual States;

(3) determine the percentage of crimes committed by members of 'criminal street gangs' that are committed by offenders who are 16 and 17 years old;

(4) examine the extent to which United States attorneys currently bring criminal indictments and prosecute offenders under the age of 18, and the extent to which United States attorneys' offices include prosecutors with experience prosecuting juveniles for adult criminal violations;

(5) examine the extent to which the Bureau of Prisons houses offenders under the age of 18, and has the ability and experience to meet the needs of young offenders;

(6) estimate the cost to the Federal Government of prosecuting and incarcerating 16 and 17 year olds who are members of criminal street gangs and are accused of violent crimes; and

(7) detail any benefits for Federal prosecutions that would be realized by expanding Federal authority to bring charges against 16 and 17 year olds who are members of criminal street gangs and are accused of violent crimes.

By Mrs. CLINTON:

S. 4029. A bill to increase the number of well-educated nurses, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce the Nursing Education and Quality of Health Care Act of 2006. This legislation is essential for addressing our current and future nursing shortages.

I have been hearing from nurses and health care providers from every part of New York that we are facing an impending nursing crisis and their stories echo what is heard from nurses across the Nation.

By 2014, the Bureau of Labor Statistics forecasts that there will be over 1 million job openings for registered nurses. In New York alone, we will need to produce over 80,000 new RNs to meet these projections. One of our greatest needs will be in rural areas where the pool of nurses is small and the loss of just one nurse from the workforce can have a profound impact on the health of the community.

I can proudly say we have made good progress in New York on one front. In 2006, 30 percent more registered nurses graduated than in 2004. I believe that we can credit this increase to the Nurse Reinvestment Act that was signed into law in 2002. Through this bipartisan legislation, we were able to make great strides in strengthening our nation's nursing workforce.

The Nurse Reinvestment Act includes a number of critical initiatives including one from the bipartisan bill I introduced with Senator GORDON SMITH to retain nurses who are already in the profession. The Clinton-Smith provision provides grants to health care organizations that develop and implement models based on magnet hospitals. Hospitals that have achieved magnet status report lower mortality rates, higher patient satisfaction, greater cost-efficiency, and patients experiencing shorter stays in hospitals and intensive care units.

But I am here today because nurses are still facing an urgent situation that requires action. Even though we are making strides to graduate more nurses, in 2005 over 37,000 qualified applicants were turned away from nursing schools in United States. In New York, it is estimated that nearly 3,000 nursing school applicants were denied entry. Put simply, we don't have the capacity in our nursing schools to train qualified potential students.

Not only are we facing a nursing shortage, we are setting ourselves up for a potential nursing crisis if we don't address the impending faculty shortage. This situation will become dire if we lose potential nurses due to the retirement of nurse faculty as that the aging population increases.

We need to pave the way and recruit more people into the nursing profession. This shortage crisis impacts not only the nurses, but also patients since we know that the quality of care increases when nurses are not working too many hours, are not treating too many patients, and are satisfied with their jobs.

Today I am here to support recruitment, education, and training to help alleviate this crisis in New York and in the rest of the nation through introduction of the Nursing Education and Quality of Health Care Act of 2006. This act will establish distance learning opportunities for people in rural communities who wish to pursue the nursing profession without leaving their home town. This legislation will also provide tuition assistance and loan forgiveness for those who choose to practice in rural communities.

To increase the number of nurses in the workforce we need to expand the nursing faculty so that thousands of qualified people are not turned away from the profession. This legislation will fund programs that will enhance recruitment, scholarships, and educational preparation and encourage more nurses to become faculty members by establishing online courses and accelerated degree programs.

We need for nurses to participate and collaborate in patient-safety initiatives for the well-being of patients. The Nursing Education and Quality of Health Care Act will take the lead on this issue by supporting projects that integrate patient safety practices into nursing education programs and enhance the leadership of nurses in improving patients' outcomes within their health care settings.

We will all rely on nurses sometime in our life, and we need to make sure that this essential member of the health care team will always be present at our bedsides.

I am pleased to be here encouraging Nurses, who are so critical to the successful operation of our hospitals and the quality of care patients receive. We should be doing everything we can to address the nursing shortage and to make nursing an attractive and rewarding profession.

The Nursing Education and Quality of Health Care Act of 2006 is supported by: American Association of Colleges of Nursing; American Nursing Association; American Organization of Nurse Executives; Brooklyn Nursing Partnership; New York State Area Health Education Center System

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By Mr. HATCH:

S. 4030. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the REIT Investment Diversification and Empowerment Act of 2006 (RIDEA). This legislation would make a handful of relatively minor, but nonetheless important, changes to the tax rules governing Real Estate Investment Trusts to permit REITs to better meet the challenges of evolving market conditions and opportunities.

As most of my colleagues know, Real Estate Investment Trusts are companies that own, and in most cases, operate income-producing real estate. Congress created REITs in 1960 to give everyone the ability to invest in large-scale commercial properties in a very liquid way. The REIT industry has grown dramatically in size and importance to the U.S. economy since then, and in the last ten years in particular.

While the tax laws governing REITs are very good, from time to time they need to be modified to keep pace with the changes in the marketplace and in our economy. I am pleased to have supported, along with many of my colleagues, several tax bills that have been enacted in the past decade or so to modernize the tax treatment of Real Estate Investment Trusts.

Federal tax law requires that REITs meet specific tests regarding the composition of their gross income and assets. For example, 95 percent of their annual gross income must be from specified sources such as dividends, interests and rents, and 75 percent of their gross income must be from real estate-related sources. Similarly, at the end of each calendar quarter, 75 percent of a REIT's assets must consist of specified "real estate" assets. Consequently, REITs must derive a majority of their gross income from commercial real estate.

Failure to meet these tests can result in loss of REIT status, although with the enactment of the REIT Improvement Act in 2004, it may be possible for a REIT to pay a monetary penalty and bring itself into compliance in order to avoid such a result if the REIT can demonstrate reasonable cause for such failure.

Commercial real estate represents more than six percent of this country's gross domestic product and is a key generator of jobs and other economic activities. For example, REITs have invested over $1.2 billion in my home State of Utah and have thus been a major contributor to our robust economy. Over the past 46 years, Real Estate Investment Trusts have fulfilled Congress' vision by making investments in large scale, capital intensive commercial real estate available to all investors.

Changes to the REIT rules that Congress has made in the past decade have allowed REITs to serve better their tenants while maximizing returns to REIT shareholders.

The bill I introduce today would further modify the REIT tax rules to conform to constantly evolving business realities, such as the growing importance of cross-border trade and the increased velocity of the competitive marketplace, while still focusing REITs on commercial real estate activities.

Specifically, the bill includes five titles.

The first would clarify the tax treatment of foreign currency gains attributable to overseas real estate investment. This is important as U.S. REITs continue to expand their investments overseas.

The second title would increase the permissible ownership of a REIT in a taxable REIT subsidiary to 25 percent from the current-law 20 percent. This change would bring the REIT rules into conformity with similar rules governing mutual funds.

Title III of the bill would update the safe harbor test for purposes of the 100 percent excise tax in relation to dealer sales. This would help REITs more prudently manage the timing and extent of their asset dispositions.

The bill's fourth title would conform the tax treatment of health care facilities to that of lodging facilities by treating as qualifying income rental payments attributable to a health care facility made to a REIT from a taxable REIT subsidiary. This change would allow health care REITs more flexibility.

Finally, the bill's fifth title would amend the REIT rules to provide that income from, and interests in, foreign-qualified REITs would be treated as qualifying REIT income and assets under the U.S. REIT rules under certain circumstances. This change is important because about 20 countries have now enacted legislation that closely resembles our REIT rules, and many U.S. REITs may wish to invest in a non-U.S. REIT. This would allow them to do so with a minimum of complexity.

I urge my colleagues to review this bill and lend their support to it. I realize that it is very late in the second session of the 109th Congress, and there is little time for us to consider newly-introduced tax bills. However, I hope to reintroduce this legislation in the next Congress if we do not get a chance to consider it this year.

I ask unanimous consent that a section-by-section analysis of the REIT Investment Diversification and Empowerment Act and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REIT INVESTMENT DIVERSIFICATION AND EMPOWERMENT ACT OF 2006

SECTION-BY-SECTION DESCRIPTION

The REIT Investment Diversification and Empowerment Act of 2006 (RIDEA) includes the following provisions to help modernize the tax rules governing Real Estate Investment Trusts to permit REITs to better meet the challenges of evolving market conditions and opportunities:

Title I: Foreign Currency and Other Qualified Activities

The Internal Revenue Service (IRS) has long recognized that U.S. REITs can, and do, invest outside the U.S., essentially recognizing that any income generated from REIT-permissible sources outside of the U.S. should not jeopardize the REIT's tax status. However, the treatment of foreign currency gains directly attributable to overseas real estate investment is not wholly clear, and its correct characterization is becoming increasingly important as U.S. REITs strengthen their positions in foreign markets.

To ensure that foreign currency gains do not harm a REIT's tax status, the IRS has provided a short-term solution by allowing certain REITs to establish a subsidiary REIT in each currency zone in which a REIT invests. However, the use of subsidiary REITs, each of which must satisfy the complex myriad of REIT rules or risk disqualification of the parent REIT, is a cumbersome and unmanageable solution in the long term. Accordingly, RIDEA would clarify existing law by characterizing foreign currency gains generated by a REIT outside the U.S. as "good" REIT income so long as the REIT focuses on commercial real estate, as measured by specific objective rules. Despite the IRS' authority to prescribe similar rules, the absence of such guidance necessitates legislative clarification to provide certainty to REIT management and their shareholders within a more administrable framework.

RIDEA also would delegate to the IRS the express authority to issue guidance with respect to whether any other item of income should satisfy the REIT gross income tests or should not be taken into account in calculating these tests. While the IRS often has been willing to grant such rulings to specific taxpayers, these rulings cannot be relied on by other taxpayers and in any event do not cover all circumstances.

Thus, RIDEA would: (1) characterize foreign currency gains attributable to a REIT's ownership and operation of overseas real estate assets as qualifying income under REIT gross income tests; (2) conform the current REIT hedging rule to also apply to foreign currency gains and to apply those rules for purposes of the REIT gross income tests under current law; (3) specifically provide the Department of the Treasury the authority to issue guidance on other items of income to either qualify under the REIT gross income tests or to provide that items of income are not taken into account in computing those tests; (4) treat foreign currency as a qualifying real estate asset; and (5) make conforming changes to other REIT provisions reflecting foreign currency gains.

Title II: Taxable REIT Subsidiaries

As originally introduced in 1999, the REIT Modernization Act (RMA) limited a REIT's ownership in taxable REIT subsidiaries (TRS) to 25 percent of a REIT's gross assets. However, the limit was reduced to 20 percent when Congress ultimately enacted the RMA as part of the Ticket to Work Incentives Improvement Act of 1999.

RIDEA would increase the limit on TRS securities from 20 percent to 25 percent of a REIT's gross assets. The rationale for a 25 percent limit on TRSs that was contained in the RMA remains the same today. The dividing line for testing a concentration on commercial real estate in the REIT rules has long been set at 25 percent, and even the mutual fund rule uses a 25 percent test. An IRS study shows increasing amounts of taxes paid by new TRSs, and common sense tells us that permitting increased activities in a double tax regime should increase revenues to the fisc compared to a single tax regime.

Title III: Dealer Sales

The Internal Revenue Code imposes a 100 percent excise tax on profits generated on sales of property in which a REIT is acting as a dealer rather than an investor. Because of the confiscatory nature of this 100 percent excise tax, the Code provides a "safe harbor" under which a REIT can be assured that the excise tax does not apply if it satisfies a number of requirements. RIDEA would make two changes to the dealer safe harbor.

One requirement under current law is that the REIT not either make seven sales in a taxable year or sell more than 10 percent of its portfolio each year. However, the test as currently constructed penalizes many REITs that have owned their properties for a long period of time. This is because the test is geared to the property's "tax basis," an amount that diminishes over time due to tax depreciation, rather than "fair market value", an amount that generally increases over time. Second, the current test requires that a REIT hold a property for at least four years, three years longer than the general holding period required to distinguish between an "investor" and a "dealer" in property.

RIDEA would update this safe harbor to test "fair market" value instead of "tax basis" to allow REITs that have owned their properties for longer periods not be penalized and thereby prevented from prudently managing the timing and extent of asset dispositions. As part of the REIT Modernization Act of 1999, Congress adopted a provision that utilizes fair market value rules for purposes of calculating personal property rents associated with the rental of real property. Thus, there is an analogous precedent for a fair value approach.

The safe harbor also would be amended to replace the 4-year holding period with a 2-year holding period. The 4-year requirement is not consistent with other Code provisions that define whether property is held for long term investments, such as the 1-year holding period to determine long-term capital gains treatment, and the 2-year holding period to distinguish whether the sale of a home is taxable because it is held for investment purposes.

Title IV: Health Care REITs

Generally, rental payments made from a subsidiary owned by a REIT to that REIT are not considered qualified rental income for REIT purposes under the "related party rules". However, as part of the REIT Modernization Act of 1999 (RMA), a lodging REIT is allowed to establish a taxable REIT subsidiary (TRS) that can lease lodging facilities from a REIT holding a controlling interest, with the payments to the REIT considered qualified income under the REIT rules. The RMA also created a rule under which a TRS is not allowed to operate or manage lodging or health care facilities.

At the time the RMA was considered, it was not clear that health care REITs would be interested in such treatment, so health care facilities do not qualify for the RMA exception to the related party rules. Today, many operators of health care assets such as assisted living facilities do not want to bear the financial risks of being a lessee of such facilities and would rather act purely as an independent operator of the facilities. Health care REITs now believe that the TRS restriction is interfering with their ability to manage their operations in the most efficient manner.

RIDEA would conform the treatment of health care facilities to that of lodging facilities by treating as qualifying income rental payments attributable to a health care facility made to a REIT from a taxable REIT subsidiary. Under this proposal, a TRS would still be required to use an independent contractor to manage or operate health care facilities, but payments collected by a REIT from its TRS renting health care facilities would be qualified income under the REIT tests.

Title V: Foreign REITs

Since imitation is the sincerest form of flattery, Congress should be proud that about 20 countries have enacted legislation paralleling the U.S. REIT rules after observing the benefits brought to the United States as a result of a vibrant REIT market. The number of countries that have adopted REIT-like legislation this past decade has greatly accelerated, with Israel being the latest country to do so and legislation in the United Kingdom going into effect on January 1, 2007. Although the tax code treats stock in a U.S. REIT as a real estate asset, so that it is a qualified asset that generates qualifying income, current law does not afford the same treatment to the stock of non-U.S. REITs.

A U.S. REIT might want to invest in another country through a REIT organized in that country. A company could lose its status as a U.S. REIT if it owns more than 10 percent of the foreign REIT's securities, even though the foreign company looks and acts like a U.S. REIT. A REIT should not be discouraged from investing in an entity that engages in the same activities that a U.S. REIT is allowed to undertake if it invests directly in another country.

RIDEA would amend the REIT rules to provide that income from, and interests in, foreign-qualified REITs would be treated as qualifying REIT income and assets under the U.S. REIT rules provided that under the laws of another country: (1) at least 75 percent of the foreign company's assets must be invested in real estate assets; (2) the foreign REIT either receives a dividends paid deduction or is exempt from corporate level tax; and (3) the foreign REIT is required to distribute at least 85 percent of its taxable income to shareholders on an annual basis.

S. 4030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "REIT Investment Diversification and Empowerment Act of 2006".

SEC. 2. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in the Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—FOREIGN CURRENCY AND OTHER QUALIFIED ACTIVITIES

SEC. 101. REVISIONS TO REIT INCOME TESTS.

(a) Addition of Permissible Income Categories.—Section 856(c) (relating to limitations) is amended—

(1) by striking "and" at the end of paragraph (2)(G) and by inserting after paragraph (2)(H) the following new subparagraphs:

"(I) passive foreign exchange gains; and

"(J) any other item of income or gain as determined by the Secretary;", and

(2) by striking "and" at the end of paragraphs (3)(H) and (3)(I) and by inserting after paragraph (3)(I) the following new subparagraphs:

"(J) real estate foreign exchange gains; and

"(K) any other item of income or gain as determined by the Secretary; and".

(b) Rules Regarding Foreign Currency Transactions.—Section 856 (defining real estate investment trust) is amended by adding at the end the following new subsection:

"(n) Rules Regarding Foreign Currency Transactions.—With respect to any taxable year—

"(1) Real estate foreign exchange gains.—For purposes of subsection (c)(3)(J), the term 'real estate foreign exchange gains' means—

"(A) foreign currency gains (as defined in section 988(b)(1)) which are attributable to—

"(i) any item described in subsection (c)(3),

"(ii) the acquisition or ownership of obligations secured by mortgages on real property or on interests in real property (other than foreign currency gains described in clause (i)), or

"(iii) becoming or being the obligor under obligations secured by mortgages on real property or on interests in real property (other than foreign currency gains described in clause (i)),

"(B) gains described in section 987 attributable to a qualified business unit (as defined by section 989) of the real estate investment trust, but only if such qualified business unit meets the requirements under—

"(i) subsection (c)(3) for the taxable year; and

"(ii) subsection (c)(4)(A) at the close of each quarter that the real estate investment trust has directly or indirectly held the qualified business unit, and

"(C) any other foreign currency gains as determined by the Secretary.

"(2) Passive foreign exchange gains.—For purposes of subsection (c)(2)(I), the term 'passive foreign exchange gains' means—

"(A) gains described under paragraph (1),

"(B) foreign currency gains (as defined in section 988(b)(1)) which are attributable to any item described in subsection (c)(2) (other than those items includible under subparagraph (A)), and

"(C) any other foreign currency gains as determined by the Secretary.".

(c) Addition to REIT Hedging Rule.—Subparagraph (G) of section 856(c)(5) is amended to read as follows:

"(G) Treatment of certain hedging instruments.—Except to the extent as determined by the Secretary—

"(i) any income of a real estate investment trust from a hedging transaction (as defined in clause (ii) or (iii) of section 1221(b)(2)(A)) which is clearly identified pursuant to section 1221(a)(7), including gain from the sale or disposition of such a transaction, shall not constitute gross income under paragraphs (2) and (3) to the extent that the transaction hedges any indebtedness incurred or to be incurred by the trust to acquire or carry real estate assets, and

"(ii) any income of a real estate investment trust from a transaction entered into by the trust primarily to manage risk of currency fluctuations with respect to any item described in paragraphs (2) and (3), including gain from the termination of such a transaction, shall not constitute gross income under paragraphs (2) and (3), but only if such transaction is clearly identified as such before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may prescribe).".

(d) Authority to Exclude Items of Income From REIT Income Tests.—Section 856(c)(5) is amended by adding at the end the following new subparagraph:

"(H) Secretarial authority to exclude other items of income.—The Secretary is authorized to determine whether any item of income or gain which does not otherwise qualify under paragraph (2) or (3) may be considered as not constituting gross income solely for purposes of this part.".

SEC. 102. REVISIONS TO REIT ASSET TESTS.

(a) Clarification of Valuation Test.—The first sentence in the matter following section 856(c)(4)(B)(iii)(III) is amended by inserting "(including a discrepancy caused solely by the change in the foreign currency exchange rate used to value a foreign asset)" after "such requirements".

(b) Clarification of Permissible Asset Category.—Section 856(c)(5), as amended by section 101(d), is amended by adding at the end the following new subparagraph:

"(I) Cash.—For purposes of this part, the term 'cash' includes foreign currency if the real estate investment trust or its qualified business unit (as defined in section 989) uses such foreign currency as its functional currency (as defined in section 985(b)).".

SEC. 103. CONFORMING FOREIGN CURRENCY REVISIONS.

(a) Net Income From Foreclosure Property.—Clause (i) of section 857(b)(4)(B) is amended to read as follows:

"(i) gain (including any foreign currency gain, as defined in section 988(b)(1)) from the sale or other disposition of foreclosure property described in section 1221(a)(1) and the gross income for the taxable year derived from foreclosure property (as defined in section 856(e)), but only to the extent such gross income is not described in (or, in the case of foreign currency gain, not attributable to gross income described in) section 856(c)(3) other than subparagraph (F) thereof, over".

(b) Net Income From Prohibited Transactions.—Clause (i) of section 857(b)(6)(B) is amended to read as follows:

"(i) the term 'net income derived from prohibited transactions' means the excess of the gain (including any foreign currency gain, as defined in section 988(b)(1)) from prohibited transactions over the deductions (including any foreign currency loss, as defined in section 988(b)(2)) allowed by this chapter which are directly connected with prohibited transactions;".

TITLE II—TAXABLE REIT SUBSIDIARIES

SEC. 201. CONFORMING TAXABLE REIT SUBSIDIARY ASSET TEST.

Section 856(c)(4)(B)(ii) is amended by striking "20 percent" and inserting "25 percent".

TITLE III—DEALER SALES

SEC. 301. HOLDING PERIOD UNDER SAFE HARBOR.

Section 857(b)(6) (relating to income from prohibited transactions) is amended—

(1) by striking "4 years" in subparagraphs (C)(i), (C)(iv), and (D)(i) and inserting "2 years",

(2) by striking "4-year period" in subparagraphs (C)(ii), (D)(ii), and (D)(iii) and inserting "2-year period", and

(3) by striking "real estate asset" and all that follows through "if" in the matter preceding clause (i) of subparagraphs (C) and (D) and inserting "real estate asset (as defined in section 856(c)(5)(B) otherwise described in section 1221(a)(1) if".

SEC. 302. DETERMINING VALUE OF SALES UNDER SAFE HARBOR.

Subparagraphs (C)(iii)(II) and (D)(iv)(II) of section 857(b)(6) are each amended by striking "the aggregate adjusted bases" and all that follows through "the beginning of the taxable year" and inserting "the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year".

TITLE IV—HEALTH CARE REITS

SEC. 401. CONFORMITY FOR HEALTH CARE FACILITIES.

(a) Related Party Rentals.—Subparagraph (B) of section 856(d)(8) (relating to special rule for taxable REIT subsidiaries) is amended to read as follows:

"(B) Exception for certain lodging facilities and health care property.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility or a qualified health care property (as defined in subsection (e)(6)(D)(i)) leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor.".

(b) Eligible Independent Contractor.—Subparagraphs (A) and (B) of section 856(d)(9) (relating to eligible independent contractor) are amended to read as follows:

"(A) In general.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility or qualified health care property (as defined in subsection (e)(6)(D)(i)), any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate such qualified lodging facility or qualified health care property, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities or qualified health care properties, respectively, for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

"(B) Special rules.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility or qualified health care property (as so defined) by reason of the following:

"(i) The taxable REIT subsidiary bears the expenses for the operation of such qualified lodging facility or qualified health care property pursuant to the management agreement or other similar service contract.

"(ii) The taxable REIT subsidiary receives the revenues from the operation of such qualified lodging facility or qualified health care property, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

"(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

"(I) January 1, 1999, or

"(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility or qualified health care property.".

TITLE V—FOREIGN REITS

SEC. 501. STOCK OF FOREIGN REITS AS REAL ESTATE ASSETS.

(a) IN GENERAL.—The first sentence in section 856(c)(5)(B) is amended by inserting "or in a qualified foreign REIT" after "this part".

(b) QUALIFIED FOREIGN REIT.—Section 856(c) is amended by adding at the end the following new paragraph:

"(8) QUALIFIED FOREIGN REIT.—For purposes of this subsection, the term 'qualified foreign REIT' means a corporation, trust, or association—

"(A) treated as a corporation under section 7701(a)(3),

"(B) the shares or certificates of beneficial interests of which are regularly traded on an established securities market, and

"(C) which is organized in a country under rules that the Secretary determines meet the following criteria:

"(i) At least 75 percent of the entity's assets must qualify as real estate assets (determined without regard to shares or transferable certificates of beneficial interest in such entity), as determined at the close of the entity's prior taxable year.

"(ii) The entity either receives a dividends paid deduction comparable to section 561 or is exempt from corporate level tax.

"(iii) The entity is required to distribute at least 85 percent of its annual taxable income (as computed in the jurisdiction in which it is organized) to the holders of its shares or certificates of beneficial interest on an annual basis.".

SEC. 502. DIVIDENDS FROM FOREIGN REITS.

Section 856(c)(3)(D) is amended by inserting "and in qualified foreign REITs" after "this part".

TITLE VI—EFFECTIVE DATES

SEC. 601. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this Act shall apply to taxable years beginning after the date of the enactment of this Act.

(b) REIT HEDGING RULES.—The amendment made by section 101(c) shall apply to transactions entered into after the date of the enactment of this Act.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mr. DURBIN, Mr. SCHUMER, and Mrs. CLINTON):

S. 4033. A bill to provide for Kindergarden Plus programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce legislation to jump-start the chance for success in school for this Nation's low-income children. Today I am introducing the Sandy Feldman Kindergarten Plus Act of 2006.

The legislation I am introducing today will provide children below 185 percent of the poverty line with additional time in kindergarten during the summer before and the summer after the traditional kindergarten school year, and help to ensure that more children enter school ready to succeed. The kindergarten year is an important time of transition for young children. It represents the first year of schooling for 98 percent of the children in the United States, and it marks the bridge between early childhood education and the primary grades of school.

Many may ask why an initiative that will give an extra four months of kindergarten to low-income children? The answer is simple. Because too many low-income children today enter kindergarten unprepared for the year ahead and many children from low-income families are constantly outperformed by their wealthier peers.

We can, however, do a better job of preparing less fortunate children for school. We can expose them to classroom practices and routines and the expectations for kindergarten behavior and protocol. We can introduce them to educational concepts and help them understand that classrooms have rules. We can expose them to literature, story time or circle time. We can help them understand that books are made up of printed words and that words are made up of individual letters. We can ask them questions to help develop their critical thinking skills, like what do you think will happen next in the story? We can offer them "show and tell" to develop their oral language skills and ability to speak out loud in sequential sentences. Simply put, we need to provide them with a solid foundation that allows them to enter school with the skills necessary to become strong students.

How does this translate into school readiness? About 85 percent of high-income children, compared to 39 percent of low-income children, can recognize letters of the alphabet upon arrival in kindergarten. About half the children of college graduates can identify the beginning sounds of words, but only 9 percent of the children whose parents didn't complete high school can recognize the beginning sounds of words. Low-income children often have a more limited vocabulary. By the time they are in first grade, children in low-income families have 5,000 word vocabularies. In contrast, children from more affluent families enter school with vocabularies of 20,000 words. These are significant discrepancies.

In the John Hopkins University report, "Schools, Achievement, and Inequality: A Seasonal Perceptive," recommendations are made to improve the socioeconomic differences in the seasonality of children's learning over the school and summer months. The report that states during the summer, upper socioeconomic status (SES) children's skills continue to advance, but lower SES children's gains, on average, are flat. Pre-school and kindergarten can reduce the achievement gap associated with SES when children start first grade, but to help them keep up it requires extra resources and enrichment experiences. Summer education programs can build potential for economically disadvantaged children and their parents in support of academic development.

What we know from the research is that children can enter kindergarten better prepared to learn. We may not be able to close the gap between low-income children and their wealthier peers, but we can certainly narrow it considerably. This is what this legislation strives to do.

This legislation was named after Sandy Feldman who was a tireless advocate for children and public education who died last year after a long battle with cancer. Her commitment to social justice and her authority on urban education dates to her involvement with the civil rights movement.

Sandy rose from her position as second grade elementary school teacher to become president of the 1.3 million-member American Federation of Teachers. She also knew that all too often, we don't give our schools the resources they need to make all students' dreams come to fruition. Her focus on early childhood education led her to develop the concept for this legislation and it was Sandy who spent countless hours developing the details to ensure this would be a high quality initiative.

I am joined in introducing this legislation by my colleagues Senators KENNEDY, KERRY, LIEBERMAN, DURBIN, SCHUMER, and CLINTON. This bill is also supported by the American Federation of Teachers, the Parent Teacher Association, National Education Association, Council of Great City Schools, the Society for Research in Child Development, American Federation of State, County, and Municipal Employees, Service Employees of International Union, National Head Start Association, the Children's Defense Fund and Easter Seals. I urge my colleagues to join this effort and cosponsor the legislation. I encourage them to help give low-income children a jump-start on school success.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kindergarten Plus Act of 2006".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Kindergarten has proven to be a beneficial experience for children, putting children on a path that positively influences their learning and development in later school years.

(2) Kindergarten and the years leading up to kindergarten are critical in preparing children to succeed in elementary school, especially if the children are from low-income families or have other risks of difficulty in school.

(3) Disadvantaged children, on average, lag behind other children in literacy, numeracy, and social skills, even before formal schooling begins.

(4) For many children entering kindergarten, the achievement gap between children from low-income households compared to children from high-income households is already evident.

(5) Eighty-five percent of beginning kindergartners in the highest socioeconomic group, compared to 39 percent in the lowest socioeconomic group, can recognize letters of the alphabet. Similarly, 98 percent of beginning kindergartners in the highest socioeconomic group, compared to 84 percent of their peers in the lowest socioeconomic group, can recognize numbers and shapes.

(6) Once disadvantaged children are in school, they learn at the same rate as other children. Therefore, providing disadvantaged children with additional time in kindergarten, in the summer before such children ordinarily enter kindergarten and in the summer before first grade, will help schools close achievement gaps and accelerate the academic progress of their disadvantaged students.

(7) High quality, extended-year kindergarten that provides children with enriched learning experiences is an important factor in helping to close achievement gaps, rather than having the gaps continue to widen.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE STUDENT.—The term "eligible student" means a child who—

(A) is a 5-year old, or will be eligible to attend kindergarten at the beginning of the next school year;

(B) comes from a family with an income at or below 185 percent of the poverty line; and

(C) is not already served by a high-quality program in the summer before or the summer after the child enters kindergarten.

(2) KINDERGARTEN PLUS.—The term "Kindergarten Plus" means a voluntary full day of kindergarten, during the summer before and during the summer after, the traditional kindergarten school year (as determined by the State).

(3) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) PARENT.—The term "parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

(5) PARENTAL INVOLVEMENT.—The term "parental involvement" means the participation of parents in regular, 2-way, and meaningful communication with school personnel involving student academic learning and other school activities, including ensuring that parents—

(A) play an integral role in assisting their child's learning;

(B) are encouraged to be actively involved in their child's education at school; and

(C) are full partners in their child's education and are included, as appropriate, in decisionmaking and on advisory committees to assist in the education of their child.

(6) POVERTY LINE.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(7) ELIGIBLE PROVIDER.—The term "eligible provider" means a local educational agency or a private not-for-profit agency or organization, with a demonstrated record in the delivery of early childhood education services to preschool-age children, that provides high-quality early learning and development experiences that—

(A) are aligned with the expectations for what children should know and be able to do when the children enter kindergarten and grade 1, as established by the State educational agency; or

(B) in the case of an entity that is not a local educational agency and that serves children who have not entered kindergarten, meet the performance standards and performance measures described in subparagraphs (A) and (B) of subsection (a)(1), and subsection (b), of section 641A of the Head Start Act (42 U.S.C. 9836a) or the prekindergarten standards of the State where the entity is located.

(8) SCHOOL READINESS.—The term "school readiness" means the cognitive, social, emotional, approaches to learning, and physical development of a child, including early literacy and early mathematics skills, that prepares the child to learn and succeed in elementary school.

(9) SECRETARY.—The term "Secretary" means the Secretary of Education.

(10) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 4. GRANTS TO STATE EDUCATIONAL AGENCIES AUTHORIZED.

(a) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to provide Kindergarten Plus within the State.

(b) SUFFICIENT SIZE.—To the extent possible, the Secretary shall ensure that each grant awarded under this section is of sufficient size to enable the State educational agency receiving the grant to provide Kindergarten Plus to all eligible students served by the local educational agencies within the State with the highest concentrations of eligible students.

(c) MINIMUM AMOUNT.—The Secretary shall not award a grant to a State educational agency under this section in an amount that is less than $500,000.

(d) STATE USE OF FUNDS.—A State educational agency shall use—

(1) not more than 3 percent of the grant funds received under this Act for administration of the Kindergarten Plus programs supported under this Act;

(2) not more than 5 percent of the grant funds received under this Act to develop professional development activities and curricula for teachers and staff of Kindergarten Plus programs in order to develop a continuum of developmentally appropriate curricula and practices for preschool, kindergarten, and grade 1 that ensures—

(A) an effective transition to kindergarten and to grade 1 for students; and

(B) appropriate expectations for the students' learning and development as the students make the transition to kindergarten and to grade 1; and

(3) the remainder of the grant funds to award subgrants to local educational agencies.

(e) PRIORITY.—In awarding grants under this Act the Secretary shall give priority to State educational agencies that—

(1) on their own or in combination with other government agencies, provide full-day kindergarten to all kindergarten-age children who are from families with incomes below 185 percent of the poverty line within the State; or

(2) demonstrate progress toward providing full-day kindergarten to all kindergarten-age children who are from families with incomes below 185 percent of the poverty line within the State by submitting a plan that shows how the State educational agency will, at a minimum, double the number of such children that were served by a full-day kindergarten program in the school year preceding the school year for which assistance is first sought.

SEC. 5. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Each State educational agency that receives a grant under this Act—

(1) shall reserve an amount sufficient to continue to fund multiyear subgrants awarded under this section; and

(2) shall award subgrants to local educational agencies within the State to enable the local educational agencies to pay the Federal share of the costs of carrying out Kindergarten Plus programs for eligible students.

(b) PRIORITY.—In awarding subgrants under this section the State educational agency shall give priority to local educational agencies—

(1) serving the greatest number or percentage of kindergarten-age children who are from families with incomes below 185 percent of the poverty line, based on data from the most recent school year; and

(2) that propose to significantly reduce the class size and student-to-teacher ratio of the classes in their Kindergarten Plus programs below the average class size and student-to-teacher ratios of kindergarten classes served by the local educational agencies.

(c) FEDERAL SHARE.—The Federal share of the costs of carrying out a Kindergarten Plus program shall be—

(1) 100 percent for the first, second, and third years of the program;

(2) 85 percent for the fourth year of the program; and

(3) 75 percent for the fifth year of the program.

(d) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of carrying out a Kindergarten Plus program may be in the form of in-kind contributions.

SEC. 6. STATE APPLICATION.

(a) IN GENERAL.—In order to receive a grant under this Act, a State educational agency shall submit an application to the Secretary at such time and containing such information as the Secretary determines appropriate.

(b) CONSULTATION.—The application shall be developed by the State educational agency in consultation with representatives of early childhood education programs, early childhood education teachers, principals, pupil services personnel, administrators, paraprofessionals, other school staff, early childhood education providers (including Head Start agencies, State prekindergarten program staff, and child care providers), teacher organizations, parents, and parent organizations.

(c) CONTENTS.—At a minimum, the application shall include—

(1) a description of developmentally appropriate teaching practices and curricula for children that will be put in place to be used by local educational agencies and eligible providers offering Kindergarten Plus programs to carry out this Act;

(2) a general description of the nature of the Kindergarten Plus programs to be conducted with funds received under this Act, including—

(A) the number of hours each day and the number of days each week that children in each Kindergarten Plus program will attend the program; and

(B) if a Kindergarten Plus program meets for less than 9 hours a day, how the needs of full-time working families will be addressed;

(3) goals and objectives to ensure that high-quality Kindergarten Plus programs are provided;

(4) an assurance that students enrolled in Kindergarten Plus programs funded under this Act will receive additional comprehensive services (such as nutritional services, health care, and mental health care), as needed; and

(5) a description of how—

(A) the State educational agency will coordinate and integrate services provided under this Act with other educational programs, such as Even Start, Head Start, Reading First, Early Reading First, State-funded preschool programs, preschool programs funded under section 619 or other provisions of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1411 et seq.), and kindergarten programs;

(B) the State will provide professional development for teachers and staff of local educational agencies and eligible providers that receive subgrants under this Act regarding how to address the school readiness needs of children (including early literacy, early mathematics, and positive behavior) before the children enter kindergarten, throughout the school year, and into the summer after kindergarten;

(C) the State will assist Kindergarten Plus programs to provide exemplary parent education and parental involvement activities such as training and materials to assist parents in being their children's first teachers at home or home visiting;

(D) the State will conduct outreach to parents with eligible students, including parents whose native language is not English, parents of children with disabilities, and parents of migratory children; and

(E) the State educational agency will ensure that each Kindergarten Plus program uses developmentally appropriate practices, including practices and materials that are culturally and linguistically appropriate for the population of children being served in the program.

SEC. 7. LOCAL APPLICATION.

(a) IN GENERAL.—In order to receive a subgrant under this Act, a local educational agency shall submit an application to the State educational agency at such time and containing such information as the State educational agency determines appropriate.

(b) CONSULTATION.—The application shall be developed by the local educational agency in consultation with early childhood education teachers, principals, pupil services personnel, administrators, paraprofessionals, other school staff, early childhood education providers (including Head Start agencies, State prekindergarten program staff, and child care providers), teacher organizations, parents, and parent organizations.

(c) CONTENTS.—At a minimum, the application shall include a description of—

(1) the standards, research-based and developmentally appropriate curricula, teaching practices, and ongoing assessments for the purposes of improving instruction and services, to be used by the local educational agency that—

(A) are aligned with the State expectations for what children should know and be able to do when the children enter kindergarten and grade 1, as set by the State educational agency; and

(B) include—

(i) language skills, including an expanded use of vocabulary;

(ii) interest in and appreciation of books, reading, writing alone or with others, and phonological and phonemic awareness;

(iii) premathematics knowledge and skills, including aspects of classification, seriation, number sense, spatial relations, and time;

(iv) other cognitive abilities related to academic achievement;

(v) social and emotional development, including self-regulation skills;

(vi) physical development, including gross and fine motor development skills;

(vii) in the case of limited English proficiency, progress toward the acquisition of the English language; and

(viii) approaches to learning;

(2) how the local educational agency will ensure that the Kindergarten Plus program uses curricula and practices that—

(A) are developmentally, culturally, and linguistically appropriate for the population of children served in the program; and

(B) are aligned with the State learning standards and expectations for children in kindergarten and grade 1;

(3) how the Kindergarten Plus program will improve the school readiness of children served by the local educational agency under this Act, especially in mathematics and reading;

(4) how the Kindergarten Plus program will provide continuity of services and learning for children who were previously served by a different program;

(5) how the local educational agency will ensure that the Kindergarten Plus program has appropriate services and accommodations in place to serve children with disabilities and children who are limited English proficient;

(6) how the local educational agency will perform a needs assessment to avoid duplication with other programs within the geographic area served by the local educational agency;

(7) how the local educational agency will—

(A) transition Kindergarten Plus participants into local elementary school programs and services;

(B) ensure the development and use of systematic, coordinated records on the educational development of each child participating in the Kindergarten Plus program through periodic meetings and communications among—

(i) Kindergarten Plus program teachers;

(ii) elementary school staff; and

(iii) local early childhood education program providers, including Head Start agencies, State prekindergarten program staff, and center-based and family child care providers;

(C) provide parent and child orientation sessions conducted by teachers and staff; and

(D) provide a qualified staff person to be in charge of coordinating the transition services;

(8) how the local educational agency will provide instructional and environmental accommodations in the Kindergarten Plus program for children who are limited English proficient, children with disabilities, migratory children, neglected or delinquent youth, Indian children served under part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.), homeless children, and immigrant children;

(9) how the local educational agency will conduct outreach to parents of eligible students, including parents whose native language is not English, parents of children with disabilities, and parents of migratory children, which may include—

(A) activities to provide parents early exposure to the school environment, including meetings with teachers and staff;

(B) activities to better engage and inform parents on the benefits of Kindergarten Plus and other programs; and

(C) other efforts to ensure that parents have a level of comfort with the Kindergarten Plus program and the school environment;

(10) how the local educational agency will assist the Kindergarten Plus program to provide exemplary parent education and parental involvement activities such as training and materials to assist parents in being their children's first teachers at home or home visiting; and

(11) how the local educational agency will work with local center-based and family child care providers and Head Start agencies to ensure—

(A) the nonduplication of programs and services; and

(B) that the needs of working families are met through child care provided before and after the Kindergarten Plus program.

SEC. 8. LOCAL REQUIREMENTS AND PROVISIONS.

(a) LOCAL USES OF FUNDS.—A local educational agency that receives a subgrant under this Act shall use the subgrant funds for the following:

(1) The operational and program costs associated with the Kindergarten Plus program as described in the application to the State educational agency.

(2) Personnel services, including teachers, paraprofessionals, and other staff as needed.

(3) Additional services, as needed, including snacks and meals, mental health care, health care, linguistic assistance, special education and related services, and transportation services associated with the needs of the children in the program.

(4) Transition services to ensure children make a smooth transition into first grade and proper communication is made with the elementary school on the educational development of each child.

(5) Outreach and recruitment activities, including community forums and public service announcements in local media in various languages if necessary to ensure that all individuals in the community are aware of the availability of such program.

(6) Parental involvement programs, including materials and resources to help parents become more involved in their child's learning at home.

(7) Extended day services for the eligible students of working families, including working with existing programs in the community to coordinate services if possible.

(8) Child care services, provided through coordination with local center-based child care and family child care providers, and Head Start agencies, before and after the Kindergarten Plus program for the children participating in the program, to accommodate the schedules of working families.

(9) Enrichment activities, such as—

(A) art, music, and other creative arts;

(B) outings and field trips; and

(C) other experiences that support children's curiosity, motivation to learn, knowledge, and skills.

(b) ELIGIBLE PROVIDER GRANTS AND APPLICATIONS.—The local educational agency may use subgrant funds received under this Act to award a grant to an eligible provider to enable the eligible provider to carry out a Kindergarten Plus program for the local educational agency. Each eligible provider desiring a grant under this subsection shall submit an application to the local educational agency that contains the descriptions set forth in section 7 as applied to the eligible provider.

(c) CONTINUITY.—In carrying out a Kindergarten Plus program under this Act, a local educational agency is encouraged to explore ways to develop continuity in the education of children, for instance by keeping, if possible, the same teachers and personnel from the summer before kindergarten, through the kindergarten year, and during the summer after kindergarten.

(d) COORDINATION.—In carrying out a Kindergarten Plus program under this Act, a local educational agency shall coordinate with existing programs in the community to provide extended care and comprehensive services for children and their families in need of such care or services.

SEC. 9. TEACHER AND PERSONNEL QUALITY STANDARDS.

To be eligible for a subgrant under this Act, each local educational agency shall ensure that—

(1) each Kindergarten Plus classroom has—

(A) a highly qualified teacher, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); or

(B) if an eligible provider who is not a local educational agency is providing the Kindergarten Plus program in accordance with section 8(b), a teacher that, at a minimum, has a bachelor's degree in early childhood education or a related field and experience in teaching children of this age;

(2) a qualified paraprofessional that meets the requirements for paraprofessionals under section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319), is in each Kindergarten Plus classroom;

(3) Kindergarten Plus teachers and paraprofessionals are compensated on a salary scale comparable to kindergarten through grade 3 teachers and paraprofessionals in public schools served by the local educational agency; and

(4) Kindergarten Plus class sizes do not exceed the class size and ratio parameters set at the State or local level for the traditional kindergarten program.

SEC. 10. DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) GRANTS AUTHORIZED.—If a State educational agency does not apply for a grant under this Act or does not have an application approved under section 6, then the Secretary is authorized to award a grant to a local educational agency within the State to enable the local educational agency to pay the Federal share of the costs of carrying out a Kindergarten Plus program.

(b) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this section if the local educational agency operates a full-day kindergarten program that, at a minimum, is targeted to kindergarten-age children who are from families with incomes below 185 percent of the poverty line within the State.

(c) APPLICATION.—In order to receive a grant under subsection (a), a local educational agency shall submit to the Secretary an application that—

(1) contains the descriptions set forth in section 7; and

(2) includes an assurance that the Kindergarten Plus program funded under such grant will serve eligible students.

(d) APPLICABILITY.—Sections 8 and 9 shall apply to a local educational agency receiving a grant under this section in the same manner as the sections apply to a local educational agency receiving a subgrant under section 5(a).

SEC. 11. EVALUATION, COLLECTION, AND DISSEMINATION OF INFORMATION.

(a) IN GENERAL.—Each State educational agency that receives a grant under this Act, in cooperation with the local educational agencies in the State that receive a subgrant under this Act, shall create an evaluation mechanism to determine the effectiveness of the Kindergarten Plus programs in the State, taking into account—

(1) information from the local needs assessment, conducted in accordance with section 7(c)(6), including—

(A) the number of eligible students in the geographic area;

(B) the number of children served by Kindergarten Plus programs, disaggregated by family income, race, ethnicity, native language, and prior enrollment in an early childhood education program; and

(C) the number of children with disabilities served by Kindergarten Plus programs;

(2) the recruitment of teachers and staff for Kindergarten Plus programs, and the retention of such personnel in the programs for more than 1 year;

(3) the provision of services for children and families served by Kindergarten Plus programs, including parent education, home visits, and comprehensive services for families who need such services;

(4) the opportunities for professional development for teachers and staff; and

(5) the curricula used in Kindergarten Plus programs.

(b) COMPARISON.—The evaluation process may include comparison groups of similar children who do not participate in a Kindergarten Plus program.

(c) INFORMATION COLLECTION AND REPORTING.—The information necessary for the evaluation shall be collected yearly by the State and reported every 2 years by the State to the Secretary.

(d) ANALYSIS OF EFFECTIVENESS.—The Secretary shall conduct an analysis of the overall effectiveness of the programs assisted under this Act and make the analysis available to Congress, and the public, biannually.

SEC. 12. SUPPLEMENT NOT SUPPLANT.

Funds made available under this Act shall be used to supplement, not supplant, other Federal, State, or local funds available to carry out activities under this Act.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this Act, there are authorized to be appropriated $1,500,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 through 2012.

By Mr. REID (for himself and Mrs. CLINTON):

S. 4034. A bill to amend title 18 of the United States Code to prohibit certain types of vote tampering; to the Committee on the Judiciary.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Voter Suppression, Ballot Hacking, and Election Fraud Prevention Act".

SEC. 2. PROHIBITION ON VOTE TAMPERING.

(a) IN GENERAL.—Chapter 29 of title 18, United States Code, is amended by adding at the end the following:

"§ 612. Vote tampering

"(a) IN GENERAL.—Whoever knowingly and willfully interferes with, affects, attempts to interfere with, or attempts to affect an election of a candidate or a ballot initiative by tampering with a voting system, discarding ballots, or altering a vote shall be fined under this title or imprisoned for not more than 20 years, or both.

"(b) APPLICATION.—This section applies only to elections described in, and candidates described in, section 11(e)(2) of the Voting Rights Act of 1965 (42 U.S.C. 1973i(e)(2)).

"(c) CIVIL ACTION.—Any individual whose right to vote is interfered with by reason of a violation of this section may bring a civil action in Federal court against the violator and recover damages not to exceed $10,000.

"(d) DEFINITION.—In this section, the terms 'vote' and 'voting' have the meanings given the terms in section 14(c) of the Voting Rights Act of 1965 (42 U.S.C. 1973l(c)).".

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 29 of title 18, United States Code, is amended by inserting after the item for section 612 the following:

"612. Vote tampering.".

By Mr. SARBANES:

S. 4038. A bill to establish the bipartisan and independent Commission on Global Resources, Environment, and Security, and for other purposes; to the Committee on Environment and Public Works.

Mr. SARBANES. Mr. President, today I am introducing legislation to establish a Commission on Global Resources, Environment and Security. The goal of the Commission is to address one of the most serious, long-term threats facing our Nation—the degradation of the earth's natural life support systems—and to make recommendations for a coordinated, comprehensive, long-range national policy and new strategies to promote global environmental security.

In March 2005, more than 1,300 scientists from 95 countries around the world completed the largest and most comprehensive study of the health of the earth's ecosystems ever undertaken. Known as the Millennium Ecosystem Assessment, the four-year study found that the natural systems that support life on earth—our waters, wildlife and fisheries, air and lands—have been degraded more rapidly and extensively over the past five decades than in any comparable period of time in history. The result has been a substantial loss of biodiversity, a significant increase in atmospheric concentration of carbon dioxide, depletion of world fisheries and water supplies, excessive nutrient pollution of rivers and coastal waters, and increased risk of emergence of new diseases. The report also found that, unless substantial actions are taken in policies, institutions and practices in the near future to reverse the degradation, the pressure on the planet's ecosystems will continue to increase. In the next 50 years, the world population is expected to grow from approximately 6 billion to more than 9 billion people. Global demand for food is projected to increase by 70–80 percent. Energy consumption is projected to double by 2035 at current growth rates. Globally, as much as 25 percent of freshwater use and 35 percent of irrigation withdrawal is supplied from unsustainable sources. An estimated 7 billion people could face water shortages.

Experts agree that these environmental threats also have profound implications for our national security. According to former Secretary of State Colin Powell . . . "poverty, destruction of the environment and despair are destroyers of people, of societies, of nations, a cause of instability as an unholy trinity that can destabilize countries and destabilize entire regions."

As the world's wealthiest nation, the U.S. has the responsibility and the unique capacity to lead the world toward a more sustainable future. The legislation which I am introducing today represents the important step in that direction. It provides for the establishment of an independent commission to examine the state of scientific understanding and current efforts to protect the global environment, to assess the impact of continued global environmental deterioration on U.S. interests, and to make recommendations to address these threats. The last time the Federal Government took a broad in-depth review of international environment and development issues was in the 1970s.

At the launch of Millenium Ecosystem Assessment, Secretary General of the United Nations, Kofi Annan, stated that, "only by understanding the environment and how it works, can we make the necessary decisions to protect it." The concept of such a Commission is strongly supported by a broad range of leading scientific and foreign policy leaders who have signed the "Earth Legacy Declaration." They assert that: "We need a national discussion on the fundamental questions of what legacy we will leave our children and grandchildren, and what actions we must take as a nation to ensure that the world we hand down to them is as safe, healthy, and bountiful as the one we inherited."

We need a new consensus and a foundation upon which to build a renewed U.S. commitment to protect the global environment. I hope my colleagues will join me in this measure to establish this Commission on Global Resources, Environment, and Security.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 4038

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Resources, Environment, and Security Commission Act of 2006".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) humans are placing increasing and potentially unsustainable pressures on—

(A) the Earth;

(B) ecosystems; and

(C) natural resources;

(2) economic prosperity, human health, and peaceful international relations depend on the continued existence of—

(A) a clean environment; and

(B) the sustainability of natural resources and ecosystem services;

(3) increasing scarcities of natural resources and environmental degradation can cause economic losses and contribute to—

(A) disease;

(B) famine;

(C) increased vulnerability to natural disasters;

(D) mass migration;

(E) disruption of trade; and

(F) violent conflict;

(4) those potential disasters can—

(A) weaken all members of the international community; and

(B) create serious threats to the national security of the United States;

(5) many scientific studies reveal that the rapid increases in global population and the new global security problems have, and will likely continue to have, serious impacts on the United States, including—

(A) inadequate access to sources of healthy freshwater;

(B) loss of biodiversity;

(C) climate change;

(D) marine overfishing and pollution;

(E) transboundary air pollution;

(F) nuclear and chemical contamination;

(G) deforestation;

(H) invasive species migration; and

(I) soil degradation and desertification;

(6) the complex and interconnected nature of those problems requires new forms of cooperation between—

(A) the stakeholders of the United States; and

(B) the United States and other countries;

(7) according to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), it is the national policy of the United States—

(A) to recognize the worldwide and long-range character of environmental problems; and

(B) to lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of the world environment;

(8) the United States is in a unique position to be able to share scientific and technical expertise on the world stage in ways that—

(A) benefit all persons; and

(B) provide opportunities in the United States for—

(i) economic growth;

(ii) investment; and

(iii) innovation; and

(9) the leadership of the United States on the advancement of global environmental security serves the domestic interests of the United States while strengthening relationships between the United States and other countries.

(b) Purpose.—The purpose of this Act is to establish a bipartisan and independent commission to make recommendations for a coordinated, comprehensive, and long-range national policy for new and existing strategies initiated by the United States to promote global environmental security.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) Establishment.—There is established a commission to be known as the "Commission on Global Resources, Environment, and Security" (referred to in this Act as the "Commission").

(b) Membership.—

(1) Composition.—The Commission shall be composed of 18 members who are knowledgeable in matters relating to global environmental security and population (including individuals with experience from the Federal Government, State, and local governments, academic and technical institutions, and public interest organizations), of whom—

(A) 2 members shall be appointed by the President, of whom not more than 1 may be from the same political party as the President;

(B) 4 members shall be appointed by the majority leader of the Senate, in consultation with the Chairpersons of—

(i) the Committee on Environment and Public Works of the Senate;

(ii) the Committee on Foreign Relations of the Senate;

(iii) the Committee on Commerce, Science, and Transportation of the Senate; and

(iv) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) 4 members shall be appointed by the minority leader of the Senate, in consultation with the ranking members of—

(i) the Committee on Environment and Public Works of the Senate;

(ii) the Committee on Foreign Relations of the Senate;

(iii) the Committee on Commerce, Science, and Transportation of the Senate; and

(iv) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) 4 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairpersons of—

(i) the Committee on Energy and Commerce of the House of Representatives;

(ii) the Committee on International Relations of the House of Representatives;

(iii) the Committee on Resources of the House of Representatives;

(iv) the Committee on Science of the House of Representatives;

(v) the Committee on Homeland Security of the House of Representatives; and

(vi) the Committee on Government Reform of the House of Representatives; and

(E) 4 members shall be appointed by the minority leader of the House of Representatives, in consultation with the ranking members of—

(i) the Committee on Energy and Commerce of the House of Representatives;

(ii) the Committee on International Relations of the House of Representatives;

(iii) the Committee on Resources of the House of Representatives;

(iv) the Committee on Science of the House of Representatives;

(v) the Committee on Homeland Security of the House of Representatives; and

(vi) the Committee on Government Reform of the House of Representatives.

(2) REPRESENTATION OF COMMISSION.—To the extent consistent with paragraph (1), the membership of the Commission shall be balanced by area of expertise.

(3) PROHIBITION ON FEDERAL GOVERNMENT EMPLOYMENT.—A member of the Commission appointed under paragraph (1)(A) shall not be an employee or former employee of the Federal Government.

(4) CONSIDERATIONS FOR APPOINTMENT.—

(A) BACKGROUND OF MEMBERS.—

(i) IN GENERAL.—All members of the Commission shall have experience in—

(I) State and local governments;

(II) academic and technical institutions;

(III) businesses and industries relating to resource and economic development; or

(IV) public interest organizations.

(ii) PREFERENCE TO INDIVIDUALS WITH INTERDISCIPLINARY EXPERTISE.—In appointing members to the Commission, preference shall be given to individuals who have interdisciplinary experience.

(B) POLITICAL AFFILIATION OF MEMBERS.—Members of the Commission shall be appointed so that not more than 9 members of the Commission are members of any 1 political party.

(5) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than March 30, 2007.

(6) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(ii) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(7) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(8) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet—

(i) at least twice each year; or

(ii) at the call of the Chairperson or the majority of the members of the Commission.

(B) PUBLIC ACCESS TO MEETINGS.—

(i) IN GENERAL.—Except as provided in clause (ii), each meeting of the Commission shall be open to the general public.

(ii) EXCEPTION.—If a meeting of the Commission addresses a matter described in section 552b(c) of title 5, United States Code, the Commission may close the meeting, or a portion of the meeting, to the general public.

(9) QUORUM.—A majority of voting members shall constitute a quorum, but a lesser number may hold meetings.

(10) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) ELECTION.—The Commission shall elect the Chairperson and the Vice Chairperson of the Commission on an annual basis.

(B) ABSENCE OF THE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(11) VOTING.—The Commission shall act only on an affirmative vote of a majority of the voting members of the Commission.

SEC. 4. DUTIES.

(a) STUDY.—The Commission shall—

(1) review and affirm current scientific understanding on the health of the global environment and the long-term availability of natural resources through the use of independent, consensus-based assessments and peer reviewed studies undertaken by the United States, the United Nations, and any other international entity;

(2) study the impacts of—

(A) global and transnational environmental problems, natural resource scarcity, and global population pressure on the interests of the United States, including—

(i) national security;

(ii) public health;

(iii) industry and trade; and

(iv) international relations; and

(B) the actions of the United States on global environmental security;

(3) assess—

(A) the effectiveness of Federal and State efforts to enhance global environmental security, including—

(i) the integration of related activities;

(ii) the interagency coordination of related activities; and

(iii) the funding of related activities;

(B) the evolving roles of—

(i) government;

(ii) business; and

(iii) nongovernmental organizations; and

(C) the adequacy of efforts initiated by public and private partnerships that strive to meet the goals of—

(i) global environmental protection;

(ii) natural resource sustainability; and

(iii) economic prosperity; and

(4) determine the progress of the United States in—

(A) achieving relevant international goals and obligations; and

(B) meeting the challenges outlined by the scientific studies described under paragraph (1).

(b) RECOMMENDATIONS.—The Commission shall develop recommendations for creating a coordinated, comprehensive, and long-range national policy that promotes global environmental security.

(c) REPORT.—

(1) IN GENERAL.—By March 30, 20[illegible], the Commission shall submit to the President and Congress a report that contains—

(A) a detailed statement of the findings and conclusions of the Commission;

(B) a summary of public comments; and

(C) the recommendations of the Commission for such legislation and administrative actions as the Commission considers appropriate.

(2) PUBLICATION OF REPORT.—Not later than 90 days before submitting the final report of the Commission to the President and Congress, the Commission shall publish a copy of the report in the Federal Register.

(3) PUBLIC COMMENT.—

(A) IN GENERAL.—Before submitting the report of the Commission to the President and Congress, the Commission shall—

(i) make a draft of the report available for public comment for a period of not less than 60 days; and

(ii) consider public comments relating to the draft of the report.

(B) AVAILABILITY OF REPORT.—A copy of the report of the Commission shall remain available for inspection—

(i) in the offices of the Commission; and

(ii) through electronically accessible formats and means, such as the World Wide Web.

(4) CONGRESSIONAL REVIEW.—

(A) IN GENERAL.—Not later than 90 days before submitting the final report of the Commission to the President and Congress, the Commission shall provide copies of the report to the Chairpersons and ranking members of—

(i) the Committee on Environment and Public Works of the Senate;

(ii) the Committee on Foreign Relations of the Senate;

(iii) the Committee on Commerce, Science, and Transportation of the Senate;

(iv) the Committee on Homeland Security and Governmental Affairs of the Senate;

(v) the Committee on Energy and Commerce of the House of Representatives;

(vi) the Committee on International Relations of the House of Representatives;

(vii) the Committee on Resources of the House of Representatives;

(viii) the Committee on Science of the House of Representatives;

(ix) the Committee on Homeland Security of the House of Representatives; and

(x) the Committee on Government Reform of the House of Representatives.

(B) OPPORTUNITY FOR COMMENT.—Before submitting the report to the President and Congress, the Commission shall provide each chairperson and ranking member of a committee described in subparagraph (A) with an opportunity to comment on the report.

SEC. 5. POWERS.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission or, at the direction of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out this Act hold such hearings, meet and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or members considers advisable.

(2) NOTICE; MINUTES; PUBLIC AVAILABILITY OF DOCUMENTS.—

(A) NOTICE.—Each open meeting of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(B) MINUTES.—Minutes of each meeting shall—

(i) be kept by the Commission; and

(ii) contain—

(I) a record of the individuals present;

(II) a description of the discussion that occurred during the meeting; and

(III) copies of all statements filed during the meeting.

(iii) AVAILABILITY.—Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(c) ESTABLISHMENT OF SUBCOMMITTEES.—

(1) IN GENERAL.—The Commission may establish 1 or more subcommittees to provide staff support and otherwise assist in carrying out the responsibilities of the Commission.

(2) POLITICAL AFFILIATION OF SUBCOMMITTEE MEMBERS.—Members of a subcommittee shall be appointed so that not more than ½ of the members of the subcommittee are members of any 1 political party.

(d) ESTABLISHMENT OF MULTIDISCIPLINARY SCIENCE, ECONOMIC, AND TECHNICAL ADVISORY PANEL.—

(1) IN GENERAL.—To assist the Commission in carrying out the duties of the Commission under this Act, the Commission may establish a multidisciplinary science, economic, and technical advisory panel (referred to in this Act as the "Advisory Panel").

(2) COMPOSITION OF ADVISORY PANEL.—The Advisory Panel shall be composed of individuals appointed by the Commission, each of whom shall have expertise in—

(A) biological science;

(B) marine science;

(C) atmospheric science;

(D) environmental toxicology;

(E) epidemiology;

(F) biogeochemistry;

(G) energy and water security;

(H) renewable energy;

(I) social science; or

(J) economics.

(3) APPOINTMENT.—The members of the Advisory Panel shall be appointed by a majority vote of all members of the Commission.

(4) USE OF BEST AVAILABLE DATA.—The Advisory Panel shall ensure that the scientific information considered by the Commission is based on the best available data.

(e) CONTRACTS.—The Commission may make or enter into contracts, leases, or other legal agreements to carry out this Act.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(g) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an Executive Director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an Executive Director shall be subject to confirmation by the Commission.

(d) EXPERTS AND CONSULTANTS.—

(1) IN GENERAL.—The Commission may obtain the services of experts and consultants in the private and nonprofit sectors in accordance with section 3109 of title 5, United States Code.

(2) COMPENSATION OF EXPERTS AND CONSULTANTS.—A consultant or expert described in paragraph (1) shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(e) DETAIL OF GOVERNMENT EMPLOYEES.—

(1) FEDERAL EMPLOYEES.—

(A) IN GENERAL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(B) CIVIL SERVICE STATUS.—The detail of an employee under subparagraph (A) shall be without interruption or loss of civil service status or privilege.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $8,500,000 for the period of fiscal years 2007 through 2010, to remain available until expended.

SEC. 8. TERMINATION OF COMMISSION.

(a) DATE OF TERMINATION.—The Commission shall terminate 30 days after the date on which the Commission submits the report of the Commission under section 4(c).

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 30-day period referred to in subsection (a) to—

(1) conclude the activities of the Commission; and

(2) provide testimony before any committee of Congress concerning the report of the Commission.

(c) POST-COMMISSION ACTIVITIES.—The members and staff of the Commission, the Members of Congress, and employees of Federal agencies are encouraged to—

(1) continue the multi-stakeholder dialogue started by the Commission in new forums and capacities; and

(2) examine any institutional needs, including—

(A) the formation of a new office;

(B) improvements in organization;

(C) a network; or

(D) a caucus.

SEC. 9. RESPONSE OF THE PRESIDENT.

(a) IN GENERAL.—Not later than 90 days after the date of receipt of the report of the Commission under section 4(c), the President shall submit to Congress and appropriate Federal agencies a report containing a statement of proposals to carry out or respond to the recommendations of the Commission.

(b) AVAILABILITY OF REPORT.—The report described in subsection (a) shall be published or otherwise made available, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.

By Mr. LEAHY:

S. 4040. A bill to ensure that innovations developed at federally-funded institutions are available in certain developing countries at the lowest possible cost; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am pleased to introduce the Public Research in the Public Interest Act of 2006. If enacted, this bill will save lives and improve the quality of health for millions of families living in impoverished nations. Recently, I have introduced and cosponsored six bills to address the increasingly important issues that relate to global health and the need for earlier access to generic medicines in the United States.

Each year, millions of people needlessly suffer from disease in impoverished countries worldwide because they lack access to lifesaving medicines. And each year, America's world-renowned research universities develop innovative treatments to combat these diseases. However, under our current system, these treatments do not get to the families in impoverished nations who so desperately need them.

Today, 15 percent of the world's people consume about 91 percent of the world's pharmaceuticals. The high price of lifesaving medicines—medicines we take for granted—puts them far beyond the reach of millions of the most vulnerable populations.

While the concept of my bill is simple, the implications are profound. If passed, my bill would greatly lessen the cost burden of generic drugs in the developing world. It would achieve this by requiring federally funded research institutions to permit their inventions, such as, drugs, vaccines, and innovative medical devices, to be provided inexpensively by generic companies distributing medical supplies to the developing world.

Federally funded labs and research institutions have a vital role to play in meeting this goal. For example, Yale University has an agreement with Doctors Without Borders to permit their generic version of its lifesaving AIDS drug to be used for a pilot treatment program in South Africa. To date, Yale's humanitarian endeavor, which in no way reduced their licensing revenues, continues to save thousands of lives.

It is time to ensure that public funds truly serve public purposes—in this instance, delivering essential health care needs at minimal costs to American taxpayers, universities, and pharmaceutical companies. Unfortunately, this Congress has been tied up in knots recently and has been unable to pass even critical appropriations bills. The measures before us are crucial. This comprehensive approach toward providing better global health aid and better access to generic drugs should become law, and I am committed to trying to make it so. I look forward to working with my colleagues on both sides of the aisle, in this Congress or the next, to enact this important legislation.

I have recently introduced or sponsored six bills to address the need for better access to low-cost generic medicines. Two of these bills relate to global health, and four of them address the need for earlier access to generic medicines in the United States.

Federally funded laboratories and other research institutions have a critical role to play in delivering affordable medicines to those sick and suffering worldwide. In 2000, a Senate Joint Economic Committee Report found that public research was instrumental in developing 15 of the 21 drugs considered by experts to have had the highest therapeutic impact on society.

Between 1970 and 2001, there was a ten-fold increase in the number of U.S. patents issued annually to U.S. academic institutions. American universities, hospitals, and other nonprofit research centers concluded that more than 4,500 license and option agreements were executed in 2003, more than double the license and option agreements executed in 1993. A major share of these patents is in the biomedical field.

The World Health Organization's 2006 Commission on Intellectual Property Rights, Innovation, and Public Health has also recently recognized the crucial role of universities. The WHO recommended that universities adopt licensing practices designed to increase access to medicines in developing countries.

The report also tells the story of one way in which the crucial role of university innovations and other publicly funded research in promoting global public health first came into the public eye. It is an interesting story.

In 2001, the international organization Médecins Sans Frontières, or MSF, requested Yale University's permission to use its generic life-saving AIDS drug, stavudine, for a pilot treatment project outside Cape Town.

This was at a time when HIV drugs were first being introduced in the developing world. The costs were prohibitive. Scientists at Yale University had discovered stavudine's value in the fight against AIDS, and Yale University was the key patent holder.

In response to MSF's request, Yale and Bristol-Myers Squibb jointly announced that they would permit the sale of generics in South Africa and that Bristol-Myers Squibb would lower the price of its brand-name stavudine by 96 percent throughout sub-Saharan Africa.

The Yale/Bristol-Myers Squibb announcement was highly significant in the campaign for access to affordable first-line AIDS treatments. Yale and Bristol-Myers Squibb's humanitarian action did not reduce licensing revenues with respect to Yale. Meanwhile, Yale's invention to this day continues to save thousands of lives. According to a recent report by the WHO's AIDS Medicines and Diagnostics Service, stavudine is one of the three first-line HIV medicines that together constituted almost 90 percent of total procurement in 2005.

Unfortunately, this has been an isolated success story rather than the road to greater access for the many important inventions that come out of publicly funded research institutions.

With respect to HIV/AIDS treatment alone, at least two major drugs based on university inventions have come to market since the 2001 stavudine announcement: emtricitabine, developed in large part at Emory University and sold by Gilead Sciences as Emtriva; and T-20 developed in large part at Duke University and marketed as Fuzeon by Hoffmann-La Roche and Trimeris. Just this summer, Yale University announced the license of a new candidate for an AIDS drug based on stavudine. Called "4'-ethynylstavudine", (or abbreviated more simply as Ed4T). Early testing suggests that it may be both more effective and less toxic than its famous predecessor.

But the question is: Will these lifesaving drugs ultimately be available in places like sub-Saharan Africa, where HIV infection rates range as high as a third of the adult population?

This bill, the Public Research in the Public Interest Act of 2006, would focus on this problem. By allowing licensing by generic companies of inventions coming out of publicly funded research institutions—and other associated inventions required to produce marketable medicines—it would drive down the price of new, innovative drugs in areas where they would otherwise be effectively unavailable.

Because the licensing regime this bill proposes is self-enforcing, it minimizes both administrative overhead and eliminates the need for case-by-case decisions, while preserving important intellectual property protections. Because the Act allows the introduction of generic or reduced-price drugs only into markets too poor to otherwise afford them, its terms do not threaten corporate investments or profits in wealthy nations. All generic drugs manufactured under the bill must be clearly differentiated from the versions sold in developed nations, where the brand-name companies make their profits.

Moreover, publicly funded research institutions would receive royalties from the sale of inventions covered by this bill in developing markets. While the initial payment of the royalties will typically go to the research institution itself, the bill leaves complete freedom to these institutions and their licensee to decide how such royalties will ultimately be shared. This freedom is especially important because the inventions from universities and other research institutions often form only one part of the collection of intellectual property necessary to manufacture a finished, marketable drug. The appropriate division of the royalties paid by generics for this package of rights in the developing world will be different for different drugs and medical devices, depending on whether the university's contribution is more or less central to the finished product. This Act would allow all the various parties the flexibility to divide these royalties appropriately.

I should be clear, however, that the bill I introduce today is an initial proposal. I look forward to working with research universities in the United States on this important matter. I also intend to work with the companies involved in creating, licensing, and bringing to market the fruits of America's unparalleled research institutions as we continue to shape this solution.

Indeed, the best answer may not be legislative at all, if the groups involved can come together around a different approach. But however it is achieved, I believe that increasing the availability of the many medical inventions that come from publicly funded research centers is a good solution to pressing global health concerns.

Universities, in particular, are unique institutions with unique public commitments. They are, before anything else, institutions dedicated to the creation and dissemination of knowledge in the public interest. The Public Research in the Public Interest Act of 2006 is designed in the spirit of that commitment.

This bill completes a package of six bills that I have recently introduced to increase access to medicines in the United States and to address the global public health crisis. While it is the magnitude of this problem that demands that we, as a Nation, take action, it is the small things, the individual stories that often speak to us most clearly at a personal level.

In my office hangs a photograph I took of three young boys on the side of a mountain in Turkey. I found them flying a kite off the edge of a cliff that overlooks a vast slum. They had made the toy out of scraps of paper, patched together with tape and string, and were flying it on the currents rushing up the face of the rock.

I recalled fearing for their safety as they played so precariously close to the edge. But these children faced much greater risks. When my grandchildren get sick, we can always be sure they will get the medicines they need. For these boys, there is no such guarantee.

These boys, and the millions of children and others like them around the world are the reason behind each of the six bills I have introduced.

Earlier this summer, I introduced a bill which can be the catalyst for empowering U.S. generic companies to save the lives or improve the health of millions of families in impoverished nations. Under the "Life-Saving Medicines Export Act," U.S. companies can make low-cost generic versions of any medicine for export to impoverished nations that face public health crises when those impoverished nations cannot produce those life-saving medicines for themselves.

This bill is based on World Trade Organization agreements permitting nations with pharmaceutical industries to help nations in need. The World Health Assembly and the World Health Organization have adopted resolutions urging all WTO member nations with a generic capability to adopt laws that implement that agreement. On December 6, 2005, the Office of the U.S. Trade Representative announced that it "welcomes" efforts to "allow countries to override patent rights when necessary to export lifesaving drugs to developing countries that face public health crises but cannot produce drugs for themselves."

This bill addresses the urgent needs of millions of low-income families in impoverished nations while protecting the interests of the patent owners of these life-saving medicines. As in the Public Research in the Public Interest Act, introduced today, generic companies are only permitted to use the compulsory license in the bill in developing nations, where low-income families are simply too poor to purchase the "brand-name" versions, and the generic versions must be clearly marked as not for resale in developed nations. Thus, both bills pose the risk of minimal losses for patent holders while generating new revenue for the brand-name companies from the royalties on generic sales.

The four additional bills that complete this "Access to Medicines" package seek to preserve incentives for U.S. generic companies to enter and compete in the market. Increased competition leads to lower prices and saved lives.

First, in the wake of the Supreme Court refusal to hear the drug patent case called Federal Trade Commission (FTC) v. Schering-Plough, I joined fellow Judiciary Committee members—Senators KOHL, GRASSLEY and SCHUMER—in introducing legislation to explicitly prohibit brand-name drug manufacturers from using pay-off agreements to keep cheaper generic equivalents off the market. Such payments are a distortion in the market that harms patients. I was stunned that the U.S. Supreme Court refused to hear a case so important to our senior citizens. The Federal Trade Commission asked the Supreme Court to hear the arguments but the Court refused at the request of the Justice Department. It seems there may be no justice—until that bill is passed—for our seniors needing costly patented medicines but live where the brand-name company has paid generic companies not to compete.

Then, in July, I joined Senators ROCKEFELLER and SCHUMER in introducing legislation to ban "authorized generics" that can stifle true generic competition. I said at the time that "the giant drug companies keep coming up with ways to avoid real competition and consumers need to be able to count on Congress to close each new anticompetitive loophole they come up with." If enacted, that bill will close this anti-competitive loophole in the Hatch-Waxman Act and will preserve the incentives Congress created for generic companies to enter the market to supply American citizens and seniors with lower-cost drugs.

The fifth bill introduced was with Senator KOHL. That bill is intended to stop frivolous Citizen Petitions designed to delay introduction of generic drugs into the market place. Recently, large pharmaceutical companies have exploited that petition process to keep their profits high. In addition, I joined with Senators SCHUMER, CLINTON and STABENOW on the Access to LifeSavings Medicine Act which related to developing a fast-track process for approving generic versions of biologic medicines.

I want to thank Stacy Kern-Scheerer with Senate Legislative Counsel who provided very helpful guidance under extreme pressure in drafting this short, but complex bill. She and Bill Baird, also with Senate Legislative Counsel, did a great job with a rapid turnaround.

I believe that these six bills, together, can save millions of lives. Recognizing the great need, there have been significant voluntary efforts made by brand-name pharmaceutical companies, foundations, and nonprofits who have already donated life-saving medicines, time, personnel and money to help in the fight against deadly diseases both in America and abroad. I commend and greatly appreciate those efforts. Nonetheless, much remains to be done. My bills will both add to and complement existing efforts, by making sure even cutting edge treatments are available in developing countries, and by ensuring that America's aid dollars and the contributions of private philanthropists are used as efficiently as they can possibly be used.

The President's Emergency Plan for AIDS Relief Report to Congress reported that "[i]n every case generics prices present an opportunity for cost savings; in some cases, the branded price per pack of a drug is up to 11 times the cost of the approved generic version."

The current global public health crisis is one of the great callings of our time. As a nation, we cannot afford to ignore this threat. Our own health and aspects of our national security depend on it.

We have become far more aware today of how much our own health depends on what takes place half a world away. Whether it is AIDS, SARS, West Nile Virus, the Avian Flu, or the encroaching menace of multi-drug resistant bacteria, we are all at risk. We are only an airplane flight away from wherever an outbreak may occur—a place where the medical innovations developed in this country to combat these devastating diseases may not be available to keep the outbreak under control.

In a post-9/11 world, our well-being is intimately connected with that of other nations. Health is an essential building block for a strong economy, and vital to maintain a thriving democracy. Through increasing access to essential medicines throughout the world, the United States can help to give developing nations a chance to flourish, while improving U.S. relations with large segments of the world's population.

President Franklin Roosevelt once said: "The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough, for those who have little."

We are fortunate, at some times and on some issues, to be able to do both. Now is one of those times, and this is one of those issues. I hope my colleagues will join me in supporting my efforts this year on the global public health crisis, including today's addition, the Public Research in the Public Interest Act of 2006.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Research in the Public Interest Act of 2006".

SEC. 2. PURPOSE AND FINDINGS.

(a) PURPOSE.—The purpose of this Act is to promote global public health and America's national security by ensuring that innovations developed at federally-funded institutions are available in eligible developing countries at the lowest possible cost.

(b) FINDINGS.—Congress finds the following:

(1) It is in the national interest of the United States that people around the world live healthier lives, and that they perceive the United States in a more favorable light.

(2) The United States Government funds a major portion of all academic research.

(3) Congress funds universities and Federal research laboratories as institutions dedicated to the creation and dissemination of knowledge in the public interest.

(4) The Federal Government's investment in science and technology fuels a thriving pharmaceutical industry and rising longevity and quality of life in the United States. In 2000, a Senate Joint Economic Committee Report found that public research was instrumental in developing 15 of the 21 drugs considered by experts to have had the highest therapeutic impact on society.

(5) Millions of people with HIV/AIDS in developing countries need antiretroviral drugs. More than 40,000,000 people worldwide have HIV and 95 percent of them live in developing countries. Malaria, tuberculosis, and other infectious diseases kill millions of people a year in developing nations.

(6) The World Health Organization ("WHO") has estimated that ⅓ of the world's population lacks regular access to essential medicines, including antiretroviral drugs. The WHO reported that just by improving access to existing medicines roughly 10,000,000 lives could be saved around the world every year.

(7) To help address the access to medicines crisis, the World Health Organization's 2006 Commission on Intellectual Property Rights, Innovation, and Public Health recommended that universities adopt licensing practices designed to increase access to medicines in developing countries.

(8) The Department of State has reported to Congress under the President's Emergency Plan for AIDS Relief that, "[I]n every case generics prices present an opportunity for cost savings; in some cases, the branded price per pack of a drug is up to 11 times the cost of the approved generic version.".

(9) Since sales of the patented, brand-name versions of such medicines are minimal or non-existent in many impoverished regions of the world, allowing generic versions of those medicines will have minimal impact on the sales of brand-name, patented versions in such regions, or the licensing revenues of publicly funded research institutions, while saving an untold number of lives.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASSOCIATED MEDICAL PRODUCT.—The term "associated medical product", when used in relation to a subject invention, means any medical product of which the manufacture, use, sale, offering for sale, import, or export relies upon or is covered by the rights guaranteed by title in that invention.

(2) ASSOCIATED RIGHTS.—The term "associated rights," when used in relation to a subject invention, means—

(A) all patent and marketing rights, possessed by a current or former holder of title in that invention, or licensee of rights guaranteed by such title, that are reasonably necessary to make, use, sell, offer to sell, import, export, or test any associated medical product ever made, used, sold, offered for sale, imported, or exported by that party; and

(B) the right to rely on biological, chemical, biochemical, toxicological, pharmacological, metabolic, formulation, clinical, analytical, stability, and other information and data for purposes of regulatory approval of any associated medical product.

(3) DRUG.—The term "drug" has the meaning given such term in section 201 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321).

(4) ELIGIBLE COUNTRY.—The term "eligible country" means any country of which the economy is classified by the World Bank as "low-income", or "lower-middle-income".

(5) FAIR ROYALTY.—The term "fair royalty", when used in relation to a subject invention, means—

(A) for a country classified by the World Bank as "low-income" at the time of the sales on which royalties are due, 2 percent of a licensee's net sales of associated medical products in such country; and

(B) for a country classified by the World Bank as "lower-middle-income" at the time of sales on which royalties are due, 5 percent of a licensee's net sales of associated medical products in such country.

(6) INVENTION.—The term "invention" means any invention or discovery which is or may be patentable or otherwise protectable under title 35, United States Code, or any novel variety of plant which is or may be protectable under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

(7) MEDICAL DEVICE.—The term "medical device" means a device, as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)), and includes any device component of any combination product, as that term is used in section 503(g) of such Act (21 U.S.C. 353(g)).

(8) MEDICAL PRODUCT.—The term "medical product" means any drug, treatment, prophylaxis, vaccine, or medical device.

(9) NEGLECTED RESEARCH.—The term "neglected research" means any use of a subjected invention or the associated rights in an effort to develop medical products for a rare disease or condition, as defined in section 526(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb(a)(2)).

(10) SUBJECT INSTITUTION.—The term "subject institution" means any institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) or research that receives federal financial assistance, including Federal laboratories as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)).

(11) SUBJECT INVENTION.—The term "subject invention" means any invention—

(A) conceived or first actually reduced to practice by a subject institution, or its employees in the course of their employment, on or after the effective date of this Act; or

(B) in which a subject institution holds title, provided the invention was first conceived or reduced to practice on or after the effective date of this Act.

SEC. 4. ACCESS TO LIFESAVING MEDICINES DEVELOPED AT GOVERNMENT FUNDED INSTITUTIONS.

(a) GRANT OF LICENSE.—

(1) IN GENERAL.—As a condition of receiving Federal assistance, any subject institution that conceives, reduced to practice, or holds title in a subject invention shall be required to grant irrevocable, perpetual, nonexclusive licenses to the invention and any associated rights the institution may own or ever acquire, to any party requesting such a license pursuant to subsection (g).

(2) PURPOSE OF LICENSE.—The licenses described under paragraph (1) shall be for the sole purpose of—

(A) supplying medical products in accordance with subsection (e); or

(B) conducting neglected research anywhere in the world, royalty-free.

(b) INCORPORATION INTO TITLE.—The open-licensing requirement created by subsection (a) and all licenses granted thereunder shall be part of the subject institution's title in a subject invention. No transfer or license may be interpreted in any manner inconsistent with making any grant under subsection (a) effective, or in any manner that prevents or frees the holder of title in the invention from granting licenses.

(c) SUBSEQUENT LICENSES.—

(1) IN GENERAL.—If a subject institution licenses or grants rights in a subject invention to any other party, as a condition of such grant the licensee or grantee, and any future sublicensees or subsequent grantees, ad infinitum, shall also be required in perpetuity, to grant irrevocable, perpetual, nonexclusive licenses on any associated rights which the licensee or grantee may own or later acquire, to any party requesting such a license pursuant to subsection (g).

(2) PURPOSE OF LICENSE.—The licenses shall be for the sole purposes described in subsection (a)(2).

(3) APPLICATION OF THIS SUBSECTION.—This subsection applies to licenses for a subject invention acquired under subsection (a).

(d) CONSTRUCTION.—No grant or licensee of any subject invention may be interpreted in any manner that prevents or frees the grantee or licensee from granting licenses for associated rights under subsection (c).

(e) LICENSE FOR SUPPLY OF MEDICAL PRODUCTS.—

(1) IN GENERAL.—A license under subsection (a)(2)(A) shall be a license for the sole purpose of permitting the making, using, selling, offering to sell, importing, exporting, and testing of medical products in eligible countries and the making and exporting of medical products worldwide for the sole purpose of supplying medical products to eligible countries.

(2) LABELING.—If the recipient of a license under subsection (a) exercises its right to make and export a medical product in any country other than an eligible country for the sole purpose of export to an eligible country, then the licensee shall use reasonable efforts to visibly distinguish the medical product it manufactures from any similar medical product sold by others in the country of manufacture, provided that such reasonable efforts do not require the licensee to expend significant expense.

(3) ROYALTIES.—

(A) LICENSE OF SUBJECT INVENTION.—A license of a subject invention under subsection (a)(2)(A) shall be irrevocable and perpetual so long as the licensee submits to the licensor payment of a fair royalty on sales of any associated medical product within 90 days of such sales. Failure or refusal of the licensor to accept the fair royalty shall not terminate or affect in any way the license.

(B) LICENSE OF ASSOCIATED RIGHTS.—A license of associated rights to a subject invention under subsection (a)(2)(A) shall be royalty free.

(f) TRANSFER.—In accordance with subsections (a) through (d), any license or other transfer of a subject invention by a subject institution or the licensee or grantee of such institution for a subject invention, shall be invalid unless—

(1) the license or grant includes a clause, "This grant or license is subject to the provisions of the Public Research in the Public Interest Act of 2006.";

(2) the licensor or grantor complies with the notification requirements of subsection (h); and

(3) the license or grant does not include any terms that contradict any requirement of this Act.

(g) PROCEDURES FOR ACQUISITION OF LICENSES.—

(1) IN GENERAL.—Any party, upon providing to the Food and Drug Administration—

(A) notification of its intent to supply medical products or conduct neglected research as provided in subsection (a);

(B) a specific list of the rights it wishes to license for those purposes; and

(C) the names of the party or parties it believes are obligated to grant such licenses under subsections (a) through (d),

shall automatically be deemed to receive the license so requested without the need for any further action on the part of the licensing party if the party or parties specified in the request do not object and notify the requesting party of such objection, within 30 days of the publication of such request by the Administration.

(2) ENFORCEMENT ACTION.—

(A) IN GENERAL.—If the party or parties specified under paragraph (1) object to the grant of a requested license, the requesting party may bring an action to enforce its right to a license of a subject invention or associated rights under subsections (a) through (d).

(B) PROCESS.—In any suit under this subsection, the requesting party shall be entitled to separate, expedited review of the legal issues required to adjudicate whether it is entitled to the requested license, without prejudice to any other issues in the lawsuit. If the party objecting to the license is found to have objected without reasonable cause or without a good faith belief that there was a justifiable controversy under the facts and the law, the party requesting the license shall be entitled to attorney's fees, other reasonably necessary costs of the lawsuit, and treble damages from the objecting party.

(3) PUBLICATION.—The Food and Drug Administration shall publish any request made under paragraph (1) within 15 days of receipt of such request. The Food and Drug Administration shall also make reasonable efforts to directly notify the parties named in any such request.

(h) NOTIFICATION OF TRANSFER OR LICENSE OF SUBJECT INVENTIONS.—The holder of title or any license in a subject invention shall notify the Food and Drug Administration of any grant or license of rights in that invention. The Food and Drug Administration shall publish all such notifications within 15 days of receipt.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 4041. A bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes; read the first time.

Mr. INHOFE. President, I rise today, along with my colleague, TOM COBURN, to proudly introduce the Child Medication Safety Act, a bill to protect children and their parents from being coerced into administering a controlled substance or psychotropic drug in order to attend a school. The text of my bill exactly matches the text of H.R. 1790, which passed the House on November 16, 2006 by a vote of 407 to 12.

Parents today face many challenges when raising their children, one of which is ensuring that their children receive the best education possible. My views on education come from a somewhat unique perspective in that my wife, Kay, was a teacher at Edison High School in Tulsa for many years and now both of our daughters are teachers. I can assure you that I am one of the strongest supporters of quality education. However, it has come to my attention that schools have been acting as physicians or psychologists by strongly suggesting that children with behavioral problems be put immediately on some form of psychotropic drugs. Schools and teachers are not equipped to make this diagnosis and should not make it mandatory for the student to continue attending the school. This is clearly beyond their area of expertise. Therefore, I am introducing this legislation to ensure that parents are not required by school personnel to medicate their children.

The Child Medication Safety Act requires, as a condition of receiving funds from the Department of Education, that States develop and implement polices and procedures prohibiting school personnel from requiring a child to obtain a prescription as a condition of attending the school. It should be noted that this bill does not prevent teachers or other school personnel from sharing with parents or guardians classroom-based observations regarding a student's academic performance or regarding the need for evaluation for special education. Additionally, this bill calls for a study by the Comptroller General of the United States reviewing: No. 1, the variation among States in the definition of psychotropic medication as used in public education, No. 2, the prescription rates of medication used in public schools to treat children with attention deficit disorder and other such disorders, No. 3, which medications listed under the Controlled Substances Act are being prescribed to such children, and No. 4, which medications not listed under the Controlled Substances Act are being used to treat these children. This GAO report is due no later than 1 year after the enactment of this Act.

I believe this is an extremely important bill that protects the rights of our children against improper intrusion regarding health issues by those not qualified. If a parent or guardian believes their child is in need of medication, then they have the right to make that decision and consult with a licensed medical practitioner who is qualified to prescribe an appropriate drug. Please join us in support of this legislation that protects the freedoms of our children. We also ask that you work with us to secure passage of the Child Medication Safety Act before the end of the 109th Congress as it has already passed the House by a huge margin.

By Mr. DURBIN (for himself, Mr. CHAMBLISS, Mr. CONRAD, and Mr. BAYH):

S. 4042. A bill to amend title 18, United States Code, to prohibit disruptions of the funerals of members or former members of the Armed Forces; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to join with my colleagues Senators CHAMBLISS, CONRAD, and BAYH in introducing the Respect for the Funerals of Fallen Heroes Act.

Our bill would make it unlawful to intentionally disrupt the funeral of a U.S. military servicemember or veteran. Sadly, we have seen at least 129 such disruptions over the past 16 months by a group nominally calling itself a Christian church. These disruptions have taken place in almost every State in the country. In Illinois alone, there have been at least 16 disruptions of military funerals during that time—more than any other State.

Most of us know the heartbreak of laying a loved one to rest—a father, a mother, a husband or wife, a grandparent, a brother or sister, a child, a good friend. Funerals are a sad moment of parting, a last opportunity to say farewell.

A loved one is laid to rest only once. And the families and friends of the departed have a clear interest in conducting the funeral ceremony in peace, in tranquility, and in a way they feel best honors the life of the departed and comforts those who are left behind.

It can be devastating to have that funeral disrupted—to have the peace and good order of the ceremony intentionally disturbed by someone you don't even know—during the one chance the mourners have to lay their loved one to rest.

Intentional disruptions of funerals are particularly troubling because mourners at a funeral are a captive audience. They can't just leave. If someone tries to disturb a funeral ceremony by making loud noises or trying to divert the mourners' attention, the mourners can't just move somewhere else. A funeral ceremony is bound to the location of the body of the deceased.

While an intentional disruption of the peace and good order of a funeral ceremony would be inappropriate under any circumstances, it is particularly vile when the intentional disruption occurs during the funeral of a fallen member of the Armed Services.

The United States government owes an obligation to the men and women who have served their country in uniform. These men and women have risked their lives for their country. When they lose their lives, the government has a significant interest in allowing their families and friends to lay them to rest in peace.

In May, Congress enacted legislation called the Respect for America's Fallen Heroes Act, which would safeguard the funerals of U.S. veterans and servicemembers that take place at Federal cemeteries. This law prohibits demonstrations during the military funerals that are held at our 121 national cemeteries and Arlington National Cemetery. It provides protection for the funerals of approximately 90,000 veterans who are buried each year Federal cemeteries.

Our bill would expand the current law to cover the funerals of all servicemembers and veterans, whether they are buried in a national cemetery, in their own local cemetery, or somewhere else. It would provide protection for the funerals of all of the 650,000–700,000 servicemembers and veterans who die each year in the United States.

Admirably, my home State of Illinois and 25 other States have passed laws to try to protect military funerals with their borders. A wide range of State laws have been enacted, providing varying degrees of protection. But many of these laws were not narrowly tailored and are likely to be struck down as unconstitutional. Legal challenges are already underway in several States. What's needed now is a Federal solution.

Under our bill, it would be a criminal misdemeanor—punishable by a fine or up to one year in jail—for any person to 1. make any noise or diversion within the boundary of or within 150 feet of a military funeral location that intentionally disturbs the peace and good order of the funeral, or 2. intentionally impede access to or from the funeral within 300 feet of the funeral location. Such activities would be prohibited during the period from 60 minutes before until 60 minutes after a military funeral.

I understand the critical importance of the right to free speech. It is a foundational right under the U.S. Constitution. However, the Supreme Court has repeatedly found it is consistent with the First Amendment for the time, place, and manner of speech to be reasonably limited in a way that is content neutral and narrowly tailored to serve a significant government interest.

Our bill meets that test. The government has a significant interest in preserving the tranquility and privacy of the funerals of men and women who defend our country as members of the Armed Forces. Congress has the constitutional power to raise and support armies, and we can and should support our troops by providing them with peaceful funerals.

Our bill creates a reasonable time, place, and manner restriction similar to restrictions that the Supreme Court has previously upheld. For example, in a case that took place in my home state of Illinois, Grayned v. City of Rockford, the Supreme Court upheld an ordinance that stated the following: "(N)o person, while on public or private grounds adjacent to any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order of such school session or class thereof."

Like the ordinance in Rockford, IL, my legislation is a reasonable restriction on disruptive activities within a limited geographic location for a limited period of time. Just as the local government has a significant interest in protecting the peace and good order of school sessions, the Federal Government has a significant interest in protecting the peace and good order of the funeral ceremonies of our military personnel.

The fact that funeral attendees are a captive audience also figures into the analysis. In many locations, the Supreme Court expects individuals simply to avoid speech they do not want to hear. But in the case Frisby v. Schultz, the Supreme Court upheld an ordinance that made it unlawful to picket outside an individual's residence, stating: "That we are often 'captives' outside the sanctuary of the home and subject to objectionable speech. . . does not mean we must be captives everywhere." Like individuals in their homes and students in classrooms, mourners at funeral ceremonies are bound to one location and cannot avoid those who intend to cause disruptions. And they should not be forced to suffer those disruptions, especially during the one chance they have to lay a loved one rest.

The Respect for the Funerals of Fallen Heroes Act is content neutral. Its prohibitions apply to all offenders regardless of the nature of the message or the manner in which the message is conveyed. The legislation simply aims to allow funerals to be conducted in peace.

Our bill is also narrowly tailored. Not every form of speech or activity would be prohibited during the time period, only activities that are intended to and have the effect of disturbing the funeral ceremony. A person could carry on a conversation on a sidewalk nearby or hand out leaflets, but the peace and solemnity of the funeral must not be disturbed.

This bill has been carefully drafted to withstand constitutional scrutiny. We sought the advice of distinguished First Amendment scholar Geoffrey Stone at the University of Chicago law school, and he believes the bill is consistent with the First Amendment.

In addition, it is within the power of Congress to provide protection for the funerals of fallen servicemembers and veterans that are held at non-Federal cemeteries. The Congressional Research Service has researched this issue and concluded that a court would likely deem our legislation to be within Congress's lawmaking power, in light of Congress's constitutional authority to raise and support armies, and in light of cases in which the Supreme Court has upheld Congress's power to regulate private property for the benefit of the military.

Our legislation is supported by veterans groups in Illinois and across America. I received a letter from Retired U.S. Army Colonel Aaron J. Wolff, President of the Illinois Council of Chapters of the Military Officers Association of America, who said: "The Respect for America's Fallen Heroes Act passed by Congress in May 2006, and signed into law, was an initial step in stopping demonstrations at funerals of our fallen heroes.... On behalf of all veterans and their families, I strongly support your bill to expand coverage of the demonstration ban to include all the funerals of our veterans, wherever they are held."

Tanna K. Schmidli, chairman of the Board of Governors of the National Military Family Association, wrote to me and said: "The National Military Family Association supports this legislation to ban demonstrations at all military funerals. Grieving military families, who had made the ultimate sacrifice, should not be subjected to these intrusions. This should be a time for military families to reflect and say goodbye to their loved one and a time for the nation to honor its heroes."

The men and women who served our country in uniform, and their families and friends, are entitled to funeral ceremonies that can be conducted in peace and without disruption. It's time to protect the funerals of all our fallen heroes. I hope that my colleagues from both parties will cosponsor this bill and join me in seeking to provide the protection they deserve.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESPECT FOR THE FUNERALS OF FALLEN HEROES.

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1388. Prohibition on disruptions of funerals of members or former members of the Armed Forces

"(a) PROHIBITION.—For any funeral of a member or former member of the Armed Forces that is not located at a cemetery under the control of the National Cemetery Administration or part of Arlington National Cemetery, it shall be unlawful for any person to engage in an activity during the period beginning 60 minutes before and ending 60 minutes after such funeral, any part of which activity—

"(1)(A) takes place within the boundaries of the location of such funeral or takes place within 150 feet of the point of the intersection between—

"(i) the boundary of the location of such funeral; and

"(ii) a road, pathway, or other route of ingress to or egress from the location of such funeral, and

"(B) includes any individual willfully making or assisting in the making of any noise or diversion that is not part of such funeral and that disturbs or tends to disturb the peace or good order of such funeral with the intent of disturbing the peace or good order of that funeral; or

"(2)(A) is within 300 feet of the boundary of the location of such funeral; and

"(B) includes any individual willfully and without proper authorization impeding the access to or egress from such location with the intent to impede the access to or egress from such location.

"(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

"(c) DEFINITIONS.—In this section:

"(1) The term 'Armed Forces' has the meaning given the term in section 101 of title 10.

"(2) The term 'funeral of a member or former member of the Armed Forces' means any ceremony or memorial service held in connection with the burial or cremation of a member or former member of the Armed Forces.

"(3) The term 'boundary of the location', with respect to a funeral of a member or former member of the Armed Forces, means—

"(A) in the case of a funeral of a member or former member of the Armed Forces that is held at a cemetery, the property line of the cemetery;

"(B) in the case of a funeral of a member or former member of the Armed Forces that is held at a mortuary, the property line of the mortuary;

"(C) in the case of a funeral of a member or former member of the Armed Forces that is held at a house of worship, the property line of the house of worship; and

"(D) in the case of a funeral of a member or former member of the Armed Forces that is held at any other kind of location, the reasonable property line of that location.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 67 of such title is amended by inserting after the item related to section 1387 the following new item:

"1388. Prohibition on disruptions of funerals of members or former members of the Armed Forces.".

By Mr. ALLEN (for himself and Mr. WARNER):

S. 4045. A bill to designate the United States courthouse located at the intersections of Broad Street, Seventh Street, Grace Street, and Eighth Street in Richmond, Virginia, as the "Spottswood W. Robinson III and Robert Merhige Jr. Courthouse"; to the Committee on Environment and Public Works.

Mr. WARNER. I rise today to join my colleague from Virginia, Senator ALLEN, in offering a bill to name the new Richmond Courthouse for two distinguished jurists and sons of Virginia. We are privileged in the Commonwealth to have a long history, beginning with Jamestown as the first permanent English settlement on the American Continent. As a young republic, the College of William and Mary was selected as a site for the Nation's first law school.

The two men to be honored in the naming of the new U.S. Courthouse in Richmond were lawyers who throughout their careers adhered to the principle of "equal justice under law."

Spottswood William Robinson III was born in Richmond, VA on July 26, 1916. He attended Virginia Union University and then attended Howard University School of Law, graduating first in his class in 1939 and serving as a member of the faculty until 1947.

Judge Robinson was one of the core attorneys of the NAACP Legal Defense and Educational Fund from 1948 to 1960, achieving national prominence in the legal community with his representation of the Virginia plaintiffs in the 1954 U.S. Supreme Court case Brown v. Board of Education. Brown outlawed public school segregation declaring "separate but equal" schools unconstitutional.

In 1964, Judge Robinson became the first African-American to be appointed to the United States District Court for the District of Columbia. In 1966, President Johnson appointed Judge Robinson the first African-American to the United States Court of Appeals for the District of Columbia Circuit. On May 7, 1981, Judge Robinson became the first African American to serve as Chief Judge of the District of Columbia Circuit.

Judge Merhige was born in New York in 1919 and he attended college at High Point College in North Carolina. He earned his law degree from the T.C. Williams School of Law at the University of Richmond, from which he graduated at the top of his class in 1942.

From 1942 to 1945, Judge Merhige served in the United States Air Force and practiced law in Richmond from 1945 to 1967, establishing himself as a formidable trial lawyer representing criminal defendants as well as dozens of insurance companies.

On August 30, 1967, Judge Merhige was appointed U.S. District Court Judge for the Eastern District of Virginia, Richmond Division by President Lyndon B. Johnson serving as a Federal judge until 1998. In 1972, Judge Merhige ordered the desegregation of dozens of Virginia school districts. He considered himself to be a "strict constructionist" who went by the law as spelled out in precedents by the higher courts. In 1970, he ordered the University of Virginia to admit women. As evidence of Judge Merhige's ground breaking decisions, he was given 24-hour protection by Federal marshals due to repeated threats of violence against him and his family. His courage in the face of significant opposition of the times is a testimony to his dedication to the rule of law.

Senator ALLEN and I carefully took this responsibility in naming the U.S. Federal. Courthouse in Richmond. We worked on it for several years and consulted the Virginia Bar Association and sought the views of the bench and bar. The Virginia Congressional delegation, the Virginia Bar Association, the Mayor of Richmond, and many others decided that the best way to honor both men was to have them equally share the honor of having the courthouse so named. I attach a letter from the former Virginia Governor, the current Mayor of Richmond, L. Douglas Wilder. I value greatly the views of a friend and fellow public servant and one who has joined me on many issues to benefit the people of Virginia.

I thank the Senate for the consideration of this bill and look forward to working with my colleagues seeking its passage.

CITY OF RICHMOND,
Richmond, VA, September 29, 2006.

Senator JOHN WARNER
225 Russell Senate Office Building, Washington, DC.

Senator GEORGE ALLEN,
204 Russell Senate Office Building, Washington, DC.

DEAR SENATORS WARNER AND ALLEN: On behalf of the City of Richmond, please accept this brief note in support of your collective decision to name the new U.S. District Court in Richmond for "Spotswood W. Robinson III and Robert Merhige, Jr." Both men played a significant role in Virginia's history and are remembered as "giants" within Richmond's legal community.

Sincerely,

L. DOUGLAS WILDER,
Mayor.

Mr. ALLEN. Mr. President, I am pleased to join with my colleague the Senior Senator from Virginia JOHN WARNER in introducing legislation to name the new Federal courthouse in Richmond, VA for two great men and leaders of the civil rights movement, Spottswood W. Robinson III and Robert Merhige, Jr.

Judge Spottswood Robinson was a brilliant champion of civil rights for all Americans. As a student at Howard Law School, Judge Spottswood W. Robinson III earned the highest GPA ever achieved at the law school. Following law school, he returned to Richmond, VA to establish a law firm with another pioneer of civil rights, Oliver W. Hill. Through the years he was involved in many important civil rights cases in State and Federal courts, but it was his vital role in the seminal case of Brown v. Board of Education that placed Judge Robinson into legal history. Judge Robinson is widely recognized as the architect of the legal strategies that led to success in intergrading the nations public schools.

Judge Robinson left the private practice of law in 1960 to become Dean of the Howard Law School. In October 1963, President Kennedy nominated him to become a District Court Judge for the District of Columbia. Subsequently, Judge Robinson became the first African-American to serve as a Judge on the Court of Appeals for the District of Columbia and in 1981 became the Chief Judge for the Court. Upon retiring from the Court in 1992, Judge Robinson returned to his home in Richmond and continued to be an active member of the community until his passing in 1998.

The other fine jurist who the new courthouse in Richmond will be named is another hero of the civil rights movement, Judge Robert R. Merhige, Jr. Judge Merhige served this country for 31 years on the bench and as a member of the United States Army Air Force as a B-17 bombardier. Born in 1919, Judge Merhige attended the T.C. Williams School of Law at the University of Richmond, from which he graduated at the top of his class in 1942. Over the next 21 years, Judge Merhige tried hundreds of both criminal and civil cases in both State and Federal court. He served as President of the Richmond Bar Association from 1963 to 1964.

In 1967, President Lyndon Johnson appointed Judge Merhige to be a United States District Judge. Respected and admired by lawyers from coast to coast, Judge Merhige became known for his integrity and intellect. Despite the personal hardship placed on both himself and his family from those who disagreed with his rulings to enforce civil rights law, Judge Merhige continued to uphold the law and follow the constitution in the face of grave threats.

In deciding whom to name this courthouse after, I have taken great care to listen to all Virginians after securing funds for this impressive courthouse for downtown Richmond and its revitalization. I have worked with the Virginia Congressional delegation, the distinguished Mayor of Richmond, L. Douglas Wilder, State Senator Benjamin Lambert, the Virginia Bar Association, the Richmond Bar Association, and many others.

I am honored to join with my colleague Senator WARNER in ensuring that when people walk by the new Federal courthouse, they are reminded of these two distinguished jurists who helped change the face of society for the better with equal justice for all.

By Mrs. DOLE:

S.J. Res. 41. A joint resolution recognizing the contributions of the Christmas tree industry to the United States economy and urging the Secretary of Agriculture to establish programs to raise awareness of the importance of the Christmas tree industry; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. DOLE. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 41

Whereas Christmas trees have been sold commercially in the United States since the 1850s;

Whereas, by 1900, one in five American families decorated a tree during the Christmas season, while, by 1930, a decorated Christmas tree had become a nearly universal part of the American Christmas celebration;

Whereas 32.8 million households in the United States purchased a live-cut Christmas tree in 2005;

Whereas the placement and decoration of live-cut Christmas trees in town squares across the country have become an American tradition;

Whereas, for generations, American families have traveled hundreds and even thousands of miles to celebrate the Christmas season together around a live-cut Christmas tree;

Whereas 36 million live-cut Christmas trees are produced each year, and 98 percent of these trees are shipped or sold directly from Christmas tree farms;

Whereas North Carolina, Oregon, Michigan, Washington, Wisconsin, Pennsylvania, New York, Minnesota, Virginia, California, and Ohio are the top producers of live-cut Christmas tree, but Christmas trees are grown in all 50 States;

Whereas there are more than 21,000 growers of Christmas trees in the United States, and approximately 100,000 people are employed in the live-cut Christmas tree industry;

Whereas many Christmas tree growers grow trees on a part-time basis to supplement their other farm and non-farm income;

Whereas growing Christmas trees provides wildlife habitat;

Whereas more than a half million acres of land were planted in Christmas trees in 2005;

Whereas 73 million new Christmas trees will be planted in 2006, and, on average, over 1,500 Christmas trees can be planted per acre; and

Whereas the retail value of all Christmas trees harvested in 2005 was $1.4 billion: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) recognizes the important contributions of the live-cut Christmas tree industry, Christmas tree growers, and persons employed in the live-cut Christmas tree industry to the United States economy; and

(2) urges the Secretary of Agriculture to establish programs to raise awareness of the importance of the live-cut Christmas tree industry.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 591—CALLING FOR THE STRENGTHENING OF THE EFFORTS OF THE UNITED STATES TO DEFEAT THE TALIBAN AND TERRORIST NETWORKS IN AFGHANISTAN AND TO HELP AFGHANISTAN DEVELOP LONG-TERM POLITICAL STABILITY AND ECONOMIC PROSPERITY

Mr. FEINGOLD (for himself and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 591

Whereas global terrorist networks, including those that attacked the United States on September 11, 2001, continue to threaten the security of the United States and are recruiting new members and developing the capability and plans to attack the United States and its allies throughout the world;

Whereas winning the fight against terrorist networks requires a comprehensive and global effort;

Whereas, according to the Final Report of the National Commission on the Terrorist Attacks Upon the United States, "The U.S. government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power.";

Whereas a democratic, stable, and prosperous Afghanistan is a vital security interest of the United States;

Whereas a strong and enduring strategic partnership between the United States and Afghanistan must continue to be a primary objective of both countries to advance a shared vision of peace, freedom, security, and broad-based economic development in Afghanistan and throughout the world;

Whereas the long-term political stability of Afghanistan requires sustained economic development, and the United States has an interest in helping Afghanistan achieve this goal;

Whereas section 101(1) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7511(1)) declares, "The United States and the international community should support efforts that advance the development of democratic civil authorities and institutions in Afghanistan and the establishment of a new broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan.";

Whereas the Government of Afghanistan continues to make progress in developing the capacity to deliver services to the people of Afghanistan, yet 40 percent of the population is unemployed and 90 percent of the population lacks regular electricity;

Whereas stability in Afghanistan is being threatened by antigovernment and Taliban forces that seek to disrupt political and economic developments throughout the country;

Whereas the Afghan National Army and the Afghan National Police have made some progress but still lack the ability to establish security throughout Afghanistan;

Whereas, despite the efforts of the international community, the United Nations, and the Government of Afghanistan, on September 2, 2006, the United Nations Office on Drugs and Crime reported that in 2006 opium poppy cultivation in Afghanistan increased 59 percent over 2005 levels and reached a record high;

Whereas the number of attacks waged by the Taliban on central, provincial, and local-level government officials and establishments, the Afghan National Army, the Afghan National Police, and North Atlantic Treaty Organisation (NATO) and United States military personnel increased significantly during 2006 over the number of such attacks that occurred during 2005;

Whereas the number of suicide bombings in Afghanistan doubled and the number of suicide attacks more than tripled from 2005 to 2006;

Whereas the number of United States troops in Afghanistan is approximately 23,000, approximately ⅙ of the number of troops currently in Iraq;

Whereas Osama bin Laden and Ayman al-Zawahiri are still at large and have been reported to be somewhere in the Afghanistan-Pakistan border region;

Whereas Afghan President Hamid Karzai said, "The same enemies that blew up themselves in . . . the twin towers in America are still around.";

Whereas, on September 12, 2006, the United States Secretary of State said, "[A]n Afghanistan that does not complete its democratic evolution and become a stable terrorist-fighting state is going to come back to haunt us. . . . [I]t will come back to haunt our successors and their successors.", and "If we should have learned anything, it is that if you allow that kind of vacuum, if you allow a failed state in that strategic a location, you're going to pay for it.";

Whereas, on September 21, 2006, the Secretary General of NATO called for additional troops for Afghanistan, saying, "more can be done and should be done," and on September 18, 2006, the top United Nations official in Afghanistan said that more troops and economic aid are still needed, saying, "These are difficult times for Afghanistan. . . . If we want to succeed in Afghanistan, the answer is clear: Afghanistan needs more sustained support from the international community.";

Whereas United States assistance to Afghanistan was cut by approximately 30 percent in fiscal year 2006 and the President's request for fiscal year 2007 cut that amount by an additional 67 percent;

Whereas only 50 percent of the money pledged by the international community for Afghanistan between 2002 and 2005 has actually been delivered;

Whereas, on September 20, 2006, NATO's Supreme Allied Commander for Europe said, "Narcotics [are] at the core of everything that can go wrong in Afghanistan if it's not properly tackled." and "We're not making progress—we're losing ground.";

Whereas, if the United States does not strengthen efforts to defeat the Taliban and to create long-term stability in Afghanistan and the region, Afghanistan will become what it was before the September 11, 2001, terrorist attacks, a haven for those who seek to harm the United States, and a source of instability that threatens the security of the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States must strengthen its commitment to establishing long-term stability and peace in Afghanistan;

(2) the United States, in partnership with the International Security Assistance Force (ISAF) and the Government of Afghanistan, must immediately increase its efforts to eradicate the Taliban, terrorist organizations, and criminal networks currently operating in Afghanistan, including by increasing United States military and other personnel and equipment in Afghanistan as necessary;

(3) the United States, in consultation with ISAF and the Government of Afghanistan, should consider all options necessary to implement a comprehensive new program to eliminate opium production in Afghanistan, including sending additional resources to Afghanistan and an increased role for the United States military and North Atlantic Treaty Organisation (NATO) forces in counternarcotics efforts;

(4) the United States should work aggressively to hold members of the international community accountable for delivering on the financial pledges they have made to support development and reconstruction efforts in Afghanistan;

(5) the United States and the international community, in concert with the Government of Afghanistan, should increase efforts to strengthen the legitimacy of the Government of Afghanistan and its ability to provide services to the people of Afghanistan;

(6) the United States, in support of the Government of Afghanistan, should significantly increase the amount of economic assistance available for reconstruction, social and economic development, counternarcotics efforts, and democracy promotion activities in Afghanistan;

(7) the President, through the Secretary of State, should develop a comprehensive interagency stabilization and reconstruction strategy in coordination with the international community and the Government of Afghanistan that—

(A) aligns humanitarian, development, economic, political, counterterrorism, and regional strategies to achieve the objectives of the United States and Afghanistan in Afghanistan; and

(B) orients current and future programs to meet the objectives set forth in this strategy;

(8) the President, through the Secretary of Defense, should evaluate the impact that United States military operations in Iraq are having on the capability of the United States Government to effectively carry out its mission to support reconstruction efforts and to conduct an effective counterterrorism and counterinsurgency campaign in Afghanistan; and

(9) the President, not later than 6 months after the date this resolution is agreed to, should present to Congress a status report on the items referred to in paragraphs (2) through (8), including a projection of future challenges and the resource requirements necessary to continue to support counterterrorism and counternarcotic efforts and Afghanistan's transition to a peaceful, democratic country.

SENATE RESOLUTION 592—DESIGNATING THE WEEK OF NOVEMBER 5 THROUGH 11, 2006, AS "LONG-TERM CARE AWARENESS WEEK"

Mr. SANTORUM submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 592

Whereas individuals in need of long-term care should have the opportunity to age with respect and dignity, selecting and receiving services of their choice;

Whereas the United States should seek to ensure that the people of the United States who will require long-term care are able to preserve their independence and receive high-quality care, preventing considerable burdens from being placed on families, communities, businesses, or government programs.

Whereas long-term care spending from all public and private sources was about $180,000,000,000 for persons of all ages in 2002 and those costs are expected to double by 2025;

Whereas nearly 1 out of every 4 households in the United States provides long-term care assistance to someone 50 years of age or older;

Whereas a significant number of people in the United States are already involved in providing long-term care services for elderly people as well as educating and offering financial planning options, and this number will increase as the average age of the population of the United States increases; and

Whereas the majority of the people of the United States are not planning for or prepared to meet their long-term care needs: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 5 through 11, 2006, as "Long-Term Care Awareness Week"; and

(2) urges the people of the United States to use this week as an opportunity to learn more about the potential risks and costs associated with long-term care and the options available to help meet their long-term care needs.

SENATE RESOLUTION 593—SUPPORTING THE GOALS AND IDEALS OF NATIONAL CHILDREN AND FAMILIES DAY TO ENCOURAGE THE ADULTS OF THE UNITED STATES TO SUPPORT AND LISTEN TO CHILDREN AND TO HELP CHILDREN THROUGHOUT THE UNITED STATES ACHIEVE THEIR HOPES AND DREAMS

Mr. ALLEN (for himself and Mr. WARNER) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 593

Whereas the citizens of the United States celebrate National Children and Families Day on the fourth Saturday of June;

Whereas research has shown that spending time together as a family is critical to raising strong and resilient children;

Whereas strong and healthy families assist in the development of children;

Whereas strong and healthy families improve the quality of life of children;

Whereas it is essential for the adults of the United States to celebrate and reflect upon—

(1) the important role that all families play in the lives of children; and

(2) the positive effect that strong and healthy children will have on the future of the United States; and

Whereas the greatest natural resource of the United States is the children of the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Children and Families Day; and

(2) encourages the adults of the United States—

(A) to support, listen to, and encourage children throughout the United States;

(B) to reflect upon the important role that all families play in the lives of children; and

(C) to recognize that strong and healthy families—

(i) assist in the development of children; and

(ii) improve the quality of life of children.

SENATE RESOLUTION 594—EXPRESSING THE SENSE OF THE SENATE THAT SENATOR PAUL WELLSTONE SHOULD BE REMEMBERED FOR HIS COMPASSION AND LEADERSHIP ON SOCIAL ISSUES AND THAT CONGRESS SHOULD ACT TO END DISCRIMINATION AGAINST CITIZENS OF THE UNITED STATES WHO LIVE WITH A MENTAL ILLNESS BY MAKING LEGISLATION RELATING TO MENTAL HEALTH PARITY A PRIORITY FOR THE 110TH CONGRESS

Mr. DURBIN (for himself, Mr. COLEMAN, Mr. KENNEDY, Mr. HARKIN, Mr. DAYTON, Mr. FEINGOLD, Mr. REED, Mr. DODD, Mrs. MURRAY, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 594

Whereas Paul Wellstone served with distinction as a Senator from the State of Minnesota;

Whereas, for more than 20 years, Paul Wellstone inspired the students of Carleton College in Northfield, Minnesota;

Whereas Paul Wellstone was a loving father and husband, a loyal citizen of the United States, and a compassionate person;

Whereas Paul Wellstone dedicated his life to bringing equal access to education, economic opportunity, and comprehensive healthcare to all citizens of the United States;.

Whereas Paul Wellstone worked tirelessly to advance mental health parity for all citizens of the United States;

Whereas more than 44,000,000 citizens of the United States suffer from some form of a mental health-related condition;

Whereas only ⅓ of those citizens seek or receive treatment for their mental health-related condition;

Whereas 34 States have enacted laws that require some form of access to mental health treatments that is similar to physical health coverage; and

Whereas the tragic and premature death of Paul Wellstone on October 25, 2002, silenced 1 of the leading voices of the Senate who spoke on behalf of the citizens of the United States who live with a mental illness: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) on the fourth anniversary of his passing, Senator Paul Wellstone should be remembered for his compassion and leadership on social issues throughout his career;

(2) Congress should act to help citizens of the United States who live with a mental illness by enacting legislation to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limits are imposed on medical and surgical benefits; and

(3) mental health parity legislation should be a priority for consideration in the 110th Congress.

SENATE RESOLUTION 595—RECOGNIZING THE LAWRENCE BERKELEY NATIONAL LABORATORY AS 1 OF THE PREMIER SCIENCE AND RESEARCH INSTITUTIONS OF THE WORLD

Mr. DOMENICI (for himself, Mr. BINGAMAN, Mrs. BOXER, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 595

Whereas the Lawrence Berkeley National Laboratory was founded on August 26, 1931, by Ernest Orlando Lawrence, winner of the 1939 Nobel Prize in physics for his invention of the cyclotron, a circular particle accelerator that opened the door to modern high-energy physics;

Whereas the belief of Mr. Lawrence that scientific research is best done through teams of individuals with different fields of expertise left a legacy that has yielded rich dividends for the United States in basic knowledge and applied technology;

Whereas that distinguished legacy of accomplishment includes 10 Nobel Laureates associated with the Lawrence Berkeley National Laboratory, and a dozen scientists of the Lawrence Berkeley National Laboratory who have won the National Medal of Science;

Whereas, in 2006, the Lawrence Berkeley National Laboratory continues to be used to conduct research across a wide range of scientific disciplines with key efforts in fundamental studies of the universe, quantitative biology, nanoscience, new energy systems, environmental solutions, and the use of integrated computing as a tool for discovery;

Whereas scientists at the Lawrence Berkeley National Laboratory discovered the revolutionary new truth of the accelerating expansion of the universe, are pioneering the promising new scientific field of synthetic biology, and are harnessing the secrets of the genome to help solve the grand challenges of the world;

Whereas, through those accomplishments and others, including finding the antiproton, advancing energy efficiency and conservation technologies, deciphering the photosynthetic process, pioneering the field of nuclear medicine, and spearheading the development of alternative energy sources, scientists of the Lawrence Berkeley National Laboratory have played a critical role in advancing the world leadership of the United States in fundamental and applied sciences;

Whereas the national scientific user facilities of the Lawrence Berkeley National Laboratory provide the highest level of scientific, engineering, and technical support to thousands of scientists each year whose published works continue to consistently enrich their respective research fields;

Whereas the newest user facility of the Lawrence Berkeley National Laboratory, the Molecular Foundry, opened its doors on March 24, 2006, to enable the design, synthesis, and characterization of nanoscale materials, thereby opening the door to unimagined scientific and technological advancements;

Whereas the Advanced Light Source of the Lawrence Berkeley National Laboratory is a national user facility that generates intense light for scientific and technological research that, among other accomplishments, has helped reveal how bacteria resist antibiotics, how inexpensive and efficient solar cells can be fabricated, and how unique substances like quasicrystals possess properties never before seen by humans;

Whereas the National Center for Electron Microscopy of the Lawrence Berkeley National Laboratory houses several of the most advanced microscopes and tools for microcharacterization in the world, including the One-Angstrom Microscope and the Spin Polarized Low-Energy Electron Microscope, that allow scientists to gain a basic scientific understanding of new energy-efficient materials, as well as to analyze the behavior of materials such as magnets, superconductors, ceramics, and high-temperature alloys; and

Whereas the National Energy Research Scientific Computing Center of the Lawrence Berkeley National Laboratory is the flagship scientific computing facility for the Office of Science of the Department of Energy, and is 1 of the largest facilities in the world that is devoted to providing computational resources and expertise for basic scientific research: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the outstanding and unique role that the Lawrence Berkeley National Laboratory has played over the past 75 years in the scientific and technological advancement of the United States and the international community; and

(2) congratulates the dedicated past and present scientists and researchers who have worked at the Lawrence Berkeley National Laboratory to make the institution 1 of the greatest research resources in the world.

SENATE RESOLUTION 596—DESIGNATING TUESDAY, OCTOBER 10, 2006, AS "NATIONAL FIREFIGHTER APPRECIATION DAY" TO HONOR AND CELEBRATE THE FIREFIGHTERS OF THE UNITED STATES

Mr. INHOFE (for himself, Ms. SNOWE, Mr. PRYOR, Mr. SANTORUM, Mr. KERRY, and Mr. MENENDEZ) submitted the following resolution; which was:

S. RES 596

Whereas there are more than 1,100,000 firefighters in the United States;

Whereas approximately 75 percent of all firefighters in the United States are volunteers who receive little or no compensation for their heroic work;

Whereas there are more than 30,000 fire departments in the United States;

Whereas thousands of firefighters have died in the line of duty since the date that Benjamin Franklin founded the first volunteer fire department in 1735;

Whereas 346 firefighters and emergency personnel died while responding to the terrorist attacks that occurred on September 11, 2001;

Whereas firefighters respond to more than 20,000,000 calls during a typical year;

Whereas firefighters also provide emergency medical services, hazardous materials response, special rescue response, terrorism response, and life safety education;

Whereas, in 1922, President Harding declared the week of October 9 to be "Fire Prevention Week"; and

Whereas the second Tuesday in October is an appropriate day for the establishment of a "National Firefighter Appreciation Day": Now, therefore, be it

Resolved, That the Senate designates Tuesday, October 10, 2006, as "National Firefighter Appreciation Day" to honor and celebrate the firefighters of the United States.

Mr. INHOFE. Mr. President, every year in the United States, over one million firefighters working with approximately thirty thousand fire departments risk their lives to protect our Nation. Nearly seventy-five percent of those firefighters are volunteers; they put their lives on the line and get almost nothing in return. Volunteer and paid firefighters alike are often forgotten until tragedy strikes and they valiantly come to the rescue. I think that it is regrettable that many of us fail to recognize the sacrifice these brave men and women make every day.

Therefore, today I submit a resolution to establish the first annual National Firefighter Appreciation Day on October 10, 2006.

National Firefighter Appreciation Day will be a day for all Americans to take time to appreciate the firefighters in their communities. National Firefighter Appreciation Day will fall on the second Tuesday in October, during Fire Prevention Week, which has been held over the week of October ninth since 1922. I seek to have this day annually celebrated on the second Tuesday in October for many years to come.

Firefighters are often the first responders at the scene of a disaster. Their rigorous training and determination equip them to put out fires, provide first aid, and stabilize volatile situations. In their long shifts at the fire station, these strong men and women are prepared for disaster, large or small.

Firefighters also provide life safety education, installing fire alarms and distributing information on fire prevention, working to prevent disasters before they occur. One notable time that firefighters and fire marshals engage with the community is when they educate children about ways to prevent fires during Fire Prevention Week. Now, these children will have a reminder on National Firefighter Appreciation Day to stop and thank the firefighters who protect them when the blazes get out of control.

In my State of Oklahoma we know the pain of dealing with loss from a terrorist attack and the importance of firefighters in the aftermath. In 1995, when Timothy McVeigh bombed the Alfred P. Murrah Federal Building in Oklahoma City, 168 people lost their lives. Firefighters and everyday citizens bravely responded to this horrendous act. They accomplished the task of bringing out all victims from the building without loss of life or significant injury to the firefighters and rescue personnel. According to Oklahoma City National Memorial Museum, seventy-five fire departments across Oklahoma participated in the rescue recovery for fifteen days and fifteen hours. In addition, seven states were represented with the FEMA emergency personnel that aided in recovery. Sadly, ten of the firefighters that came to help were from New York City and later died honorably in the September 11th attacks. The entire world watched while every available resource of the city, state, and federal government was mobilized to respond to the attack at the Murrah building.

Most of us are aware of firefighters' efforts in such major disasters. However, we often do not hear about their seemingly smaller acts of heroism. For example, two years ago firefighters in Oklahoma City dove into an ice covered lake to save an eight-year-old boy who had fallen through the ice. The boy had been treading water and holding onto the ice on the edge of the pond for 15 minutes before he was saved by the firefighters. Had he not been rescued by those men, this young boy would have probably died.

In a similar incident a few years before, firefighters responded to a sighting of two young brothers swept downstream in the waterway in Oklahoma City. The rescuers had to take into account a number of factors, including a very rapid current and the physical condition of the boys, to rescue them from the water. Everyday, firefighters protect the public and save lives.

Probably the most notable firefighter response of our time occurred in New York City after the September 11th terrorist attacks. In the midst of a tragic situation, New York City firefighters rushed into the World Trade Center buildings to rescue those left inside. When the buildings collapsed, they worked day and night to search for people in the rubble. In the end, 346 firefighters and emergency personnel lost their lives.

The heroism and bravery shown by the firefighters and rescue workers in the immediate aftermath of the September 11th terrorist attacks led Connor Gehraty, the son of a New York City firefighter who perished in the rescue efforts after September 11th, to circulate via e-mail the idea of establishing a day to honor firefighters.

Connor has noted that there is substantial remembrance of events such as the Oklahoma City bombing and 9–11. Connor emphasizes that firefighters deserve their own distinct day to be honored for the full panoply of their service. I agree.

Connor has worked diligently for five years to try to accomplish his goal. My office was able to get in touch with him using Facebook, a networking website, and inform him of the plans to make his idea a reality with this resolution. He is very supportive of this legislation.

The Oklahoma State Firefighters Association was also helpful with suggestions in the drafting of this legislation. The Oklahoma State Firefighters Association (OSFA) has 14,000 members consisting of paid (union and non-union), volunteer, and retired firefighters. In addition to providing support, services, and events for firefighters in Oklahoma, the OSFA oversees the Oklahoma Firefighters Museum and the Oklahoma Fallen and Living Firefighters Memorial. I am pleased with the dedication of this organization and the positive role it plays in the lives of Oklahoma's firefighters. I appreciate their suggestions and support of this resolution.

The OSFA is one of many organizations of firefighters in Oklahoma and around the country that impress me. Just last week, a group of fire marshals came all the way up from Oklahoma to visit my DC office. That visit spurred me to move forward with this resolution.

I pledge to ensure that as we celebrate the first annual National Firefighter Appreciation Day and many more in years to come, the hard-working and courageous individuals that make up groups such as these will be honored in a distinct way that is long overdue.

In light of the heroism and inspirational example of firefighters, please join me in naming the second Tuesday of October National Firefighter Appreciation Day.

SENATE RESOLUTION 597—DESIGNATING THE PERIOD BEGINNING ON OCTOBER 8, 2006, AND ENDING ON OCTOBER 14, 2006, AS "NATIONAL HISPANIC MEDIA WEEK", IN HONOR OF THE HISPANIC MEDIA OF THE UNITED STATES

Mr. DOMENICI (for himself, Mr. SALAZAR, Mr. MARTINEZ, Mr. BINGAMAN, and Mr. NELSON of Florida) submitted the following resolution; which was:

S. RES. 597

Whereas, for almost 470 years, the United States has benefitted from the work of Hispanic writers and publishers;

Whereas more than 600 Hispanic publishers circulate more than 20,000,000 copies of publications every week in the United States;

Whereas 1 out of every 8 citizens of the United States is served by a Hispanic publisher;

Whereas the Hispanic press informs many citizens of the United States about the great political, economic, and social issues of the day;

Whereas the Hispanic press of the United States particularly focuses on informing and promoting the well-being of the Hispanic community of the United States; and

Whereas, by commemorating the achievements of the Hispanic press, the Senate acknowledges the important role that the Hispanic press has played in the history of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the period beginning on October 8, 2006, and ending on October 14, 2006, as "National Hispanic Media Week", in honor of the Hispanic Media of the United States; and

(2) encourages the people of the United States to observe the week with appropriate programs and activities.

Mr. DOMENICI. Mr. President, I rise today to submit an important resolution designating October 8 through the 14 as National Hispanic Media Week. I am joined by Senators BINGAMAN, SALAZAR, MARTINEZ, and NELSON of Florida in the introduction of this resolution.

This is the second year in which the Senate has designated a week to honor the Hispanic media of America. An institution that can trace its origins to almost four hundred years ago, America's Hispanic journalists and publishers have worked tirelessly to promote the free and deliberative exchange of ideas. The Hispanic media has played an important role in protecting cherished freedoms and rights. They have also worked to preserve our freedom of speech and have encouraged the growth of civic engagement in our nation's Hispanic community.

Since its early days, the Hispanic media has grown to serve a population exceeding 20 million people. In my home State of New Mexico, approximately 42 percent of the population is Hispanic. I know that many of these individuals turn to Hispanic media for news and other important information. As such, I am honored to be able to support a group that is important to so many people in my home State and in our great nation.

This resolution calls on the American people to join with all children, families, organizations, communities, churches, cities, and states across the Nation to observe the week with appropriate ceremonies and activities.

I strongly urge my colleagues to join us in promptly passing this Resolution designating October 8 through October 14 as National Hispanic Media Week.

SENATE RESOLUTION 598—DESIGNATING THE WEEK BEGINNING OCTOBER 15, 2006, AS "NATIONAL CHARACTER COUNTS WEEK"

Mr. DOMENICI (for himself, Mr. DODD, Mr. COCHRAN, Mr. INHOFE, Mr. AKAKA, Mr. PRYOR, Mr. TALENT, Ms. STABENOW, Mr. MARTINEZ, Mr. CRIAG, Mr. KERRY, Mr. SALAZAR, Mr. LIEBERMAN, Mr. STEVENS, Mr. ALEXANDER, Mr. ROCKEFELLER, Mr. JOHNSON, Mr. ENSIGN, Mr. LEVIN, Mr. ALLEN, Mr. DURBIN, Mr. BIDEN, Mr. VOINOVICH, Ms. MURKOWSKI, Mrs. DOLE, and Mr. ENZI) submitted the following resolution, which was:

S. RES. 598

Whereas the well-being of the United States requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations would focus on character education, would be of great benefit to the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 15, 2006, as "National Character Counts Week"; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

Mr. DOMENICI. Mr. President, I rise today with my good friend Senator DODD to submit a resolution designating the week of October 15 through the 21 as the 2006 National Character Counts Week.

Our character is the foundation of who we are as people and how we are perceived by the world. Everyday our character and ethics are tested through the decisions we make and the behavior we exhibit. The National Character Counts program focuses on "Six Pillars of Character" which are promoted through school and community based character education programs across the country. The six pillars are: trustworthiness, respect, responsibility, fairness, caring, and citizenship.

I have supported Character Counts throughout the years because I believe this program reaches out to all youth and adults, as the Character Counts Coalition states, no matter the individual's race, creed, politics, gender, and wealth. In my home state of New Mexico, we have run many successful Character Counts programs throughout the years. While many schools initiate Character Counts programs there are also many other organizations that develop character based programming. I would like to take the time to recognize some of the successful programming we have had in New Mexico for 2006.

Mesa Elementary School in Clovis, NM is the definition of a school that embraces character education programming. Everyday school begins with a Character Song and Pledge and every month they organize a Character Counts assembly to recognize and reflect upon the "Six Pillars of Character." In Gallup, the Gallup High School National Honor Society is distributing Character Counts posters to all faculty and staff and volunteering for a Youth Leadership Weekend. In Las Cruces, the City of Las Cruces Recreation Section organized the K–8th basketball leagues to participate in sportsmanship games and the halftime show will spotlight Pursuing Victory with Honor. Lastly, the New Mexico Women's Correctional Facility is gearing up to commence a Character Counts based series in their new character education programming. All of these organizations and schools as well as the many others not mentioned here, are to be commended for their hard work in developing these programs and spreading the message that character truly does count.

During the week of October 15, I hope everyone takes the time to participate in a Character Counts event in their local area. I know in New Mexico we will be having some special celebrations. On October 16 in Carlsbad, New Mexico there will be the 10th Anniversary Character Counts Celebration including a student-designed Character Counts billboard unveiling at a celebratory dinner; October 17, the Las Cruces Public Schools will have "Go for the Gold" Character Counts awards; October 19, the Albuquerque Public Schools will have a Character Counts annual awards breakfast, and Chavez County will have a Character Counts Celebration Night; and on October 20, the YMCA of Central New Mexico will have a Youth Achiever Awards ceremony.

I believe this program is making a difference in my home state and across the country. I want to encourage more people to become involved with the Character Counts program, but most of all I hope individuals will take the time to reflect on what the "Six Pillars of Character" mean to them.

I hope all of my colleagues will support this effort.

Mr. DODD. Mr. President, today Senator DOMENICI and I are submitting a resolution designating the third week of October as "National Character Counts Week." I have worked for many years on the issue of character education and hope that by designating a special week to this cause, students and teachers will come together to participate in character building activities in their schools not only this week but all year long.

In 1994, Senator DOMENICI and I first established the Partnerships in Character Education Pilot Project and have worked regularly since then to commemorate National Character Counts Week. Character education is about celebrating what's right with young people while enabling them to develop the knowledge and life skills necessary in order to embrace ethical and responsible behavior. I am pleased that we are continuing our efforts today to help expand States' and schools' abilities to make character education a central part of every child's education.

Our schools may figuratively be built with the bricks of English, math and science, but character education certainly provides the mortar. Trustworthiness, respect, responsibility, fairness, caring, and citizenship are the six pillars of character. The standards of conduct that arise out of those values constitute the foundation of ethics, and therefore of ethical decision-making.

Character education looks like young people learning, growing, and becoming. It feels like strength, courage, possibility, and hope. Character education provides students a context within which to learn. If we view education simply as the imparting of knowledge to our children, then we will not only miss an opportunity, but will jeopardize our future.

Currently, there are character education programs across all 50 states in rural, urban and suburban areas at every grade level. I'd like to take a moment to tell you about two programs in my home state of Connecticut.

At Jared Eliot Middle School in Clinton, CT, creating safe, welcoming schools where character matters is a high priority. Pillars showcasing the principles of high character greet everyone who enters the building and are a vivid reminder of the values embraced by the school community. This schoolwide effort is felt and lived by all who work and learn there.

Also, Old Saybrook Middle School, a recognized middle school of the year, is stellar in large part because of the ongoing schoolwide initiative to focus on efforts to create a school climate that celebrates individuals who exhibit high moral character and are engaged and connected to school. Parents are closely involved and support these efforts in uniquely high numbers. This dedicated school and its community work hard to build a positive community through its character education program, and has experienced great success socially and academically because of it.

Character education programs work. Schools across the country that have adopted strong character education programs report better student performance, fewer discipline problems, and increased student involvement within the community. Children want direction—they want to be taught right from wrong. Young people yearn for consistent adult involvement, and when they get it, according to surveys, they are less inclined to use illegal drugs, vandalize or commit suicide. The American public wants character education in our schools, too. Studies show that approximately 90 percent of Americans support schools teaching character education.

As all education policy should be, support of character education is bipartisan. This year we have cosponsors from both sides of the aisle. Many of our country's leading educational and youth-serving organizations also actively support character education, including YMCA, 4-H, Boys and Girls Clubs of America, Little League, the National Education Association and the National Association of Secondary School Principals.

Character education can and is being incorporated into children's lives in and outside of the classroom. It provides a helping hand to our schools and communities to ensure our children's futures are bright and filled with opportunities and success. Character education not only cultivates minds, it nurtures hearts. While our children may be one-quarter of our population, they are 100 percent of our future.

I would submit that character transcends religious, cultural, political, and socioeconomic barriers. I believe our country is having a renewed focus on character and this sends a wonderful message to Americans, and will help those of us involved in character education reinvigorate our efforts to get communities and schools involved.

So today, Senator DOMENICI and I introduce a resolution to accomplish just that and hopefully our renewed effort will bring together even more communities to ensure that character education is a part of every child's life. I hope that my colleagues will support this important effort.

SENATE RESOLUTION 599—DESIGNATING THE WEEK OF OCTOBER 23, 2006, THROUGH OCTOBER 27, 2006, AS "NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK"

Mr. REED (for himself, Ms. COLLINS, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SARBANES, Ms. MIKULSKI, Mr. DODD, Mr. BIDEN, Mr. NELSON of Nebraska, Mrs. MURRAY, Mr. WYDEN, Ms. STABENOW, Ms. CANTWELL, Mr. FEINGOLD, Mr. INOUYE, Mr. JOHNSON, Mr. CARPER, Mr. DEWINE, Mr. OBAMA, Mr. CHAFEE, Mr. KERRY, Mr. DURBIN, Mr. LEVIN, Mrs. CLINTON, Mrs. LINCOLN, Mr. SCHUMER, Mr. BOND, Mr. SANTORUM, Mr. PRYOR, Ms. SNOWE, Ms. LANDRIEU, Mr. HAGEL, Mr. LEAHY, Mr. SPECTER, Mr. BAYH, Mr. MENENDEZ, Mrs. BOXER, and Mrs. FEINSTEIN) submitted the following resolution; which was

S. RES. 599

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 310,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are significantly more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 23, 2006, through October 27, 2006, as "National Childhood Lead Poisoning Prevention Week"; and

(2) calls upon the people of the United States to observe the week with appropriate programs and activities.

SENATE RESOLUTION 600—DESIGNATING OCTOBER 12, 2006, AS "NATIONAL ALTERNATIVE FUEL VEHICLE DAY"

Mr. BYRD (for himself, Mr. LUGAR, Mr. ROCKEFELLER, Mr. KERRY, Mr. BINGAMAN, Ms. STABENOW, Mr. ENSIGN, Ms. CANTWELL, Mr. DODD, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. LEVIN, Mr. WYDEN, Mr. BURR, Mr. BAYH, Mr. BIDEN, Mr. DEWINE, Mr. DURBIN, Mr. DORGAN, Mr. LIEBERMAN, Mr. CONRAD, Mr. SALAZAR, Mr. HAGEL, Mr. GRASSLEY, and Mr. REID) submitted the following resolution; which was:

S. RES. 600

Whereas the United States should reduce the dependence of the Nation on foreign oil and enhance the energy security of the Nation by creating a transportation sector that is less dependent on oil;

Whereas the United States should improve the air quality of the Nation by reducing emissions from the millions of motor vehicles that operate in the United States;

Whereas the United States should foster national expertise and technological advancement in cleaner, more energy-efficient alternative fuel and advanced technology vehicles;

Whereas a robust domestic industry for alternative fuels and alternative fuel and advanced technology vehicles will create jobs and increase the competitiveness of the United States in the international community;

Whereas the people of the United States need more options for clean and energy-efficient transportation;

Whereas the mainstream adoption of alternative fuel and advanced technology vehicles will produce benefits at the local, national, and international levels;

Whereas consumers and businesses require a better understanding of the benefits of alternative fuel and advanced technology vehicles;

Whereas first responders require proper and comprehensive training to become fully prepared for any precautionary measures that they may need to take during incidents and extrications that involve alternative fuel and advanced technology vehicles;

Whereas the Federal Government can lead the way toward a cleaner and more efficient transportation sector by choosing alternative fuel and advanced technology vehicles for the fleets of the Federal Government; and

Whereas Federal support for the adoption of alternative fuel and advanced technology vehicles can accelerate greater energy independence for the United States, improve the environmental security of the Nation, and address global climate change: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 12, 2006, as "National Alternative Fuel Vehicle Day";

(2) proclaims National Alternative Fuel Vehicle Day as a day to promote programs and activities that will lead to the greater use of cleaner, more efficient transportation that uses new sources of energy, including—

(A) biofuels;

(B) battery-electric and hybrid-electric power;

(C) natural gas and propane;

(D) hydrogen and fuel cells; and

(E) emerging alternatives to conventional vehicle technologies; and urge Americans—

(A) to increase the personal and commercial use of cleaner and energy-efficient alternative fuel and advanced technology vehicles;

(B) to promote public sector adoption of cleaner and energy-efficient alternative fuel and advanced technology vehicles; and

(C) to encourage the enactment of Federal policies to reduce the dependence of the United States on foreign oil through the advancement and adoption of alternative, advanced, and emerging vehicle and fuel technologies.

SENATE RESOLUTION 601—RECOGNIZING THE EFFORTS AND CONTRIBUTIONS OF OUTSTANDING HISPANIC SCIENTISTS IN THE UNITED STATES

Mr. MARTINEZ (for himself, Mr. SALAZAR, Mr. MENENDEZ, and Mr. NELSON of Florida) submitted the following resolution; which was:

S. RES. 601

Whereas the purpose of the National Hispanic Scientist of the Year Award is to recognize outstanding Hispanic scientists in the United States who promote a greater public understanding of science and motivate Hispanic youth to develop an interest in science;

Whereas the sixth annual National Hispanic Scientist of the Year Gala will be held at the Museum of Science & Industry in Tampa, Florida, on Saturday, October 28, 2006;

Whereas proceeds of the National Hispanic Scientist of the Year Gala support scholarships for Hispanic boys and girls to participate in the Museum of Science & Industry's Youth Enriched by Science Program, known as the "YES! Team"; and

Whereas a need to acknowledge the work and effort of outstanding Hispanic scientists in the United States has led to the selection of Dr. Inés Cifuentes as the honoree of the sixth annual National Hispanic Scientist of the Year Award, in recognition of her dedication to training science and mathematics educators, and her involvement in encouraging young students to study the earth sciences: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes efforts to educate, support, and provide hope for the Hispanic community, including efforts to honor outstanding Hispanic scientists in the United States at the annual National Hispanic Scientist of the Year Gala and to organize a "Meet the Hispanic Scientist Day"; and

(2) congratulates Dr. Inés Cifuentes for being honored as the National Hispanic Scientist of the Year for 2006 by the Museum of Science & Industry, in recognition of the dedication Dr. Cifuentes has shown to training science and mathematics educators and her involvement in encouraging young students to study the earth sciences.

SENATE RESOLUTION 602—MEMORIALIZING AND HONORING THE CONTRIBUTIONS OF BYRON NELSON

Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. DORGAN, and Mr. STEVENS) submitted the following resolution, which was:

S. RES. 602

Whereas Byron Nelson was born on a cotton farm in Ellis County, near Waxahachie, Texas, on February 4, 1912;

Whereas Byron Nelson became a caddie and taught himself the game of golf at Glen Garden Country Club in Fort Worth, Texas in 1922;

Whereas Byron Nelson became a professional golfer in 1932 and won 54 PGA-sanctioned tournaments;

Whereas Byron Nelson is widely credited as being the father of the modern swing;

Whereas, in the 1945 professional season, Byron Nelson won a 1-season record of 18 tournaments and averaged 68.33 strokes;

Whereas, in the 1945 professional season, Byron Nelson won a record 11 straight tournaments;

Whereas Byron Nelson was the winner of 5 major championships including the 1937 and 1945 Masters, the 1939 United States Open, and the 1940 and 1945 PGA Championships;

Whereas the Salesmanship Club of Dallas created the EDS Byron Nelson Championship in 1968 and remains the only PGA Tour event named in honor of a professional golfer;

Whereas the EDS Byron Nelson Championship has raised more than $94,000,000 for the Salesmanship Club Youth and Family Centers and has raised more money for charity than any other PGA Tour event;

Whereas Byron Nelson was elected as an inaugural inductee into the World Golf Hall of Fame in 1974; and

Whereas Byron Nelson will be remembered for his kindness and dedication that have won the respect and admiration of his peers, present-day players, and fans of all ages: Now, therefore, be it

Resolved, That the Senate honors the life and legacy of Byron Nelson.

Mrs. HUTCHISON. Mr. President, I would like to take this moment to honor a dear friend and great legend who passed away on September 26, 2006. Byron Nelson leaves behind a legacy as the "lord" of golf and a true gentleman, and he will be dearly missed.

Byron Nelson was born to a cotton farmer on February 4, 1912, in Long Branch, TX. At the age of 10, his golf career began as a caddy at the Glen Garden Country Club in Fort Worth. While at Glen Garden, Byron sharpened his skills and put them to the test in a number of competitions, even beating out another future golf legend, Ben Hogan, in a caddy tournament in 1927.

Facing the labor shortages of the Great Depression, Byron decided to turn professional in 1932 at the young age of 22. By 1937, he had won his first Masters. In his 14 years as a professional, Byron won 54 sanctioned tournaments, including the Masters in 1937 and 1942, the U.S. Open in 1939, and the PGA Championship in 1940 and 1945.

As a hemophiliac, Byron was excused from military service during World War II, which allowed him time to perfect his game. In 1944, he won 13 of the 23 tournaments he played, and in the following year won a record 18 times in 31 starts. During his record season of 1945, Byron reached what is widely considered the least attainable record in golf: an astounding 11 victories in a row with a season scoring average of 68.33.

In 1946, Byron retired from the game of golf to his 673-acre ranch in Roanoke, TX. A true Texan, Byron had said throughout his career that his incentive for playing well was that he "could see the prize money going into the ranch, buying a tractor, or a cow."

In 1974, he was rewarded by the golfing community for his efforts on the course by being elected as an inaugural inductee into the World Golf Hall of Fame.

Always humble about his talent for the game of golf, Byron once said, "I know a little about golf. I know how to make stew. And I know how to be a decent man." Byron Nelson will not only be remembered for his golf game, but also for his graciousness and humility. Through his involvement, the EDS Byron Nelson Championship has raised over $94 million for the Salesmanship Club Youth and Family Centers, which has contributed more money for charity than any other event on the PGA

Tour. Additionally, since 1983, the Byron and Louise Nelson Golf Endowment Fund has provided over $1.5 million in endowment funds to Abilene Christian University in Abilene, Texas.

Today we honor Byron Nelson and his outstanding achievements both on and off the golf course. My prayers go out to his wife, Peggy, and the Nelson family.

SENATE RESOLUTION 603—DESIGNATING THURSDAY, NOVEMBER 16, 2006, AS "FEED AMERICA DAY"

Mr. HATCH (for himself and Mr. BENNETT) submitted the following resolution; which was:

S. RES. 603

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the United States was founded;

Whereas, in 2006, great numbers of citizens of the United States continue to suffer hunger and other privations; and

Whereas selfless sacrifice breeds a genuine spirit of Thanksgiving, both affirming and restoring the fundamental principles of the society of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 16, 2006, as "Feed America Day"; and

(2) calls upon the people of the United States—

(A) to sacrifice 2 meals on Thursday, November 16, 2006; and

(B) to donate to a religious or charitable organization of their choice the money that they would have spent on food for that day for the purpose of feeding the hungry.

Mr. HATCH. Mr. President, I rise to submit a resolution that would designate Thursday, November 16, 2006, as "Feed America Day."

The United States today is marked by an economic prosperity unparalleled in the world. Every year we gather together as family and friends in a great Thanksgiving feast to celebrate the goodness of God and the bounty that He has provided us. Unfortunately, not all in this world participate in this bounty. There are thousands among us who suffer from hunger and want, including far too many children.

Hunger was something our forefathers who instituted the first Thanksgiving feast understood all too well. Nearly half of the small band of Pilgrims who first arrived upon the bleak shores of Plymouth on December 11, 1620, perished from hunger and sickness that first winter. It was only through the generosity and goodwill of friendly native inhabitants that the Pilgrims were able to become self-sufficient and enjoy a bountiful harvest the following year.

It is with a sincere desire that others may partake of our plenty, that I offer this resolution designating Thursday, November 15, 2006, as "Feed America Day". That day, before we sit down to our own feasts of thanksgiving, I ask that all Americans share their food with their neighbors just as the Pilgrims and the Indians shared with one another, and all were able to sit down and rejoice together.

The concept of Feed America Day is very simple. On the Thursday before Thanksgiving, I urge every American who is able to fast for two meals and give the money saved to a church or charitable organization engaged in feeding the hungry. Fasting means to go without food for a higher purpose. What higher purpose could there be than to share our blessings with those in need? As we feel the hunger for a brief time that so many in the world experience every day, we become more sensitive to the needs of others. And this strengthened generosity of spirit will reverberate throughout our Nation and the world.

Sarah Josepha Hale, recognized as the Mother of the American Thanksgiving, engaged in a nearly 40-year campaign to have Thanksgiving accepted as a national holiday. She summed up her vision for this holiday in one of her many editorials on the subject published in the women's magazine she headed for many years. She wrote, "Let us consecrate the day to benevolence of action, by sending good gifts to the poor, and doing those deeds of charity that will, for one day, make every American home the place of plenty and of rejoicing. . . . Let the people of all the States and Territories sit down together to the 'feast of fat things,' and drink in the sweet draught of joy and gratitude to the Divine giver of all our blessings, . . ."

This is the purpose of Feed America Day.

Through this program of fasting and charity, we as a nation can truly embody the spirit of Thanksgiving that was amply demonstrated for us between the first European settlers to this land and its native inhabitants in 1621, and later urged by Mrs. Hale.

I urge my colleagues to support "Feed America Day". It is my belief that participating in such selfless sacrifice will breed a genuine spirit of Thanksgiving, affirming and restoring the fundamental principles that form the foundation of the United States of America.

SENATE RESOLUTION 604—RECOGNIZING THE WORK AND ACCOMPLISHMENTS OF MR. BRITT "MAX" MAYFIELD, DIRECTOR OF THE NATIONAL HURRICANE CENTER'S TROPICAL PREDICTION CENTER UPON HIS RETIREMENT

Mr. NELSON of Florida (for himself, Ms. SNOWE, Mr. INOUYE, Ms. LANDRIEU, Mr. VITTER, Mr. NELSON of Nebraska, Mr. SHELBY, Mr. DEMINT, Mr. COCHRAN, and Mr. MARTINEZ) submitted the following resolution; which was:

S. RES. 604

Whereas Mr. Britt "Max" Mayfield is known as the "Walter Cronkite of Weather", trustworthy, calming, and always giving the facts straight;

Whereas Mr. Mayfield is a Fellow of the American Meteorological Society and a nationally and internationally recognized expert on hurricanes, and has presented papers at national and international scientific meetings, lectured in training sessions sponsored by the United Nations World Meteorological Organization, and provided numerous interviews to electronic and print media worldwide;

Whereas in 2006, Mr. Mayfield received the Government Communicator of the Year Award from the National Association of Government Communicators, a national not-for-profit professional network of government employees who disseminate information within and outside the government, as well as the prestigious Neil Frank Award from the National Hurricane Conference;

Whereas in 2005, Mr. Mayfield received a Presidential Rank Award for Meritorious Service from President George W. Bush and was named ABC Television Network's "Person of the Week" after Hurricane Katrina;

Whereas in 2004, the Federal Coordinator for Meteorological Services and Supporting Research presented the Richard Hagemeyer Award to Mr. Mayfield at the Interdepartmental Hurricane Conference for his contributions to the hurricane warning program of the United States;

Whereas also in 2004, the National Academy of Television Arts and Sciences Suncoast Chapter recognized Mr. Mayfield with the Governor's Award, more commonly known as an "Emmy", for extraordinary contributions to television by an individual not otherwise eligible for an Emmy;

Whereas in 2000, Mr. Mayfield received an Outstanding Achievement Award at the National Hurricane Conference and in 1996 the American Meteorological Society honored him with the Francis W. Reichelderfer Award for exemplary performance as coordinator of the National Hurricane Center's hurricane preparedness training for emergency preparedness officials and the general public;

Whereas Mr. Mayfield and his colleagues have been recognized by the Department of Commerce with Gold Medals for work during Hurricane Andrew in 1992 and Hurricane Isabel in 2003, and a Silver Medal during Hurricane Gilbert in 1988;

Whereas Mr. Mayfield was also awarded a National Oceanic and Atmospheric Administration Bronze Medal for creating a public-private partnership to support the disaster preparedness of the United States; and

Whereas Mr. Mayfield is the current Chairman of the World Meteorological Organization Regional Association-IV, which supports 26 members from Atlantic and eastern Pacific countries: Now, therefore, be it

Resolved, That the Senate—

(1) honors Mr. Britt "Max" Mayfield's commitment to improving the accuracy of hurricane forecasting as Director of the National Hurricane Center's Tropical Prediction Center;

(2) thanks Mr. Mayfield for his service, which has undoubtedly helped to save countless lives and the property of citizens around the world;

(3) commends Mr. Mayfield's dedication to expanding educational opportunities for State and local emergency management officials;

(4) acknowledges the critical role that Mr. Mayfield has played in forecast and service improvements over his 34-year career;

(5) recognizes the unwavering support of Mr. Mayfield's family in supporting his career;

(6) wishes Mr. Mayfield continued success in his future endeavors; and

(7) recognizes the support and work of the staff of the National Hurricane Center's Tropical Prediction Center during Mr. Mayfield's tenure as Director of the Center.

Mr. NELSON of Florida. Mr. President, I am introducing a Resolution to recognize Mr. Britt "Max" Mayfield for his outstanding service to our country in his capacity as head of the National Hurricane Center in Miami. He is retiring and I could not let Max retire without thanking him for all he has done to save countless lives and protect billions of dollars of property over his 34-year career.

I have reached out to Max on numerous occasions over the last 2 years when Florida was in the path of eight hurricanes. His straightforward assessment of the risks and accurate predictions were a source of comfort and strength for all of us who live in hurricane-prone areas.

For those reasons, Max is a nationally and internationally recognized expert on hurricanes. During his tenure with the National Hurricane Center the accuracy of hurricane forecasting has improved dramatically. Over his long career, he has earned many awards including NOAA's Bronze Medal for creating a public-private partnership to support the nation's disaster preparedness, the Francis W. Reichelderfer Award, an Outstanding Achievement Award, the Richard Hagemeyer Award, and a Presidential Rank Award from President George W. Bush.

Max and his colleagues also have been recognized by the Department of Commerce with Gold Medals during Hurricanes Andrew and Isabel, and a Silver Medal during Hurricane Gilbert.

On behalf of all Americans, thank you Max and best wishes in your well-deserved retirement.

SENATE RESOLUTION 605—EXPRESSING THE SENSE OF THE SENATE THAT SENATOR PAUL WELLSTONE SHOULD BE REMEMBERED FOR HIS COMPASSION AND LEADERSHIP ON SOCIAL ISSUES AND THAT CONGRESS SHOULD ACT TO END DISCRIMINATION AGAINST CITIZENS OF THE UNITED STATES WHO LIVE WITH A MENTAL ILLNESS BY MAKING LEGISLATION RELATING TO MENTAL HEALTH PARITY A PRIORITY FOR THE 110TH CONGRESS

Mr. DURBIN (for himself, Mr. COLEMAN, Mr. DAYTON, Mr. KENNEDY, Mr. HARKIN, Mr. LEAHY, Mr. FEINGOLD, Mr. REED, Mr. DODD, Mrs. MURRAY, and Mr. LAUTENBERG) submitted the following resolution; which was:

S. RES. 605

Whereas Paul Wellstone served with distinction as a Senator from the State of Minnesota;

Whereas, for more than 20 years, Paul Wellstone inspired the students of Carleton College in Northfield, Minnesota;

Whereas Paul Wellstone was a loving father and husband, a loyal citizen of the United States, and a compassionate person;

Whereas Paul Wellstone dedicated his life to bringing equal access to education, economic opportunity, and comprehensive healthcare to all citizens of the United States;

Whereas Paul Wellstone worked tirelessly to advance mental health parity for all citizens of the United States;

Whereas more than 44,000,000 citizens of the United States suffer from some form of a mental health-related condition;

Whereas only ⅓ of those citizens seek or receive treatment for their mental health-related condition;

Whereas 34 States have enacted laws that require some form of access to mental health treatments that is similar to physical health coverage; and

Whereas the tragic and premature death of Paul Wellstone on October 25, 2002, silenced 1 of the leading voices of the Senate who spoke on behalf of the citizens of the United States who live with a mental illness: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) on the fourth anniversary of his passing, Senator Paul Wellstone should be remembered for his compassion and leadership on social issues throughout his career;

(2) Congress should act to end the discrimination against citizens of the United States who live with a mental illness by guaranteeing equal status for mental and physical illness by health insurance companies; and

(3) mental health parity legislation should be a priority for consideration in the 110th Congress.

SENATE RESOLUTION 606—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO RAISING AWARENESS AND ENHANCING THE STATE OF COMPUTER SECURITY IN THE UNITED STATES, AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYBER SECURITY AWARENESS MONTH

Mr. BURNS (for himself, Ms. CANTWELL, Mr. BENNETT, Mr. ISAKSON, Mr. INHOFE, Mr. ALLEN, Mrs. BOXER, Ms. MURKOWSKI, Ms. SNOWE, Ms. COLLINS, and Mr. SMITH) submitted the following resolution; which was:

S. RES. 606

Whereas over 205,000,000 Americans use the Internet in the United States, including over 84,000,000 home-users through broadband connections, to communicate with family and friends, manage their finances, pay their bills, improve their education, shop at home, and read about current events;

Whereas the approximately 26,000,000 small businesses in the United States, who represent 99.7 percent of all United States employers and employ 50 percent of the private work force, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance their connection with their supply chain;

Whereas, according to the Department of Education, nearly 100 percent of public schools in the United States have Internet access, with approximately 93 percent of instructional classrooms connected to the Internet;

Whereas having access to the Internet in the classroom enhances the education of our children by providing access to educational online content and encouraging responsible self-initiative to discover research resources;

Whereas, according to the Pew Institute, almost 9 in 10 teenagers between the ages of 12 and 17, or 87 percent of all youth (approximately 21,000,000 people) use the Internet, and 78 percent (or about 16,000,000 students) say they use the Internet at school;

Whereas teen use of the Internet at school has grown 45 percent since 2000, and educating children of all ages about safe, secure, and ethical practices will not only protect their computer systems, but will also protect the physical safety of our children, and help them become good cyber citizens;

Whereas the growth and popularity of social networking websites have attracted millions of teenagers, providing them with a range of valuable services;

Whereas teens should be taught how to avoid potential threats like cyber bullies, online predators, and identity thieves that they may encounter while using cyber services;

Whereas the critical infrastructure of our Nation relies on the secure and reliable operation of information networks to support our Nation's financial services, energy, telecommunications, transportation, health care, and emergency response systems;

Whereas cyber security is a critical part of the overall homeland security of our Nation, in particular the control systems that control and monitor our drinking water, dams, and other water management systems, our electricity grids, oil and gas supplies, and pipeline distribution networks, our transportation systems, and other critical manufacturing processes;

Whereas terrorists and others with malicious motives have demonstrated an interest in utilizing cyber means to attack our Nation;

Whereas the mission of the Department of Homeland Security includes securing the homeland against cyber terrorism and other attacks;

Whereas Internet users and our information infrastructure face an increasing threat of malicious attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and disable entire computer systems;

Whereas, according to Privacy Rights Clearinghouse, since February 2005, over 90,000,000 records containing personally-identifiable information have been breached, and the overall increase in serious data breaches in both the private and public sectors are threatening the security and well-being of the citizens of the United States;

Whereas consumers face significant financial and personal privacy losses due to identity theft and fraud, as reported in over 686,000 consumer complaints in 2005 received by the Consumer Sentinel database operated by the Federal Trade Commission;

Whereas Internet-related complaints in 2005 accounted for 46 percent of all reported fraud complaints received by the Federal Trade Commission;

Whereas the total amount of monetary losses for such Internet-related complaints exceeded $680,000,000, with a median loss of $350 per complaint;

Whereas the youth of our Nation face increasing threats online such as inappropriate content or child predators;

Whereas, according to the National Center For Missing and Exploited Children, 34 percent of teens are exposed to unwanted sexually explicit material on the Internet, and 1 in 7 children report having been approached by an online child predator;

Whereas national organizations, policymakers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of computer security and enhance the level of computer and national security in the United States;

Whereas the mission of National Cyber Security Alliance is to increase awareness of cyber security practices and technologies to home-users, students, teachers, and small businesses through educational activities, online resources and checklists, and public service announcements; and

Whereas the National Cyber Security Alliance has designated October as National Cyber Security Awareness Month, which will provide an opportunity to educate the people of the United States about computer security: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Cyber Security Awareness Month; and

(2) will work with Federal agencies, national organizations, businesses, and educational institutions to encourage the development and implementation of existing and future computer security voluntary consensus standards, practices, and technologies in order to enhance the state of computer security in the United States.

SENATE RESOLUTION 607—ADMONISHING THE STATEMENTS MADE BY PRESIDENT HUGO CHAVEZ AT THE UNITED NATIONS GENERAL ASSEMBLY ON SEPTEMBER 20, 2006, AND THE UNDEMOCRATIC ACTIONS OF PRESIDENT CHAVEZ

Mr. BUNNING (for himself, Mr. NELSON of Nebraska, Mr. ALLEN, Mr. CHAMBLISS, Mr. COBURN, Mr. CORNYN, Mr. CRAIG, Mr. GRASSLEY, Mr. INHOFE, Mr. ISAKSON, Mr. VITTER, Mr. ENSIGN, Mr. LUGAR, Mr. FRIST, Mr. KYL, Mr. SUNUNU, Mr. NELSON of Florida, Mr. COLEMAN, Mr. MARTINEZ, and Mr. BURNS) submitted the following resolution; which was:

S. RES. 607

Whereas President Chavez referred to the President of the United States as "the devil", and referred to the President as "the spokesman of imperialism" for the efforts of the United States to aid the citizens of Afghanistan and Iraq in the goal of those citizens to create a permanent and viable representative government;

Whereas President Chavez made unsubstantiated claims that the United States had set in motion a coup in Venezuela on April 11, 2002, and continues to support coup attempts in Venezuela and elsewhere;

Whereas, to consolidate his powers, President Chavez—

(1) continues to weaken the separation of powers and democratic institutions of the Government of Venezuela;

(2) survived a recall vote in August 2004 through questionably undemocratic actions;

(3) decreed that all private property deemed "not in productive use" will be confiscated by the Government of Venezuela and redistributed to third parties;

(4) enacted a media responsibility law that—

(A) placed restrictions on broadcast media coverage; and

(B) imposed severe penalties for violators of that law;

(5) used other legal methods to silence media outlets that criticized his government; and

(6) changed the penal code of Venezuela—

(A) to restrict the rights of freedom of expression and freedom of association once enjoyed by the citizens of Venezuela; and

(B) to increase jail terms for those convicted of criticizing the government of that country;

Whereas, in an effort to destabilize the democratic governments of other countries in that region, President Chavez continues to support anti-democratic forces in Colombia, Ecuador, Peru, and Nicaragua, as well as radical and extremist parties in those countries;

Whereas President Chavez has repeatedly stated his desire to unite Latin America to serve as a buffer against the people and interests of the United States;

Whereas President Chavez has aligned himself with countries that are classified by the Department of State as state sponsors of terrorism; and

Whereas President Chavez has developed a close relationship with the totalitarian regime in Cuba, led by Fidel Castro, and has also associated himself with other authoritarian leaders, including Kim Jong Il of North Korea and Mahmoud Ahmadinejad in Iran: Now, therefore, be it

Resolved, That the Senate condemns—

(1) the statements made by President Hugo Chavez at the United Nations General Assembly on September 20, 2006; and

(2) the undemocratic actions of President Chavez.

SENATE RESOLUTION 608—RECOGNIZING THE CONTRIBUTIONS OF HISPANIC SERVING INSTITUTIONS, AND THE 20 YEARS OF EDUCATIONAL ENDEAVORS PROVIDED BY THE HISPANIC ASSOCIATION OF COLLEGES AND UNIVERSITIES

Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. NELSON of Florida, Mr. DURBIN, Mr. CORNYN, Mr. DOMENICI, Mr. LAUTENBERG, Mr. SMITH, Mr. FRIST, Mr. MCCAIN, Mr. KENNEDY, Mr. SALAZAR, Mr. REID, Mr. MARTINEZ, Mrs. CLINTON, Mr. LIEBERMAN, Mrs. BOXER, and Mr. MENENDEZ) submitted the following resolution; which was:

S. RES. 608

Whereas 202 Hispanic Serving Institutions provide a gateway to higher education for the Hispanic community, enrolling nearly half of all Hispanic students in college today;

Whereas the Hispanic Association of Colleges and Universities, founded in San Antonio, Texas, has grown from 18 founding colleges and universities, to more than 400 United States colleges and universities, which the Association recognizes as Hispanic Serving Institutions, associate members, and partners;

Whereas the Hispanic Association of Colleges and Universities plays a vital role in advocating for the growth, development, and infrastructure enhancement of Hispanic Serving Institutions in order to provide a better and more complete postsecondary education for Hispanics and other students who attend these institutions;

Whereas the Hispanic Association of Colleges and Universities is the only national education association that represents Hispanic Serving Institutions and advocates on a national and State level for the educational achievement and success of Hispanic students in higher education;

Whereas the membership of the Hispanic Association of Colleges and Universities has extended beyond the borders of the United States to include over 45 colleges and universities in Latin America, Spain, and Portugal in order to expand education, research, and outreach through international opportunities for faculty, internships, scholarships, and governmental partnerships for students at Hispanic Serving Institutions; and

Whereas the 4th week in October 2006 is an appropriate time to express such recognition during the 20th Anniversary Conference of the Hispanic Association of Colleges and Universities in San Antonio, Texas: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the national role of the Hispanic Association of Colleges and Universities as an advocate and champion for Hispanic higher education and congratulates the organization on its 20th Anniversary;

(2) applauds Hispanic Serving Institutions for their work to provide quality educational opportunities to all Hispanic and other students who attend their institutions; and

(3) urges university presidents, faculty, staff, and supporters of Hispanic higher education to continue their efforts to recruit, retain, educate, and graduate students who might not otherwise pursue a postsecondary education.

Mrs. HUTCHISON. Mr. President, I rise today to submit a bipartisan resolution recognizing the contributions of Hispanic Serving Institutions, and the 20 years of educational endeavors provided by The Hispanic Association of Colleges and Universities.

Today, there are currently 202 Hispanic Serving Institutions in the United States enrolling nearly half of all Hispanic students in college. I take pride in noting that The Hispanic Association of Colleges and Universities was founded in my home state of Texas. From its beginning in the City of San Antonio, the Association has grown from 18 colleges and universities to now recognizing more than 400 United States colleges and universities as Hispanic Serving Institutions, associate members, and partners.

The Hispanic Association of Colleges and Universities strives to promote academic success for Hispanic students in higher education. This aspiration is continually met in the United States as the Association is the only national education entity that represents Hispanic Serving Institutions. Though focused on the U.S., the Association is also pursuing this goal of high standards in education by expanding even beyond our borders to 45 colleges and universities in Latin America, Spain and Portugal.

Education offers greater opportunity for every individual, and I commend the Hispanic Association of Colleges and Universities for their work in developing and enhancing Hispanic Serving Institutions in order to provide a quality higher education experience for Hispanics and other students who attend these institutions.

SENATE RESOLUTION 609—HONORING THE CHILDREN'S CHARITIES, YOUTH-SERVING ORGANIZATIONS, AND OTHER NONGOVERNMENTAL ORGANIZATIONS COMMITTED TO ENRICHING AND BETTERING THE LIVES OF CHILDREN AND DESIGNATING THE WEEK OF SEPTEMBER 24, 2006, AS "CHILD AWARENESS WEEK"

Mr. BURR (for himself, Mr. ALEXANDER, and Mr. ISAKSON) submitted the following resolution; which was:

S. RES. 609

Whereas the children and youths of the United States represent the future of the United States;

Whereas numerous individuals, children's organizations, and youth-serving organizations that work with children and youths on a daily basis provide invaluable services that serve to enrich and better the lives of children and youths;

Whereas by strengthening and supporting children's and youth-serving charities and other similar nongovernmental organizations and by encouraging greater collaboration among these organizations, the lives of many more children may be enriched and made better;

Whereas heightening people's awareness of and increasing the support by the United States for children and youth-serving organizations that provide access to healthcare, social services, education, the arts, sports, and other services will help to improve the lives of children and youths;

Whereas September is a time when parents, families, teachers, school administrators, and others increase their focus on preparing children and youths of the United States for the future as they begin a new school year and it is a time for the people of the United States as a whole to highlight and be mindful of the needs of children and youths;

Whereas "Child Awareness Week", observed in September, recognizes the children's charities, youth-serving organizations, and other nongovernmental organizations across the United States for the work they do to improve and enrich the lives of children and youths of the United States; and

Whereas a week-long salute to children and youths is in the public interest and will encourage support for these charities and organizations that seek to provide a better future for the children and youths of the United States: Now, therefore, be it

Resolved That the Senate—

(1) designates the week of September 24, 2006, as "Child Awareness Week";

(2) recognizes with great appreciation the children's charities and youth-serving organizations across the United States for their efforts on behalf of children and youths; and

(3) calls on the people of the United States to—

(A) observe the week of September 24, 2006, by focusing on the needs of the children and youths of the United States;

(B) recognize the efforts of children's charities and youth-serving organizations to enrich and better the lives of the children and youths of the United States; and

(C) support the efforts of the children's charities and youth-serving organizations of the United States as an investment for the future of the United States.

SENATE RESOLUTION 610—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD PROMOTE THE ADOPTION OF, AND THE UNITED NATIONS SHOULD ADOPT, A RESOLUTION AT ITS OCTOBER MEETING TO PROTECT THE LIVING RESOURCES OF THE HIGH SEAS FROM DESTRUCTIVE, ILLEGAL, UNREPORTED, AND UNREGULATED FISHING PRACTICES

Mr. STEVENS (for himself, Mr. INOUYE, Mr. LUGAR, Mr. WARNER, Ms. MURKOWSKI, Mr. CHAFEE, Mr. DEMINT, Mr. MCCAIN, Ms. SNOWE, Ms. COLLINS, Mr. SMITH, Mr. LAUTENBERG, Mrs. BOXER, Mr. DODD, Mr. MENENDEZ, Ms. CANTWELL, Ms. LANDRIEU, Mr. JEFFORDS, Mr. COCHRAN, Mr. LIEBERMAN, Mr. KERRY, and Mrs. FEINSTEIN) submitted the following resolution; which was:

S. RES. 610

Whereas it is of paramount importance to the United States and all nations to ensure the protection, conservation, and sustainable management of high seas living marine resources;

Whereas fisheries of the high seas annually generate hundreds of millions of dollars in economic activity and support thousands of jobs in the United States and its territories as well as nations throughout the world;

Whereas the high seas constitute a globally significant reservoir of marine biodiversity, and compounds derived from organisms found on the high seas show promise for the treatment of deadly diseases such as cancer and asthma;

Whereas the United Nations Food and Agriculture Organization reports that a growing number of high seas fish stocks important to the United States and the world are overfished or depleted;

Whereas the United Nations has called for urgent action to address the impact of high seas fishing practices that have adverse impacts on vulnerable marine species and habitats;

Whereas destructive, illegal, unreported, and unregulated fishing by vessels flying non-United States flags threatens high seas fisheries and the habitats that support them;

Whereas nations whose fleets conduct destructive, illegal, unreported, and unregulated high seas fishing enjoy an unfair competitive advantage over United States fishermen, who must comply with the rigorous conservation and management requirements of the Magnuson Stevens Fishery Conservation and Management Act and other laws in order to conserve exhaustible natural resources; and Whereas international cooperation is necessary to address destructive, illegal, unreported, and unregulated fishing which harms the sustainability of high seas living marine resources and the United States fishing industry: Now, therefore, be it

Resolved by the Senate That it is the sense of the Senate that—

(1) the United States should continue to demonstrate international leadership and responsibility regarding the conservation and sustainable use of high seas living marine resources by vigorously promoting the adoption of a resolution at this year's 61st session of the United Nations General Assembly calling on all nations to protect vulnerable marine habitats by prohibiting their vessels from engaging in destructive fishing activity in areas of the high seas where there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement, until such time as conservation and management measures consistent with the Magnuson-Stevens Act, the United Nations Fish Stocks Agreement, and other relevant instruments are adopted and implemented to regulate such vessels and fisheries; and

(2) the United States calls upon the member nations of the United Nations to adopt a resolution at its October meeting to protect the living resources of the high seas from destructive, illegal, unreported, and unregulated fishing practices.

Mr. STEVENS. Mr. President, as many of my colleagues are aware, we have been engaged in a long fight to bring international fishing up to the standards we have here in the United States under the Magnuson Stevens Act. The Senate passed this important measure by unanimous consent this past June. One of the most important sections of the bill deals with destructive fishing practices conducted by foreign vessels on the high seas that are not subject to any kind of international regulation and control.

The high seas comprise more than half of the planet's surface, yet only 25 percent of this area is regulated by any regional fishery management organization. Management of fishing on the high seas is patchy at best. Some areas like the donut hole in the Bering Sea off my State of Alaska have adopted strict and effective management measures. However, too many areas have not, and without an effective management regime, destructive fishing practices will continue to be conducted by foreign fleets.

In the United States our fishermen must adhere to an extensive set of management and conservation requirements which are laid out in the Magnuson Stevens Act. The eight regional councils located around the United States and the Caribbean Islands are a model of innovative and effective management approaches.

In contrast, management internationally and especially with respect to high seas bottom trawling is sadly lacking. Illegal, unreported and unregulated fishing as well as expanding industrial foreign fleets and high bycatch levels are monumental threats to sustainable fisheries worldwide. These unsustainable and destructive fishing practices on the high seas threaten the good management that takes place in U.S. waters.

One of the proudest moments of my Senate career was going to the United Nations to fight and end the use of large scale driftnets on the high seas. We now have the opportunity to influence the effects of unregulated high seas bottom trawling. The outlines of an agreement on unregulated bottom trawling on the high seas will be discussed at the UN beginning on October 4th. There is clear political consensus that action is needed and the United States should take the lead in protecting our oceans.

The bipartisan resolution I am introducing today with our co-chairman Senator INOUYE and 16 other Senators calls on the United Nations to put an end to unregulated fishing practices on the high seas. It is my hope that the United States will work to secure adoption of a United Nations General Assembly Resolution calling on nations to stop their vessels from conducting illegal, unreported, and unregulated destructive high seas bottom trawling until conservation and management measures to regulate it are adopted.

SENATE RESOLUTION 611—SUPPORTING THE EFFORTS OF THE INDEPENDENT NATIONAL ELECTORAL COMMISSION OF THE GOVERNMENT OF NIGERIA, POLITICAL PARTIES, CIVIL SOCIETY, RELIGIOUS ORGANIZATIONS, AND THE PEOPLE OF NIGERIA FROM ONE CIVILIAN GOVERNMENT TO ANOTHER INTO THE GENERAL ELECTIONS TO BE HELD IN APRIL 2007

Mr. FEINGOLD (for himself, Mr. HAGEL, Ms. LANDRIEU, and Mr. DEWINE) submitted the following resolution; which was:

S. RES. 611

Whereas the United States maintains strong and friendly relations with Nigeria and values the leadership role that the Nigeria plays throughout the continent of Africa, particularly in the establishment of the New Partnership for African Development and the African Union;

Whereas Nigeria is an important strategic partner with the United States in combating terrorism, promoting regional stability, and improving energy security;

Whereas Nigeria has been, and continues to be, a leading supporter of the peacekeeping efforts of the United Nations and the Economic Community of West African States by contributing troops to operations in Lebanon, Yugoslavia, Kuwait, the Democratic Republic of Congo, Liberia, Sierra Leone, Somalia, Rwanda, and Sudan;

Whereas past corruption and poor governance have resulted in weak political institutions, crumbling infrastructure, a feeble economy, and an impoverished population;

Whereas political aspirants and the democratic process of Nigeria are being threatened by increasing politically-motivated violence, including the assassination of 3 gubernatorial candidates in different states during the previous 2 months; and

Whereas the Chairperson of the Independent National Electoral Commission has—

(1) announced that governorship and state assembly elections will be held on April 14, 2007;

(2) stated that voting for the president and national assembly will take place on April 21, 2007; and

(3) vowed to organize free and fair elections to facilitate a smooth democratic transition: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of Nigeria as a strategic partner and long-time friend of the United States;

(2) acknowledges the increasing significance of the leadership of Nigeria throughout the region and continent;

(3) commends the decision of the National Assembly of Nigeria to reject an amendment to the constitution that would have lifted the existing 2-term limit and allowed for a third presidential term;

(4) encourages the Government of Nigeria and the Independent National Electoral Commission to demonstrate a commitment to successful democratic elections by—

(A) developing an aggressive plan for voter registration and education;

(B) addressing charges of past or intended corruption in a transparent manner; and

(C) conducting objective and unbiased recruitment and training of election officials;

(5) urges the Government of Nigeria to respect the freedoms of association and assembly, including the right of candidates, members of political parties, and others—

(A) to freely assemble;

(B) to organize and conduct public events; and

(C) to exercise those and other rights in a manner free from intimidation or harassment;

(6) urges a robust effort by the law enforcement and judicial officials of Nigeria to enforce the rule of law, particularly by—

(A) preventing and investigating politically-motivated violence; and

(B) prosecuting those suspected of such acts;

(7) urges—

(A) President Bush to ensure that the United States supports the democratic gains made in Nigeria during the last 8 years; and

(B) the Government of Nigeria to actively seek the support of the international community for democratic, free, and fair elections in April 2007; and

(8) expresses the support of the United States for coordinated efforts by the Government of Nigeria and the Independent National Electoral Commission to work with political parties, civil society, religious organizations, and other entities to organize a peaceful political transition based on free and fair elections in April 2007 to further consolidate the democracy of Nigeria.

SENATE CONCURRENT RESOLUTION 121—EXPRESSING THE SENSE OF THE CONGRESS THAT JOINT CUSTODY LAWS FOR FIT PARENTS SHOULD BE PASSED BY EACH STATE, SO THAT MORE CHILDREN ARE RAISED WITH THE BENEFITS OF HAVING A FATHER AND A MOTHER IN THEIR LIVES

Mr. AKAKA submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 121

Whereas, in the Fatherhood Program provided for in section 119 of H.R. 240, as introduced in the House of Representatives on January 4, 2005, it states that—

(1) in approximately 84 percent of the cases where a parent is absent, that parent is the father;

(2) if current trends continue, half of all children born today will live apart from one of their parents, usually their father, at some point before they turn 18 years old;

(3) where families (whether intact or with a parent absent) are living in poverty, a significant factor is the father's lack of job skills;

(4) committed and responsible fathering during infancy and early childhood contributes to the development of emotional security, curiosity, and math and verbal skills;

(5) an estimated 19,400,000 children (27 percent) live apart from their biological fathers; and

(6) 40 percent of the children under age 18 not living with their biological fathers had not seen their fathers even once in the past 12 months, according to national survey data;

Whereas single parents are to be commended for the tremendous job that they do with their children;

Whereas the United States needs to encourage responsible parenting by both fathers and mothers, whenever possible;

Whereas the United States needs to encourage both parents, as well as extended families, to be actively involved in children's lives;

Whereas a way to encourage active involvement is to encourage joint custody and shared parenting;

Whereas the American Bar Association found in 1997 that 19 States plus the District of Columbia had some form of presumption for joint custody, either legal, physical, or both, and by 2006, 13 additional States had added some form of presumption, bringing the current total to 32 States plus the District of Columbia;

Whereas data from the Census Bureau shows a correlation between joint custody and shared parenting and a higher rate of payment of child support;

Whereas social science literature shows that a higher proportion of children from intact families with two parents in the home are well adjusted, and research also shows that for children of divorced, separated, and never married parents, joint custody is strongly associated with positive outcomes for children on important measures of adjustment and well being; and

Whereas research by the Department of Health and Human Services shows that the States with the highest amount of joint custody subsequently had the lowest divorce rate: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that joint custody laws for fit parents should be passed by each State, so that more children are raised with the benefits of having a father and a mother in their lives.

Mr. AKAKA. Mr. President, I rise today to submit legislation expressing the sense of the Congress that States should enact joint custody laws for fit parents, so that more children are raised with the benefit of having both parents in their lives.

One of the most significant problems facing our Nation today is the number of children being raised without the love and support of both parents. Even if it is not possible for the parents to remain in a committed partnership, it is important that, when possible, each parent as well as their extended families have every opportunity to play an active role in their children's life. A number of recent studies have suggested that children greatly benefit from joint custody or shared parenting arrangements. In my own home State of Hawaii, it is a way of life to have our keiki, or children, raised and nurtured by the extended family and we have seen how our children flourish when the responsibility of child rearing is shared.

This Nation's children are our most vital resource and every effort should be made to ensure that they receive the guidance and encouragement they need to thrive. I urge States to pass joint custody laws for fit parents so all children can be raised within the extended embrace of both parents and their families.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5107. Mrs. HUTCHISON (for herself, Mr. STEVENS, and Mr. CORNYN) proposed an amendment to the bill S. 3661, to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas.

SA 5108. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill S. 1131, to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes.

SA 5109. Mrs. HUTCHISON (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 1830, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

SA 5110. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill S. 1913, to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

SA 5111. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill H.R. 409, to provide for the exchange of land within the Sierra National Forest, California, and for other purposes.

SA 5112. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill H.R. 409, supra.

SA 5113. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill H.R. 3085, to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

SA 5114. Mr. FRIST (for Mr. BENNETT) proposed an amendment to the bill H.R. 5585 to improve the netting process for financial contracts, and for other purposes.

SA 5115. Mr. FRIST (for Mrs. FEINSTEIN (for herself, Mr. INHOFE, Mr. THUNE, Mr. ISAKSON, Mr. DEMINT, Mr. COBURN, Mr. DEWINE, Mr. SANTORUM, Mr. HATCH, Mr. CORNYN, and Mr. BROWNBACK)) proposed an amendment to the bill S. 3880, to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

SA 5116. Mr. FRIST (for Ms. MURKOWSKI) proposed an amendment to the bill S. 1409, to amend the Safe Drinking Water Act Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska.

SA 5117. Mr. FRIST (for Mr. CRAIG) proposed an amendment to the bill S. 3938, to reauthorize the Export-Import Bank of the United States.

SA 5118. Mr. FRIST (for Mr. INHOFE (for himself and Mr. JEFFORDS)) proposed an amendment to the bill S. 3879, to implement the Convention on Supplementary Compensation for Nuclear Damage, and for other purposes.

SA 5119. Mr. FRIST (for Mr. MCCAIN) proposed an amendment to the bill S. 3526, to amend the Indian Land Consolidation Act to modify certain requirements under that Act.

SA 5120. Mr. FRIST (for Mr. INHOFE) proposed an amendment to the bill S. 3867, to designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush H. Limbaugh, Sr. United States Courthouse".

SA 5121. Mr. FRIST (for Mr. INHOFE) proposed an amendment to the bill S. 3867, supra.

TEXT OF AMENDMENTS

SA 5107. Mrs. HUTCHISON (for herself, Mr. STEVENS, and Mr. CORNYN) proposed an amendment to the bill S. 3661, to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wright Amendment Reform Act of 2006".

SEC. 2. MODIFICATION OF PROVISIONS REGARDING FLIGHTS TO AND FROM LOVE FIELD, TEXAS.

(a) EXPANDED SERVICE.—Section 29(c) of the International Air Transportation Competition Act of 1979 (Public Law 96–192; 94 Stat. 35) is amended by striking "carrier, if (1)" and all that follows and inserting the following: "carrier. Air carriers and, with regard to foreign air transportation, foreign air carriers, may offer for sale and provide through service and ticketing to or from Love Field, Texas, and any United States or foreign destination through any point within Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, or Alabama.".

(b) REPEAL.—Section 29 of the International Air Transportation Competition Act of 1979 (94 Stat. 35), as amended by subsection (a), is repealed on the date that is 8 years after the date of enactment of this Act.

SEC. 3. TREATMENT OF INTERNATIONAL NONSTOP FLIGHTS TO AND FROM LOVE FIELD, TEXAS.

No person shall provide, or offer to provide, air transportation of passengers for compensation or hire between Love Field, Texas, and any point or points outside the 50 States or the District of Columbia on a nonstop basis, and no official or employee of the Federal Government may take any action to make or designate Love Field as an initial point of entry into the United States or a last point of departure from the United States.

SEC. 4. CHARTER FLIGHTS AT LOVE FIELD, TEXAS.

(a) IN GENERAL.—Charter flights (as defined in section 212.2 of title 14, Code of Federal Regulations) at Love Field, Texas, shall be limited to—

(1) destinations within the 50 States and the District of Columbia; and

(2) no more than 10 per month per air carrier for charter flights beyond the States of Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, and Alabama.

(b) CARRIERS WHO LEASE GATES.—All flights operated to or from Love Field by air carriers that lease terminal gate space at Love Field shall depart from and arrive at one of those leased gates; except for—

(1) flights operated by an agency of the Federal Government or by an air carrier under contract with an agency of the Federal Government; and

(2) irregular operations.

(c) CARRIERS WHO DO NOT LEASE GATES.—Charter flights from Love Field, Texas, operated by air carriers that do not lease terminal space at Love Field may operate from nonterminal facilities or one of the terminal gates at Love Field.

SEC. 5. LOVE FIELD GATES.

(a) IN GENERAL.—The city of Dallas, Texas, shall reduce as soon as practicable, the number of gates available for passenger air service at Love Field to no more than 20 gates. Thereafter, the number of gates available for such service shall not exceed a maximum of 20 gates. The city of Dallas, pursuant to its authority to operate and regulate the airport as granted under chapter 22 of the Texas Transportation Code and this Act, shall determine the allocation of leased gates and manage Love Field in accordance with contractual rights and obligations existing as of the effective date of this Act for certificated air carriers providing scheduled passenger service at Love Field on July 11, 2006. To accommodate new entrant air carriers, the city of Dallas shall honor the scarce resource provision of the existing Love Field leases.

(b) REMOVAL OF GATES AT LOVE FIELD.—No Federal funds or passenger facility charges may be used to remove gates at the Lemmon Avenue facility, Love Field, in reducing the number of gates as required under this Act, but Federal funds or passenger facility charges may be used for other airport facilities under chapter 471 of title 49, United States Code.

(c) GENERAL AVIATION.—Nothing in this Act shall affect general aviation service at Love Field, including flights to or from Love Field by general aviation aircraft for air taxi service, private or sport flying, aerial photography, crop dusting, corporate aviation, medical evacuation, flight training, police or fire fighting, and similar general aviation purposes, or by aircraft operated by any agency of the Federal Government or by any air carrier under contract to any agency of the Federal Government.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation and the Administrator of the Federal Aviation Administration may not make findings or determinations, issue orders or rules, withhold airport improvement grants or approvals thereof, deny passenger

facility charge applications, or take any other actions, either self-initiated or on behalf of third parties—

(A) that are inconsistent with the contract dated July 11, 2006, entered into by the city of Dallas, the city of Fort Worth, the DFW International Airport Board, and others regarding the resolution of the Wright Amendment issues, unless actions by the parties to the contract are not reasonably necessary to implement such contract; or

(B) that challenge the legality of any provision of such contract.

(2) COMPLIANCE WITH TITLE 49 REQUIREMENTS.—A contract described in paragraph (1)(A) of this subsection, and any actions taken by the parties to such contract that are reasonably necessary to implement its provisions, shall be deemed to comply in all respects with the parties' obligations under title 49, United States Code.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this Act shall be construed—

(A) to limit the obligations of the parties under the programs of the Department of Transportation and the Federal Aviation Administration relating to aviation safety, labor, environmental, national historic preservation, civil rights, small business concerns (including disadvantaged business enterprise), veteran's preference, disability access, and revenue diversion;

(B) to limit the authority of the Department of Transportation or the Federal Aviation Administration to enforce the obligations of the parties under the programs described in subparagraph (A);

(C) to limit the obligations of the parties under the security programs of the Department of Homeland Security, including the Transportation Security Administration, at Love Field, Texas;

(D) to authorize the parties to offer marketing incentives that are in violation of Federal law, rules, orders, agreements, and other requirements; or

(E) to limit the authority of the Federal Aviation Administration or any other Federal agency to enforce requirements of law and grant assurances (including subsections (a)(1), (a)(4), and (s) of section 47107 of title 49, United States Code) that impose obligations on Love Field to make its facilities available on a reasonable and nondiscriminatory basis to air carriers seeking to use such facilities, or to withhold grants or deny applications to applicants violating such obligations with respect to Love Field.

(2) FACILITIES.—Paragraph (1)(E)—

(A) shall only apply with respect to facilities that remain at Love Field after the city of Dallas has reduced the number of gates at Love Field as required by subsection (a); and

(B) shall not be construed to require the city of Dallas, Texas—

(i) to construct additional gates beyond the 20 gates referred to in subsection (a); or

(ii) to modify or eliminate preferential gate leases with air carriers in order to allocate gate capacity to new entrants or to create common use gates, unless such modification or elimination is implemented on a nationwide basis.

SEC. 6. APPLICABILITY.

The provisions of this Act shall apply to actions taken with respect to Love Field, Texas, or air transportation to or from Love Field, Texas, and shall have no application to any other airport (other than an airport owned or operated by the city of Dallas or the city of Fort Worth, or both).

SEC. 7. EFFECTIVE DATE.

Sections 1 through 6, including the amendments made by such sections, shall take effect on the date that the Administrator of the Federal Aviation Administration notifies Congress that aviation operations in the airspace serving Love Field and the Dallas-Fort Worth area which are likely to be conducted after enactment of this Act can be accommodated in full compliance with Federal Aviation Administration safety standards in accordance with section 40101 of title 49, United States Code, and, based on current expectations, without adverse effect on use of airspace in such area.

SA 5108. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill S. 1131, to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes; as follows:

On page 15, between lines 22 and 23, insert the following:

(3) TERM OF APPROVAL.—The term of approval of the appraisals by the interdepartmental review team is extended to September 13, 2008.

SA 5109. Mrs. HUTCHISON (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 1830, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; as follows:

On page 7, between lines 1 and 2, insert the following:

(i) in the fourth sentence of subsection (a), by striking "Compact, as Amended, of Free Association" and inserting "Compact of Free Association, as amended";

On page 7, line 2, strike "(i)" and insert "(ii)".

On page 7, line 11, strike "(ii)" and insert "(iii)".

On page 8, line 1, strike "(iii)" and insert "(iv)".

On page 10, between lines 17 and 18, insert the following:

(i) in the fourth sentence of subsection (a), by striking "Compact, as Amended, of Free Association" and inserting "Compact of Free Association, as amended";

On page 10, line 18, strike "(i)" and insert "(ii)".

On page 11, line 9, strike "(ii)" and insert "(iii)".

On page 12, strike line 21 and insert the following: "inserting ', as amended.' after 'the Compact';".

On page 13, strike line 2 and insert the following: "and inserting 'Telecommunication Union'; and".

On page 13, after line 25, add the following:

SEC. 9. CLARIFICATION OF TAX-FREE STATUS OF TRUST FUNDS.

In the U.S.–RMI Compact, the U.S.–FSM Compact, and their respective trust fund subsidiary agreements, for the purposes of taxation by the United States or its subsidiary jurisdictions, the term "State" means "State, territory, or the District of Columbia".

SA 5110. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill S. 1913, to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes; as follows:

Strike the item in the table of contents relating to section 207.

Strike section 207.

SA 5111. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill H.R. 409, to provide for the exchange of land within the Sierra National Forest, California, and for other purposes; as follows:

Strike section 4 and insert the following:

SEC. 4. GRANT OF EASEMENT AND RIGHT OF FIRST REFUSAL.

In accordance with the agreement entered into by the Forest Service, the Council, and the owner of Project No. 67 entitled the "Agreement to Convey Grant of Easement and Right of First Refusal" and executed on April 17, 2006—

(1) the Secretary shall grant an easement to the owner of Project No. 67; and

(2) the Council shall grant a right of first refusal to the owner of Project No. 67.

SA 5112. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill H.R. 409, to provide for the exchange of land within the Sierra National Forest, California, and for other purposes; as follows:

At the end, add the following:

SEC. 6. GRANTS TO IMPROVE THE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRIC ENERGY, USEFUL HEAT, TRANSPORTATION FUELS, AND OTHER COMMERCIAL PURPOSES.

Section 210(d) of the Energy Policy Act of 2005 (42 U.S.C. 15855(d)) is amended by striking "$50,000,000 for each of the fiscal years 2006 through 2016" and inserting "$50,000,000 for fiscal year 2006 and $35,000,000 for each of fiscal years 2007 through 2016".

SA 5113. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill H.R. 3085, to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes; as follows:

On page 3, strike lines 1 through 3 and insert the following:

"(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).

"(D) No additional funds are authorized to be appropriated to carry out subparagraph (C). The Secretary may accept donations for the Trail from private, nonprofit, or tribal organizations.".

SA 5114. Mr. FRIST (for Mr. BENNETT) proposed an amendment to the bill H.R. 5585 to improve the netting process for financial contracts, and for other purposes.

Strike section 7 (relating to compensation of chapter 7 trustees; chapter 7 filing fees).

In section 8 (relating to scope of application), strike the section heading and all that follows through "the amendments made" and insert the following:

"SEC. 7. SCOPE OF APPLICATION.

"The amendments made".

SA 5115. Mr. FRIST (for Mrs. FEINSTEIN (for herself, Mr. INHOFE, Mr.

THUNE, Mr. ISAKSON, Mr. DEMINT, Mr. COBURN, Mr. DEWINE, Mr. SANTORUM, Mr. HATCH, Mr. CORNYN, and Mr. BROWNBACK)) proposed an amendment to the bill S. 3880, to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Animal Enterprise Terrorism Act”.

SEC. 2. INCLUSION OF ECONOMIC DAMAGE TO ANIMAL ENTERPRISES AND THREATS OF DEATH AND SERIOUS BODILY INJURY TO ASSOCIATED PERSONS.

(a) IN GENERAL.—Section 43 of title 18, United States Code, is amended to read as follows:

“§43. Force, violence, and threats involving animal enterprises

“(a) OFFENSE.—Whoever travels in interstate or foreign commerce, or uses or causes to be used the mail or any facility of interstate or foreign commerce—

“(1) for the purpose of damaging or interfering with the operations of an animal enterprise; and

“(2) in connection with such purpose—

“(A) intentionally damages or causes the loss of any real or personal property (including animals or records) used by an animal enterprise, or any real or personal property of a person or entity having a connection to, relationship with, or transactions with an animal enterprise;

“(B) intentionally places a person in reasonable fear of the death of, or serious bodily injury to that person, a member of the immediate family (as defined in section 115) of that person, or a spouse or intimate partner of that person by a course of conduct involving threats, acts of vandalism, property damage, criminal trespass, harassment, or intimidation; or

“(C) conspires or attempts to do so; shall be punished as provided for in subsection (b).

“(b) PENALTIES.—The punishment for a violation of section (a) or an attempt or conspiracy to violate subsection (a) shall be—

“(1) a fine under this title or imprisonment not more than 1 year, or both, if the offense does not instill in another the reasonable fear of serious bodily injury or death and—

“(A) the offense results in no economic damage or bodily injury; or

“(B) the offense results in economic damage that does not exceed $10,000;

“(2) a fine under this title or imprisonment for not more than 5 years, or both, if no bodily injury occurs and—

“(A) the offense results in economic damage exceeding $10,000 but not exceeding $100,000; or

“(B) the offense instills in another the reasonable fear of serious bodily injury or death;

“(3) a fine under this title or imprisonment for not more than 10 years, or both, if—

“(A) the offense results in economic damage exceeding $100,000; or

“(B) the offense results in substantial bodily injury to another individual;

“(4) a fine under this title or imprisonment for not more than 20 years, or both, if—

“(A) the offense results in serious bodily injury to another individual; or

“(B) the offense results in economic damage exceeding $1,000,000; and

“(5) imprisonment for life or for any terms of years, a fine under this title, or both, if the offense results in death of another individual.

“(c) RESTITUTION.—An order of restitution under section 3663 or 3663A of this title with respect to a violation of this section may also include restitution—

“(1) for the reasonable cost of repeating any experimentation that was interrupted or invalidated as a result of the offense;

“(2) for the loss of food production or farm income reasonably attributable to the offense; and

“(3) for any other economic damage, including any losses or costs caused by economic disruption, resulting from the offense.

“(d) DEFINITIONS.—As used in this section—

“(1) the term ‘animal enterprise’ means—

“(A) a commercial or academic enterprise that uses or sells animals or animal products for profit, food or fiber production, agriculture, education, research, or testing;

“(B) a zoo, aquarium, animal shelter, pet store, breeder, furrier, circus, or rodeo, or other lawful competitive animal event; or

“(C) any fair or similar event intended to advance agricultural arts and sciences;

“(2) the term ‘course of conduct’ means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose;

“(3) the term ‘economic damage’—

“(A) means the replacement costs of lost or damaged property or records, the costs of repeating an interrupted or invalidated experiment, the loss of profits, or increased costs, including losses and increased costs resulting from threats, acts or vandalism, property damage, trespass, harassment, or intimidation taken against a person or entity on account of that person’s or entity’s connection to, relationship with, or transactions with the animal enterprise; but

“(B) does not include any lawful economic disruption (including a lawful boycott) that results from lawful public, governmental, or business reaction to the disclosure of information about an animal enterprise;

“(4) the term ‘serious bodily injury’ means—

“(A) injury posing a substantial risk of death;

“(B) extreme physical pain;

“(C) protracted and obvious disfigurement; or

“(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

“(5) the term ‘substantial bodily injury’ means—

“(A) deep cuts and serious burns or abrasion;

“(B) short-term or nonobvious disfigurement;

“(C) fractured or dislocated bones, or torn members of the body;

“(D) significant physical pain;

“(E) illness;

“(F) short-term loss or impairment of the function of a bodily member, organ, or mental faculty; or

“(G) any other significant injury to the body.

“(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution;

“(2) to create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution, regardless of the point of view expressed, or to limit any existing legal remedies for such interference; or

“(3) to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this action, or to preempt State or local laws that may provide such penalties or remedies.”.

(b) CLERICAL AMENDMENT.—The item relating to section 43 in the table of sections at the beginning of chapter 3 of title 18, United States Code, is amended to read as follows:

“43. Force, violence, and threats involving animal enterprises.”.

SA 5116. Mr. FRIST (for Ms. MURKOWSKI) proposed an amendment to the bill S. 1409, to amend the Safe Drinking Water Act Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska; as follows:

On page 3, strike line 7 and insert the following:

“(f) REPORTING.—Not later than December 31, 2007 (with respect to fiscal year 2007), and annually thereafter (with respect to each subsequent fiscal year), the State of Alaska shall submit to

On page 3, strike line 14 and insert the following:

“(g) REVIEW.—

“(1) IN GENERAL.—The Administrator of the

On page 3, lines 15 through 17, strike “recommend to the State of Alaska means by which the State of Alaska can address” and insert “require the State of Alaska to correct”.

On page 3, strike line 18 and insert the following:

section (f).

“(2) FAILURE TO CORRECT OR REACH AGREEMENT.—

“(A) IN GENERAL.—If a deficiency in a project included in a report under subsection (f) is not corrected within a period of time agreed to by the Administrator and the State of Alaska, the Administrator shall not permit additional expenditures for that project.

“(B) TIME AGREEMENT.—

“(i) IN GENERAL.—Not later than 180 days after the date of submission to the Administrator of a report under subsection (f), the Administrator and the State of Alaska shall reach an agreement on a period of time referred to in subparagraph (A).

“(ii) FAILURE TO REACH AGREEMENT.—If the State of Alaska and the Administrator fail to reach an agreement on the period of time to correct a deficiency in a project included in a report under subsection (f) by the deadline specified in clause (i), the Administrator shall not permit additional expenditures for that project.”; and

On page 3, line 24, strike “2010” and insert “2009”.

SA 5117. Mr. FRIST (for Mr. CRAIG) proposed an amendment to the bill S. 3938, to reauthorize the Export-Import Bank of the United States; as follows:

On page 14 lines 8 and 9, strike “the International Trade Commission,”.

SA 5118. Mr. FRIST (for Mr. INHOFE (for himself and Mr. JEFFORDS)) proposed an amendment to the bill S. 3879, to implement the Convention on Supplementary Compensation for Nuclear Damage, and for other purposes; as follows:

On page 13, line 2, insert “and every 5 years thereafter” after “Act”.

SA 5119. Mr. FRIST (for Mr. MCCAIN) proposed an amendment to the bill S. 3526, to amend the Indian Land Consolidation Act to modify certain requirements under that Act; as follows:

On page 2, strike lines 18 through 20 and insert the following:

"(B) includes, for purposes of intestate succession only under section 207(a) and only with respect to any decedent who dies after July 20,

Beginning on page 3, strike line 12 and all that follows through page 4, line 9, and insert the following:

"(v) EFFECT OF SUBPARAGRAPH.—Nothing in this subparagraph limits the right of any person to devise any trust or restricted interest pursuant to a valid will in accordance with subsection (b).";

On page 6, line 21, strike "that" and insert "who".

SA 5120. Mr. FRIST (for Mr. INHOFE) proposed an amendment to the bill S. 3867, to designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush H. Limbaugh, Sr. United States Courthouse"; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. RUSH H. LIMBAUGH, SR. UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, shall be known and designated as the "Rush H. Limbaugh, Sr. United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Rush H. Limbaugh, Sr. United States Courthouse".

SA 5121. Mr. FRIST (for Mr. INHOFE) proposed an amendment to the bill S. 3867, to designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush H. Limbaugh, Sr. United States Courthouse"; as follows:

Amend the title so as to read: "To designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the 'Rush H. Limbaugh, Sr. United States Courthouse'.".

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. SNOWE. Mr. President, the Chair would like to inform the Members of the Committee that the committee will hold a field hearing entitled "Challenges Facing Women-Owned Small Businesses in Government Contracting,"on Tuesday, October 3, 2006, beginning at 2:30 p.m. in the Edwin Meese Conference Room of George Mason University's Fairfax campus.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, November 15, 2006 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 2148, a bill to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, and for other purposes; and H.R. 1096, a bill to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Tom Lillie at 202–224–5161, David Szymanski at 202–224–6293, or Sara Zecher 202–224–8276.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, November 16, 2006 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 3636, a bill to establish wilderness areas, promote conservation, improve public land, and provide for high quality economic development in Washington County, Utah, and for other purposes; and S. 3772, a bill to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in White Pine County, Nevada, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Frank Gladics at 202–224–2878, Dick Bouts at 202–224–7545, or Sara Zecher 202–224–8276.

PRIVILEGES OF THE FLOOR

Mr. ENZI. I ask unanimous consent that David Schmickel be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I ask unanimous consent to grant floor privileges to Lesley Stewart of my staff for the duration of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS TO REMAIN IN STATUS QUO

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that all nominations received by the Senate during the 109th Congress remain in status quo, notwithstanding the September 30, 2006, adjournment of the Senate and the provisions of rule XXXI, paragraph 6, of the Standing Rules of the Senate, with the following exceptions.

The list of nominations is as follows:

NOMINATIONS STATUS QUO WITH THE FOLLOWING EXCEPTIONS

BROADCASTING BOARD OF GOVERNORS

Kenneth Y. Tomlinson, of Virginia, to be Chairman of the Broadcasting Board of Governors.

Kenneth Y. Tomlinson, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2007.

DEPARTMENT OF JUSTICE

Steven G. Bradbury, of Maryland, to be an Assistant Attorney General.

DEPARTMENT OF LABOR

Paul DeCamp, of Virginia, to be Administrator of the Wage and Hour Division, Department of Labor.

Richard Stickler, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

Paul DeCamp, of Virginia, to be Administrator of the Wage and Hour Division, Department of Labor, to which position he was appointed during the last recess of the Senate.

DEPARTMENT OF STATE

John Robert Bolton, of Maryland, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations, to which position he was appointed during the recess of the Senate from July 29, 2005, to September 1, 2005.

John Robert Bolton, of Maryland, to be Representative of the United States of America to the sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations, to which position he was appointed during the recess of the Senate from July 29, 2005, to September 1, 2005.

DEPARTMENT OF THE TREASURY

Donald V. Hammond, of Virginia, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 21, 2010.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Arlene Holen, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term expiring August 30, 2010.

THE JUDICIARY

Peter D. Keisler, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

Michael Brunson Wallace, of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit.

William Gerry Myers III, of Idaho, to be United States Circuit Judge for the Ninth Circuit.

William James Haynes II, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Terrence W. Boyle, of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar:

Nos. 830, 897, 922, 923, 928, 929, 930, 931, 932, 933, 934, 935, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948 through 976, 978 through 984, 993 and 994, and all nominations on the Secretary's desk; provided further that the following be immediately discharged from the list of nominations and the Senate proceed en bloc to their consideration:

From the Banking Committee: Bijan Rafiekian, PN-1828; Christopher Padilla, PN-1807.

From the Energy Committee: C. Stephen Allred, PN-1866; Robert Johnson, PN-1830; Mary Bomar, PN-1915.

From the Foreign Relations Committee: Donald Yamamoto, PN-1958; Clyde Bishop, PN-1814; Charles Glaser, PN-1919; Frank Baxter, PN-1998.

From the Homeland Security and Governmental Affairs Committee: Calvin Scovel, PN-1808.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, are as follows:

NOMINATIONS

DEPARTMENT OF DEFENSE

Robert L. Wilkie, of North Carolina, to be an Assistant Secretary of Defense.

DEPARTMENT OF THE INTERIOR

David Longly Bernhardt, of Colorado, to be Solicitor of the Department of the Interior.

DEPARTMENT OF JUSTICE

Rodger A. Heaton, of Illinois, to be United States Attorney for the Central District of Illinois for the term of four years.

DEPARTMENT OF TRANSPORTATION

Mary E. Peters, of Arizona, to be Secretary of Transportation.

MISSISSIPPI RIVER COMMISSION

Brigadier General Bruce Arlan Berwick, United States Army, to be a Member of the Mississippi River Commission.

Colonel Gregg F. Martin, United States Army, to be a Member of the Mississippi River Commission.

Brigadier General Robert Crear, United States Army, to be a Member and President of the Mississippi River Commission.

Rear Admiral Samuel P. De Bow, Jr., NOAA, to be a Member of the Mississippi River Commission.

TENNESSEE VALLEY AUTHORITY

William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2007. (New Position)

DEPARTMENT OF VETERANS AFFAIRS

Robert T. Howard, of Virginia, to be an Assistant Secretary of Veterans Affairs (Information and Technology).

EXECUTIVE OFFICE OF THE PRESIDENT

John K. Veroneau, of Virginia, to be a Deputy United States Trade Representative, with the Rank of Ambassador.

DEPARTMENT OF THE TREASURY

Robert K. Steel, of Connecticut, to be an Under Secretary of the Department of the Treasury.

CORPORATION FOR PUBLIC BROADCASTING

David H. Pryor, of Arkansas, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2008.

Chris Boskin, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2012.

EXECUTIVE OFFICE OF THE PRESIDENT

Sharon Lynn Hays, of Virginia, to be an Associate Director of the Office of Science and Technology Policy.

DEPARTMENT OF COMMERCE

Cynthia A. Glassman, of Virginia, to be Under Secretary of Commerce for Economic Affairs, vice Kathleen B. Cooper, resigned.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Collister Johnson, Jr., of Virginia, to be Administrator of the Saint Lawrence Seaway Development Corporation for a term of seven years.

DEPARTMENT OF DEFENSE

Ronald J. James, of Ohio, to be an Assistant Secretary of the Army.

Nelson M. Ford, of Virginia, to be an Assistant Secretary of the Army, vice Valerie Lynn Baldwin.

Major General Todd I. Stewart, USAF, (Ret.), of Ohio, to be a Member of the National Security Education Board for a term of four years.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

John Edward Mansfield, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2011. (Reappointment)

Larry W. Brown, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2010.

Peter Stanley Winokur, of Maryland, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2009.

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Theresa M. Casey, 8360
Col. Byron C. Hepburn, 5630

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. James A. Buntyn, 1403

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Johnny A. Weida, 0541

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Loyd S. Utterback, 9704

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Stephen G. Wood, 7553

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Raymond E. Johns, Jr., 3483

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Robert D. Bishop, Jr., 9524

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Joseph Anderson, 0128
Colonel Allison T. Aycock, 2987
Colonel Robert B. Brown, 3015
Colonel Edward C. Cardon, 5464
Colonel Lynn A. Collyar, 4719
Colonel Genaro J. Dellarocco, 9829
Colonel Richard T. Ellis, 4731
Colonel William F. Grimsley, 5306
Colonel Michael T. Harrison, Sr., 3958
Colonel David R. Hogg, 0373
Colonel Reuben D. Jones, 2033
Colonel Stephen R. Lanza, 3643
Colonel Mary A. Legere, 7243
Colonel Michael S. Linnington, 8710
Colonel Xavier P. Lobeto, 8834
Colonel Roger F. Mathews, 3771
Colonel Bradley W. May, 9269
Colonel James C. McConville, 5757
Colonel Phillip E. McGhee, 6765
Colonel John R. McMahon, 4283
Colonel Jennifer L. Napper, 7225

Colonel James C. Nixon, 5433
Colonel Robert D. Ogg, Jr., 2880
Colonel Hector E. Pagan, 8352
Colonel David D. Phillips, 4200
Colonel David E. Quantock, 0979
Colonel Michael S. Repass, 8406
Colonel Benet S. Sacolick, 0726
Colonel Jeffrey G. Smith, Jr., 5557
Colonel Thomas W. Spoehr, 9998
Colonel Kurt J. Stein, 6492
Colonel Frank D. Turner, III, 8961
Colonel Keith C. Walker, 9618
Colonel Perry L. Wiggins, 3781

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Carla G. Hawley-Bowland, 5280

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Julia A. Kraus, 8646

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Rodney J. Barham, 7594

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Michael A. Kuehr, 0757

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Bantz J. Craddock, 7782

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Simeon G. Trombitas, 2948

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Robert Wilson, 1235

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Stephen J. Hines, 1897

The following named officer for appointment to the grade of general in the Army while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Dan K. McNeill, 4203

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Joseph F. Peterson, 2747

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James D. Thurman, 8182

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Peter W. Chiarelli, 6598

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Charles C. Campbell, 6999

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Ronald S. Coleman, 3216

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Matthew L. Nathan, 3388

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. William A. Brown, 5837
Capt. Kathleen M. Dussault, 3580
Capt. Steven J. Romano, 5095

The following named officer for appointment in the United states Navy to the grad indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. James G. Stavridis, 5127

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral.

Rear Adm. (lh) Thomas R. Cullison, 0250

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C.; section 624:

To be rear admiral (lower half)

Capt. Janice M. Hamby, 4913

The following named officer for appointment in the United States Navy to the grade indiated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Steven R. Eastburg, 0239

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be vice admiral

Vice Adm. Anne E. Rondeau, 9812

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Mark P. Fitzgerald, 2694

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Evan M. Chanik, Jr., 9906

The following named officer for, appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Michael K. Loose, 4983

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Kevin J. Cosgriff, 3968

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. John J. Donnelly, 7223

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Melvin G. Williams, Jr., 9480

DEPARTMENT OF JUSTICE

Sharon Lynn Potter, of West Virginia, to be United States Attorney for the Northern District of West Virginia for the term of four years.

Deborah Jean Johnson Rhodes, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of four years.

Nominations Placed on the Secretary's Desk

IN THE AIR FORCE

PN1798 AIR FORCE nominations (47) beginning RAYMOND A. BAILEY, and ending ANDREW D. WOODROW, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2006.

PN1799 AIR FORCE nominations (1212) beginning RICHARD E. AARON, and ending ERIC D. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2006.

PN1879 AIR FORCE nominations (42) beginning GARY J. CONNOR, and ending MICHAEL T. WINGATE, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1908 AIR FORCE nominations (4) beginning GARY J. CONNOR, and ending EFREN E. RECTO, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2006.

PN1909 AIR FORCE nominations (28) beginning DENNIS R. HAYSE, and ending JOHN W. WOLTZ, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2006.

PN1971 AIR FORCE nomination of James J. Gallagher, which was received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1972 AIR FORCE nomination of Norman S. West, which was received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1973 AIR FORCE nomination of David P. Collette, which was received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1974 AIR FORCE nomination of Paul M. Roberts, which was received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1975 AIR FORCE nomination of Lisa D. Mihora, which was received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1976 AIR FORCE nomination of David E. Edwards, which was received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1977 AIR FORCE nominations (2) beginning MICHAEL D. BACKMAN, and ending STAN G. COLE, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1978 AIR FORCE nomination of Kevin Brackin, which was received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1979 AIR FORCE nominations (15) beginning AMY K. BACHELOR, and ending ANITA R. WOLFE, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1980 AIR FORCE nominations (14) beginning JOHN G. BULICK JR., and ending DONALD J. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1981 AIR FORCE nominations (444) beginning TIMOTHY A. ADAM, and ending LOUIS V. ZUCCARELLO, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1982 AIR FORCE nominations (78) beginning WADE B. ADAIR, and ending RANDALL WEBB, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1983 AIR FORCE nominations (23) beginning JAMES W. BARBER, and ending STEVEN P. VANDEWALLE, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN2004 AIR FORCE nominations (2) beginning DENNIS R. HAYSE, and ending RODNEY PHOENIX, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2028 AIR FORCE nomination of Randall J. Reed, which was received by the Senate and appeared in the Congressional Record of September 18, 2006.

PN2060 AIR FORCE nomination of Andrea R. Griffin, which was received by the Senate and appeared in the Congressional Record of September 20, 2006.

PN2061 AIR FORCE nomination of Russell G. Boester, which was received by the Senate and appeared in the Congressional Record of September 20, 2006.

PN2076 AIR FORCE nominations (21) beginning RUSSELL G. BOESTER, and ending VLAD V. STANILA, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2006.

IN THE ARMY

PN1880 ARMY nominations (122) beginning JOSSLYN L. ABERLE, and ending FRANK E. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1881 ARMY nominations (223) beginning TIMOTHY F. ABBOTT, and ending X2566, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1882 ARMY nominations (139) beginning DARRYL K. AHNER, and ending GUY C. YOUNGER, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1883 ARMY nominations (1168) beginning ROBERT L. ABBOTT, and ending X1943, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1934 ARMY nominations (9) beginning NAKEDA L. JACKSON, and ending STEVEN R. TURNER, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1935 ARMY nominations (5) beginning LARRY W. APPLEWHITE, and ending DENNIS H. MOON, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1936 ARMY nomination of Katherine M. Brown, which was received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1937 ARMY nominations (2) beginning JONATHAN E. CHENEY, and ending JAMES S. NEWELL, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1938 ARMY nominations (7) beginning KEVIN P. BUSS, and ending JILL S. VOGEL, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1939 ARMY nomination of John Parsons, which was received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1984 ARMY nominations (3) beginning PAGE S. ALBRO, and ending JANET L. PROSSER, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1985 ARMY nominations (11) beginning MICHAEL C. DOHERTY, and ending NESTOR SOTO, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1986 ARMY nominations (21) beginning HEIDI P. TERRIO, and ending JOHN H. WU, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1987 ARMY nominations (1820) beginning MICHAEL T. ABATE, and ending X3541, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN2005 ARMY nominations (2) beginning JAMES M. CAMP, and ending CATHY E. LEPPIAHO, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2006 ARMY nominations (6) beginning ROBERT J. ARNELL III, and ending DAVID A. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2007 ARMY nominations (2) beginning JAMES M. FOGLEMILLER, and ending TIMOTHY E. GOWEN, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2008 ARMY nomination of Michael L. Jones, which was received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2009 ARMY nominations (4) beginning NEELAM CHARAIPOTRA, and ending DOUGLAS POSEY, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2010 ARMY nomination of Sandra E. Roper, which was received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2011-1 ARMY nominations (15) beginning GARY W. ANDREWS, and ending STEPHEN D. TABLEMAN, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2012 ARMY nominations (32) beginning JOSEFINA T. GUERRERO, and ending MARY ZACHARIAKURIAN, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2029 ARMY nomination of Herbert B. Heavnber, which was received by the Senate and appeared in the Congressional Record of September 18, 2006.

PN2030 ARMY nomination of Paul P. Knetsche, which was received by the Senate and appeared in the Congressional Record of September 18, 2006.

PN2031 ARMY nominations (2) beginning CRAIG N. CARTER, and ending MICHAEL E. FISHER, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2006.

PN2032 ARMY nomination of Louis R. Macareo, which was received by the Senate and appeared in the Congressional Record of September 18, 2006.

PN2033 ARMY nominations (9) beginning DONALD A. BLACK, and ending JOSEPH O. STREFF, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2006.

PN2034 ARMY nominations (19) beginning CAROL A. BOWEN, and ending PAULA M. B. WOLFERT, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2006.

PN2035 ARMY nominations (48) beginning DIRETT C. ALFRED, and ending MICHAEL YOUNGBLOOD, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2006.

PN2036 ARMY nominations (42) beginning KAREN E. ALTMAN, and ending RUTH A. YERARDI, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2006.

PN2037 ARMY nominations (91) beginning ROBERT D. AKERSON, and ending JEROME WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2006.

IN THE COAST GUARD

PN2053 COAST GUARD nominations (2) beginning PAUL S. SZWED, and ending BRIGID M. PAVILONIS, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2006.

PN2066 COAST GUARD nominations (14) beginning Margaret A. Blomme, and ending Rickey D. Thomas, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2006.

PN2067 COAST GUARD nominations (81) beginning Meredith L. Austin, and ending Werner A. Winz, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2006.

PN2068 COAST GUARD nominations (157) beginning Joyce E. Aivalotis, and ending Jose M. Zuniga, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2006.

IN THE MARINE CORPS

PN1273-2 MARINE CORPS nomination of DAVID M. REILLY, which was received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1988 MARINE CORPS nomination of Raul Rizzo, which was received by the Senate and appeared in the Congressional Record of September 7, 2006.

IN THE NAVY

PN1884 NAVY nominations (14) beginning TRACY A. BERGEN, and ending DONALD R. WILKINSON, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1885 NAVY nominations (17) beginning MICHAEL N. ABREU, and ending ROBERT K. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1886 NAVY nominations (9) beginning CRISTAL B. CALER, and ending KIMBERLY J. SCHULZ, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1887 NAVY nominations (20) beginning KEVIN L. ACHTERBERG, and ending PETER A. WU, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1888 NAVY nominations (34) beginning SCOTT R. BARRY, and ending JEFFREY C. WOERTZ, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1389 NAVY nominations (20) beginning RUTH A. BATES, and ending BRUCE G. WARD, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1890 NAVY nominations (31) beginning DARRYL C. ADAMS, and ending RICHARD WESTHOFF III, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1891 NAVY nominations (63) beginning ALFRED D. ANDERSON, and ending MICHAEL R. YOHNKE, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1892-1 NAVY nominations (479) beginning HENRY C. ADAMS III, and ending JOHN J. ZUHOWSKI, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1910 NAVY nominations (2) beginning LORI J. CICCI, and ending JOHN M. POAGE, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2006.

PN1940 NAVY nominations (3) beginning RYAN G. BATCHELOR, and ending JASON T. YAUMAN, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1941 NAVY nominations (27) beginning MARC A. ARAGON, and ending ROBERT A. YEE, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1942 NAVY nominations (25) beginning MICHAEL J. BARRIERE, and ending MICHAEL D. WAGNER, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1943 NAVY nominations (35) beginning JOHN A. ANDERSON, and ending JAY A. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1944 NAVY nominations (16) beginning GERARD D. AVILA, and ending EDDI L. WATSON, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1945 NAVY nominations (266) beginning RENE V. ABADESCO, and ending MICHAEL W. F. YAWN, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1946 NAVY nominations (11) beginning AMY L. BLEIDORN, and ending MICAH A. WELTMER, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1947 NAVY nominations (11) beginning COREY B. BARKER, and ending WILLIAM R. URBAN, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1948 NAVY nominations (64) beginning NATHANIEL A. BAILEY, and ending MATTHEW C. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1949 NAVY nominations (45) beginning TRACY L. BLACKHOWELL, and ending SEAN M. WOODSIDE, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1950 NAVY nominations (959) beginning CHARLES J. ACKERKNECHT, and ending JAMES G. ZOULIAS, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1989 NAVY nominations (16) beginning DENNIS K. ANDREWS, and ending RAYMOND M. SUMMERLIN, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1990 NAVY nominations (9) beginning JAMES S. BROWN, and ending WINFRED L. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1991 NAVY nominations (67) beginning LILLIAN A. ABUAN, and ending KEVIN T. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1992 NAVY nominations (178) beginning ANDREAS C. ALFER, and ending ALISON E. YERKEY, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1993 NAVY nominations (27) beginning MICHAEL J. ADAMS, and ending HEATHER A. WATTS, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1994 NAVY nominations (52) beginning EMILY Z. ALLEN, and ending JOSEPH W. YATES, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1995 NAVY nominations (133) beginning KAREN L. ALEXANDER, and ending JOHN W. ZUMWALT, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1996 NAVY nominations (224) beginning ALEXANDER T. ABESS, and ending LAURETTA A. ZIAJKO, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1997 NAVY nominations (33) beginning CHAD E. BETZ, and ending TRACIE M. ZIELINSKI, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN2013 NAVY nominations (19) beginning WANG S. OHM, and ending VIKTORIA J. ROLFF, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2077 NAVY nominations (2) beginning ILIN CHUANG, and ending WILLIAM P. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2006.

EXPORT-IMPORT BANK

Bijan Rafiekian, of California, to be a Member of the Board of Directors of the Export-Import Bank of the United States for the remainder of the term expiring January 20, 2007.

DEPARTMENT OF COMMERCE

Christopher A. Padilla, of the District of Columbia, to be an Assistant Secretary of Commerce.

DEPARTMENT OF THE INTERIOR

C. Stephen Allred, of Idaho, to be an Assistant Secretary of the Interior.

Robert W. Johnson, of Nevada, to be Commissioner of Reclamation.

Mary Amelia Bomar, of Pennsylvania, to be Director of the National Park Service.

DEPARTMENT OF STATE

Donald Y. Yamamoto, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Ethiopia.

Clyde Bishop, of Delaware, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands.

Charles L. Glazer, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Frank Baxter, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay.

DEPARTMENT OF TRANSPORTATION

Ordered, That the following nomination be referred sequentially to the Committee on Homeland Security and Governmental Affairs pursuant to an order of January 20, 2005 for 20 calendar days:

Calvin L. Scovel, of Virginia, to be Inspector General, Department of Transportation.

TREATIES

Mr. FRIST. Mr. President, I ask unanimous consent that in executive session, the Senate consider the following treaties on today's Executive Calendar: Nos. 19 and 20.

I further ask that the treaties be considered as having passed through the various parliamentary stages up to and including the presentation of the resolutions of ratification; that any committee conditions, declarations, or reservations be agreed to as applicable; that any statements be printed in the CONGRESSIONAL RECORD as if read; and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The treaties will be considered to have passed through their various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

Protocal additional to the Geneva Conventions of 12 August 1949, and relating to the adoption of an additional Distinctive Emblem (Treaty Document 109–10(A))

Extradition Treaty with United Kingdom (Treaty Document 108–23)

Mr. FRIST. Mr. President, I ask for a division on the resolutions of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of these treaties, please rise.

Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification are as follows:

PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE ADOPTION OF AN ADDITIONAL DISTINCTIVE EMBLEM (TREATY DOC. 109–10(A))

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem, adopted at Geneva on December 8, 2005, and signed by the United States on that date (Treaty Doc. 109–10A).

EXTRADITION TREATY WITH UNITED KINGDOM (TREATY DOC. 108–23)

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Understanding, Declarations, and Provisos

The Senate advises and consents to the ratification of the Extradition Treaty between the United States of America and the United Kingdom of Great Britain and Northern Ireland, and related exchanges of letters, signed at Washington on March 31, 2003 (hereinafter in this resolution referred to as the "Treaty") (Treaty Doc. 108–23), subject to the understanding in section 2, the declarations in section 3, and the provisos in section 4.

Section 2. Understanding

The advice and consent of the Senate under section 1 is subject to the following understanding:

Under United States law, a United States judge makes a certification of extraditability of a fugitive to the Secretary of State. In the process of making such certification, a United States judge also makes determinations regarding the application of the political offense exception. Accordingly, the United States of America understands that the statement in paragraphs 3 and 4 of Article 4 that "in the United States, the executive branch is the competent authority for the purposes of this Article" applies only to those specific paragraphs of Article 4, and does not alter or affect the role of the United States judiciary in making certifications of extraditability or determinations of the application of the political offense exception.

Section 3. Declarations

The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States.

(2) The Treaty shall be implemented by the United States in accordance with the Constitution of the United States and relevant federal law, including the requirement of a judicial determination of extraditability that is set forth in Title 18 of the United States Code.

Section 4. Provisos

The advice and consent of the Senate under section 1 is subject to the following provisos:

(1)(A) The Senate is aware that concerns have been expressed that the purpose of the Treaty is to seek the extradition of individuals involved in offenses relating to the conflict in Northern Ireland prior to the Belfast Agreement of April 10, 1998. The Senate understands that the purpose of the Treaty is to strengthen law enforcement cooperation between the United States and the United Kingdom by modernizing the extradition process for all serious offenses and that the Treaty is not intended to reopen issues addressed in the Belfast Agreement, or to impede any further efforts to resolve the conflict in Northern Ireland.

(B) Accordingly, the Senate notes with approval—

(i) the statement of the United Kingdom Secretary of State for Northern Ireland, made on September 29, 2000, that the United Kingdom does not intend to seek the extradition of individuals who appear to qualify for early release under the Belfast Agreement;

(ii) the letter from the United Kingdom Home Secretary to the United States Attorney General in March 2006, emphasizing that the "new treaty does not change this position in any way," and making clear that the United Kingdom "want[s] to address the anomalous position of those suspected but not yet convicted of terrorism-related offences committed before the Belfast Agreement"; and

(iii) that these policies were reconfirmed in an exchange of letters between the United Kingdom Secretary of State for Northern Ireland and the United States Attorney General in September 2006.

(2) The Senate notes that, as in other recent United States extradition treaties, the Treaty does not address the situation where the fugitive is sought for trial on an offense for which he had previously been acquitted in the Requesting State. The Senate further notes that a United Kingdom domestic law may allow for the retrial in the United Kingdom, in certain limited circumstances, of an individual who has previously been tried and acquitted in that country. In this regard, the Senate understands that under U.S. law and practice a person sought for extradition can present a claim to the Secretary of State that an aspect of foreign law that may permit retrial may result in an unfairness that the Secretary could conclude warrants denial of the extradition request. The Senate urges the Secretary of State to review carefully any such claims made involving a request for extradition that implicates this provision of United Kingdom domestic law.

(3) Not later than one year after entry into force of the Treaty, and annually thereafter for a period of four additional years, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate a report setting forth the following information with respect to the implementation of the Treaty in the previous twelve months:

(A) the number of persons arrested in the United States pursuant to requests from the United Kingdom under the Treaty, including the number of persons subject to provisional arrest; and a summary description of the alleged conduct for which the United Kingdom is seeking extradition;

(B) the number of extradition requests granted; and the number of extradition requests denied, including whether the request was denied as a result of a judicial decision or a decision of the Secretary of State;

(C) the number of instances the person sought for extradition made a claim to the Secretary of State of political motivation, unjustifiable delay, or retrial after acquittal and whether such extradition requests were denied or granted; and

(D) the number of instances the Secretary granted a request under Article 18(1)(c).

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MEASURES READ FIRST TIME—S. 3994 and S. 4041

Mr. FRIST. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (S. 3994) to extend the Iran and Libya Sanctions Act of 1996.

A bill (S. 4041) to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes.

Mr. FRIST. Mr. President, I ask for their second reading and, in order to place the bills on the calendar under the provision of rule XIV, I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The two bills will be read the second time on the next legislative day.

MEASURES PLACED ON THE CALENDAR—S. 3982, S. 3983, S. 3992, and S. 3993

Mr. FRIST. Mr. President, I understand there are four bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report the bills by title for a second time.

The legislative clerk read as follows:

A bill (S. 3982) to amend the Public Health Service Act to provide assured compensation for first responders injured by experimental vaccines and drugs.

A bill (S. 3983) to amend the Public Health Service Act to provide assured compensation for first responders injured by experimental vaccines and drugs and to indemnify manufacturers and health care professionals for the administration of medical products needed for biodefense.

A bill (S. 3992) to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes.

A bill (S. 3993) to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes.

Mr. FRIST. Mr. President, in order to place the bills on the calendar under the provisions of rule XIV, I object to further proceedings en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar under the provisions of rule XIV.

AUTHORITY TO SIGN DULY ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. FRIST. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and the senior Senator from New Mexico be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO MAKE APPOINTMENTS

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, committees be authorized to report legislative and executive matters on Wednesday, October 25, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on September 29, 2006, by the President of the United States:

Extradition Treaty with Latvia, Treaty Document No. 109-15;

Extradition Treaty with Estonia, Treaty Document No. 109-16;

Extradition Treaty with Malta, Treaty Document No. 109-17;

Protocol Amending Tax Convention with Finland, Treaty Document No. 109-18;

Protocol Amending Tax Convention with Denmark, Treaty Document No. 109-19;

And Protocol Amending Tax Convention with Germany, Treaty Document No. 109-20.

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the United States of America and the Government of the Republic of Latvia, signed on December 7, 2005, at Riga. I also transmit, for the information of the Senate, the report of the Department of State with respect to the treaty.

The new extradition treaty with Latvia would replace the outdated extradition treaty between the United States and Latvia, signed on October 16, 1923, at Riga, and the Supplementary Extradition Treaty, signed on October 10, 1934, at Washington. The treaty also fulfills the requirement for a bilateral instrument between the United States and each European Union (EU) Member State in order to implement the Extradition Agreement between the United States and the EU. Two other comprehensive new extradition treaties with EU Member States—Estonia and Malta—likewise also serve as the requisite bilateral instruments pursuant to the U.S.-EU Agreement, and therefore also are being submitted separately and individually.

The treaty follows generally the form and content of other extradition treaties recently concluded by the United States. It would replace an outmoded list of extraditable offenses with a modern "dual criminality" approach, which would enable extradition for such offenses as money laundering and other newer offenses not appearing on the list. The treaty also contains a modernized "political offense" clause. It further provides that extradition shall not be refused based on the nationality of the person sought; in the past, Latvia has declined to extradite its nationals to the United States. A national who has been convicted in the courts of the other Party may request to be allowed to serve the resulting sentence in his state of nationality. Finally, the new treaty incorporates a series of procedural improvements to streamline and speed the extradition process.

I recommend that the Senate give early and favorable consideration to the treaty.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 29, 2006.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the United States of America and the Government of the Republic of Estonia, signed on February 8, 2006, at Tallinn. I also transmit, for the information the Senate, the report of the Department of State with respect to the treaty.

The new extradition treaty with Estonia would replace the outdated extradition treaty between the United States and Estonia, signed on November 8, 1923, at Tallinn, and the Supplementary Extradition Treaty, signed on October 10, 1934, at Washington. The treaty also fulfills the requirement for a bilateral instrument between the United States and each European Union (EU) Member State in order to implement the Extradition Agreement between the United States and the EU. Two other comprehensive new extradition treaties with EU Member States—Latvia and Malta—likewise also serve as the requisite bilateral instruments pursuant to the U.S.-EU Agreement, and therefore also are being submitted separately and individually.

The treaty follows generally the form and content of other extradition treaties recently concluded by the United States. It would replace an outmoded list of extraditable offenses with a modern "dual criminality" approach, which would enable extradition for such offenses as money laundering and other newer offenses not appearing on the list. The treaty also contains a modernized "political offense" clause. It further provides that extradition shall not be refused based on the nationality of the person sought; in the past, Estonia has declined to extradite its nationals to the United States. Finally, the new treaty incorporates a series of procedural improvements to streamline and speed the extradition process.

I recommend that the Senate give early and favorable consideration to the treaty.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 29, 2006.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the United States of America and the Government of Malta, signed on May 18, 2006, at Valletta, that includes an exchange of letters that is an integral part of the treaty. I also transmit, for the information of the Senate, the report of the Department of State with respect to the treaty.

The new extradition treaty with Malta would replace the outdated extradition treaty between the United States and Great Britain, signed on December 22, 1931, at London, and made applicable to Malta on June 24, 1935. The treaty also fulfills the requirement for a bilateral instrument between the United States and each European Union (EU) Member State in order to implement the Extradition Agreement between the United States and the EU. Two other comprehensive new extradition treaties with EU Member States—Estonia and Latvia—likewise also serve as the requisite bilateral instruments pursuant to the U.S.-EU Agreement, and therefore also are being submitted separately and individually.

The treaty follows generally the form and content of other extradition treaties recently concluded by the United States. It would replace an outmoded list of extraditable offenses with a modern "dual criminality" approach, which would enable extradition for such offenses as money laundering and other newer offenses not appearing on the list. The treaty also contains a modernized "political offense" clause. It further provides that extradition shall not be refused based on the nationality of a person sought for any of a comprehensive list of serious offenses; in the past, Malta has declined to extradite its nationals to the United States. Finally, the new treaty incorporates a series of procedural improvements to streamline and speed the extradition process.

I recommend that the Senate give early and favorable consideration to the treaty.

GEORGE W. BUSH.
THE WHITE HOUSE, *September 29, 2006.*

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, a Protocol Amending the Convention Between the Government of the United States of America and the Government of the Republic of Finland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital, signed at Helsinki May 31, 2006 (the "Protocol"). Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol eliminates the withholding tax on certain cross-border dividend payments. Like a number of recent U.S. tax agreements, the proposed Protocol provides for the elimination of the withholding tax on dividends arising from certain direct investments and cross-border dividend payments to pension funds. The Protocol also eliminates the withholding tax on cross-border royalty payments. In addition, the protocol modernizes the Convention to bring it into closer conformity with current U.S. tax-treaty policy, including strengthening the treaty's provisions preventing so-called treaty shopping.

I recommend that the Senate give early and favorable consideration to the Protocol and give its advice and consent to ratification.

GEORGE W. BUSH.
THE WHITE HOUSE, *September 29, 2006.*

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, a Protocol Amending the Convention Between the Government of the United States of America and the Government of the Kingdom of Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Copenhagen May 2, 2006 (the "Protocol"). A related exchange of notes is enclosed for the information of the Senate. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol eliminates the withholding tax on certain cross-border dividend payments. Like a number of recent U.S. tax agreements, the proposed Protocol provides for the elimination of the withholding tax on dividends arising from certain direct investments and cross-border dividend payments to pension funds. In addition, the Protocol modernizes the Convention to bring it into closer conformity with current U.S. tax-treaty policy, including strengthening the treaty's provisions preventing so-called treaty shopping.

I recommend that the Senate give early and favorable consideration to the Protocol and give its advice and consent to ratification.

GEORGE W. BUSH.
THE WHITE HOUSE, *September 29, 2006.*

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, a Protocol Amending the Convention Between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and to Certain Other Taxes, Signed on August 29, 1989, signed at Berlin June 1, 2006 (the "Protocol"), along with a related Joint Declaration. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol eliminates the withholding tax on certain cross-border dividend payments. Like a number of recent U.S. tax agreements, the proposed Protocol provides for the elimination of the withholding tax on dividends arising from certain direct investments and cross-border dividend payments to pension funds. The Protocol also provides for mandatory arbitration of certain cases before the competent authorities. This provision is the first of its kind in a U.S. tax treaty. In addition, the Protocol also modernizes the Convention to bring it into closer conformity with current U.S. tax-treaty policy, including strengthening the treaty's provisions preventing so-called treaty shopping.

I recommend that the Senate give early and favorable consideration to the Protocol, along with the Joint Declaration and give its advice and consent to ratification.

GEORGE W. BUSH.
THE WHITE HOUSE, *September 29, 2006.*

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators to the Senate Delegation to the NATO Parliamentary Assembly in Quebec City, Quebec, Canada, during the 109th Congress: the Honorable PATRICK LEAHY of Vermont and the Honorable BARBARA MIKULSKI of Maryland.

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators to the Senate Delegation to the NATO Parliamentary Assembly in Quebec City, Quebec, Canada, during the 109th Congress: the Honorable CHARLES GRASSLEY of Iowa; the Honorable WAYNE ALLARD of Colorado; the Honorable MIKE ENZI of Wyoming; the Honorable JIM BUNNING of Kentucky; the Honorable GEORGE VOINOVICH of Ohio; and the Honorable NORM COLEMAN of Minnesota.

CLARIFYING TREATMENT OF CERTAIN CHARITABLE CONTRIBUTIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4404, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4044) to clarify the treatment of certain charitable contributions under title 11, United States Code.

There being no objection, the Senate proceed to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The bill (S. 4404) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Religious Liberty and Charitable Donation Clarification Act of 2006".

SEC. 2. TREATMENT OF CERTAIN CONTRIBUTIONS IN BANKRUPTCY.

Section 1325(b)(3) of title 11, United States Code, is amended by inserting ", other than subparagraph (A)(ii) of paragraph (2),” after “paragraph (2)”.

FINANCIAL NETTING IMPROVEMENTS ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5585, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5585) to improve the netting process for financial contracts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5114) was agreed to, as follows:

(Purpose: To strike a provision relating to compensation of trustees and filing fees)

Strike section 7 (relating to compensation of chapter 7 trustees; chapter 7 filing fees).

In section 8 (relating to scope of application), strike the section heading and all that follows through “the amendments made” and insert the following:

“SEC. 7. SCOPE OF APPLICATION.

“The amendments made”.

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 5585), as amended, was read the third time, and passed.

HOLDING CURRENT REGIME IN IRAN ACCOUNTABLE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6198, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6198) to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6198) was ordered to a third reading, was read the third time, and passed.

THIRD HIGHER EDUCATION EXTENSION ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6138, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6138) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6138) was ordered to a third reading, was read the third time, and passed.

TO EXTEND THE WAIVER AUTHORITY FOR THE SECRETARY OF EDUCATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6106, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6106) to extend the waiver authority for the Secretary of Education under title IV, section 105, Public Law 109–148.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. FRIST. I ask unanimous consent that the bill be read the third time and passed, a motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6106) was ordered to a third reading, was read the third time, and passed.

OLDER AMERICANS ACT AMENDMENTS OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6197 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6197) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the bill.

FUNDS DISTRIBUTION

Mr. ENZI. Mr. President, today I would like to talk about a very important piece of legislation sent over by the House of Representatives to the Senate last night. The Older Americans Act Amendments of 2006 will reauthorize the vital programs to assist the quickly growing elder population. During the reauthorization it became apparent that the elderly population is growing more quickly in certain areas than others. This was highlighted in newspaper articles this week and has been a key issue for my colleague from North Carolina.

In light of this, I propose that the Committee on Health, Education, Labor and Pensions hold hearings during the coming Congress to review formulas for federal programs and how those formulas are developed to determine the fair and equitable distribution of funds. The committee will focus its attention on how funds must follow the people and the need. In other words, how do we make sure that federal monies are going to the areas of greatest need which are in many instances the fast growing areas of our country and how do we eliminate inequities in funding that exist under current formulas and which in many instances disadvantage high-growth states. Finally, I propose that the committee begin its reauthorization of the Older Americans Act no later than 3 years after the passage of this bill.

Mr. BURR. Mr. President, I thank the chairman of the HELP Committee and strongly support his proposals to focus the attention of the committee on how formulas for federal programs, like the Older Americans Act, are developed. The money should follow the people and their need. With respect to the Older Americans Act, I represent the seventh fastest growing state in the Nation and among that growing population is a quickly growing elderly population. The funds from this act are vital to supporting the services and infrastructure to assist North Carolina to serve our elderly population today and in the future. I also thank the chairman for addressing the next reauthorization within the 3 years after we pass this bill before us.

Mr. ENZI. I would like to thank my colleague from North Carolina for his support of our bill. He was very important in the drafting of this legislation. I urge my colleagues to support us in this important legislation for our growing elderly population and to work with Senator BURR and me, in the coming Congress, to ensure that federal funds follow the need and their intended recipients.

Mr. President, I rise today in support of the passage of the Older Americans Act Amendments of 2006. I am pleased at the support that this bill has received in the Senate and in the House. I especially want to thank Senator

KENNEDY, the ranking member of the Committee on Health, Education, Labor, and Pensions. In particular, I thank Senator DEWINE, the chairman of the Subcommittee on Retirement Security and Aging. Senator DEWINE provided immeasurable leadership in the passage of these amendments, as did Senator MIKULSKI, the subcommittee ranking member. In addition, I thank the members of the House Committee on Education and the Workforce for their diligence in moving forward with this legislation: Representative BUCK MCKEON, Chairman; Representative GEORGE MILLER, ranking member; Representative PATRICK J. TIBERI, chairman of the Subcommittee on Select Education; and Representative RUBÉN HINOJOSA, subcommittee ranking member.

The Older Americans Act Amendments of 2006 is the primary source for the delivery of social and nutrition services for older individuals. Enacted in 1965, the act's programs include supportive services, congregate and home-delivered nutrition services, community service employment, the long-term care ombudsman program, and services to prevent the abuse, neglect and exploitation of older individuals. The act also provides grants to Native Americans and research, training, and demonstration activities.

Title I of the Older Americans Act sets broad social policy objectives to improve the lives of all older Americans. It recognizes the need for an adequate income in retirement, and the importance of physical and mental health, employment in community services for older individuals and long-term care services.

Title II establishes the Administration on Aging, AOA, within the Department of Health and Human Services to be the primary Federal advocate for older individuals and to administer the provision of the Older Americans Act. It also establishes the National Eldercare Locator Service to provide nationwide information with regard to resources for older individuals; the National Long-term Care Ombudsman Resource Center; the National Center on Elder Abuse; the National Aging Information Center; and the Pension Counseling and Information Program. The 2006 amendments authorize the designation of a person to have responsibility for elder abuse prevention to develop a long-term plan and national response to elder abuse prevention, detection, treatment, and intervention. It also authorizes the Assistant Secretary to designate an individual to be responsible for administration of mental health services and authorizes Aging and Disability Resource Centers. Further, the 2006 Amendments strengthen the leadership of the Department of Health and Human Services through an interagency coordinating committee to guide policy and program development across the Federal Government with respect to aging and demographic changes.

Title III authorizes grants to fund 655 area agencies on aging and more than 29,000 service providers nationwide. Title III services are targeted to those with the greatest economic and social need, particularly low-income minority persons and older individuals residing in rural communities. The 2006 amendments will authorize organizations with experience in providing volunteer opportunities for older individuals to be eligible to enter cooperative arrangements; require state agencies to promote the development and implementation of state systems that enable older individuals to receive long-term care and community-based settings in accordance with needs and preferences; encourage both States and area agencies on aging to plan for population changes; improve access to supportive services that help foster independence; require nutrition projects to prepare meals that comply with the most recent Dietary Guidelines; and reauthorize the National Family Caregiver Support Program.

Title IV supports a wide range of ongoing research and demonstration activities that will enhance innovation, identify best practices and provide technical assistance for older individuals. The 2006 Amendments will permit competitive grants for planning activities that will benefit the aging population; assessment of technology-based models to aid in remote health monitoring systems, communication devices and assistive technologies. Further, it includes Hispanic serving institutions among those eligible to compete for grants to provide education and training in the field of aging; reauthorizes grants to improve transportation services for older individuals; ensures increased awareness of mental health disorders among older individuals; and authorizes development of innovative models of service delivery to ensure older individuals may age in place, as they are able and as they choose.

Title V authorizes the community service employment program for older Americans—known as the Senior Community Service Employment, or SCSEP—to promote part-time opportunities in community service for unemployed, low-income persons who are 55 years or older and who have poor employment prospects. It is administered by the Department of Labor. This program represents approximately one-quarter of Older Americans Act funds—$432 million out of $1.78 billion in fiscal year 2006. This program is operated by States and national grantees awarded competitive grants and supported 61,050 jobs and served approximately 91,500 individuals in fiscal year 2005. The 2006 amendments establish 4-year grant cycles for the competitive program and prohibit poor performing grantees from competing during the next grant cycle. It expends participation for eligible individuals who are underemployed and establishes a 48-month time limit for participation in the program with a waiver for particularly hard-to-serve individuals. It establishes an overall grantee average participation cap of up to 27 months and authorizes a waiver of up to 36 months.

Title VI provides funds for supportive and nutrition services for older Native Americans. The 2006 amendments will provide increase the Native American caregiver support program through 2011. Also, Title VII authorizes programs for the long-term care ombudsman, elder abuse, neglect and exploitation prevention, legal service developers and vulnerable Native American elder rights. The 2006 amendments will enhance the elder abuse prevention activities by awarding grants to States and Indian tribes to enable them to strengthen long-term care and provide assistance for elder justice and elder abuse prevention programs. It will create grants for prevention, detection, assessment, treatment of, intervention in, investigation of, and response to elder abuse; safe havens demonstrations for older individuals; volunteer programs; multidisciplinary activities; elder fatality and serious injury review teams; programs for underserved populations; incentives for longterm care facilities to train and retain employees; and other collaborative and innovative approaches.

Finally, the National Resource Center for Women and Retirement is a highly successful program run by the Women's Institute for a Secure Retirement"—WISER—a nonprofit organization dedicated to ensuring the security of women's retirement income through outreach, partnerships, and policy development. We know that many older Americans lack financial knowledge, and that financial education is needed. This program provides a helpful service and should continue to be funded so as to expand its various programs for older Americans, including financial literacy.

The proportion of the population aged 60 and over will increase dramatically over the next 30 years as more than 78 million baby boomers approach, or have already reached, retirement. It is essential that in the coming years Congress and the Federal Government take a leadership role in assisting the States in addressing the needs of older Americans. The bill we offer today will ensure that our Nation's older Americans are healthy, fed, housed, able to get where they need to go and safe from abuse and scams. The number one resolution of the 2005 White House Conference on Aging called upon Congress to reauthorize the Older Americans Act during the 109th Congress. I am pleased that the Senate and the House are accomplishing this goal on behalf of one of our Nation's greatest resources—our older Americans.

Before closing, I want to thank certain staff of the committee for their hard work and long hours in making this reauthorization a reality. I would especially like to thank the following staff members: Katherine McGuire, Ilyse Schuman, Greg Dean, Lindsay Morris, Karla Carpenter, Kori Forster, Lauren Fuller, Michelle Dirst, Brittany Moore and Will Green. Also, I would like to thank the many others who have supported this effort, including Carol O'Shaughnessy and Richard Rimkunas of the Congressional Research Service, and most notably the work of Liz King in the Senate's Office of Legislative Counsel in supporting the drafting of this legislation. Also, I thank the work of the many staff on the other side of the aisle for their contributions toward passage of the bill.

I urge my colleagues to support this legislation in light of the growing needs of our population to ensure that the services they need in the coming years are available to them.

OLDER AMERICANS ACT AMENDMENTS OF 2006

Mr. KENNEDY. Mr. President, I commend Chairman ENZI, Senator DEWINE, Senator MIKULSKI, Chairman MCKEON, Representative TIBERI, Representative MILLER, and Representative HINOJOSA for their bipartisan leadership in reauthorization the Older Americans Act. It's been a lifeline for senior citizens across the country for 40 years, and all of us want it to continue to fullfill its important mission in the years ahead.

Like Social Security, Medicare and Medicaid, the Older Americans Act is part of our commitment to care for the Nation's seniors in their golden years.

Last year, 1,200 bi-partisan delegates were chosen by the Governors of all 50 states, the District of Columbia and the Territories to attend the first White House Conference on Aging since 1985. Over the years these conferences have served as catalysts for change, and this conference was no different. The delegates called for reauthorization of the Older Americans Act as their No. 1 priority and I'm pleased that Congress has answered their call.

As we all know, the baby boomer generation is retiring. One in nine Americans are over age 65 today, but by the year 2030, the number will be one in five.

Our authorization bill is designed to take some of the necessary steps to put the infrastructure in place to provide services that will be needed by those retirees. It requires State and local agencies to acknowledge the dramatically changing demographics and to plan ahead. I hope Congress will continue to build on these efforts in coming years and provide increased funds for the important programs in this Act.

The Conference on Aging also focused on another important theme—the importance of civic engagement and community service by senior citizens.

Members of the new generation of older Americans obviously want to continue to be engaged in their communities after they retire, and it would make no sense for our society not to draw on their experience and knowledge in constructive ways.

The Older Americans Act already provides opportunities for employment of older Americans through the Senior Community Service Employment Program. According to a study by the Center for Labor Market Studies at Northeastern University, the number of older persons aged 55 to 74 with income below 125 percent of poverty will increase from 6 million in 2005 to over 8 million in 2015. Our bill strengthens job training for seniors to involve them in the communities they love, and which also love them. Last year, the program supported 61,000 jobs and served 92,000 people.

Older Americans today provide 45 million hours of valuable service to their communities, particularly in senior centers, public libraries, and nutrition programs.

The bill is also intended to encourage good nutrition, healthy living, and disease prevention among seniors. The Meals on Wheels program, enacted in the 1970's, is one of its greatest successes, and Massachusetts has been in the forefront of efforts to provide community-based nutrition services to the elderly. The Massachusetts program coordinates twenty-eight nutrition projects throughout the State to deal with poor nutrition and social isolation of seniors. Our bill will expand the ability of programs such as Meals on Wheels to reach all older individuals who need better nutrition.

Today it's estimated that 47 percent of the elderly eligible for Supplemental Security Income, 70 percent of seniors eligible for food stamps, 67 percent of people eligible for Qualified Medicare Beneficiary protections, and 87 percent of those eligible for Specified Low-Income Medicare Beneficiary protections are not participating in these programs. Surely, we can do a better job of outreach to bring these programs to the attention of those who need them. Our bill addresses the need for better outreach to seniors about the healthcare, mental health services, and long-term care benefits available to them.

I also commend all of the staff members who have worked so hard to bring this bill to final passage today, especially Ellen-Marie Whelan and Keysha Brooks-Coley in Senator MIKULSKI's office, Lauren Fuller and Kori Forster in Senator Enzi's office, and Lindsay Morris and Karla Carpenter in Senator DEWINE's office.

This bill will mean better health and more fulfilling lives for both seniors and their communities in the years ahead, and I strongly support its passage.

Mr. HATCH. Mr. President, I rise in support of legislation to reauthorize the Older Americans Act.

I strongly support this bill and want to acknowledge the hard work of the chairman of the Senate Health, Education, Labor and Pension, HELP, Committee, Senator MIKE ENZI, and the committee's ranking minority member, Senator TED KENNEDY.

In addition, I want to thank Senator MIKE DEWINE, the chairman of the Retirement Security and Aging Subcommittee and its ranking minority member, Senator BARBARA MIKULSKI. All four of my colleagues and their wonderful staffs, Lauren Fuller, Kori Forster, Lindsay Morris, Kara Marchione, Ellen-Marie Whelan, and Keysha Brooks-Coley did a tremendous job in producing a good bill that will make a difference in the lives of older Americans across the nation.

Yesterday, this legislation passed the House of Representatives unanimously and it is my hope that the Senate will follow suit.

This legislation improves the functions of the Administration on Aging, provides grants for State and community programs on aging, and creates training and research programs to assist seniors in maintaining their independence. In addition, the conference report includes job training for seniors through the community service employment program and grants for supportive and nutrition programs for older Native Americans.

There are two provisions of this measure that I would like to highlight.

First, the conference report includes provisions from legislation that I introduced earlier this Congress with my colleague, Senator BLANCHE LINCOLN of Arkansas, S. 2010, the Elder Justice Act.

More specifically, this legislation includes a provision which authorizes the Assistant Secretary on Aging to designate an individual to be responsible for elder abuse and prevention services, and to coordinate Federal elder justice activities. This includes developing a long-term plan for the creation and implementation of a coordinated, multidisciplinary elder justice system.

I am so proud to have provisions from the Elder Justice Act included in this legislation. With over 77 million baby boomers retiring in the next three decades, we have no choice but to acknowledge something must be done to combat elder abuse. Passage of this bill is an important step in the right direction.

I also am pleased that this legislation includes a sense of the Congress recognizing the contribution of nutrition to the health of older Americans. This sense of the Congress states that while diet is the preferred source of nutrition, evidence suggests that the use of a single daily multivitamin-mineral supplement may be an effective way to address nutritional gaps that exist among the elderly population, especially the poor. I strongly believe that by encouraging seniors to take daily multivitamin-mineral supplements, we are only helping them to live longer, healthier lives and I am hopeful that senior meals programs will decide to provide supplements to those who participate.

There is a long history of evidence indicating that multivitamins and minerals can maintain and improve health and are safe. While I wish this provision had been more than a sense of the Congress, I appreciate the work of the conferees to highlight the necessity of good nutrition and supplementation.

Once again, I want to congratulate my colleagues on a job well done. Older Americans across the country appreciate your efforts.

Mr. SARBANES. Mr. President, I rise today in strong support of the reauthorization of the Older Americans Act. I commend Chairman ENZI and Ranking Member KENNEDY of the Committee on Health, Labor, and Pensions for their hard work in putting this bill together and working through the differences with the House prior to today's floor action so that this important legislation can go straight to the President's desk and be signed into law.

There are many important provisions aimed at improving the lives of our senior citizens contained in the Older Americans Act. Today, however, there is one part of the bill to which I want to draw particular attention: Section 203 of the act establishes an Interagency Coordinating Committee that will help the Federal Government work with its partners to meet the growing housing, health care, transportation, and related needs of senior citizens around the country. The Interagency Coordinating Committee will work to better coordinate Federal agencies so that seniors and their families can access the programs and services necessary to allow them to age in place or find suitable housing alternatives. This section draws heavily from S. 705, the Meeting the Housing and Service Needs of Seniors Act, which I introduced in April 2005. S.705 was passed by the Senate unanimously on November 15, 2005.

As I said when the legislation first passed, the challenges that confront us as our population ages are growing more urgent. Data from the 2000 census show that the U.S. population over 65 years of age was 34.7 million. This number is expected to grow to over 50 million by 2020. It is projected that by 2030 nearly 20 percent of our population will be over 65; that is, almost one American in every five will be elderly.

As our senior population continues to increase, so will the demand for affordable housing and service options. This is a matter of concern not only for those who will need the services but for families—children along with spouses. It concerns communities all around the country, as productive and responsible citizens grow older and need help. It is a matter of deep concern for us all because it will affect the well-being of our entire society.

Many of us know, both from academic studies and our own experience with elderly parents or friends, that helping a senior citizen to remain in her home or in her community for as long as possible promotes a better quality of life. In order to help seniors age in place or find suitable alternative housing arrangements, services must be linked with that housing. Seniors must be able to access needed health supports, transportation, meal and chore services, and assistance with daily tasks in or close to their homes. Without needed supports, seniors and their families face difficult and even daunting decisions.

The Commission on Affordable Housing and Health Facility Needs for Seniors, known as the Seniors Commission, established by Congress in 1999, found that too often, seniors face premature institutionalization because housing and services are not linked. This results in more expensive care for the person, increased social isolation, and a lower quality of life. According to the Commission's report, "the very heart" of its work "is the recognition that the housing and service needs of seniors traditionally have been addressed in different 'worlds' that often fail to recognize or communicate with each other." The Commission concluded that: "the most striking characteristic of seniors' housing and health care in this country is the disconnection of one field from another." The creation of the Interagency Coordinating Committee will ensure that this important conversation gets started.

If left unattended, the problem of lack of coordination will increasingly undermine all of our efforts to assure that Americans have access to the services they need as they age. The Interagency Coordinating Committee established by this legislation will increase communication and coordination among Federal agencies while reducing duplication. The committee will also serve as a permanent national platform to address the needs and issues of our aging population.

The Interagency Coordinating Committee will further help to improve collaboration and coordination among the Federal agencies and our State and local partners to ensure that seniors are better able to access housing and services. This committee will work to find new ways to link housing programs and needed supportive services to increase their efficiency, to make them more accessible, and to strengthen their capacity.

The decisions that our seniors and their families must make are difficult enough. They should not be made more painful and burdensome by having to negotiate a confusing maze of programs and services and a multiplicity of administrative procedures. I am hopeful that the Coordinating Committee will be able to focus attention on this problem and cut through the barriers that Americans face to utilizing the programs we have provided for them.

The two members of the Interagency Coordinating Committee specifically named in the legislation are the Secretaries of Health and Human Services, HHS, and Housing and Urban Development, HUD. These two Cabinet members are crucial to achieving the ultimate goal of the committee—to make affordable housing and needed supportive services, which are often health-related services, easier for seniors to access together. The legislation also names many other high-ranking officers from agencies that oversee programs of significant importance to the lives of older Americans as potential members of Coordinating Committee. I urge the President, after signing this legislation, to quickly name the rest of the committee so that it can begin to create the kind of seamless web of housing, health, transportation, and other services for our seniors that this legislation envisions.

In closing, I want to thank Chairman ENZI and Ranking Member KENNEDY for their strong support for including the idea of the Interagency Coordinating Committee. Katherine McGuire, Greg Dean, and Lauren Fuller from the HELP Committee were absolutely vital in working with Jonathan Miller of my office and the House committee to make sure this important provision was included in the final legislation.

Likewise, my longtime colleague and friend, Senator MIKULSKI, who is the ranking member of the Subcommittee on Retirement Security and Aging, and Keysha Brooks-Coley from her subcommittee staff, have been strongly supportive of this provision and have been tireless in their advocacy on its behalf. I greatly appreciate their efforts. As I did when S. 705 first passed, I want to express my thanks to Chairman SHELBY for moving S. 705 through the Committee and the Senate floor expeditiously and the Banking Committee staff who helped in achieving this goal, especially Kathy Casey, the former staff director, Mark Calabria, and Tewana Wilkerson.

Finally, I want to thank two former members of my staff, Jennifer Fogel-Bublick and Sarah Garrett, who, at the staff level, were principally responsible for crafting the original legislation and who helped to guide it through this body last year. This accomplishment is very much due to their hard work over the last several years.

Mr. ENSIGN. Mr. President, I rise today to highlight an agreement reached by my colleagues, Senator MIKE ENZI and Senator RICHARD BURR, in regard to Federal funding formulas.

Over the past year and a half the Senate Health, Education, Labor, and Pensions Committee, of which I am a member, has been working on the reauthorization of the Older Americans Act. Part of this work included changes to the funding formula for the programs contained within the act. I was actively involved in this work with Chairman ENZI and Senator BURR, as I believe that the formula is unfair and inequitable to states with a growing elderly population.

While we were able to make some changes to the funding formula for the Older Americans Act, it is far from adequate. The formula continues to provide high-growth states with less than their fair share of funding.

Chairman ENZI has agreed to hold hearings during the 110th Congress to review federal funding formulas.

Senator BURR and I agree that Federal money should follow people. Current Federal funding formulas often ignore this and penalize those living in fast-growing States.

According to USA Today, the state of Nevada is projected to see a one hundred and fourteen percent increase in our population—the highest rate of growth in the country. Nevada welcomes our new-comers with open arms, as they have recognized the quality of life the state of Nevada has to offer. I am proud that so many Americans have chosen to call Nevada home.

I was sent to Washington, DC, promising that I would do more to bring Nevadans hard earned dollars back to the State. Nevadans are happy to pay their fair share of taxes to the Federal Government, but also expect a fair share to return to the State. Despite my success in changing several funding formulas, Nevada continues to rank at the bottom of the list in terms of Federal dollars returning to the State.

Much of this is because current Federal funding formulas contain provisions that require outdated population data, and others mandate the use of hold harmless provisions. Both of these provisions work against those who need the assistance these funds provide. These provisions punish those who have chosen to move to a different State particularly fast-growing States.

I have worked to bring some equity and fairness to the title I education funding formula, which has brought an additional $43 million to the State of Nevada. I have also worked to bring some fairness to the Perkins Career and Technical Education program and other important programs, but much work remains to be done.

I am anxious for these hearings to begin so we can truly shed some light on these formulas and the unfair provisions used to allocate Federal dollars. Federal money ought to follow those individuals it is designed to assist. It should not be held hostage to politics.

It is my hope that these hearings will lay the groundwork for work on other federal funding formulas, particularly those used to allocate funding for education and health care programs. I am looking forward to working with my colleagues on this extraordinarily important issue in the very near future.

Ms. MIKULSKI. Mr. President, I rise today in strong support of Senate passage of the bipartisan, bicameral Older Americans Act Amendments of 2006, H.R. 6197. This bill passed the House unanimously yesterday and is a bipartisan, bicameral agreement to reauthorize this important act until 2011.

H.R. 6197 retains and strengthens current programs, as well as establishes new innovative programs. This bipartisan bill also honors the agreement that I made with Senators ENZI, DEWINE, and KENNEDY to members of the Health, Education, Labor, and Pensions Committee to address the current funding formula for title III OAA dollars before moving the bill to the senate floor. The bill includes a compromise that addresses States that have both increasing and decreasing populations. Updating the "hold harmless" to the fiscal year 2006 funding level helps States with steady populations, while phasing out the guaranteed growth provision over 5 years helps States with increasing aging populations.

This past December, the congressionally mandated White House Conference on Aging convened 1,200 bipartisan delegates from all 50 States to discuss issues that affect the lives of older individuals across the country. The No. 1 resolution adopted at the conference was reauthorization of the OAA this year. We have heeded their call and are pleased that H.R. 6197 has the strong support of the aging community.

There are three principles that I used to guide this reauthorization process. First, to continue to improve the core services of this act to meet the vital needs of America's seniors. We need a national program with national standards that ensure consistency but allow for sufficient flexibility and creativity. Second, to modernize the act, to meet the changing needs of America's senior population, including the growing number of seniors over 85. We must be ready for the impending senior boom and look for ways to help seniors live more independent and active lives. And finally, to ensure these critical national, State, and local programs have the resources they need to get the job done.

This bill keeps our promise to older Americans to retain and strengthen current OAA programs, as well as provide new innovative programs to further improve the act. It will ensure that the OAA continues to meet the day-to-day needs of our country's older Americans and the long-range needs of our aging population.

The reauthorization bill maintains tried and true programs, including information and referral services that are the backbone of OAA programs, providing seniors and their family members information about supportive services, nutrition programs like Meals on Wheels that provide meals to 2.75 million people every year, and transportation services which are critically important to seniors in our rural areas. At the same time, we recognize the need to strengthen certain programs in the act and establish new innovative initiatives that are fiscally responsible.

The bill strengthens the National Family Caregiver Support Program by providing respite services to older adults who care for their children who are disabled and lowering the age eligibility of grandparents caring for a child from 60 to 55. The bill also extends caregiver services to individuals with Alzheimer's disease of any age to address the increasing number of people who are being diagnosed with Alzheimer's at an earlier age and increases the authorization for the program to meet the growing needs of family caregivers.

The bill strengthens aging and disability resource centers, expanding the important role resource centers across the country provide. These centers are visible, trusted sources of information on long-term care options and health insurance and provide seniors and their family members with important information on benefits including the Medicare prescription drug program.

The bill strengthens the title V Senior Community Service Employment Program by maintaining the strong community service aspect of the program, an integral component since the beginning. This program helps seniors find jobs at Meals on Wheels programs, senior centers, and public libraries.

H.R. 6197 authorizes new innovative programs including a Naturally Occurring Retirement Community—NORC—Aging in Place Program that will support and enhance the ability of seniors to remain in their homes and communities by providing seniors necessary supporting services including transportation, social work services, and health programs. The new grant program builds on the success of Naturally Occurring Retirement Communities Programs that have developed at the local level and have a proven record of success.

A Civic Engagement Demonstration Program is authorized that encourages older adults to become actively involved in their communities. The program will capitalize on the talent and experience of older adults to meet critical needs in our communities. The bill also creates an elder abuse program that will support State and a community effort against elder abuse by conducting research related to elder abuse and neglect and creates a nationally coordinated system to collect data about elder abuse, neglect, and exploitation.

The bill also establishes an Interagency Coordination Committee based on S. 705, Meeting the Housing and Service Needs of Seniors Act of 2005, introduced by the senior Senator from Maryland, Mr. SARBANES. The interagency committee will address the housing and social service needs of seniors and enhance working relationships and coordination among Federal entities including the Departments of Health and Human Services, Labor, Housing and Urban Development, and Transportation.

This bill addresses the issue of emergency preparedness for seniors by requiring States and Area Agencies on Aging to coordinate, develop plans, and establish guidelines for addressing the senior population during disasters/emergencies. During Hurricane Katrina and Rita, we all saw that many times the people who were left behind were the elderly. We must plan accordingly for seniors and use the successful senior network that exists in our country to make sure that they are not forgotten.

I thank Senator DEWINE, chairman of the Retirement Security and Aging Subcommittee, for his sincere dedication to reauthorizing the OAA this year and his willingness to work in a bipartisan manner to accomplish this. This is our second time reauthorizing this act together, and we produced a bipartisan bill once again. I also thank Senator ENZI for his strong leadership in moving this bill through the Health, Education, Labor, and Pensions Committee and all the way up to this point. Thank you also to Senator KENNEDY for his leadership and his tireless advocacy for OAA programs and the people it serves.

Mr. BURR. Mr. President, I rise today to speak on the Older Americans Act amendments of 2006. As the Federal Government's chief program for the provision of a variety of social services for America's older citizens, the Older Americans Act, OAA, has and will continue to be a program of critical importance, especially for the aging baby boomer population.

The bill before us includes a number of important provisions that seek to strengthen and improve health and nutrition programs, educational and volunteer services, and home and community support systems for our Nation's older citizens. I commend my colleagues in Congress for these needed improvements and enhancements to the OAA, and I support final passage of this bill.

While I am also pleased by the modifications made to the funding formula included in title III of the act that will result in increased funding for North Carolina and other high-growth States, I am disappointed that the final funding formula included in the act does not completely eradicate funding inequities. For far too long, my home State of North Carolina and a number of other high-growth States have consistently been underfunded under the OAA. Prior to the 2000 reauthorization of the OAA, the General Accountability Office, GAO, both in 1994 and 2000, documented that the allocation method used by the Administration on Aging, AOA, to distribute title III funding resulted in inequitable funding across States and adversely affected States with rapidly growing older populations such as North Carolina. Under AOA's allocation procedures, States with above-average growth were consistently underfunded, while States with below-average growth were consistently overfunded. In fiscal year 2000 alone, GAO found that AOA's allotment method resulted in North Carolina being underfunded by $2.1 million.

Although Congress attempted during the 2000 reauthorization of the OAA to ensure that the allocation methods used to distribute funds were consistent with statute, a provision was added to the formula, referred to as a guaranteed growth factor, which had the unfortunate effect of compounding the disparities between high- and low-growth States. Under the formula included in the Act before us, this guaranteed growth factor is to be phased out in 5 years. I appreciate the inclusion of this phase out. However, I strongly believe that 5 years is too long a time to eliminate a funding provision that serves only to underfund high-growth States and over-fund low-growth States.

As we all know, older Americans are a rapidly growing and ever important group of our population. My home State of North Carolina has and will continue to experience unprecedented growth in all segments of our populations in the coming years. While the Nation's total population is expected to grow 29 percent by 2030, North Carolina's total population is expected to increase 51.9 percent by 2030, making North Carolina the seventh most populous by 2030 and the seventh fastest growing state.

The State of North Carolina welcomes this growth, which we are experiencing among all age segments of our population, and we are pleased that so many are choosing to make North Carolina their home. Nevertheless, to best meet the needs of our residents, it is imperative that funds provided by Federal programs such as the OAA reach the individuals they are intended to serve. As we all know, funding formulas are complicated. Nevertheless, it is critical that this and other formula issues be resolved once and for all and not once again put off for another day or other reauthorizations years down the road. If the goal of the OAA is to provide essential Federal programs and services for older Americans, then such Federal funds must be directed to States in which older Americans are living.

For this reason, I am pleased that Chairman ENZI has committed to me to hold hearings during the coming Congress to review all formulas for Federal programs under the jurisdiction of the Health, Education, Labor and Pensions Committee and to examine how those formulas are developed to determine the fair and equitable distribution of funds. I also appreciate Chairman ENZI's commitment to address the next reauthorization of the OAA within 3 years after we pass this bill before us so that we can more quickly examine and remediate the current funding inequities. I look forward to working with Chairman ENZI and my other colleagues to ensure that Federal funds follow the people and their needs.

Ms. STABENOW. I have heard from many seniors, the Center for Social Gerontology in Ann Arbor, and Michigan's Area Agencies on Aging and senior centers about the need for reauthorizing the Older Americans Act, which was last reauthorized in 2000. While the reauthorization of the OAA is a positive step for America's seniors, funding for Federal seniors services has failed to keep place with inflation and an aging population.

I am also pleased that the OAA reauthorization will contain the core elements of S. 409, the Federal Youth Coordination Act, which I cosponsored with Senator NORM COLEMAN. I was also pleased to work with Congressman TOM OSBOURNE on pushing this legislation forward. I thank Chairman ENZI and Senators KENNEDY and MIKULSKI and their staff for including this important piece of legislation in the OAA reauthorization.

In 2003, the White House Task Force for Disadvantaged Youth report identified numerous programs in 12 different Federal agencies that serve or relate to disadvantaged youth. But the task force could not determine precisely how much funding directly impact our young people because there is no uniform, focused Federal youth policy. The task force recommended the establishment of a coordinating body to facilitate the evaluation, coordination, and improvement of Federal programs serving youth.

In response, our legislation creates a 2-year coordinated council to evaluate, coordinate, and improve Federal youth programs. Membership on the council includes 12 Federal agency officials, representatives of youth-serving nonprofits and faith-based organizations, and the youth who actually participate in these important programs.

The purpose of our bill is not to cut programs but to look at ways we can better serve our young people. Our children, especially those most at risk, should not be lost in a Federal bureaucracy. We must ensure that our taxpayers' investment produces a strong return on our Nation's investment in our children. America's youth deserve high-quality, effective and meaningful youth development programs that achieve the greatest possible impact.

I urge the President to convene a council that will take its mission seriously and includes members with strong backgrounds in children's services. Most importantly, the council ought to include young people, especially those positively impacted by federally funded programs. At a January briefing I sponsored with Senators COLEMAN and DEWINE, one of the most powerful stories we heard from Terry Harrak, a former foster youth once caught in the middle of the maze of services. She called on the Senate to pass the Coleman-Stabenow bill and for Congress to not cut the number of programs but to improve how they work together.

Again, I thank my colleagues for their support for serving two of our most vulnerable populations, our seniors and our children. Additionally, I thank the many Michigan organizations who supported the Federal Youth Coordination Act, and I ask unanimous consent that a copy of the letters in support of S. 409 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

NATIONAL COLLABORATION FOR YOUTH,
Washington, DC, January 13, 2006.

Hon. DEBBIE STABENOW,
133 Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STABENOW: On behalf of the National Collaboration for Youth and its member organizations, we thank you for your support of the Federal Youth Coordination Act (S. 409) and co-sponsoring the briefing on the legislation held earlier this week.

More than 20 Senate staff members attended the briefing to hear our distinguished panelists discuss the maze of services facing disadvantaged youth and their families. The federal government currently lacks a coordinating body with the mandate to weave the existing tangle of services into a seamless web of supports. We appreciate your leadership on The Federal Youth Coordination Act (FYCA), which fills this need and provides valuable leadership, support and efficiency to state and local efforts across the country.

We look forward to continuing to work with your office on FYCA. Children are simply too important, and resources are too scarce, to not pass this legislation.

Sincerely,

IRV KATZ,
President and CEO.

VOICES FOR MICHIGAN'S CHILDREN
Lansing, MI, April 18, 2005.

Senator DEBBIE STABENOW,
U.S. Senate, 702 Hart Senate Office Building, Washington, DC.

Hon. SENATOR STABENOW: On behalf of our Board of Directors of Michigan's Children, I would like to thank you for your sponsorship of the Federal Youth Coordination Act of 2005.

Transitioning to adulthood can be a complicated process for young people, navigating through the supports and services available should not be so complicated. For this reason, Michigan's Children has as one of its legislative and administrative priorities for 2005 advocacy related to at-risk youth transitioning to adulthood. This priority includes supporting state and federal steps to provide more coordinated services to this population. As you are aware, the Federal Youth Coordination Act represents a positive step in this direction.

We are pleased that you have signed on as a Senate co-sponsor to this important piece of legislation. It may interest you to know that the theme of the 2005 Michigan Kids Count Databook will be issues faced by at-risk youth in transition. This should provide a unique opportunity this fall (the databook is scheduled for release in October 2005) to draw some attention to this critical issue. If there is anything that we can provide to you about the Act itself, or the status of young people in Michigan, please don't hesitate to contact our office,

Sincerely,

SHARON PETERS,
President/CEO.

Mr. KOHL. Mr. President, I understand that tonight the Senate will move to passage of the reauthorization of the Older Americans Act. I support passage of this legislation, which funds nutrition, health, elder abuse prevention, caregiver support, and employment programs that are critical to our Nation's seniors—so critical, in fact, that delegates to the White House Conference on Aging ranked reauthorization as their No. 1 priority.

Today, people over the age of 65 make up over 12 percent of the population, but they will make up 20 percent in the next 45 years. That means one out of every five Americans will be a senior by the year 2050. Just in the past 5 years, Wisconsin has experienced a 6 percent increase in people over the age of 65. It is clear we need a strong Older Americans Act that provides real help if we are to serve the seniors of today and tomorrow.

As ranking member of the Special Committee on Aging, I applaud the bipartisan efforts of Senator ENZI and Senator KENNEDY in producing a bill that preserves the programs in the Older Americans Act. This is not a perfect bill, and in future reauthorizations we must continue to strengthen OAA for both today's seniors and the coming tidal wave of baby boomer retirees. But I am pleased that this reauthorization rejects attempts to dismantle the OAA programs and instead preserves them.

This OAA reauthorization bill includes several pieces I strongly support. First, it strengthens the Senior Community Service Employment Program—now renamed the Older American Community Service Employment Program. Many seniors expect to work past traditional retirement age. Some will do so because they enjoy the physical and mental benefits of work, but others need additional income to be financially secure.

That is why the OACSEP program is so important. It is the only Federal workforce program specifically targeted to older people, providing community service and job training to low-income adults age 55 and over. Many of us were concerned that the administration proposed a major overhaul of this program that would have disrupted both grantees and participants. Instead, this bill wisely preserves OACSEP and builds on its success.

In particular, the bill maintains OACSEP's role in allowing seniors who have a disability or poor employment prospects to do community service jobs. Instead of turning seniors away, this bill recognizes that seniors who give back to their communities help not only the organizations and families they serve but also help themselves become more self-sufficient.

I thank the HELP Committee for working with me to improve OACSEP. Specifically, the bill expands eligibility to ensure that people who have some income but are still very poor can get OACSEP services. It also requires the Department of Labor to evaluate the performance of OACSEP grantees by hours of community service employment, placement into and retention in paid jobs, earnings, and the number of people served—including the number of people from hard-to-serve populations. And it requires Labor to use performance on these measures as one of its criteria in awarding future grants.

At an Aging Committee hearing in April, the GAO testified that even though thousands of seniors need training and jobs, Labor has restricted OACSEP eligibility so much that grantees can't find enough people to enroll. The bill returns to more realistic eligibility criteria, such as ensuring that SSI benefits no longer count as income in determining whether you are poor enough to qualify for the program.

This reauthorization also recognizes the importance of engaging our next generation of seniors in community service. While many boomers would like to continue working, others will look to mix work and leisure with volunteerism. Older Americans bring a wealth of talent and experience to their communities, and many are eager to make a meaningful contribution. This reauthorization directs the administration on Aging to develop a blueprint for engaging boomers and authorizes a fund for innovation for community stakeholders to engage boomers. These are two important steps in giving the government and communities the tools needed to harness boomers' leadership skills and abilities.

I am also pleased to see several provisions of the Elder Justice Act included in the Older Americans Act reauthorization. I am an original cosponsor of Elder Justice and strongly support its goals. For far too long, our Nation has turned its back on the shame of elder abuse. With these provisions, we are finally saying enough is enough—elder abuse is unacceptable and we are going to put an end to it.

For the first time, the bill provides real Federal leadership in the fight to end elder abuse by creating an Office of Elder Abuse Prevention. It also includes programs to assist States and Indian tribes with their efforts to protect seniors. Important research and data collection can now begin so we will know the scope of the problem and the best solutions to prevent, detect, and treat elder abuse, neglect and exploitation.

In addition, I am pleased this bill preserves the Long Term Care Ombudsman Program. Although it is a small program, the ombudsman plays a key role in protecting the elderly and disabled in long-term care by serving as an advocate for patients and helping them resolve complaints of abuse, neglect, and mistreatment. A recent report by the Institute of Medicine of the National Academy of Sciences noted the importance of routine onsite presence of ombudsman in detecting problems before they become serious.

My home State of Wisconsin has one of the most successful ombudsman programs in the county, and we are proud to have one of the very best ombudsmen, George Potaracke, leading that program. I have worked for many years to ensure that this woefully underfunded program receives increases. These increases are often small, but they improve the lives of people living in long-term care facilities. I hope that future OAA reauthorizations will take the ombudsman's growing caseload into account and increase its funding authorization to match the need.

This legislation also maintains strong support for state and community programs authorized under title III. These programs serve over 8.2 million older persons, providing transportation, access to senior centers, home care, adult daycare, and congregate and home-delivered meals like the Meals on Wheels program. These valuable services allow older persons to live in their communities and remain independent.

Each year, title III gives seniors almost 36 million rides to places like doctors' offices, grocery stores, and senior centers. It ensures that 6,000 senior centers continue to flourish in our communities. It provides 20 million hours of personal care, homemaker, and chore services, and almost 10 million hours of services in adult daycare. And it serves 248 million meals to our seniors. I am pleased that the Older Americans Act reauthorization preserves these important services.

In addition, the Family Caregiver Support program is reauthorized and improved. I was an original cosponsor of this program, which ensures that family members who care for an elderly or disabled relative receive the support and respite services they need. The Family Caregiver Support Program provides access assistance to 585,000 caregivers, conducts counseling and training services for about 300,000 caregivers, and supports respite care services for over 200,000 caregivers.

Now that we are poised to pass the Older Americans Act reauthorization, we must make sure we fund it. All of our good intentions will be empty promises if we don't also provide the resources seniors need. As a member of the Appropriations Committee, I have consistently supported increased funding for OAA and will continue to fight for these programs.

Again, I applaud the HELP Committee for this sensible and much needed bill.

Mr. DEWINE. Mr. President, I am extremely proud to come to the Senate today to recognize the passage of a very important piece of legislation for our Nation's seniors. Democrats and Republicans came together over the past 2 years to reauthorize the Older Americans Act and that's simply good news for seniors across the country.

I thank Chairman ENZI and our Democrat colleagues Senators MIKULSKI and KENNEDY for joining me in this effort. This bill is an excellent example of the positive things we can accomplish when members of both parties work side by side towards a common goal. Over the past 2 years, as Chairman of the Subcommittee on Retirement Security and Aging, I have worked with my colleagues—particularly Senator MIKULSKI—to bring together experts in the aging community at hearings, roundtables, and listening sessions. We have listened to the problems facing our seniors and to ideas about what we can do to make their lives better. I rise today with my colleagues on the Health, Education, Labor, and Pensions Committee as we join in passage of the Older Americans Act Amendments of 2006, a bill which we all believe will make the lives of seniors better.

Senator MIKULSKI and I worked together to draft and pass the Older Americans Act Amendments of 2000. I am proud to have worked with her again to improve and update these vital programs for seniors. Her hard work and experience has been invaluable.

This bill comes about through the dedication and compromise of members in both the Senate and the House. I would like to take this moment to thank everyone on both sides of the aisle who worked on this bill—particularly my colleague from Ohio, Representative TIBERI. They have been dedicated to the passage of this important legislation, and I thank them for their hard work.

The Older Americans Act is so important for my home state of Ohio. More than 2 million persons over the age of 60 in Ohio are eligible for services under the Older Americans Act. Let me say that again, there are over 2 million Ohio seniors who will have the opportunity to take advantage of the programs in this bill. The bill will bring more than $44 million to programs in Ohio. This vital funding will go to wonderful organizations such as Meals on Wheels, which provides important nutrition programs at senior centers and in senior's homes.

This funding will also help programs preventing injury and illness to seniors, as well as programs supporting families who are caring for disabled loved ones, including the elderly and adult children with disabilities, and grandparents who are caring for their grandchildren. So many Ohioans need these services. In my state 87 percent of those in need of care by a family member are at age 50 or older. Seventy percent of those persons are women. Ohioans caring for a disabled family member spend an average of 4.2 years in this role—time impacting their job, their emotions, and their health.

The Older Americans Act also provides funding and support for the 12 Area Agencies on Aging that serve older Americans living in Ohio. These 12 agencies do a wonderful job of organizing the services I just described, as well as many more. They serve all 88 counties in Ohio and work with State and local providers of services to ensure that all seniors in their areas maintain proper health and nutrition and are aware of the services available to them.

Nationwide, older Americans are a vital and rapidly growing segment of our population. Over 36 million people living in the United States—about 12 percent of the population—are over the age of 65. The Census Bureau projects that 45 years from now, people 65 and older will number nearly 90 million in the United States and will comprise 21 percent of the population.

The Older Americans Act is an important service provider for these Americans, and I strongly believe that the reauthorization bill we just passed updates and strengthens the Act in so many ways. Plans to prepare for changes to the aging demographics will be incorporated into the Act. A Federal interagency council responsible for ensuring appropriate planning for baby boomer-related needs and population shifts across agencies will be created. And grants and technical assistance will be provided to local aging service providers to plan for the baby boomer population.

Our bill will also increase the Federal funding levels for the National

Family Caregiver Support Program over the next 5 years. This important program helps families care for loved ones who are severely ill or disabled, yet want to remain in their homes and community. Our bill expands this program so that all of those caring for loved ones with Alzheimer's become eligible for support services. Our bill also clarifies that this program will serve elderly caregivers who are caring for their adult children with developmental disabilities and expands that provision to include all adult children with disabilities who are being cared for by an elderly parent. Lastly, it clarifies that grandparents caring for adopted grandchildren are covered under the National Family Caregiver Support Program and lowers the age threshold for grandparents to 55 years old. These important changes will improve the quality of life for so many who are struggling under the pressures of caring for loved ones—including more than 1,700 Ohioans annually.

Other provisions of the bill encourage seniors to make voluntary contributions to help defray the costs of these programs if they want to which will allow the program to reach out to even more seniors. This will help programs such as Meals-on-Wheels to expand their activities and will enable them to more effectively take contributions from those older Americans willing and able to pay for services. Annually, more than 125,000 Ohioans are served nearly 10 million meals by these important programs. The number of seniors in our population is increasing—and as it does, we need to modify our programs to ensure that they are economically sustainable and equipped to grow.

We know that most Americans wish to live independently in their own homes as they age. Our amendments will help them do so by providing funding so that the Department of Health and Human Services can award grants for the improvement of assistive technology that will allow older Americans to monitor their health while they remain in their homes. This bill also creates a new program awarding grants for the creation of innovative models for the delivery of services to those who remain in their homes. The need for this grant program was discussed at length in a hearing I held on models for aging in place—specifically, Naturally Occurring Retirement Communities or NORCs. NORCs are areas in which large concentrations of people live and stay as they age. Essentially, NORCs allow individuals to grow old while living in the communities they love. Programs like NORCs will allow Americans to remain in their homes and communities, the places where they believe they will stay happier and healthier. As I stated before, Americans want to stay in the places they love as they age. This bill will help them do just that.

Further, this bill creates a new momentum towards the provision of consumer-driven choices with respect to long-term care. As we all know, too many older Americans become disabled without the ability or the insurance to pay for their care. Too often, their only choice is to live in a nursing facility away from home. This ends up being more costly and ultimately not what the person would prefer—which is to remain in their home and their community. This bill will facilitate access to long-term care choices and opportunities. It will also enhance the ability of local providers and area agencies on aging to provide advice on the range of options they have available. Older Americans will then have the flexibility to decide for themselves which is the best place for them to age.

The Senior Community Service Employment Program is a federally funded jobs program geared specifically for older Americans. In Ohio alone, it provides more than 2,000 jobs for low-income Americans age 55 and older. Our bill updates this program to ensure additional stability in those who provide these services for older low-income Americans. This stability will limit the disruption for seniors employed in the program and will also help low-income older Americans get the training they need to move on to better paying jobs.

The Senior Community Service Employment Program has a dual nature, containing provisions that address both community service and job training for low income individuals. Our bill provides a Sense of the Senate supporting this dual approach. Furthermore, our bill limits the time period of participation in the program to 4 years, with an exemption for certain hard to serve individuals. This provision balances the need for a limit to the time a person spends in this employment program with the recognition that certain populations have special needs.

Of great importance to me, this bill also amends the Older Americans Act to focus attention on the mental health needs of older Americans. The amendments establish grants for the mental health screening of older Americans and for increased awareness of the effects of mental health needs on the elderly population. Too often the mental health needs of older Americans are overlooked—but they can be as serious and life-threatening as any other illness. The mental health needs of our seniors must be taken more seriously. We must deal with them more aggressively. I believe that these provisions move us significantly forward in this struggle.

Finally, this bill will help address the terrible problem of seniors who suffer abuse in their homes or while in nursing homes. Elder abuse is a serious problem that we know exists but is not well documented. This bill increases the profile of these issues while providing important resources for improving the data collection of incidents and outreach to those who may be suffering abuse. I believe that these new grants will move us forward tremendously in our fight against elder abuse. I know that this was an important provision for Chairman ENZI, and I am glad that we were able to include this important program for at-risk seniors.

Once again, I want to thank Senator ENZI and Senator KENNEDY for making this reauthorization a priority for the HELP Committee. Over the months we have negotiated this bipartisan bill, I have greatly appreciated their thoughtful and steady work to get the Older Americans Act to this point. Together, we have worked to get it done.

Today's passage of the Older Americans Act Amendments of 2006 is incredibly important to older Americans, both in Ohio and across the Nation. I would like to commend everyone involved.

Mr. FRIST. I ask unanimous consent that the bill be read the third time and passed, a motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6197) was ordered to a third reading, was read the third time, and passed.

TO EXTEND TEMPORARILY CERTAIN AUTHORITIES OF THE SMALL BUSINESS ADMINISTRATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6159 which was received from the House.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows:

> A bill (H.R. 6159) to extend temporarily certain authorities of the Small Business Administration.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. KERRY. Mr. President, tomorrow—September 30, 2006—many of the SBA's programs and authorities expire. Our committee worked together to come up with a bipartisan package, a true give-and-take on ideas, including many reforms driven by needs identified in the response to the gulf hurricanes last year. That comprehensive small business reauthorization bill, S. 3778, is opposed by the administration, and is being blocked from consideration in the full Senate through various holds.

We finished our work at the end of July, and the bill has been pending on the Senate calendar for consideration since August 2. The administration and other opponents have had 9 weeks to work out a compromise. But they don't want to. SBA has told the small business community that they don't want an SBA reauthorization bill this year; they only want to reauthorize their ability to cosponsor events with the private sector.

In the absence of passing that legislation, which is a replay of our last reauthorization bill, S. 1375, that was obstructed, the agency is at the mercy of a continuing resolution, CR. Unfortunately, a continuing resolution doesn't extend all the authorities needed for the agency to operate. H.R. 6159 was put forward to catch some of the programs that would fall through the cracks. However, according to CRS and the Senate Legislative Counsel, as drafted, the bill still doesn't close the gaps. The gaps leave open the Advisory Committee on Veterans Business Affairs, the New Markets Venture Capital Program, and the Program for Investment in Micro-entrepreneurs.

There are disagreements over the interpretations of what needs to be authorized, and some of our colleagues have argued that even if there are disagreements on the interpretation of what programs are covered by H.R. 6159, we should move the bill anyway because we have a letter from SBA committing to cover those provisions considered ambiguous. Specifically, SBA gave Chairman SNOWE a letter on September 27, 2006, committing to run the programs we are concerned about. Our colleagues argue that SBA would be bound by those written interpretations. However, I am sure my colleagues can understand why we might not feel comfortable relying on that letter given that on September 19, 8 days earlier, SBA sent a list to my staff regarding which programs are covered by a CR, those with "hard sunset dates," and it contradicted the letter to our chairman. The contradictions raise valid concerns, and I am sorry that the Senate did not adopt the language that eliminates any vagueness. Neither CRS nor Legislative Counsel has an agenda with regard to SBA's reauthorization, so we prefer to go with their interpretations.

What are the contradictions?: *The Advisory Committee on Veterans Business Affairs, *The SBDC Drug-Free Workplace program, *The Pre-Disaster Mitigation program.

In the e-mail, SBA said:

> Those marked with an * do not need authorization language in the CR to operate the core mission of the SBA on a short-term basis. Grants for the year have already been given out and other programs have the ability to operate without authorizing language or are not operating and/or do not have an appropriation.
>
> In the letter, SBA said these programs "would not be covered by the CR and that [they] would cease to operate if H.R. 6159 were not enacted."

Also, problematic is the date. The bill extends the programs through February 2, 2007, instead of November 17, consistent with the CR. Because the SBA has the cosponsorship authority, there is no incentive for the agency to come negotiate with us on the comprehensive reauthorization bill.

We were given this bill last week, and told we had one hour to approve it. We tried, but our conversations, as referenced above, with CRS and Senate Legislative Counsel identified holes in the legislation. We asked Legislative Counsel to draft the corrections and told our colleagues that we were waiting for the draft. They moved forward without us. This take-it-or-leave-it approach is unnecessary.

Let the record reflect that we have been willing to compromise all along and only asked that the language accomplish: extension of programs or authorities that would fall through the cracks based on discussions with CRS and Senate Legislative Counsel and a date change to keep folks working to pass, this 109th Congress, S. 3778, the Senate's bipartisan, comprehensive SBA Reauthorization Act. We did not include provisions outside those goals.

It is disappointing that our goal was not shared. I am hopeful that the Veterans Committee will continue and that SBA will not pull resources from the New Markets Program or later argue that not addressing PRIME was a statement from the Senate that we didn't mean for it to be extended. That would be inaccurate, as reflected in S. 3778, where PRIME is moved to the Small Business Act and reauthorized.

Ms. SNOWE. Mr. President, as chair of the Senate Committee on Small Business and Entrepreneurship, I rise today to ask unanimous consent to approve H.R. 6159, a bill passed by the House of Representatives on Tuesday that would provide a short-term extension of the Small Business Administration, SBA, and all of its programs. In particular, it ensures the continued authority, through February 2, 2007, of the SBA's Pre-Disaster Mitigation Program, the Small Business Development Center Drug-Free Workplace Grants, the Advisory Committee on Veterans Business Affairs, and also the SBA's Cosponsorship and Gift Acceptance Authority.

Currently, many of the SBA's programs, authorities, or provisions authorized under the Small Business Act and the Small Business Investment Act are scheduled to expire on September 30, 2006. While most of the SBA's programs can operate through appropriations and the Continuing Resolution, this bill makes certain that the SBA will continue its vital small business lending programs such as the 7(a) loan guaranty program; the Certified Development Company program; and the Small Business Investment Companies program.

On July 27, 2006, the Small Business Committee unanimously reported out the Small Business Improvements and Reauthorization Act of 2006 (S. 3778), a comprehensive, bipartisan bill which reauthorizes the SBA for the next 3 years. This bill is a product of the committee's work over the last 2 years and includes many critical provisions to improve and revitalize the SBA and its programs.

My SBA Reauthorization bill will enhance the SBA's role in assisting American small businesses to thrive and grow, through the agency's lending programs as well as other programs and services. Most importantly, it will enable the agency to help small businesses continue creating new jobs for our economy. Since 1999, the SBA's programs and services have time and again proven their value, helping to create or retain over 5.3 million jobs in the United States.

I am confident that we can enact legislation to reauthorize the SBA before the 109th Congress ends and I am committed to work with my colleagues to pass a bipartisan bill. However, in the interim, we must ensure that the SBA can continue to offer the entire range of its programs to our nation's small businesses, which are the backbone of our economic foundation, creating nearly three-quarters of all new jobs and generating about 50 percent of the nation's gross domestic product.

However, at stake today are four key SBA programs and authorities, including the Advisory Committee on Veterans Business Affairs, which is scheduled to transfer to the Veterans Corporation on October 1, 2006. In a letter from SBA Administrator Steven C. Preston, dated September 27, 2006, the SBA stated that . . . if H.R. 6159 is not passed, then the Advisory Committee will terminate, and its duties will be assumed by the NVBDC [National Veterans Business Development Corporation].

We must act today to ensure that the SBA, the Advisory Committee on Veterans Business Affairs, and all of SBA's programs continue to operate. The bill before us achieves that goal by extending the authorization for the SBA's program through February 2, 2007. That will provide sufficient time and opportunity for both the Senate and the House to pass a SBA Reauthorization legislation, for Congress to reconcile the differences, and for the President to sign a long-term reauthorization bill for the SBA.

Too much was at stake for small businesses, and our economy as a whole, to allow SBA and critical small business programs and services to languish. We must find essential agreement and fulfill its obligation to America's small businesses. Clearly, if we strive for anything less, we would fail to support the backbone of our economy, our hope for innovation and new technology, and our small firms, that employ millions across the nation ensure the success of tomorrow's entrepreneurs.

Mr. President, I urge my colleagues to support H.R. 6159 and thereby ensure that the SBA will continue to serve small businesses and enable small businesses to obtain the financing they need, as they contribute so greatly to the revitalization of our national economy.

Mr. FRIST. I ask unanimous consent that the bill be read the third time and passed, a motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6159) was ordered to a third reading, was read the third time, and passed.

FINANCIAL SERVICES REGULATORY RELIEF ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Chair lay before the Senate the House message to accompany S. 2856.

The Presiding Officer laid before the Senate a message from the House as follows:

S. 2856

Resolved, That the bill from the Senate (S. 2856) entitled "An Act to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Financial Services Regulatory Relief Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BROKER RELIEF

Sec. 101. Joint rulemaking required for revised definition of broker in the Securities Exchange Act of 1934.

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Sec. 607. Nonwaiver of privileges.
Sec. 608. Clarification of application requirements for optional conversion for Federal savings associations.
Sec. 609. Exemption from disclosure of privacy policy for accounting firms.
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TITLE VII—BANKING AGENCY PROVISIONS

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Sec. 702. Enhancing the safety and soundness of insured depository institutions.
Sec. 703. Cross guarantee authority.
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Sec. 705. Amendments relating to change in bank control.
Sec. 706. Amendment to provide the Federal Reserve Board with discretion concerning the imputation of control of shares of a company by trustees.
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Sec. 708. Clarification of extent of suspension, removal, and prohibition authority of Federal banking agencies in cases of certain crimes by institution-affiliated parties.
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Sec. 710. Prohibition on participation by convicted individuals.
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Sec. 715. Technical amendments relating to insured institutions.
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Sec. 717. Federal banking agency authority to enforce deposit insurance conditions.
Sec. 718. Receiver or conservator consent requirement.
Sec. 719. Acquisition of FICO scores.
Sec. 720. Elimination of criminal indictments against receiverships.
Sec. 721. Resolution of deposit insurance disputes.
Sec. 722. Recordkeeping.
Sec. 723. Preservation of records.
Sec. 724. Technical amendments to information sharing provision in the Federal Deposit Insurance Act.
Sec. 725. Technical and conforming amendments relating to banks operating under the Code of Law for the District of Columbia.
Sec. 726. Technical corrections to the Federal Credit Union Act.
Sec. 727. Repeal of obsolete provisions of the Bank Holding Company Act of 1956.
Sec. 728. Development of model privacy forms.

TITLE VIII—FAIR DEBT COLLECTION PRACTICES ACT AMENDMENTS

Sec. 801. Exception for certain bad check enforcement programs.
Sec. 802. Other amendments.

TITLE IX—CASH MANAGEMENT MODERNIZATION

Sec. 901. Collateral modernization.

TITLE X—STUDIES AND REPORTS

Sec. 1001. Study and report by the Comptroller General on the currency transaction report filing system.
Sec. 1002. Study and report on institution diversity and consolidation.

TITLE I—BROKER RELIEF

SEC. 101. JOINT RULEMAKING REQUIRED FOR REVISED DEFINITION OF BROKER IN THE SECURITIES EXCHANGE ACT OF 1934.

(a) FINAL RULES REQUIRED.—

(1) AMENDMENT TO SECURITIES EXCHANGE ACT.—Section 3(a)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4)) is amended by adding at the end the following:

"(F) JOINT RULEMAKING REQUIRED.—The Commission and the Board of Governors of the Federal Reserve System shall jointly adopt a single set of rules or regulations to implement the exceptions in subparagraph (B).".

(2) TIMING.—Not later than 180 days after the date of the enactment of this Act, the Securities and Exchange Commission (in this section referred to as the "Commission") and the Board of Governors of the Federal Reserve System (hereafter in this section referred to as the "Board") shall jointly issue a proposed single set of rules or regulations to define the term "broker" in accordance with section 3(a)(4) of the Securities Exchange Act of 1934, as amended by this subsection.

(3) RULEMAKING SUPERSEDES PREVIOUS RULEMAKING.—A final single set of rules or regulations jointly adopted in accordance with this section shall supersede any other proposed or final rule issued by the Commission on or after the date of enactment of section 201 of the Gramm-Leach-Bliley Act with regard to the exceptions to the definition of a broker under section 3(a)(4)(B) of the Securities Exchange Act of 1934. No such other rule, whether or not issued

in final form, shall have any force or effect on or after that date of enactment.

(b) Consultation.—Prior to jointly adopting the single set of final rules or regulations required by this section, the Commission and the Board shall consult with and seek the concurrence of the Federal banking agencies concerning the content of such rulemaking in implementing section 3(a)(4)(B) of the Securities Exchange Act of 1934, as amended by this section and section 201 of the Gramm-Leach-Bliley Act.

(c) Definition.—For purposes of this section, the term "Federal banking agencies" means the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the Federal Deposit Insurance Corporation.

TITLE II—MONETARY POLICY PROVISIONS

SEC. 201. AUTHORIZATION FOR THE FEDERAL RESERVE TO PAY INTEREST ON RESERVES.

(a) In General.—Section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) is amended by adding at the end the following:

"(12) Earnings on balances.—

"(A) In general.—Balances maintained at a Federal Reserve bank by or on behalf of a depository institution may receive earnings to be paid by the Federal Reserve bank at least once each calendar quarter, at a rate or rates not to exceed the general level of short-term interest rates.

"(B) Regulations relating to payments and distributions.—The Board may prescribe regulations concerning—

"(i) the payment of earnings in accordance with this paragraph;

"(ii) the distribution of such earnings to the depository institutions which maintain balances at such banks, or on whose behalf such balances are maintained; and

"(iii) the responsibilities of depository institutions, Federal Home Loan Banks, and the National Credit Union Administration Central Liquidity Facility with respect to the crediting and distribution of earnings attributable to balances maintained, in accordance with subsection (c)(1)(A), in a Federal Reserve bank by any such entity on behalf of depository institutions.

"(C) Depository institutions defined.—For purposes of this paragraph, the term 'depository institution', in addition to the institutions described in paragraph (1)(A), includes any trust company, corporation organized under section 25A or having an agreement with the Board under section 25, or any branch or agency of a foreign bank (as defined in section 1(b) of the International Banking Act of 1978).".

(b) Conforming Amendment.—Section 19 of the Federal Reserve Act (12 U.S.C. 461) is amended—

(1) in subsection (b)(4)—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(2) in subsection (c)(1)(A), by striking "subsection (b)(4)(C)" and inserting "subsection (b)".

SEC. 202. INCREASED FLEXIBILITY FOR THE FEDERAL RESERVE BOARD TO ESTABLISH RESERVE REQUIREMENTS.

Section 19(b)(2)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(2)(A)) is amended—

(1) in clause (i), by striking "the ratio of 3 per centum" and inserting "a ratio of not greater than 3 percent (and which may be zero)"; and

(2) in clause (ii), by striking "and not less than 8 per centum," and inserting "(and which may be zero),".

SEC. 203. EFFECTIVE DATE.

The amendments made by this title shall take effect October 1, 2011.

TITLE III—NATIONAL BANK PROVISIONS

SEC. 301. VOTING IN SHAREHOLDER ELECTIONS.

Section 5144 of the Revised Statutes of the United States (12 U.S.C. 61) is amended—

(1) by striking "or to cumulate" and inserting "or, if so provided by the articles of association of the national bank, to cumulate"; and

(2) by striking the comma after "his shares shall equal".

SEC. 302. SIMPLIFYING DIVIDEND CALCULATIONS FOR NATIONAL BANKS.

(a) In General.—Section 5199 of the Revised Statutes of the United States (12 U.S.C. 60) is amended to read as follows:

"SEC. 5199. NATIONAL BANK DIVIDENDS.

"(a) In General.—Subject to subsection (b), the directors of any national bank may declare a dividend of so much of the undivided profits of the bank as the directors judge to be expedient.

"(b) Approval Required Under Certain Circumstances.—A national bank may not declare and pay dividends in any year in excess of an amount equal to the sum of the total of the net income of the bank for that year and the retained net income of the bank for the preceding 2 years, minus the sum of any transfers required by the Comptroller of the Currency and any transfers required to be made to a fund for the retirement of any preferred stock, unless the Comptroller of the Currency approves the declaration and payment of dividends in excess of such amount.".

(b) Clerical Amendment.—The table of sections for chapter three of title LXII of the Revised Statutes of the United States is amended by striking the item relating to section 5199 and inserting the following:

"5199. National bank dividends.".

SEC. 303. REPEAL OF OBSOLETE LIMITATION ON REMOVAL AUTHORITY OF THE COMPTROLLER OF THE CURRENCY.

Section 8(e)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(4)) is amended by striking the 5th sentence.

SEC. 304. REPEAL OF OBSOLETE PROVISION IN THE REVISED STATUTES.

Section 5143 of the Revised Statutes of the United States (12 U.S.C. 59) is amended to read as follows:

"SEC. 5143. REDUCTION OF CAPITAL.

"(a) In General.—Subject to the approval of the Comptroller of the Currency, a national banking association may, by a vote of shareholders owning, in the aggregate, two-thirds of its capital stock, reduce its capital.

"(b) Shareholder Distributions Authorized.—As part of its capital reduction plan approved in accordance with subsection (a), and with the affirmative vote of shareholders owning at least two thirds of the shares of each class of its stock outstanding (each voting as a class), a national banking association may distribute cash or other assets to its shareholders.".

SEC. 305. ENHANCING THE AUTHORITY FOR BANKS TO MAKE COMMUNITY DEVELOPMENT INVESTMENTS.

(a) National Banks.—The paragraph designated as the "Eleventh." of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended to read as follows:

"Eleventh. To make investments directly or indirectly, each of which promotes the public welfare by benefiting primarily low- and moderate-income communities or families (such as by providing housing, services, or jobs). An association shall not make any such investment if the investment would expose the association to unlimited liability. The Comptroller of the Currency shall limit an association's investments in any 1 project and an association's aggregate investments under this paragraph. An association's aggregate investments under this paragraph shall not exceed an amount equal to the sum of 5 percent of the association's capital stock actually paid in and unimpaired and 5 percent of the association's unimpaired surplus fund, unless the Comptroller determines by order that the higher amount will pose no significant risk to the affected deposit insurance fund, and the association is adequately capitalized. In no case shall an association's aggregate investments under this paragraph exceed an amount equal to the sum of 15 percent of the association's capital stock actually paid in and unimpaired and 15 percent of the association's unimpaired surplus fund. The foregoing standards and limitations apply to investments under this paragraph made by a national bank directly and by its subsidiaries.".

(b) Conforming Amendments for State Member Banks.—The 23rd undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended to read as follows:

"(23) A State member bank may make investments directly or indirectly, each of which promotes the public welfare by benefiting primarily low- and moderate-income communities or families (such as by providing housing, services, or jobs), to the extent permissible under State law. A State member bank shall not make any such investment if the investment would expose the State member bank to unlimited liability. The Board shall limit a State member bank's investment in any 1 project and a State member bank's aggregate investments under this paragraph. The aggregate amount of investments of any State member bank under this paragraph may not exceed an amount equal to the sum of 5 percent of the State member bank's capital stock actually paid in and unimpaired and 5 percent of the State member bank's unimpaired surplus, unless the Board determines, by order, that a higher amount will pose no significant risk to the affected deposit insurance fund; and the State member bank is adequately capitalized. In no case shall the aggregate amount of investments of any State member bank under this paragraph exceed an amount equal to the sum of 15 percent of the State member bank's capital stock actually paid in and unimpaired and 15 percent of the State member bank's unimpaired surplus. The foregoing standards and limitations apply to investments under this paragraph made by a State member bank directly and by its subsidiaries.".

TITLE IV—SAVINGS ASSOCIATION PROVISIONS

SEC. 401. PARITY FOR SAVINGS ASSOCIATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934 AND THE INVESTMENT ADVISERS ACT OF 1940.

(a) Securities Exchange Act of 1934.—

(1) Definition of bank.—Section 3(a)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(6)) is amended—

(A) in subparagraph (A), by inserting "or a Federal savings association, as defined in section 2(5) of the Home Owners' Loan Act" after "a banking institution organized under the laws of the United States"; and

(B) in subparagraph (C)—

(i) by inserting "or savings association, as defined in section 2(4) of the Home Owners' Loan Act" after "banking institution"; and

(ii) by inserting "or savings associations" after "having supervision over banks".

(2) Inclusion of OTS under the definition of appropriate regulatory agency for certain purposes.—Section 3(a)(34) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(34)) is amended—

(A) in subparagraph (A)—

(i) in clause (ii), by striking "(i) or (iii)" and inserting "(i), (iii), or (iv)";

(ii) in clause (iii), by striking "and" at the end;

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting after clause (iii) the following:

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))), the deposits of which are insured by the Federal Deposit Insurance Corporation, a subsidiary or a department or division of any such savings association, or a savings and loan holding company; and";

(B) in subparagraph (B)—

(i) in clause (ii), by striking "(i) or (iii)" and inserting "(i), (iii), or (iv)";

(ii) in clause (iii), by striking "and" at the end;

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting after clause (iii) the following:

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))), the deposits of which are insured by the Federal Deposit Insurance Corporation, or a subsidiary of any such savings association, or a savings and loan holding company; and";

(C) in subparagraph (C)—

(i) in clause (ii), by striking "(i) or (iii)" and inserting "(i), (iii), or (iv)";

(ii) in clause (iii), by striking "and" at the end;

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting after clause (iii) the following:

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))), the deposits of which are insured by the Federal Deposit Insurance Corporation, a savings and loan holding company, or a subsidiary of a savings and loan holding company when the appropriate regulatory agency for such clearing agency is not the Commission; and";

(D) in subparagraph (D)—

(i) in clause (ii), by striking "and" at the end;

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting after clause (ii) the following:

"(iii) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation; and";

(E) in subparagraph (F)—

(i) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively; and

(ii) by inserting after clause (i) the following:

"(ii) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))), the deposits of which are insured by the Federal Deposit Insurance Corporation; and";

(F) by moving subparagraph (H) and inserting such subparagraph immediately after subparagraph (G); and

(G) by adding at the end of the undesignated matter at the end the following: "As used in this paragraph, the term 'savings and loan holding company' has the same meaning as in section 10(a) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)).".

(3) CONFORMING EXEMPTION TO REPORTING REQUIREMENT.—Section 23(b)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78w(b)(1)) is amended by inserting "other than the Office of Thrift Supervision," before "shall each".

(b) INVESTMENT ADVISERS ACT OF 1940.—

(1) DEFINITION OF BANK.—Section 202(a)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(2)) is amended—

(A) in subparagraph (A), by inserting "or a Federal savings association, as defined in section 2(5) of the Home Owners' Loan Act" after "a banking institution organized under the laws of the United States"; and

(B) in subparagraph (C)—

(i) by inserting ", savings association, as defined in section 2(4) of the Home Owners' Loan Act," after "banking institution"; and

(ii) by inserting "or savings associations" after "having supervision over banks".

(2) CONFORMING AMENDMENTS.—Section 210A of the Investment Advisers Act of 1940 (15 U.S.C. 80b–10a) is amended in each of subsections (a)(1)(A)(i), (a)(1)(B), (a)(2), and (b), by striking "bank holding company" each place that term appears and inserting "bank holding company or savings and loan holding company".

(c) CONFORMING AMENDMENT TO THE INVESTMENT COMPANY ACT OF 1940.—Section 10(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–10(c)) is amended by inserting after "1956)" the following: "or any one savings and loan holding company, together with its affiliates and subsidiaries (as such terms are defined in section 10 of the Home Owners' Loan Act),".

SEC. 402. REPEAL OF OVERLAPPING RULES GOVERNING PURCHASED MORTGAGE SERVICING RIGHTS.

Section 5(t) of the Home Owners' Loan Act (12 U.S.C. 1464(t)) is amended—

(1) by striking paragraph (4) and inserting the following:

"(4) [Repealed].''; and

(2) in paragraph (9)(A), by striking "intangible assets, plus" and all that follows through the period at the end and inserting "intangible assets.".

SEC. 403. CLARIFYING CITIZENSHIP OF FEDERAL SAVINGS ASSOCIATIONS FOR FEDERAL COURT JURISDICTION.

Section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) is amended by adding at the end the following:

"(x) HOME STATE CITIZENSHIP.—In determining whether a Federal court has diversity jurisdiction over a case in which a Federal savings association is a party, the Federal savings association shall be considered to be a citizen only of the State in which such savings association has its home office.".

SEC. 404. REPEAL OF LIMITATION ON LOANS TO ONE BORROWER.

Section 5(u)(2)(A) of the Home Owners' Loan Act (12 U.S.C. 1464(u)(2)(A)) is amended—

(1) in clause (i)—

(A) by striking "for any" and inserting "For any"; and

(B) by striking "; or" and inserting a period; and

(2) in clause (ii)—

(A) by striking "to develop domestic" and inserting "To develop domestic";

(B) by striking subclause (I); and

(C) by redesignating subclauses (II) through (V) as subclauses (I) through (IV), respectively.

TITLE V—CREDIT UNION PROVISIONS

SEC. 501. LEASES OF LAND ON FEDERAL FACILITIES FOR CREDIT UNIONS.

(a) IN GENERAL.—Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended—

(1) by striking "Upon application by any credit union" and inserting "Notwithstanding any other provision of law, upon application by any credit union";

(2) by inserting "on lands reserved for the use of, and under the exclusive or concurrent jurisdiction of, the United States or" after "officer or agency of the United States charged with the allotment of space";

(3) by inserting "lease land or" after "such officer or agency may in his or its discretion"; and

(4) by inserting "or the facility built on the lease land" after "credit union to be served by the allotment of space".

(b) CLERICAL AMENDMENT.—The section heading for section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended by inserting "**OR FEDERAL LAND**" after "**BUILDINGS**".

SEC. 502. INCREASE IN GENERAL 12-YEAR LIMITATION OF TERM OF FEDERAL CREDIT UNION LOANS TO 15 YEARS.

Section 107(5) of the Federal Credit Union Act (12 U.S.C. 1757(5)) is amended in the matter preceding subparagraph (A), by striking "to make loans, the maturities of which shall not exceed twelve years" and inserting "to make loans, the maturities of which shall not exceed 15 years,".

SEC. 503. CHECK CASHING AND MONEY TRANSFER SERVICES OFFERED WITHIN THE FIELD OF MEMBERSHIP.

Section 107(12) of the Federal Credit Union Act (12 U.S.C. 1757(12)) is amended to read as follows:

"(12) in accordance with regulations prescribed by the Board—

"(A) to sell, to persons in the field of membership, negotiable checks (including travelers checks), money orders, and other similar money transfer instruments (including international and domestic electronic fund transfers); and

"(B) to cash checks and money orders and receive international and domestic electronic fund transfers for persons in the field of membership for a fee;".

SEC. 504. CLARIFICATION OF DEFINITION OF NET WORTH UNDER CERTAIN CIRCUMSTANCES FOR PURPOSES OF PROMPT CORRECTIVE ACTION.

Section 216(o)(2)(A) of the Federal Credit Union Act (12 U.S.C. 1790d(o)(2)(A)) is amended—

(1) by inserting "the" before "retained earnings balance"; and

(2) by inserting ", together with any amounts that were previously retained earnings of any other credit union with which the credit union has combined" before the semicolon at the end.

SEC. 505. AMENDMENTS RELATING TO NONFEDERALLY INSURED CREDIT UNIONS.

(a) IN GENERAL.—Subsection (a) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t(a)) is amended by adding at the end the following new paragraph:

"(3) ENFORCEMENT BY APPROPRIATE STATE SUPERVISOR.—Any appropriate State supervisor of a private deposit insurer, and any appropriate State supervisor of a depository institution which receives deposits that are insured by a private deposit insurer, may examine and enforce compliance with this subsection under the applicable regulatory authority of such supervisor.".

(b) AMENDMENT RELATING TO DISCLOSURES REQUIRED, PERIODIC STATEMENTS, AND ACCOUNT RECORDS.—Section 43(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(b)(1)) is amended by striking "or similar instrument evidencing a deposit" and inserting "or share certificate.".

(c) AMENDMENTS RELATING TO DISCLOSURES REQUIRED, ADVERTISING, PREMISES.—Section 43(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(b)(2)) is amended to read as follows:

"(2) ADVERTISING; PREMISES.—

"(A) IN GENERAL.—Include clearly and conspicuously in all advertising, except as provided in subparagraph (B); and at each station or window where deposits are normally received, its principal place of business and all its branches where it accepts deposits or opens accounts (excluding automated teller machines or point of sale terminals), and on its main Internet page, a notice that the institution is not federally insured.

"(B) EXCEPTIONS.—The following need not include a notice that the institution is not federally insured:

"(i) Any sign, document, or other item that contains the name of the depository institution, its logo, or its contact information, but only if the sign, document, or item does not include any information about the institution's products or services or information otherwise promoting the institution.

"(ii) Small utilitarian items that do not mention deposit products or insurance if inclusion of the notice would be impractical.".

(d) AMENDMENTS RELATING TO ACKNOWLEDGMENT OF DISCLOSURE.—Section 43(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(b)(3)) is amended to read as follows:

"(3) ACKNOWLEDGMENT OF DISCLOSURE.—

"(A) NEW DEPOSITORS OBTAINED OTHER THAN THROUGH A CONVERSION OR MERGER.—With respect to any depositor who was not a depositor at the depository institution before the effective date of the Financial Services Regulatory Relief Act of 2006, and who is not a depositor as described in subparagraph (B), receive any deposit for the account of such depositor only if the depositor has signed a written acknowledgement that—

"(i) the institution is not federally insured; and

"(ii) if the institution fails, the Federal Government does not guarantee that the depositor will get back the depositor's money.

"(B) NEW DEPOSITORS OBTAINED THROUGH A CONVERSION OR MERGER.—With respect to a depositor at a federally insured depository institution that converts to, or merges into, a depository institution lacking federal insurance after the effective date of the Financial Services Regulatory Relief Act of 2006, receive any deposit for the account of such depositor only if—

"(i) the depositor has signed a written acknowledgement described in subparagraph (A); or

"(ii) the institution makes an attempt, as described in subparagraph (D) and sent by mail no later than 45 days after the effective date of the conversion or merger, to obtain the acknowledgment.

"(C) CURRENT DEPOSITORS.—Receive any deposit after the effective date of the Financial Services Regulatory Relief Act of 2006 for the account of any depositor who was a depositor on that date only if—

"(i) the depositor has signed a written acknowledgement described in subparagraph (A); or

"(ii) the institution has complied with the provisions of subparagraph (E) which are applicable as of the date of the deposit.

"(D) ALTERNATIVE PROVISION OF NOTICE TO NEW DEPOSITORS OBTAINED THROUGH A CONVERSION OR MERGER.—

"(i) IN GENERAL.—Transmit to each depositor who has not signed a written acknowledgement described in subparagraph (A)—

"(I) a conspicuous card containing the information described in clauses (i) and (ii) of subparagraph (A), and a line for the signature of the depositor; and

"(II) accompanying materials requesting the depositor to sign the card, and return the signed card to the institution.

"(E) ALTERNATIVE PROVISION OF NOTICE TO CURRENT DEPOSITORS.—

"(i) IN GENERAL.—Transmit to each depositor who was a depositor before the effective date of the Financial Services Regulatory Relief Act of 2006, and has not signed a written acknowledgement described in subparagraph (A)—

"(I) a conspicuous card containing the information described in clauses (i) and (ii) of subparagraph (A), and a line for the signature of the depositor; and

"(II) accompanying materials requesting the depositor to sign the card, and return the signed card to the institution.

"(ii) MANNER AND TIMING OF NOTICE.—

"(I) FIRST NOTICE.—Make the transmission described in clause (i) via mail not later than three months after the effective date of the Financial Services Regulatory Relief Act of 2006.

"(II) SECOND NOTICE.—Make a second transmission described in clause (i) via mail not less than 30 days and not more than three months after a transmission to the depositor in accordance with subclause (I), if the institution has not, by the date of such mailing, received from the depositor a card referred to in clause (i) which has been signed by the depositor.".

(e) AMENDMENTS RELATING TO MANNER AND CONTENT OF DISCLOSURE.—Section 43(c) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(c)) is amended to read as follows:

"(c) MANNER AND CONTENT OF DISCLOSURE.—To ensure that current and prospective customers understand the risks involved in foregoing Federal deposit insurance, the Federal Trade Commission, by regulation or order, shall prescribe the manner and content of disclosure required under this section, which shall be presented in such format and in such type size and manner as to be simple and easy to understand.".

(f) REPEAL OF PROVISION PROHIBITING NONDEPOSITORY INSTITUTIONS FROM ACCEPTING DEPOSITS.—Section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(g) REPEAL OF FTC AUTHORITY TO ENFORCE INDEPENDENT AUDIT REQUIREMENT; CONCURRENT STATE ENFORCEMENT.—Subsection (f) (as so redesignated by subsection (e) of this section) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) is amended to read as follows:

"(f) ENFORCEMENT.—

"(1) LIMITED FTC ENFORCEMENT AUTHORITY.—Compliance with the requirements of subsections (b), (c) and (e), and any regulation prescribed or order issued under any such subsection, shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission.

"(2) BROAD STATE ENFORCEMENT AUTHORITY.—

"(A) IN GENERAL.—Subject to subparagraph (C), an appropriate State supervisor of a depository institution lacking Federal deposit insurance may examine and enforce compliance with the requirements of this section, and any regulation prescribed under this section.

"(B) STATE POWERS.—For purposes of bringing any action to enforce compliance with this section, no provision of this section shall be construed as preventing an appropriate State supervisor of a depository institution lacking Federal deposit insurance from exercising any powers conferred on such official by the laws of such State.

"(C) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.—If the Federal Trade Commission has instituted an enforcement action for a violation of this section, no appropriate State supervisor may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of this section that is alleged in that complaint.".

TITLE VI—DEPOSITORY INSTITUTION PROVISIONS

SEC. 601. REPORTING REQUIREMENTS RELATING TO INSIDER LENDING.

(a) REPORTING REQUIREMENTS REGARDING LOANS TO EXECUTIVE OFFICERS OF MEMBER BANKS.—Section 22(g) of the Federal Reserve Act (12 U.S.C. 375a) is amended—

(1) by striking paragraphs (6) and (9); and

(2) by redesignating paragraphs (7), (8), and (10) as paragraphs (6), (7), and (8), respectively.

(b) REPORTING REQUIREMENTS REGARDING LOANS FROM CORRESPONDENT BANKS TO EXECUTIVE OFFICERS AND SHAREHOLDERS OF INSURED BANKS.—Section 106(b)(2) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(2)) is amended—

(1) by striking subparagraph (G); and

(2) by redesignating subparagraphs (H) and (I) as subparagraphs (G) and (H), respectively.

SEC. 602. INVESTMENTS BY INSURED SAVINGS ASSOCIATIONS IN BANK SERVICE COMPANIES AUTHORIZED.

(a) IN GENERAL.—Sections 2 and 3 of the Bank Service Company Act (12 U.S.C. 1862, 1863) are each amended by striking "insured bank" each place that term appears and inserting "insured depository institution".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) BANK SERVICE COMPANY ACT DEFINITIONS.—Section 1(b) of the Bank Service Company Act (12 U.S.C. 1861(b)) is amended—

(A) in paragraph (4)—

(i) by inserting ", except when such term appears in connection with the term 'insured depository institution'," after "means"; and

(ii) by striking "Federal Home Loan Bank Board" and inserting "Director of the Office of Thrift Supervision";

(B) by striking paragraph (5) and inserting the following:

"(5) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution' has the same meaning as in section 3(c) of the Federal Deposit Insurance Act;";

(C) by striking "and" at the end of paragraph (7);

(D) by striking the period at the end of paragraph (8) and inserting "; and";

(E) by adding at the end the following:

"(9) the terms 'State depository institution', 'Federal depository institution', 'State savings association' and 'Federal savings association' have the same meanings as in section 3 of the Federal Deposit Insurance Act.";

(F) in paragraph (2), in subparagraphs (A)(ii) and (B)(ii), by striking "insured banks" each place that term appears and inserting "insured depository institutions"; and

(G) in paragraph (8)—

(i) by striking "insured bank" and inserting "insured depository institution";

(ii) by striking "insured banks" each place that term appears and inserting "insured depository institutions"; and

(iii) by striking "the bank's" and inserting "the depository institution's".

(2) AMOUNT OF INVESTMENT.—Section 2 of the Bank Service Company Act (12 U.S.C. 1862) is amended by inserting "or savings associations, other than the limitation on the amount of investment by a Federal savings association contained in section 5(c)(4)(B) of the Home Owners' Loan Act" after "relating to banks".

(3) LOCATION OF SERVICES.—Section 4 of the Bank Service Company Act (12 U.S.C. 1864) is amended—

(A) in subsection (b), by inserting "as permissible under subsection (c), (d), or (e) or" after "Except";

(B) in subsection (c), by inserting "or State savings association" after "State bank" each place that term appears;

(C) in subsection (d), by inserting "or Federal savings association" after "national bank" each place that term appears;

(D) by striking subsection (e) and inserting the following:

"(e) PERFORMANCE WHERE STATE BANK AND NATIONAL BANK ARE SHAREHOLDERS OR MEMBERS.—A bank service company may perform—

"(1) only those services that each depository institution shareholder or member is otherwise authorized to perform under any applicable Federal or State law; and

"(2) such services only at locations in a State in which each such shareholder or member is authorized to perform such services."; and

(E) in subsection (f), by inserting "or savings associations" after "location of banks".

(4) Prior approval of investments.—Section 5 of the Bank Service Company Act (12 U.S.C. 1865) is amended—

(A) in subsection (a)—

(i) by striking "insured bank" and inserting "insured depository institution"; and

(ii) by striking "bank's"; and

(iii) by inserting before the period "for the insured depository institution";

(B) in subsection (b)—

(i) by striking "insured bank" and inserting "insured depository institution";

(ii) by inserting "authorized only" after "performs any service"; and

(iii) by inserting "authorized only" after "perform any activity"; and

(C) in subsection (c)—

(i) by striking "the bank or banks" and inserting "any insured depository institution"; and

(ii) by striking "capability of the bank" and inserting "capability of the insured depository institution".

(5) Regulation and examination.—Section 7 of the Bank Service Company Act (12 U.S.C. 1867) is amended—

(A) in subsection (b), by striking "insured bank" and inserting "insured depository institution"; and

(B) in subsection (c)—

(i) by striking "a bank" each place that term appears and inserting "a depository institution"; and

(ii) by striking "the bank" each place that term appears and inserting "the depository institution".

SEC. 603. AUTHORIZATION FOR MEMBER BANK TO USE PASS-THROUGH RESERVE ACCOUNTS.

Section 19(c)(1)(B) of the Federal Reserve Act (12 U.S.C. 461(c)(1)(B)) is amended by striking "which is not a member bank".

SEC. 604. STREAMLINING REPORTS OF CONDITION.

Section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)) is amended by adding at the end the following:

"(11) Streamlining reports of condition.—

"(A) Review of information and schedules.—Before the end of the 1-year period beginning on the date of enactment of the Financial Services Regulatory Relief Act of 2006 and before the end of each 5-year period thereafter, each Federal banking agency shall, in conjunction with the other relevant Federal banking agencies, review the information and schedules that are required to be filed by an insured depository institution in a report of condition required under paragraph (3).

"(B) Reduction or elimination of information found to be unnecessary.—After completing the review required by subparagraph (A), a Federal banking agency, in conjunction with the other relevant Federal banking agencies, shall reduce or eliminate any requirement to file information or schedules under paragraph (3) (other than information or schedules that are otherwise required by law) if the agency determines that the continued collection of such information or schedules is no longer necessary or appropriate.".

SEC. 605. EXPANSION OF ELIGIBILITY FOR 18-MONTH EXAMINATION SCHEDULE FOR COMMUNITY BANKS.

Section 10(d)(4)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)(4)(A)) is amended by striking "$250,000,000" and inserting "$500,000,000".

SEC. 606. STREAMLINING DEPOSITORY INSTITUTION MERGER APPLICATION REQUIREMENTS.

(a) In General.—Section 18(c)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(4)) is amended to read as follows:

"(4) Reports on competitive factors.—

"(A) Request for report.—In the interests of uniform standards and subject to subparagraph (B), before acting on any application for approval of a merger transaction, the responsible agency shall—

"(i) request a report on the competitive factors involved from the Attorney General of the United States; and

"(ii) provide a copy of the request to the Corporation (when the Corporation is not the responsible agency).

"(B) Furnishing of report.—The report requested under subparagraph (A) shall be furnished by the Attorney General to the responsible agency—

"(i) not later than 30 calendar days after the date on which the Attorney General received the request; or

"(ii) not later than 10 calendar days after such date, if the requesting agency advises the Attorney General that an emergency exists requiring expeditious action.

"(C) Exceptions.—A responsible agency may not be required to request a report under subparagraph (A) if—

"(i) the responsible agency finds that it must act immediately in order to prevent the probable failure of 1 of the insured depository institutions involved in the merger transaction; or.

"(ii) the merger transaction involves solely an insured depository institution and 1 or more of the affiliates of such depository institution.".

(b) Technical and Conforming Amendments.—Section 18(c)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(6)) is amended—

(1) in the second sentence, by striking "banks or savings associations involved and reports on the competitive factors have" and inserting "insured depository institutions involved, or if the proposed merger transaction is solely between an insured depository institution and 1 or more of its affiliates, and the report on the competitive factors has"; and

(2) by striking the penultimate sentence and inserting the following. "If the agency has advised the Attorney General under paragraph (4)(B)(ii) of the existence of an emergency requiring expeditious action and has requested a report on the competitive factors within 10 days, the transaction may not be consummated before the fifth calendar day after the date of approval by the agency.".

SEC. 607. NONWAIVER OF PRIVILEGES.

(a) Insured Depository Institutions.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following:

"(x) Privileges Not Affected by Disclosure to Banking Agency or Supervisor.—

"(1) In general.—The submission by any person of any information to any Federal banking agency, State bank supervisor, or foreign banking authority for any purpose in the course of any supervisory or regulatory process of such agency, supervisor, or authority shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with respect to such information under Federal or State law as to any person or entity other than such agency, supervisor, or authority.

"(2) Rule of construction.—No provision of paragraph (1) may be construed as implying or establishing that—

"(A) any person waives any privilege applicable to information that is submitted or transferred under any circumstance to which paragraph (1) does not apply; or

"(B) any person would waive any privilege applicable to any information by submitting the information to any Federal banking agency, State bank supervisor, or foreign banking authority, but for this subsection."

(b) Insured Credit Unions.—Section 205 of the Federal Credit Union Act (12 U.S.C.1785) is amended by adding at the end the following:

"(j) Privileges Not Affected by Disclosure to Banking Agency or Supervisor.—

"(1) In general.—The submission by any person of any information to the Administration, any State credit union supervisor, or foreign banking authority for any purpose in the course of any supervisory or regulatory process of such Board, supervisor, or authority shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with respect to such information under Federal or State law as to any person or entity other than such Board, supervisor, or authority.

"(2) Rule of construction.—No provision of paragraph (1) may be construed as implying or establishing that—

"(A) any person waives any privilege applicable to information that is submitted or transferred under any circumstance to which paragraph (1) does not apply; or

"(B) any person would waive any privilege applicable to any information by submitting the information to the Administration, any State credit union supervisor, or foreign banking authority, but for this subsection.".

SEC. 608. CLARIFICATION OF APPLICATION REQUIREMENTS FOR OPTIONAL CONVERSION FOR FEDERAL SAVINGS ASSOCIATIONS.

(a) Home Owners' Loan Act.—Section 5(i)(5) of the Home Owners' Loan Act (12 U.S.C. 1464(i)(5)) is amended to read as follows:

"(5) Conversion to national or state bank.—

"(A) In general.—Any Federal savings association chartered and in operation before the date of enactment of the Gramm-Leach-Bliley Act, with branches in operation before such date of enactment in 1 or more States, may convert, at its option, with the approval of the Comptroller of the Currency for each national bank, and with the approval of the appropriate State bank supervisor and the appropriate Federal banking agency for each State bank, into 1 or more national or State banks, each of which may encompass 1 or more of the branches of the Federal savings association in operation before such date of enactment in 1 or more States subject to subparagraph (B).

"(B) Conditions of conversion.—The authority in subparagraph (A) shall apply only if each resulting national or State bank—

"(i) will meet all financial, management, and capital requirements applicable to the resulting national or State bank; and

"(ii) if more than 1 national or State bank results from a conversion under this subparagraph, has received approval from the Federal Deposit Insurance Corporation under section 5(a) of the Federal Deposit Insurance Act.

"(C) No merger application under FDIA required.—No application under section 18(c) of the Federal Deposit Insurance Act shall be required for a conversion under this paragraph.

"(D) Definitions.—For purposes of this paragraph, the terms 'State bank' and 'State bank supervisor' have the same meanings as in section 3 of the Federal Deposit Insurance Act.".

(b) Federal Deposit Insurance Act.—Section 4(c) of the Federal Deposit Insurance Act (12 U.S.C. 1814(c)) is amended—

(1) by inserting "of this Act and section 5(i)(5) of the Home Owners' Loan Act" after "Subject to section 5(d)"; and

(2) in paragraph (2), after "insured State," by inserting "or Federal".

SEC. 609. EXEMPTION FROM DISCLOSURE OF PRIVACY POLICY FOR ACCOUNTANTS.

(a) IN GENERAL.—Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding at the end the following:

"(d) EXEMPTION FOR CERTIFIED PUBLIC ACCOUNTANTS.—

"(1) IN GENERAL.—The disclosure requirements of subsection (a) do not apply to any person, to the extent that the person is—

"(A) a certified public accountant;

"(B) certified or licensed for such purpose by a State; and

"(C) subject to any provision of law, rule, or regulation issued by a legislative or regulatory body of the State, including rules of professional conduct or ethics, that prohibits disclosure of nonpublic personal information without the knowing and expressed consent of the consumer.

"(2) LIMITATION.—Nothing in this subsection shall be construed to exempt or otherwise exclude any financial institution that is affiliated or becomes affiliated with a certified public accountant described in paragraph (1) from any provision of this section.

"(3) DEFINITIONS.—For purposes of this subsection, the term 'State' means any State or territory of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, or the Northern Mariana Islands.".

(b) CLERICAL AMENDMENTS.—Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) in subsection (a), by striking "Such disclosures" and inserting the following:

"(b) REGULATIONS.—Disclosures required by subsection (a)".

SEC. 610. INFLATION ADJUSTMENT FOR THE SMALL DEPOSITORY INSTITUTION EXCEPTION UNDER THE DEPOSITORY INSTITUTION MANAGEMENT INTERLOCKS ACT.

Section 203(1) of the Depository Institution Management Interlocks Act (12 U.S.C. 3202(1)) is amended by striking "$20,000,000" and inserting "$50,000,000".

SEC. 611. MODIFICATION TO CROSS MARKETING RESTRICTIONS.

Section 4(n)(5)(B) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(n)(5)(B)) is amended by striking "subsection (k)(4)(I)" and inserting "subparagraph (H) or (I) of subsection (k)(4)".

TITLE VII—BANKING AGENCY PROVISIONS

SEC. 701. STATUTE OF LIMITATIONS FOR JUDICIAL REVIEW OF APPOINTMENT OF A RECEIVER FOR DEPOSITORY INSTITUTIONS.

(a) NATIONAL BANKS.—Section 2 of the National Bank Receivership Act (12 U.S.C. 191) is amended—

(1) by amending the section heading to read as follows:

"SEC. 2. APPOINTMENT OF RECEIVER FOR A NATIONAL BANK.

"(a) IN GENERAL.—The Comptroller of the Currency"; and

(2) by adding at the end the following:

"(b) JUDICIAL REVIEW.—If the Comptroller of the Currency appoints a receiver under subsection (a), the national bank may, within 30 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such bank is located, or in the United States District Court for the District of Columbia, for an order requiring the Comptroller of the Currency to remove the receiver, and the court shall, upon the merits, dismiss such action or direct the Comptroller of the Currency to remove the receiver.".

(b) INSURED DEPOSITORY INSTITUTIONS.—Section 11(c)(7) of the Federal Deposit Insurance Act (12 U.S.C. 1821(c)(7)) is amended to read as follows:

"(7) JUDICIAL REVIEW.—If the Corporation is appointed (including the appointment of the Corporation as receiver by the Board of Directors) as conservator or receiver of a depository institution under paragraph (4), (9), or (10), the depository institution may, not later than 30 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such depository institution is located, or in the United States District Court for the District of Columbia, for an order requiring the Corporation to be removed as the conservator or receiver (regardless of how such appointment was made), and the court shall, upon the merits, dismiss such action or direct the Corporation to be removed as the conservator or receiver.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to conservators or receivers appointed on or after the date of enactment of this Act.

SEC. 702. ENHANCING THE SAFETY AND SOUNDNESS OF INSURED DEPOSITORY INSTITUTIONS.

(a) CLARIFICATION RELATING TO THE ENFORCEABILITY OF AGREEMENTS AND CONDITIONS.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following:

"SEC. 50. ENFORCEMENT OF AGREEMENTS.

"(a) IN GENERAL.—Notwithstanding clause (i) or (ii) of section 8(b)(6)(A) or section 38(e)(2)(E)(i), the appropriate Federal banking agency for a depository institution may enforce, under section 8, the terms of—

"(1) any condition imposed in writing by the agency on the depository institution or an institution-affiliated party in connection with any action on any application, notice, or other request concerning the depository institution; or

"(2) any written agreement entered into between the agency and the depository institution or an institution-affiliated party.

"(b) RECEIVERSHIPS AND CONSERVATORSHIPS.—After the appointment of the Corporation as the receiver or conservator for a depository institution, the Corporation may enforce any condition or agreement described in paragraph (1) or (2) of subsection (a) imposed on or entered into with such institution or institution-affiliated party through an action brought in an appropriate United States district court.".

(b) PROTECTION OF CAPITAL OF INSURED DEPOSITORY INSTITUTIONS.—Section 18(u)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1828(u)(1)) is amended—

(1) by striking subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (B); and

(3) in subparagraph (A), by adding "and" at the end.

(c) CONFORMING AMENDMENTS.—Section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)) is amended—

(1) in paragraph (3), by striking "This subsection and subsections (c) through (s) and subsection (u) of this section" and inserting "This subsection, subsections (c) through (s) and subsection (u) of this section, and section 50 of this Act"; and

(2) in paragraph (4), by striking "This subsection and subsections (c) through (s) and subsection (u) of this section" and inserting "This subsection, subsections (c) through (s) and subsection (u) of this section, and section 50 of this Act".

SEC. 703. CROSS GUARANTEE AUTHORITY.

Section 5(e)(9)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1815(e)(9)(A)) is amended to read as follows:

"(A) such institutions are controlled by the same company; or".

SEC. 704. GOLDEN PARACHUTE AUTHORITY AND NONBANK HOLDING COMPANIES.

Section 18(k) of the Federal Deposit Insurance Act (12 U.S.C. 1828(k)) is amended—

(1) in paragraph (2)(A), by striking "or depository institution holding company" and inserting "or covered company";

(2) in paragraph (2), by striking subparagraph (B), and inserting the following:

"(B) Whether there is a reasonable basis to believe that the institution-affiliated party is substantially responsible for—

"(i) the insolvency of the depository institution or covered company;

"(ii) the appointment of a conservator or receiver for the depository institution; or

"(iii) the troubled condition of the depository institution (as defined in the regulations prescribed pursuant to section 32(f)).";

(3) in paragraph (2)(F), by striking "depository institution holding company" and inserting "covered company,";

(4) in paragraph (3) in the matter preceding subparagraph (A), by striking "depository institution holding company" and inserting "covered company";

(5) in paragraph (3)(A), by striking "holding company" and inserting "covered company";

(6) in paragraph (4)(A)—

(A) by striking "depository institution holding company" each place that term appears and inserting "covered company"; and

(B) by striking "holding company" each place that term appears (other than in connection with the term referred to in subparagraph (A)) and inserting "covered company";

(7) in paragraph (5)(A), by striking "depository institution holding company" and inserting "covered company";

(8) in paragraph (5), by adding at the end the following:

"(D) COVERED COMPANY.—The term 'covered company' means any depository institution holding company (including any company required to file a report under section 4(f)(6) of the Bank Holding Company Act of 1956), or any other company that controls an insured depository institution."; and

(9) in paragraph (6)—

(A) by striking "depository institution holding company" and inserting "covered company,"; and

(B) by striking "or holding company" and inserting "or covered company".

SEC. 705. AMENDMENTS RELATING TO CHANGE IN BANK CONTROL.

Section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) is amended—

(1) in paragraph (1)(D)—

(A) by striking "is needed to investigate" and inserting "is needed—

"(i) to investigate";

(B) by striking "United States Code." and inserting "United States Code; or"; and

(C) by adding at the end the following:

"(ii) to analyze the safety and soundness of any plans or proposals described in paragraph (6)(E) or the future prospects of the institution."; and

(2) in paragraph (7)(C), by striking "the financial condition of any acquiring person" and inserting "either the financial condition of any acquiring person or the future prospects of the institution".

SEC. 706. AMENDMENT TO PROVIDE THE FEDERAL RESERVE BOARD WITH DISCRETION CONCERNING THE IMPUTATION OF CONTROL OF SHARES OF A COMPANY BY TRUSTEES.

Section 2(g)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(2)) is amended by inserting before the period at the end ", unless the Board determines that such treatment is not appropriate in light of the facts and circumstances of the case and the purposes of this Act".

SEC. 707. INTERAGENCY DATA SHARING.

(a) FEDERAL BANKING AGENCIES.—Section 7(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(2)) is amended by adding at the end the following:

"(C) DATA SHARING WITH OTHER AGENCIES AND PERSONS.—In addition to reports of examination, reports of condition, and other reports required to be regularly provided to the Corporation (with respect to all insured depository institutions, including a depository institution for which the Corporation has been appointed conservator or receiver) or an appropriate State bank supervisor (with respect to a State depository institution) under subparagraph (A) or (B), a Federal banking agency may, in the discretion of the agency, furnish any report of examination or other confidential supervisory information concerning any depository institution or other entity examined by such agency under authority of any Federal law, to—

"(i) any other Federal or State agency or authority with supervisory or regulatory authority over the depository institution or other entity;

"(ii) any officer, director, or receiver of such depository institution or entity; and

"(iii) any other person that the Federal banking agency determines to be appropriate.".

(b) NATIONAL CREDIT UNION ADMINISTRATION.—Section 202(a) of the Federal Credit Union Act (12 U.S.C. 1782(a)) is amended by adding at the end the following:

"(8) DATA SHARING WITH OTHER AGENCIES AND PERSONS.—In addition to reports of examination, reports of condition, and other reports required to be regularly provided to the Board (with respect to all insured credit unions, including a credit union for which the Corporation has been appointed conservator or liquidating agent) or an appropriate State commission, board, or authority having supervision of a State-chartered credit union, the Board may, in the discretion of the Board, furnish any report of examination or other confidential supervisory information concerning any credit union or other entity examined by the Board under authority of any Federal law, to—

"(A) any other Federal or State agency or authority with supervisory or regulatory authority over the credit union or other entity;

"(B) any officer, director, or receiver of such credit union or entity; and

"(C) any other person that the Board determines to be appropriate.".

SEC. 708. CLARIFICATION OF EXTENT OF SUSPENSION, REMOVAL, AND PROHIBITION AUTHORITY OF FEDERAL BANKING AGENCIES IN CASES OF CERTAIN CRIMES BY INSTITUTION-AFFILIATED PARTIES.

(a) INSURED DEPOSITORY INSTITUTIONS.—

(1) IN GENERAL.—Section 8(g)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)(1)) is amended—

(A) in subparagraph (A)—

(i) by striking "is charged in any information, indictment, or complaint, with the commission of or participation in" and inserting "is the subject of any information, indictment, or complaint, involving the commission of or participation in";

(ii) by striking "may pose a threat to the interests of the depository institution's depositors or may threaten to impair public confidence in the depository institution," and insert "posed, poses, or may pose a threat to the interests of the depositors of, or threatened, threatens, or may threaten to impair public confidence in, any relevant depository institution (as defined in subparagraph (E)),"; and

(iii) by striking "affairs of the depository institution" and inserting "affairs of any depository institution";

(B) in subparagraph (B)(i), by striking "the depository institution" and inserting "any depository institution that the subject of the notice is affiliated with at the time the notice is issued";

(C) in subparagraph (C)(i)—

(i) by striking "may pose a threat to the interests of the depository institution's depositors or may threaten to impair public confidence in the depository institution," and insert "posed, poses, or may pose a threat to the interests of the depositors of, or threatened, threatens, or may threaten to impair public confidence in, any relevant depository institution (as defined in subparagraph (E)),"; and

(ii) by striking "affairs of the depository institution" and inserting "affairs of any depository institution";

(D) in subparagraph (C)(ii), by striking "affairs of the depository institution" and inserting "affairs of any depository institution";

(E) in subparagraph (D)(i), by striking "the depository institution" and inserting "any depository institution that the subject of the order is affiliated with at the time the order is issued"; and

(F) by adding at the end the following:

"(E) RELEVANT DEPOSITORY INSTITUTION.—For purposes of this subsection, the term 'relevant depository institution' means any depository institution of which the party is or was an institution-affiliated party at the time at which—

"(i) the information, indictment, or complaint described in subparagraph (A) was issued; or

"(ii) the notice is issued under subparagraph (A) or the order is issued under subparagraph (C)(i).".

(2) CLERICAL AMENDMENT.—The subsection heading for section 8(g) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)) is amended to read as follows:

"(g) SUSPENSION, REMOVAL, AND PROHIBITION FROM PARTICIPATION ORDERS IN THE CASE OF CERTAIN CRIMINAL OFFENSES.—".

(b) INSURED CREDIT UNIONS.—

(1) IN GENERAL.—Section 206(i)(1) of the Federal Credit Union Act (12 U.S.C. 1786(i)(1)) is amended—

(A) in subparagraph (A), by striking "the credit union" each place that term appears and inserting "any credit union";

(B) in subparagraph (B)(i), by inserting "of which the subject of the order is, or most recently was, an institution-affiliated party" before the period at the end;

(C) in subparagraph (C)—

(i) by striking "the credit union" each place such term appears and inserting "any credit union"; and

(ii) by striking "the credit union's" and inserting "any credit union's";

(D) in subparagraph (D)(i), by striking "upon such credit union" and inserting "upon the credit union of which the subject of the order is, or most recently was, an institution-affiliated party"; and

(E) by adding at the end the following:

"(E) CONTINUATION OF AUTHORITY.—The Board may issue an order under this paragraph with respect to an individual who is an institution-affiliated party at a credit union at the time of an offense described in subparagraph (A) without regard to—

"(i) whether such individual is an institution-affiliated party at any credit union at the time the order is considered or issued by the Board; or

"(ii) whether the credit union at which the individual was an institution-affiliated party at the time of the offense remains in existence at the time the order is considered or issued by the Board.".

(2) CLERICAL AMENDMENT.—Section 206(i) of the Federal Credit Union Act (12 U.S.C. 1786(i)) is amended by striking "(i)" at the beginning and inserting the following:

"(i) SUSPENSION, REMOVAL, AND PROHIBITION FROM PARTICIPATION ORDERS IN THE CASE OF CERTAIN CRIMINAL OFFENSES.—".

SEC. 709. PROTECTION OF CONFIDENTIAL INFORMATION RECEIVED BY FEDERAL BANKING REGULATORS FROM FOREIGN BANKING SUPERVISORS.

Section 15 of the International Banking Act of 1978 (12 U.S.C. 3109) is amended by adding at the end the following:

"(c) CONFIDENTIAL INFORMATION RECEIVED FROM FOREIGN SUPERVISORS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), a Federal banking agency may not be compelled to disclose information received from aforeign regulatory or supervisory authority if—

"(A) the Federal banking agency determines that the foreign regulatory or supervisory authority has, in good faith, determined and represented in writing to such Federal banking agency that public disclosure of the information would violate the laws applicable to that foreign regulatory or supervisory authority; and

"(B) the relevant Federal banking agency obtained such information pursuant to—

"(i) such procedures as the Federal banking agency may establish for use in connection with the administration and enforcement of Federal banking laws; or

"(ii) a memorandum of understanding or other similar arrangement between the Federal banking agency and the foreign regulatory or supervisory authority.

"(2) TREATMENT UNDER TITLE 5, UNITED STATES CODE.—For purposes of section 552 of title 5, United States Code, this subsection shall be treated as a statute described in subsection (b)(3)(B) of such section.

"(3) SAVINGS PROVISION.—No provision of this section shall be construed as—

"(A) authorizing any Federal banking agency to withhold any information from any duly authorized committee of the House of Representatives or the Senate; or

"(B) preventing any Federal banking agency from complying with an order of a court of the United States in an action commenced by the United States or such agency.

"(4) FEDERAL BANKING AGENCY DEFINED.—For purposes of this subsection, the term 'Federal banking agency' means the Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision.".

SEC. 710. PROHIBITION ON PARTICIPATION BY CONVICTED INDIVIDUALS.

(a) EXTENSION OF AUTOMATIC PROHIBITION.—Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) is amended by adding at the end the following new subsections:

"(d) BANK HOLDING COMPANIES.—

"(1) IN GENERAL.—Subsections (a) and (b) shall apply to any company (other than a foreign bank) that is a bank holding company and any organization organized and operated under section 25A of the Federal Reserve Act or operating under section 25 of the Federal Reserve Act, as if such bank holding company or organization were an insured depository institution, except that such subsections shall be applied for purposes of this subsection by substituting 'Board of Governors of the Federal Reserve System' for 'Corporation' each place that term appears in such subsections.

"(2) AUTHORITY OF BOARD.—The Board of Governors of the Federal Reserve System may provide exemptions, by regulation or order, from the application of paragraph (1) if the exemption is consistent with the purposes of this subsection.

"(e) SAVINGS AND LOAN HOLDING COMPANIES.—

"(1) IN GENERAL.—Subsections (a) and (b) shall apply to any savings and loan holding company as if such savings and loan holding company were an insured depository institution, except that such subsections shall be applied for purposes of this subsection by substituting 'Director of the Office of Thrift Supervision' for 'Corporation' each place that term appears in such subsections.

"(2) AUTHORITY OF DIRECTOR.—The Director of the Office of Thrift Supervision may provide exemptions, by regulation or order, from the application of paragraph (1) if the exemption is consistent with the purposes of this subsection.".

(b) ENHANCED DISCRETION TO REMOVE CONVICTED INDIVIDUALS.—Section 8(e)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(2)(A)) is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the comma at the end of clause (iii) and inserting "; or"; and

"(3) by adding at the end the following new clause:

"(iv) an institution-affiliated party of a subsidiary (other than a bank) of a bank holding company or of a subsidiary (other than a savings association) of a savings and loan holding company has been convicted of any criminal offense involving dishonesty or a breach of trust or a criminal offense under section 1956, 1957, or 1960 of title 18, United States Code, or has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such an offense,".

SEC. 711. COORDINATION OF STATE EXAMINATION AUTHORITY.

Section 10(h) of the Federal Deposit Insurance Act (12 U.S.C. 1820(h)) is amended to read as follows:

"(h) COORDINATION OF EXAMINATION AUTHORITY.—

"(1) STATE BANK SUPERVISORS OF HOME AND HOST STATES.—

"(A) HOME STATE OF BANK.—The appropriate State bank supervisor of the home State of an insured State bank has authority to examine and supervise the bank.

"(B) HOST STATE BRANCHES.—The State bank supervisor of the home State of an insured State bank and any State bank supervisor of an appropriate host State shall exercise its respective authority to supervise and examine the branches of the bank in a host State in accordance with the terms of any applicable cooperative agreement between the home State bank supervisor and the State bank supervisor of the relevant host State.

"(C) SUPERVISORY FEES.—Except as expressly provided in a cooperative agreement between the State bank supervisors of the home State and any host State of an insured State bank, only the State bank supervisor of the home State of an insured State bank may levy or charge State supervisory fees on the bank.

"(2) HOST STATE EXAMINATION.—

"(A) IN GENERAL.—With respect to a branch operated in a host State by an out-of-State insured State bank that resulted from an interstate merger transaction approved under section 44, or that was established in such State pursuant to section 5155(g) of the Revised Statutes of the United States, the third undesignated paragraph of section 9 of the Federal Reserve Act or section 18(d)(4) of this Act, the appropriate State bank supervisor of such host State may—

"(i) with written notice to the State bank supervisor of the bank's home State and subject to the terms of any applicable cooperative agreement with the State bank supervisor of such home State, examine such branch for the purpose of determining compliance with host State laws that are applicable pursuant to section 24(j), including those that govern community reinvestment, fair lending, and consumer protection; and

"(ii) if expressly permitted under and subject to the terms of a cooperative agreement with the State bank supervisor of the bank's home State or if such out-of-State insured State bank has been determined to be in a troubled condition by either the State bank supervisor of the bank's home State or the bank's appropriate Federal banking agency, participate in the examination of the bank by the State bank supervisor of the bank's home State to ascertain that the activities of the branch in such host State are not conducted in an unsafe or unsound manner.

"(B) NOTICE OF DETERMINATION.—

"(i) IN GENERAL.—The State bank supervisor of the home State of an insured State bank shall notify the State bank supervisor of each host State of the bank if there has been a final determination that the bank is in a troubled condition.

"(ii) TIMING OF NOTICE.—The State bank supervisor of the home State of an insured State bank shall provide notice under clause (i) as soon as is reasonably possible, but in all cases not later than 15 business days after the date on which the State bank supervisor has made such final determination or has received written notification of such final determination.

"(3) HOST STATE ENFORCEMENT.—If the State bank supervisor of a host State determines that a branch of an out-of-State insured State bank is violating any law of the host State that is applicable to such branch pursuant to section 24(j), including a law that governs community reinvestment, fair lending, or consumer protection, the State bank supervisor of the host State or, to the extent authorized by the law of the host State, a host State law enforcement officer may, with written notice to the State bank supervisor of the bank's home State and subject to the terms of any applicable cooperative agreement with the State bank supervisor of the bank's home State, undertake such enforcement actions and proceedings as would be permitted under the law of the host State as if the branch were a bank chartered by that host State.

"(4) COOPERATIVE AGREEMENT.—

"(A) IN GENERAL.—The State bank supervisors from 2 or more States may enter into cooperative agreements to facilitate State regulatory supervision of State banks, including cooperative agreements relating to the coordination of examinations and joint participation in examinations.

"(B) DEFINITION.—For purposes of this subsection, the term 'cooperative agreement' means a written agreement that is signed by the home State bank supervisor and the host State bank supervisor to facilitate State regulatory supervision of State banks, and includes nationwide or multi-State cooperative agreements and cooperative agreements solely between the home State and host State.

"(C) RULE OF CONSTRUCTION.—Except for State bank supervisors, no provision of this subsection relating to such cooperative agreements shall be construed as limiting in any way the authority of home State and host State law enforcement officers, regulatory supervisors, or other officials that have not signed such cooperative agreements to enforce host State laws that are applicable to a branch of an out-of-State insured State bank located in the host State pursuant to section 24(j).

"(5) FEDERAL REGULATORY AUTHORITY.—No provision of this subsection shall be construed as limiting in any way the authority of any Federal banking agency.

"(6) STATE TAXATION AUTHORITY NOT AFFECTED.—No provision of this subsection shall be construed as affecting the authority of any State or political subdivision of any State to adopt, apply, or administer any tax or method of taxation to any bank, bank holding company, or foreign bank, or any affiliate of any bank, bank holding company, or foreign bank, to the extent that such tax or tax method is otherwise permissible by or under the Constitution of the United States or other Federal law.

"(7) DEFINITIONS.—For purpose of this section, the following definitions shall apply:

"(A) HOST STATE, HOME STATE, OUT-OF-STATE BANK.—The terms 'host State', 'home State', and 'out-of-State bank' have the same meanings as in section 44(g).

"(B) STATE SUPERVISORY FEES.—The term 'State supervisory fees' means assessments, examination fees, branch fees, license fees, and all other fees that are levied or charged by a State bank supervisor directly upon an insured State bank or upon branches of an insured State bank.

"(C) TROUBLED CONDITION.—Solely for purposes of paragraph (2)(B), an insured State bank has been determined to be in 'troubled condition' if the bank—

"(i) has a composite rating, as determined in its most recent report of examination, of 4 or 5 under the Uniform Financial Institutions Ratings System;

"(ii) is subject to a proceeding initiated by the Corporation for termination or suspension of deposit insurance; or

"(iii) is subject to a proceeding initiated by the State bank supervisor of the bank's home State to vacate, revoke, or terminate the charter of the bank, or to liquidate the bank, or to appoint a receiver for the bank.

"(D) FINAL DETERMINATION.—For purposes of paragraph (2)(B), the term 'final determination' means the transmittal of a report of examination to the bank or transmittal of official notice of proceedings to the bank.".

SEC. 712. DEPUTY DIRECTOR; SUCCESSION AUTHORITY FOR DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION.

(a) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR.—Section 3(c)(5) of the Home Owners' Loan Act (12 U.S.C. 1462a(c)(5)) is amended to read as follows:

"(5) DEPUTY DIRECTOR.—

"(A) IN GENERAL.—The Secretary of the Treasury shall appoint a Deputy Director, and may appoint not more than 3 additional Deputy Directors of the Office.

"(B) FIRST DEPUTY DIRECTOR.—If the Secretary of the Treasury appoints more than 1 Deputy Director of the Office, the Secretary shall designate one such appointee as the First Deputy Director.

"(C) DUTIES.—Each Deputy Director appointed under this paragraph shall take an oath of office and perform such duties as the Director shall direct.

"(D) COMPENSATION AND BENEFITS.—The Director shall fix the compensation and benefits for each Deputy Director in accordance with this Act.".

(b) SERVICE OF DEPUTY DIRECTOR AS ACTING DIRECTOR.—Section 3(c)(3) of the Home Owners' Loan Act (12 U.S.C. 1462a(c)(3)) is amended—

(1) by striking "**VACANCY**.—A vacancy in the position of Director" and inserting "**VACANCY**.—

"(A) IN GENERAL.—A vacancy in the position of Director"; and

(2) by adding at the end the following:

"(B) ACTING DIRECTOR.—

"(i) IN GENERAL.—In the event of a vacancy in the position of Director or during the absence or disability of the Director, the Deputy Director shall serve as Acting Director.

"(ii) SUCCESSION IN CASE OF 2 OR MORE DEPUTY DIRECTORS.—If there are 2 or more Deputy Directors serving at the time a vacancy in the *position of Director occurs or the absence or disability of the Director commences, the First Deputy Director shall serve as Acting Director under clause (i) followed by such other Deputy Directors under any order of succession the Director may establish.*

"(iii) AUTHORITY OF ACTING DIRECTOR.—Any Deputy Director, while serving as Acting Director under this subparagraph, shall be vested with all authority, duties, and privileges of the Director under this Act and any other provision of Federal law.".

SEC. 713. OFFICE OF THRIFT SUPERVISION REPRESENTATION ON BASEL COMMITTEE ON BANKING SUPERVISION.

(a) IN GENERAL.—Section 912 of the International Lending Supervision Act of 1983 (12 U.S.C. 3911) is amended—

*(1) in the section heading, by inserting at the end the following: "**AND THE OFFICE OF THRIFT SUPERVISION**";*

(2) by striking "As one of the three" and inserting the following:

"(a) IN GENERAL.—As one of the 4"; and

(3) by adding at the end the following:

"(b) As one of the 4 Federal bank regulatory and supervisory agencies, the Office of Thrift Supervision shall be given equal representation with the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation on the Committee on Banking Regulations and Supervisory Practices of the Group of Ten Countries and Switzerland.".

(b) CONFORMING AMENDMENTS.—Section 910(a) of the International Lending Supervision Act of 1983 (12 U.S.C. 3909(a)) is amended—

(1) in paragraph (2), by striking "insured bank" and inserting "insured depository institution"; and

(2) in paragraph (3), by striking "an 'insured bank', as such term is used in section 3(h)" and inserting "an 'insured depository institution', as such term is defined in section 3(c)(2)".

SEC. 714. FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

(a) COUNCIL MEMBERSHIP.—Section 1004(a) of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3303(a)) is amended—

(1) in paragraph (4), by striking "Thrift" and all that follows through the end of the paragraph and inserting "Thrift Supervision,";

(2) in paragraph (5) by striking the period at the end and inserting ", and"; and

(3) by adding at the end the following:

"(6) the Chairman of the State Liaison Committee.".

(b) CHAIRPERSON OF LIAISON COMMITTEE.—Section 1007 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3306) is amended by adding at the end the following: "Members of the Liaison Committee shall elect a chairperson from among the members serving on the committee.".

SEC. 715. TECHNICAL AMENDMENTS RELATING TO INSURED INSTITUTIONS.

(a) TECHNICAL AMENDMENT TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 8(i)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(3)) is amended by inserting "or order" after "notice" each place that term appears.

(b) TECHNICAL AMENDMENT TO THE FEDERAL CREDIT UNION ACT.—Section 206(k)(3) of the Federal Credit Union Act (12 U.S.C. 1786(k)(3)) is amended by inserting "or order" after "notice" each place that term appears.

SEC. 716. CLARIFICATION OF ENFORCEMENT AUTHORITY.

(a) ACTIONS ON APPLICATIONS, NOTICES, AND OTHER REQUESTS; CLARIFICATION THAT CHANGE IN CONTROL CONDITIONS ARE ENFORCEABLE.—Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended—

(1) in subsection (b)(1), in the first sentence, by striking "the granting of any application or other request by the depository institution" and inserting "any action on any application, notice, or other request by the depository institution or institution-affiliated party,";

(2) in subsection (e)(1)(A)(i)(III), by striking "the grant of any application or other request by such depository institution" and inserting "any action on any application, notice, or request by such depository institution or institution-affiliated party"; and

(3) in subsection (i)(2)(A)(iii), by striking "the grant of any application or other request by such depository institution" and inserting "any action on any application, notice, or other request by the depository institution or institution-affiliated party".

(b) CLARIFICATION THAT CHANGE IN CONTROL CONDITIONS ARE ENFORCEABLE.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended—

(1) in subsection (b)(1), in the first sentence, by striking "the granting of any application or other request by the credit union" and inserting "any action on any application, notice, or other request by the credit union or institution-affiliated party,";

(2) in subsection (g)(1)(A)(i)(III), by striking "the grant of any application or other request by such credit union" and inserting "any action on any application, notice, or request by such credit union or institution-affiliated party"; and

(3) in subsection (k)(2)(A)(iii), by striking "the grant of any application or other request by such credit union" and inserting "any action on any application, notice, or other request by the credit union or institution-affiliated party".

SEC. 717. FEDERAL BANKING AGENCY AUTHORITY TO ENFORCE DEPOSIT INSURANCE CONDITIONS.

Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended—

(1) in subsection (b)(1), in the 1st sentence—

(A) by striking "in writing by the agency" and inserting "in writing by a Federal banking agency"; and

(B) by striking "the agency may issue and serve" and inserting "the appropriate Federal banking agency for the depository institution may issue and serve";

(2) in subsection (e)(1)—

(A) in subparagraph (A)(i)(III), by striking "in writing by the appropriate Federal banking agency" and inserting "in writing by a Federal banking agency"; and

(B) in the undesignated matter at the end, by striking "the agency may serve upon such party" and inserting "the appropriate Federal banking agency for the depository institution may serve upon such party"; and

(3) in subsection (i)(2)(A)(iii), by striking "in writing by the appropriate Federal banking agency" and inserting "in writing by a Federal banking agency".

SEC. 718. RECEIVER OR CONSERVATOR CONSENT REQUIREMENT.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(13) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(13)) is amended by adding at the end the following:

"(C) CONSENT REQUIREMENT.—

"(i) IN GENERAL.—Except as otherwise provided by this section or section 15, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which the depository institution is a party, or to obtain possession of or exercise control over any property of the institution or affect any contractual rights of the institution, without the consent of the conservator or receiver, as appropriate, during the 45-day period beginning on the date of the appointment of the conservator, or during the 90-day period beginning on the date of the appointment of the receiver, as applicable.

"(ii) CERTAIN EXCEPTIONS.—No provision of this subparagraph shall apply to a director or officer liability insurance contract or a depository institution bond, to the rights of parties to certain qualified financial contracts pursuant to paragraph (8), or to the rights of parties to netting contracts pursuant to subtitle A of title IV of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4401 et seq.), or shall be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contract.

"(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to limit or otherwise affect the applicability of title 11, United States Code.".

(b) INSURED CREDIT UNIONS.—Section 207(c)(12) of the Federal Credit Union Act (12 U.S.C. 1787(c)(12)) is amended by adding the following:

"(C) CONSENT REQUIREMENT.—

"(i) IN GENERAL.—Except as otherwise provided by this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which the credit union is a party, or to obtain possession of or exercise control over any property of the credit union or affect any contractual rights of the credit union, without the consent of the conservator or liquidating agent, as appropriate, during the 45-day period beginning on the date of the appointment of the conservator, or during the 90-day period beginning on the date of the appointment of the liquidating agent, as applicable.

"(ii) CERTAIN EXCEPTIONS.—No provision of this subparagraph shall apply to a director or officer liability insurance contract or a credit union bond, or to the rights of parties to certain qualified financial contracts pursuant to paragraph (8), or shall be construed as permitting the conservator or liquidating agent to fail to comply with otherwise enforceable provisions of such contract.

"(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to limit or otherwise affect the applicability of title 11, United States Code.".

SEC. 719. ACQUISITION OF FICO SCORES.

Section 604(a) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)) is amended by adding at the end the following:

"(6) To the Federal Deposit Insurance Corporation or the National Credit Union Administration as part of its preparation for its appointment or as part of its exercise of powers, as conservator, receiver, or liquidating agent for an insured depository institution or insured credit union under the Federal Deposit Insurance Act or the Federal Credit Union Act, or other applicable Federal or State law, or in connection with the resolution or liquidation of a failed or failing insured depository institution or insured credit union, as applicable.".

SEC. 720. ELIMINATION OF CRIMINAL INDICTMENTS AGAINST RECEIVERSHIPS.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 15(b) of the Federal Deposit Insurance Act (12 U.S.C. 1825(b)) is amended by inserting immediately after paragraph (3) the following:

"(4) EXEMPTION FROM CRIMINAL PROSECUTION.—The Corporation shall be exempt from all prosecution by the United States or any State, county, municipality, or local authority for any criminal offense arising under Federal, State, county, municipal, or local law, which was allegedly committed by the institution, or persons acting on behalf of the institution, prior to the appointment of the Corporation as receiver.".

(b) INSURED CREDIT UNIONS.—Section 207(b)(2) of the Federal Credit Union Act (12 U.S.C.

1787(b)(2)) is amended by adding at the end the following:

"(K) EXEMPTION FROM CRIMINAL PROSECUTION.—The Administration shall be exempt from all prosecution by the United States or any State, county, municipality, or local authority for any criminal offense arising under Federal, State, county, municipal, or local law, which was allegedly committed by a credit union, or persons acting on behalf of a credit union, prior to the appointment of the Administration as liquidating agent.".

SEC. 721. RESOLUTION OF DEPOSIT INSURANCE DISPUTES.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 11(f) of the Federal Deposit Insurance Act (12 U.S.C. 1821(f)) is amended by striking paragraphs (3) through (5) and inserting the following:

"(3) RESOLUTION OF DISPUTES.—A determination by the Corporation regarding any claim for insurance coverage shall be treated as a final determination for purposes of this section. In its discretion, the Corporation may promulgate regulations prescribing procedures for resolving any disputed claim relating to any insured deposit or any determination of insurance coverage with respect to any deposit.

"(4) REVIEW OF CORPORATION DETERMINATION.—A final determination made by the Corporation regarding any claim for insurance coverage shall be a final agency action reviewable in accordance with chapter 7 of title 5, United States Code, by the United States district court for the Federal judicial district where the principal place of business of the depository institution is located.

"(5) STATUTE OF LIMITATIONS.—Any request for review of a final determination by the Corporation regarding any claim for insurance coverage shall be filed with the appropriate United States district court not later than 60 days after the date on which such determination is issued.".

(b) INSURED CREDIT UNIONS.—Section 207(d) of the Federal Credit Union Act (12 U.S.C. 1787(d)) is amended by striking paragraphs (3) through (5) and inserting the following:

"(3) RESOLUTION OF DISPUTES.—A determination by the Administration regarding any claim for insurance coverage shall be treated as a final determination for purposes of this section. In its discretion, the Board may promulgate regulations prescribing procedures for resolving any disputed claim relating to any insured deposit or any determination of insurance coverage with respect to any deposit. A final determination made by the Board regarding any claim for insurance coverage shall be a final agency action reviewable in accordance with chapter 7 of title 5, United States Code, by the United States district court for the Federal judicial district where the principal place of business of the credit union is located.

"(4) STATUTE OF LIMITATIONS.—Any request for review of a final determination by the Board regarding any claim for insurance coverage shall be filed with the appropriate United States district court not later than 60 days after the date on which such determination is issued.".

SEC. 722. RECORDKEEPING.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 11(d)(15)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(15)(D)) is amended—

(1) by striking "After the end of the 6-year period" and inserting the following:

"(i) IN GENERAL.—Except as provided in clause (ii), after the end of the 6-year period"; and

(2) by adding at the end the following:

"(ii) OLD RECORDS.—Notwithstanding clause (i), the Corporation may destroy records of an insured depository institution which are at least 10 years old as of the date on which the Corporation is appointed as the receiver of such depository institution in accordance with clause (i) at any time after such appointment is final, without regard to the 6-year period of limitation contained in clause (i).".

(b) INSURED CREDIT UNIONS.—Section 207(b)(15)(D) of the Federal Credit Union Act (12 U.S.C. 1787(b)(15)(D)) is amended—

(1) by striking "After the end of the 6-year period" and inserting the following:

"(i) IN GENERAL.—Except as provided in clause (ii), after the end of the 6-year period"; and

(2) by adding at the end the following:

"(ii) OLD RECORDS.—Notwithstanding clause (i) the Board may destroy records of an insured credit union which are at least 10 years old as of the date on which the Board is appointed as liquidating agent of such credit union in accordance with clause (i) at any time after such appointment is final, without regard to the 6-year period of limitation contained in clause (i).".

SEC. 723. PRESERVATION OF RECORDS.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 10(f) of the Federal Deposit Insurance Act (12 U.S.C. 1820(f)) is amended to read as follows:

"(f) PRESERVATION OF AGENCY RECORDS.—

"(1) IN GENERAL.—A Federal banking agency may cause any and all records, papers, or documents kept by the agency or in the possession or custody of the agency to be—

"(A) photographed or microphotographed or otherwise reproduced upon film; or

"(B) preserved in any electronic medium or format which is capable of—

"(i) being read or scanned by computer; and

"(ii) being reproduced from such electronic medium or format by printing any other form of reproduction of electronically stored data.

"(2) TREATMENT AS ORIGINAL RECORDS.—Any photographs, microphotographs, or photographic film or copies thereof described in paragraph (1)(A) or reproduction of electronically stored data described in paragraph (1)(B) shall be deemed to be an original record for all purposes, including introduction in evidence in all State and Federal courts or administrative agencies, and shall be admissible to prove any act, transaction, occurrence, or event therein recorded.

"(3) AUTHORITY OF THE FEDERAL BANKING AGENCIES.—Any photographs, microphotographs, or photographic film or copies thereof described in paragraph (1)(A) or reproduction of electronically stored data described in paragraph (1)(B) shall be preserved in such manner as the Federal banking agency shall prescribe, and the original records, papers, or documents may be destroyed or otherwise disposed of as the Federal banking agency may direct.".

(b) INSURED CREDIT UNIONS.—Section 206(s) of the Federal Credit Union Act (12 U.S.C. 1786(s)) is amended by adding at the end the following:

"(9) PRESERVATION OF RECORDS.—

"(A) IN GENERAL.—The Board may cause any and all records, papers, or documents kept by the Administration or in the possession or custody of the Administration to be—

"(i) photographed or microphotographed or otherwise reproduced upon film; or

"(ii) preserved in any electronic medium or format which is capable of—

"(I) being read or scanned by computer; and

"(II) being reproduced from such electronic medium or format by printing or any other form of reproduction of electronically stored data.

"(B) TREATMENT AS ORIGINAL RECORDS.—Any photographs, micrographs, or photographic film or copies thereof described in subparagraph (A)(i) or reproduction of electronically stored data described in subparagraph (A)(ii) shall be deemed to be an original record for all purposes, including introduction in evidence in all State and Federal courts or administrative agencies, and shall be admissible to prove any act, transaction, occurrence, or event therein recorded.

"(C) AUTHORITY OF THE ADMINISTRATION.—Any photographs, microphotographs, or photographic film or copies thereof described in subparagraph (A)(i) or reproduction of electronically stored data described in subparagraph (A)(ii) shall be preserved in such manner as the Administration shall prescribe, and the original records, papers, or documents may be destroyed or otherwise disposed of as the Administration may direct.".

SEC. 724. TECHNICAL AMENDMENTS TO INFORMATION SHARING PROVISION IN THE FEDERAL DEPOSIT INSURANCE ACT.

Section 11(t) of the Federal Deposit Insurance Act (12 U.S.C. 1821(t)) is amended—

(1) in paragraph (1), by inserting ", in any capacity," after "A covered agency"; and

(2) in paragraph (2)(A)—

(A) in clause (i), by striking "appropriate";

(B) by striking clause (ii); and

(C) by redesignating clauses (iii) through (vi) as clauses (ii) through (v), respectively.

SEC. 725. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO BANKS OPERATING UNDER THE CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

(a) FEDERAL RESERVE ACT.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended—

(1) in the second undesignated paragraph of the first section (12 U.S.C. 221), by adding at the end the following: "For purposes of this Act, a State bank includes any bank which is operating under the Code of Law for the District of Columbia."; and

(2) in the first sentence of the first undesignated paragraph of section 9 (12 U.S.C. 321), by striking "incorporated by special law of any State, or" and inserting "incorporated by special law of any State, operating under the Code of Law for the District of Columbia, or".

(b) BANK CONSERVATION ACT.—Section 202 of the Bank Conservation Act (12 U.S.C. 202) is amended—

(1) by striking "means (1) any national" and inserting "means any national"; and

(2) by striking ", and (2) any bank or trust company located in the District of Columbia and operating under the supervision of the Comptroller of the Currency".

(c) DEPOSITORY INSTITUTION DEREGULATION AND MONETARY CONTROL ACT OF 1980.—Part C of title VII of the Depository Institution Deregulation and Monetary Control Act of 1980 (12 U.S.C. 216 et seq.) is amended—

(1) in paragraph (1) of section 731 (12 U.S.C. 216(1)), by striking "and closed banks in the District of Columbia"; and

(2) in paragraph (2) of section 732 (12 U.S.C. 216a(2)), by striking "or closed banks in the District of Columbia".

(d) FEDERAL DEPOSIT INSURANCE ACT.—Section 3(a)(2)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1813(a)(2)(B)) is amended by striking "(except a national bank)".

(e) NATIONAL BANK CONSOLIDATION AND MERGER ACT.—Section 7(1) of the National Bank Consolidation and Merger Act (12 U.S.C. 215b(1)) is amended by striking "(except a national banking association located in the District of Columbia)".

(f) ACT OF AUGUST 17, 1950.—Section 1(a) of the Act entitled "An Act to provide for the conversion of national banking associations into and their merger or consolidation with State banks, and for other purposes" and approved August 17, 1950 (12 U.S.C. 214(a)) is amended by striking "(except a national banking association)".

(g) FEDERAL TRADE COMMISSION ACT.—Section 18(f)(2) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(2)) is amended—

(1) in subparagraph (A), by striking ", banks operating under the code of law for the District of Columbia,"; and

(2) in subparagraph (B), by striking "and banks operating under the code of law for the District of Columbia".

SEC. 726. TECHNICAL CORRECTIONS TO THE FEDERAL CREDIT UNION ACT.

The Federal Credit Union Act (12 U.S.C. 1751 et seq.) is amended as follows:

(1) In section 101(3), strike "and" after the semicolon.

(2) In section 101(5), strike the terms "account account" and "account accounts" each place any such term appears and insert "account".

(3) In section 107(5)(E), strike the period at the end and insert a semicolon.

(4) In each of paragraphs (6) and (7) of section 107, strike the period at the end and insert a semicolon.

(5) In section 107(7)(D), strike "the Federal Savings and Loan Insurance Corporation or".

(6) In section 107(7)(E), strike "the Federal Home Loan Bank Board," and insert "the Federal Housing Finance Board,".

(7) In section 107(9), strike "subchapter III" and insert "title III".

(8) In section 107(13), strike "and" after the semicolon at the end.

(9) In section 109(c)(2)(A)(i), strike "(12 U.S.C. 4703(16))".

(10) In section 120(h), strike "the Act approved July 30, 1947 (6 U.S.C., secs. 6–13)," and insert "chapter 93 of title 31, United States Code,".

(11) In section 201(b)(5), strike "section 116 of".

(12) In section 202(h)(3), strike "section 207(c)(1)" and insert "section 207(k)(1)".

(13) In section 204(b), strike "such others powers" and insert "such other powers".

(14) In section 206(e)(3)(D), strike "and" after the semicolon at the end.

(15) In section 206(f)(1), strike "subsection (e)(3)(B)" and insert "subsection (e)(3)".

(16) In section 206(g)(7)(D), strike "and subsection (1)".

(17) In section 206(t)(2)(B), insert "regulations" after "as defined in".

(18) In section 206(t)(2)(C), strike "material affect" and insert "material effect".

(19) In section 206(t)(4)(A)(ii)(II), strike "or" after the semicolon at the end.

(20) In section 206A(a)(2)(A), strike "regulator agency" and insert "regulatory agency".

(21) In section 207(c)(5)(B)(i)(I), insert "and" after the semicolon at the end.

(22) In the heading for subparagraph (A) of section 207(d)(3), strike "TO" and insert "WITH".

(23) In section 207(f)(3)(A), strike "category or claimants" and insert "category of claimants".

(24) In section 209(a)(8), strike the period at the end and insert a semicolon.

(25) In section 216(n), insert "any action" before "that is required".

(26) In section 304(b)(3), strike "the affairs or such credit union" and insert "the affairs of such credit union".

(27) In section 310, strike "section 102(e)" and insert "section 102(d)".

SEC. 727. REPEAL OF OBSOLETE PROVISIONS OF THE BANK HOLDING COMPANY ACT OF 1956.

(a) IN GENERAL.—Section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) is amended—

(1) in subsection (c)(2), by striking subparagraphs (I) and (J); and

(2) by striking subsection (m) and inserting the following:

"(m) [Repealed]".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Paragraphs (1) and (2) of section 4(h) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(h)) are each amended by striking "(G), (H), (I), or (J) of section 2(c)(2)" and inserting "(G), or (H) of section 2(c)(2)".

SEC. 728. DEVELOPMENT OF MODEL PRIVACY FORM.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803), as amended by section 609, is amended by adding at the end the following:

"(e) MODEL FORMS.—

"(1) IN GENERAL.—The agencies referred to in section 504(a)(1) shall jointly develop a model form which may be used, at the option of the financial institution, for the provision of disclosures under this section.

"(2) FORMAT.—A model form developed under paragraph (1) shall—

"(A) be comprehensible to consumers, with a clear format and design;

"(B) provide for clear and conspicuous disclosures;

"(C) enable consumers easily to identify the sharing practices of a financial institution and to compare privacy practices among financial institutions; and

"(D) be succinct, and use an easily readable type font.

"(3) TIMING.—A model form required to be developed by this subsection shall be issued in proposed form for public comment not later than 180 days after the date of enactment of this subsection.

"(4) SAFE HARBOR.—Any financial institution that elects to provide the model form developed by the agencies under this subsection shall be deemed to be in compliance with the disclosures required under this section.".

TITLE VIII—FAIR DEBT COLLECTION PRACTICES ACT AMENDMENTS

SEC. 801. EXCEPTION FOR CERTAIN BAD CHECK ENFORCEMENT PROGRAMS.

(a) IN GENERAL.—The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by redesignating section 818 as section 819; and

(2) by inserting after section 817 the following:

"§818. Exception for certain bad check enforcement programs operated by private entities

"(a) IN GENERAL.—

"(1) TREATMENT OF CERTAIN PRIVATE ENTITIES.—Subject to paragraph (2), a private entity shall be excluded from the definition of a debt collector, pursuant to the exception provided in section 803(6), with respect to the operation by the entity of a program described in paragraph (2)(A) under a contract described in paragraph (2)(B).

"(2) CONDITIONS OF APPLICABILITY.—Paragraph (1) shall apply if—

"(A) a State or district attorney establishes, within the jurisdiction of such State or district attorney and with respect to alleged bad check violations that do not involve a check described in subsection (b), a pretrial diversion program for alleged bad check offenders who agree to participate voluntarily in such program to avoid criminal prosecution;

"(B) a private entity, that is subject to an administrative support services contract with a State or district attorney and operates under the direction, supervision, and control of such State or district attorney, operates the pretrial diversion program described in subparagraph (A); and

"(C) in the course of performing duties delegated to it by a State or district attorney under the contract, the private entity referred to in subparagraph (B)—

"(i) complies with the penal laws of the State;

"(ii) conforms with the terms of the contract and directives of the State or district attorney;

"(iii) does not exercise independent prosecutorial discretion;

"(iv) contacts any alleged offender referred to in subparagraph (A) for purposes of participating in a program referred to in such paragraph—

"(I) only as a result of any determination by the State or district attorney that probable cause of a bad check violation under State penal law exists, and that contact with the alleged offender for purposes of participation in the program is appropriate; and

"(II) the alleged offender has failed to pay the bad check after demand for payment, pursuant to State law, is made for payment of the check amount;

"(v) includes as part of an initial written communication with an alleged offender a clear and conspicuous statement that—

"(I) the alleged offender may dispute the validity of any alleged bad check violation;

"(II) where the alleged offender knows, or has reasonable cause to believe, that the alleged bad check violation is the result of theft or forgery of the check, identity theft, or other fraud that is not the result of the conduct of the alleged offender, the alleged offender may file a crime report with the appropriate law enforcement agency; and

"(III) if the alleged offender notifies the private entity or the district attorney in writing, not later than 30 days after being contacted for the first time pursuant to clause (iv), that there is a dispute pursuant to this subsection, before further restitution efforts are pursued, the district attorney or an employee of the district attorney authorized to make such a determination makes a determination that there is probable cause to believe that a crime has been committed; and

"(vi) charges only fees in connection with services under the contract that have been authorized by the contract with the State or district attorney.

"(b) CERTAIN CHECKS EXCLUDED.—A check is described in this subsection if the check involves, or is subsequently found to involve—

"(1) a postdated check presented in connection with a payday loan, or other similar transaction, where the payee of the check knew that the issuer had insufficient funds at the time the check was made, drawn, or delivered;

"(2) a stop payment order where the issuer acted in good faith and with reasonable cause in stopping payment on the check;

"(3) a check dishonored because of an adjustment to the issuer's account by the financial institution holding such account without providing notice to the person at the time the check was made, drawn, or delivered;

"(4) a check for partial payment of a debt where the payee had previously accepted partial payment for such debt;

"(5) a check issued by a person who was not competent, or was not of legal age, to enter into a legal contractual obligation at the time the check was made, drawn, or delivered; or

"(6) a check issued to pay an obligation arising from a transaction that was illegal in the jurisdiction of the State or district attorney at the time the check was made, drawn, or delivered.

"(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) STATE OR DISTRICT ATTORNEY.—The term 'State or district attorney' means the chief elected or appointed prosecuting attorney in a district, county (as defined in section 2 of title 1, United States Code), municipality, or comparable jurisdiction, including State attorneys general who act as chief elected or appointed prosecuting attorneys in a district, county (as so defined), municipality or comparable jurisdiction, who may be referred to by a variety of titles such as district attorneys, prosecuting attorneys, commonwealth's attorneys, solicitors, county attorneys, and state's attorneys, and who are responsible for the prosecution of State crimes and violations of jurisdiction-specific local ordinances.

"(2) CHECK.—The term 'check' has the same meaning as in section 3(6) of the Check Clearing for the 21st Century Act.

"(3) BAD CHECK VIOLATION.—The term 'bad check violation' means a violation of the applicable State criminal law relating to the writing of dishonored checks.".

(b) CLERICAL AMENDMENT.—The table of sections for the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by redesignating the item relating to section 818 as section 819; and

(2) by inserting after the item relating to section 817 the following new item:

"818. Exception for certain bad check enforcement programs operated by private entities.".

SEC. 802. OTHER AMENDMENTS.

(a) LEGAL PLEADINGS.—Section 809 of the Fair Debt Collection Practices Act (15 U.S.C. 1692g) is amended by adding at the end the following new subsection:

"(d) LEGAL PLEADINGS.—A communication in the form of a formal pleading in a civil action shall not be treated as an initial communication for purposes of subsection (a).".

(b) NOTICE PROVISIONS.—Section 809 of the Fair Debt Collection Practices Act (15 U.S.C. 1692g) is amended by adding after subsection (d) (as added by subsection (a) of this section) the following new subsection:

"(e) NOTICE PROVISIONS.—The sending or delivery of any form or notice which does not relate to the collection of a debt and is expressly required by the Internal Revenue Code of 1986, title V of Gramm-Leach-Bliley Act, or any provision of Federal or State law relating to notice of data security breach or privacy, or any regulation prescribed under any such provision of law, shall not be treated as an initial communication in connection with debt collection for purposes of this section.".

(c) ESTABLISHMENT OF RIGHT TO COLLECT WITHIN THE FIRST 30 DAYS.—Section 809(b) of the Fair Debt Collection Practices Act (15 U.S.C. 1692g(b)) is amended by adding at the end the following new sentences: "Collection activities and communications that do not otherwise violate this title may continue during the 30-day period referred to in subsection (a) unless the consumer has notified the debt collector in writing that the debt, or any portion of the debt, is disputed or that the consumer requests the name and address of the original creditor. Any collection activities and communication during the 30-day period may not overshadow or be inconsistent with the disclosure of the consumer's right to dispute the debt or request the name and address of the original creditor.".

TITLE IX—CASH MANAGEMENT MODERNIZATION

SEC. 901. COLLATERAL MODERNIZATION.

(a) IN GENERAL.—Section 9301(2) of title 31, United States Code, is amended to read as follows:

"(2) 'eligible obligation' means any security designated as acceptable in lieu of a surety bond by the Secretary of the Treasury.".

(b) USE OF ELIGIBLE OBLIGATIONS INSTEAD OF SURETY BONDS.—Section 9303(a)(2) of title 31, United States Code, is amended to read as follows:

"(2) as determined by the Secretary of the Treasury, have a market value that is equal to or greater than the amount of the required surety bond; and".

(c) TECHNICAL AMENDMENTS.—Section 9303 of title 31, United States Code, is amended—

(1) in the section heading, by striking **"Government obligations"** and inserting **"eligible obligations"**;

(2) in subsection (f), by striking "Government obligations" and inserting "eligible obligations";

(3) by striking "a Government obligation" each place that term appears and inserting "an eligible obligation"; and

(4) by striking "Government obligation" each place that term appears and inserting "eligible obligation".

TITLE X—STUDIES AND REPORTS

SEC. 1001. STUDY AND REPORT BY THE COMPTROLLER GENERAL ON THE CURRENCY TRANSACTION REPORT FILING SYSTEM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the volume of currency transaction reports filed with the Secretary of the Treasury under section 5313(a) of title 31, United States Code.

(b) PURPOSE.—The purpose of the study required under subsection (a) shall be—

(1) to evaluate, on the basis of actual filing data, patterns of currency transaction reports filed by depository institutions of all sizes and locations; and

(2) to identify whether and the extent to which the filing rules for currency transaction reports described in section 5313(a) of title 31, United States Code—

(A) are burdensome; and

(B) can or should be modified to reduce such burdens without harming the usefulness of such filing rules to Federal, State, and local anti-terrorism, law enforcement, and regulatory operations.

(c) PERIOD COVERED.—The study required under subsection (a) shall cover the period beginning at least 3 calendar years prior to the date of enactment of this section.

(d) CONTENT.—The study required under subsection (a) shall include a detailed evaluation of—

(1) the extent to which depository institutions are availing themselves of the exemption system for the filing of currency transaction reports set forth in section 103.22(d) of title 31, Code of Federal Regulations, as in effect during the study period (in this section referred to as the "exemption system"), including specifically, for the study period—

(A) the number of currency transaction reports filed (out of the total annual numbers) involving companies that are listed on the New York Stock Exchange or the NASDAQ National Market;

(B) the number of currency transaction reports filed by the 100 largest depository institutions in the United States by asset size, and thereafter in tiers of 100, by asset size;

(C) the number of currency transaction reports filed by the 200 smallest depository institutions in the United States, including the number of such currency transaction reports involving companies listed on the New York Stock Exchange or the NASDAQ National Market; and

(D) the number of currency transaction reports that would have been filed during the filing period if the exemption system had been used by all depository institutions in the United States;

(2) what types of depository institutions are using the exemption system, and the extent to which such exemption system is used;

(3) difficulties that limit the willingness or ability of depository institutions to reduce their currency transaction reports reporting burden by making use of the exemption system, including considerations of cost, especially in the case of small depository institutions;

(4) the extent to which bank examination difficulties have limited the use of the exemption system, especially with respect to—

(A) the exemption of privately-held companies permitted under such exemption system; and

(B) whether, on a sample basis, the reaction of bank examiners to implementation of such exemption system is justified or inhibits use of such exemption system without an offsetting compliance benefit;

(5) ways to improve the use of the exemption system by depository institutions, including making such exemption system mandatory in order to reduce the volume of currency transaction reports unnecessarily filed; and

(6) the usefulness of currency transaction reports filed to law enforcement agencies, taking into account—

(A) advances in information technology;

(B) the impact, including possible loss of investigative data, that various changes in the exemption system would have on the usefulness of such currency transaction reports; and

(C) changes that could be made to the exemption system without affecting the usefulness of currency transaction reports.

(e) ASSISTANCE.—The Secretary of the Treasury shall provide such information processing and other assistance, including from the Commissioner of the Internal Revenue Service and the Director of the Financial Crimes Enforcement Network, to the Comptroller General in analyzing currency transaction report filings for the study period described in subsection (c), as is necessary to provide the information required by subsection (a).

(f) VIEWS.—The study required under subsection (a) shall, if appropriate, include a discussion of the views of a representative sample of Federal, State, and local law enforcement and regulatory officials and officials of depository institutions of all sizes.

(g) RECOMMENDATIONS.—The study required under subsection (a) shall, if appropriate, include recommendations for changes to the exemption system that would reflect a reduction in unnecessary cost to depository institutions, assuming reasonably full implementation of such exemption system, without reducing the usefulness of the currency transaction report filing system to anti-terrorism, law enforcement, and regulatory operations.

(h) REPORT.—Not later than 15 months after the date of enactment of this section, the Comptroller General shall submit a report on the study required under subsection (a) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 1002. STUDY AND REPORT ON INSTITUTION DIVERSITY AND CONSOLIDATION.

(a) STUDY.—The Comptroller General of the United States shall conduct a study regarding—

(1) the vast diversity in the size and complexity of institutions in the banking and financial services sector, including the differences in capital, market share, geographical limitations, product offerings, and general activities;

(2) the differences in powers among the depository institution charters, including—

(A) identification of the historical trends in the evolution of depository institution charters;

(B) an analysis of the impact of charter differences to the overall safety and soundness of the banking industry, and the effectiveness of the applicable depository institution regulator; and

(C) an analysis of the impact that the availability of options for depository institution charters on the development of the banking industry;

(3) the impact that differences of size and overall complexity among financial institutions makes with respect to regulatory oversight, efficiency, safety and soundness, and charter options for financial institutions; and

(4) the aggregate cost and breakdown associated with regulatory compliance for banks, savings associations, credit unions, or any other financial institution, including potential disproportionate impact that the cost of compliance may pose on smaller institutions, given the percentage of personnel that the institution must dedicate solely to compliance.

(b) CONSIDERATIONS.—In conducting the study under subsection (a), the Comptroller General *shall consider the efficacy and efficiency of the consolidation of financial regulators, as well as charter simplification and homogenization.*

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the results of the study required by this section.

SECTION 702—INSURED DEPOSITORY INSTITUTIONS

Mr. SHELBY. Mr. President, I rise to engage the distinguished Senators in a colloquy.

Section 702 of the Financial Services Regulatory Relief Act of 2006 clarifies that written conditions in applications and written agreements with institution-affiliated parties are enforceable in order to protect the safety and soundness of insured depository institutions. Institution affiliated parties can include bank directors, officers and principal shareholders. This provision was included at the request of the regulatory agencies, and we have heard some concerns that the regulatory agencies may use this language to require personal guarantees from bank directors and officers in inappropriate circumstances.

I ask Senator CRAPO if he can explain the legislative intent behind Section 702?

Mr. CRAPO. In adopting this provision, it is our intention that the regulatory agencies utilize Section 702 with care and precision. Specifically, we do not intend that the regulatory agencies use it routinely in connection with corporate applications, notices or requests to impose financial or other conditions on bank directors or officers that contain a personal guarantee against loss by the institution. In particular, it is not our intention that the regulatory agencies use it routinely to require directors or officers of insured depository institutions to enter into capital maintenance agreements with the agencies as a condition of granting a charter or providing deposit insurance. Nor is it our intention that the regulatory agencies use it routinely to require bank directors or officers to maintain the capital of a troubled insured depository institution without the director's or officer's agreement.

In utilizing their authority under Section 702 to enforce agreements to protect the deposit insurance fund, banking agencies should be mindful of the fact that our national banking policies should encourage the participation of highly qualified people on the boards of depository institutions. Creation of an environment where the threat of personal liability may cause bank directors to resign or keep well-qualified people from becoming directors in the first place would be counterproductive. We intend to monitor closely how this provision is applied by the regulatory agencies to ensure that such an environment does not result.

Mr. JOHNSON. I thank the Senator for his explanation. I understand that the regulatory agencies, specifically the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Office of Thrift Supervision, and the Federal Deposit Insurance Corporation agree with this interpretation as does the House of Representatives.

Mr. CRAPO. That is correct. I ask unanimous consent to have printed in the RECORD a copy of a joint letter from the regulatory agencies confirming this.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE COMPTROLLER OF THE CURRENCY, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, OFFICE OF THRIFT SUPERVISION, FEDERAL DEPOSIT INSURANCE CORPORATION,
Washington, DC, August 7, 2006.

HON. MIKE CRAPO,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRAPO: This responds to your letter dated July 28, 2006, concerning section 702 of S. 2856, "The Financial Services Regulatory Relief Act of 2006."

We agree completely that banking policies should welcome the participation of qualified individuals on the boards of directors of insured depository institutions. We believe that enactment of this section would be fully consistent with that goal and that the provision should be implemented in that spirit, if enacted.

Section 702 is intended to enable the appropriate Federal banking agency to enforce conditions imposed in writing in connection with any action on an application, notice or other request, and written agreements between a Federal banking agency and a depository institution or an institution-affiliated party, in accordance with the terms of the condition or agreement, without the necessity of showing unjust enrichment or reckless disregard for the law, applicable regulations, or prior order of the appropriate Federal banking agency. The language is intended to address the effect of court decisions in a few cases that questioned the authority of the banking agencies to enforce such conditions or agreements without first establishing that the institution-affiliated party was unjustly enriched or engaged in reckless disregard for the law or previous agency orders.

It is our intention to utilize this provision with care and precision. Specifically, we do not intend to use it routinely in connection with corporate applications, notices or requests to impose financial or other conditions on bank directors or officers that contain a personal guarantee against loss by the institution. In particular, it is not our intention to use it routinely to require directors or officers of insured depository institutions to enter into capital maintenance agreements with the agencies as a condition of granting a charter or providing deposit insurance. Nor is it our intention to use it routinely to require bank directors or officers to maintain the capital of a troubled insured depository institution without the director's or officer's agreement.

We hope this addresses your concerns.

Sincerely,

JOHN C. DUGAN,
Comptroller of the Currency.
JOHN M. REICH,
Director, Office of Thrift Supervision.
BEN S. BERNANKE,
Chairman, Board of Governors of the Federal Reserve System.
SHEILA C. BAIR,
Chairman, Federal Deposit Insurance Corporation.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

GREAT LAKES FISH AND WILDLIFE RESTORATION ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany S. 2430.

The PRESIDING OFFICER laid before the Senate a message from the House as follows:

S. 2430

Resolved, That the bill from the Senate (S. 2430) entitled "An Act to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Lakes Fish and Wildlife Restoration Act of 2006".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Lakes have fish and wildlife communities that are structurally and functionally changing;

(2) successful fish and wildlife management focuses on the lakes as ecosystems, and effective management requires the coordination and integration of efforts of many partners;

(3) it is in the national interest to undertake activities in the Great Lakes Basin that support sustainable fish and wildlife resources of common concern provided under the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force);

(4) additional actions and better coordination are needed to protect and effectively manage the fish and wildlife resources, and the habitats upon which the resources depend, in the Great Lakes Basin;

(5) as of the date of enactment of this Act, actions are not funded that are considered essential to meet the goals and objectives in managing the fish and wildlife resources, and the habitats upon which the resources depend, in the Great Lakes Basin; and

(6) the Great Lakes Fish and Wildlife Restoration Act (16 U.S.C. 941 et seq.) allows Federal agencies, States, and tribes to work in an effective partnership by providing the funding for restoration work.

SEC. 3. DEFINITIONS.

Section 1004 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941b) is amended—

(1) by striking paragraphs (1), (4), and (12);

(2) by redesignating paragraphs (2), (3), (5), (6), (7), (8), (9), (10), (11), (13), and (14) as paragraphs (1), (2), (3), (4), (5), (6), (7), (9), (10), (11), and (12), respectively;

(3) in paragraph (4) (as redesignated by paragraph (2)), by inserting before the semicolon at the end the following: ", and that has Great Lakes fish and wildlife management authority in the Great Lakes Basin"; and

(4) by inserting after paragraph (7) (as redesignated by paragraph (2)) the following:

"(8) the term 'regional project' means authorized activities of the United States Fish and Wildlife Service related to fish and wildlife resource protection, restoration, maintenance, and enhancement impacting multiple States or Indian Tribes with fish and wildlife management authority in the Great Lakes basin;".

SEC. 4. IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS.

Section 1005 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941c) is amended to read as follows:

"SEC. 1005. IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS AND REGIONAL PROJECTS.

"(a) IN GENERAL.—Subject to subsection (b)(2), the Director—

"(1) shall encourage the development and, subject to the availability of appropriations, the implementation of fish and wildlife restoration proposals and regional projects based on the results of the Report; and

"(2) in cooperation with the State Directors and Indian Tribes, shall identify, develop, and, subject to the availability of appropriations, implement regional projects in the Great Lakes Basin to be administered by Director in accordance with this section.

"(b) IDENTIFICATION OF PROPOSALS AND REGIONAL PROJECTS.—

"(1) REQUEST BY THE DIRECTOR.—The Director shall annually request that State Directors and Indian Tribes, in cooperation or partnership with other interested entities and in accordance with subsection (a), submit proposals or regional projects for the restoration of fish and wildlife resources.

"(2) REQUIREMENTS FOR PROPOSALS AND REGIONAL PROJECTS.—A proposal or regional project under paragraph (1) shall be—

"(A) submitted in the manner and form prescribed by the Director; and

"(B) consistent with—

"(i) the goals of the Great Lakes Water Quality Agreement, as amended;

"(ii) the 1954 Great Lakes Fisheries Convention;

"(iii) the 1980 Joint Strategic Plan for Management of Great Lakes Fisheries, as revised in 1997, and Fish Community Objectives for each Great Lake and connecting water as established under the Joint Strategic Plan;

"(iv) the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.);

"(v) the North American Waterfowl Management Plan and joint ventures established under the plan; and

"(vi) the strategies outlined through the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force).

"(3) SEA LAMPREY AUTHORITY.—The Great Lakes Fishery Commission shall retain authority and responsibility to formulate and implement a comprehensive program to eradicate or minimize sea lamprey populations in the Great Lakes Basin.

"(c) REVIEW OF PROPOSALS.—

"(1) ESTABLISHMENT OF COMMITTEE.—There is established the Great Lakes Fish and Wildlife Restoration Proposal Review Committee, which shall operate under the guidance of the United States Fish and Wildlife Service.

"(2) MEMBERSHIP AND APPOINTMENT.—

"(A) IN GENERAL.—The Committee shall consist of 2 representatives of each of the State Directors and Indian Tribes, of whom—

"(i) 1 representative shall be the individual appointed by the State Director or Indian Tribe to the Council of Lake Committees of the Great Lakes Fishery Commission; and

"(ii) 1 representative shall have expertise in wildlife management.

"(B) APPOINTMENTS.—Each representative shall serve at the pleasure of the appointing State Director or Tribal Chair.

"(C) OBSERVER.—The Great Lakes Coordinator of the United States Fish and Wildlife Service shall participate as an observer of the Committee.

"(D) RECUSAL.—A member of the Committee shall recuse himself or herself from consideration of proposals that the member, or the entity that the member represents, has submitted.

"(3) FUNCTIONS.—The Committee shall—

"(A) meet at least annually;

"(B) review proposals and regional projects developed in accordance with subsection (b) to assess the effectiveness and appropriateness of the proposals and regional projects in fulfilling the purposes of this title; and

"(C) recommend to the Director any of those proposals and regional projects that should be funded and implemented under this section.

"(d) IMPLEMENTATION OF PROPOSALS AND REGIONAL PROJECTS.—

"(1) IN GENERAL.—After considering recommendations of the Committee and the goals specified in section 1006, the Director shall—

"(A) select proposals and regional projects to be implemented; and

"(B) subject to the availability of appropriations and subsection (e), fund implementation of the proposals and regional projects.

"(2) SELECTION CRITERIA.—In selecting and funding proposals and regional projects, the Director shall take into account the effectiveness and appropriateness of the proposals and regional projects in fulfilling the purposes of other laws applicable to restoration of the fish and wildlife resources and habitat of the Great Lakes Basin.

"(e) COST SHARING.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (4), not less than 25 percent of the cost of implementing a proposal selected under subsection (d) (excluding the cost of establishing sea lamprey barriers) shall be paid in cash or in-kind contributions by non-Federal sources.

"(2) REGIONAL PROJECTS.—Regional projects selected under subsection (d) shall be exempt from cost sharing if the Director determines that the authorization for the project does not require a non-Federal cost-share.

"(3) EXCLUSION OF FEDERAL FUNDS FROM NON-FEDERAL SHARE.—The Director may not consider the expenditure, directly or indirectly, of Federal funds received by any entity to be a contribution by a non-Federal source for purposes of this subsection.

"(4) EFFECT ON CERTAIN INDIAN TRIBES.—Nothing in this subsection affects an Indian tribe affected by an alternative applicable cost sharing requirement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).".

SEC. 5. GOALS OF UNITED STATES FISH AND WILDLIFE SERVICE PROGRAMS RELATED TO GREAT LAKES FISH AND WILDLIFE RESOURCES.

Section 1006 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941d) is amended by striking paragraph (1) and inserting the following:

"(1) Restoring and maintaining self-sustaining fish and wildlife resources.".

SEC. 6. ESTABLISHMENT OF OFFICES.

Section 1007 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941e) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GREAT LAKES COORDINATION OFFICE.—

"(1) IN GENERAL.—The Director shall establish a centrally located facility for the coordination of all United States Fish and Wildlife Service activities in the Great Lakes Basin, to be known as the 'Great Lakes Coordination Office'.

"(2) FUNCTIONAL RESPONSIBILITIES.—The functional responsibilities of the Great Lakes Coordination Office shall include—

"(A) intra- and interagency coordination;

"(B) information distribution; and

"(C) public outreach.

"(3) REQUIREMENTS.—The Great Lakes Coordination Office shall—

"(A) ensure that information acquired under this Act is made available to the public; and

"(B) report to the Director of Region 3, Great Lakes Big Rivers.";

(2) in subsection (b)—

(A) in the first sentence, by striking "The Director" and inserting the following:

"(1) IN GENERAL.—The Director";.

(B) in the second sentence, by striking "The office" and inserting the following:

"(2) NAME AND LOCATION.—The office"; and

(C) by adding at the end the following:

"(3) RESPONSIBILITIES.—The responsibilities of the Lower Great Lakes Fishery Resources Office shall include operational activities of the United States Fish and Wildlife Service related to fishery resource protection, restoration, maintenance, and enhancement in the Lower Great Lakes."; and

(3) in subsection (c)—

(A) in the first sentence, by striking "The Director" and inserting the following:

"(1) IN GENERAL.—The Director";.

(B) in the second sentence, by striking "Each of the offices" and inserting the following:

"(2) NAME AND LOCATION.—Each of the offices"; and

(C) by adding at the end the following:

"(3) RESPONSIBILITIES.—The responsibilities of the Upper Great Lakes Fishery Resources Offices shall include operational activities of the United States Fish and Wildlife Service related to fishery resource protection, restoration, maintenance, and enhancement in the Upper Great Lakes.".

SEC. 7. REPORTS.

Section 1008 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941f) is amended to read as follows:

"SEC. 1008. REPORTS.

"(a) IN GENERAL.—Not later than December 31, 2011, the Director shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes—

"(1) actions taken to solicit and review proposals under section 1005;

"(2) the results of proposals implemented under section 1005; and

"(3) progress toward the accomplishment of the goals specified in section 1006.

"(b) PUBLIC ACCESS TO DATA.—For each of fiscal years 2007 through 2012, the Director shall make available through a public access website of the Department information that describes—

"(1) actions taken to solicit and review proposals under section 1005;

"(2) the results of proposals implemented under section 1005;

"(3) progress toward the accomplishment of the goals specified in section 1006;

"(4) the priorities proposed for funding in the annual budget process under this title; and

"(5) actions taken in support of the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force).

"(c) REPORT.—Not later than June 30, 2007, the Director shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives the 2002 report required under this section as in effect on the day before the date of enactment of the Great Lakes Fish and Wildlife Restoration Act of 2006.".

SEC. 8. CONTINUED MONITORING AND ASSESSMENT OF STUDY FINDINGS AND RECOMMENDATIONS.

The Director of the United States Fish and Wildlife Service—

(1) shall continue to monitor the status, and the assessment, management, and restoration needs, of the fish and wildlife resources of the Great Lakes Basin; and

(2) may reassess and update, as necessary, the findings and recommendations of the report entitled "Great Lakes Fishery Resources Restoration Study", submitted to the President of the Senate and the Speaker of the House of Representatives on September 13, 1995.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 1009 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941g) is amended to read as follows:

"SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Director for each of fiscal years 2007 through 2012—

"(1) $14,000,000 to implement fish and wildlife restoration proposals as selected by the Director under section 1005(e), of which—

"(A) not more than the lesser of 33 1/3 percent or $4,600,000 may be allocated to implement regional projects by the United States Fish and Wildlife Service, as selected by the Director under section 1005(e); and

"(B) the lesser of 5 percent or $700,000 shall be allocated to the United States Fish and Wildlife Service to cover costs incurred in administering the proposals by any entity; and

"(2) $2,000,000, which shall be allocated for the activities of the Great Lakes Coordination Office in East Lansing, Michigan, of the Upper Great Lakes Fishery Resources Office, and the Lower Great Lakes Fishery Resources Office under section 1007.".

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTH AMERICAN WETLANDS CONSERVATION REAUTHORIZATION ACT OF 2006

TO REVISE THE BOUNDARIES OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM JEKYLL ISLAND UNIT GA–06P

TO REPLACE A COASTAL BARRIER RESOURCES SYSTEM MAP RELATING TO COASTAL BARRIER RESOURCES SYSTEM GRAYTON BEACH UNIT FL–95P IN WALTON COUNTY, FLORIDA

LAKE MATTAMUSKEET LODGE PRESERVATION ACT

NATIONAL FISH HATCHERY SYSTEM VOLUNTEER ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate en bloc consideration of five bills received from the House: H.R. 5539, H.R. 138, H.R. 479, H.R. 5094, and H.R. 5381.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the bills be read the third time and passed, a motion to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills were ordered to a third reading, read the third time, and passed.

* * *

LONG ISLAND SOUND STEWARDSHIP ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 5160, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5160) to establish the Long Island Sound Stewardship Initiative.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5160) was ordered to a third reading, was read the third time, and passed.

Mr. LIEBERMAN. Mr. President, I rise to celebrate final passage of the Long Island Sound Stewardship Act. I am proud to have coauthored and introduced this bill in the Senate in April 2004. This body passed the bill that October, but then the bill died in the House. So we reintroduced it in the Senate last January, and Representative ROB SIMMONS reintroduced its House companion. The House passed its bill on Wednesday, and we in the Senate have just followed suit. Now the bill will go to the President, who is expected to sign it into law without delay. Today's final passage will ensure expanded protection and restoration of a national treasure.

A healthy Long Island Sound is crucial to our region's economy, quality of life, and heritage. I am deeply gratified that Congress has acted to support a new way for communities and citizens to work together to preserve this ecologically important estuary for years to come. The Long Island Sound Stewardship Act, or LISSA, will help protect the sound by providing financial incentives for land owners within the sound area to preserve the environmental quality of and public access to this endangered habitat.

Long Island Sound is a unique estuary with profound economic, ecological and cultural importance for the United States. This critical resource contributes approximately $6 billion annually to the economy of the region, and it is especially important to the tens of millions of people who live within 50 miles of its shores.

We have come a long way in restoring the Sound and its rich biodiversity. Take, for example, the osprey—a bird that has come to symbolize the Sound. In 1940, there were approximately 1,000 osprey nests along the Sound shoreline. But by 1974, pollution reduced the number of osprey nests to just nine. Because of proactive conservation measures, the osprey has rebounded. That is real progress.

Despite our efforts, however, the sound remains in a diminished condition. It suffers from hypoxia, habitat loss, and contamination by toxic substances, pathogens, and solid waste, all of which negatively affect the health of all the organisms, including humans, who live in or near the sound.

I have been working to defend the sound since I arrived in the Senate. In 1989, I sponsored legislation that established a Long Island Sound office within the U.S. Environmental Protection Agency. EPA's Long Island Sound Office went on to identify the sound region as vulnerable to degradation and, with my support, established the Long Island Sound Study to develop a plan for protecting the sound. In 2000, I kicked off a "Listen to the Sound" campaign, which focused on establishing a comprehensive network of open space and natural areas along the sound's rim, as well as creating more opportunities for public access and habitat restoration. More than 1,500 Connecticut and New York residents attended those meetings. In 2002, the EPA released the results of its Long Island Sound study, which concluded that coordinated action to save the sound was necessary.

Building on several of the EPA study's recommendations and on feedback from my Listen to the Sound meetings, I introduced LISSA in April 2004 with Senators DODD, SCHUMER, and CLINTON as cosponsors.

LISSA establishes a broad-based Long Island Sound Stewardship Advisory Committee comprised of all sound stakeholders, including Federal, State, local governments, tribal interests, nongovernmental organizations, academic interests, private interests including land, agriculture, and business interests, and recreational and commercial fishing interests. The advisory committee is charged with evaluating the parcels of land within the sound region and recommending crucial parcels for designation by the Environmental Protection Agency as Stewardship Sites eligible for special preservation funds. LISSA authorizes $25 million per year for fiscal years 2007 through 2011 to the EPA Administrator to carry out this act.

By enacting this legislation, we aim to preserve the natural beauty and ecological wonder of this majestic waterway between New York and Connecticut. LISSA will ensure that our children and grandchildren can enjoy the sound's beauty, ecology, and recreational opportunities.

In closing, I wish to acknowledge the many Long Island Sound advocates in Connecticut and New York who have worked so hard to achieve today's great success.

BYRON NELSON CONGRESSIONAL GOLD MEDAL ACT

Mr. FRIST. I ask unanimous consent the committee on Banking, Housing and Urban Affairs be discharged from further consideration of H.R. 4902, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4902) to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4902) was ordered to a third reading, was read the third time, and passed.

TYLERSVILLE FISH HATCHERY CONVEYANCE ACT

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 629, H.R. 4957.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4957) to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4957) was ordered to a third reading, was read the third time, and passed.

ANIMAL ENTERPRISE TERRORISM ACT

Mr. FRIST. I ask unanimous consent the Committee on the Judiciary be discharged from further consideration of S. 3880, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3880) to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I thank the senior Senator from California for addressing concerns I had with an earlier version of this bill. I was particularly concerned about the apparent disconnect between the substantive offense created by the bill and the misdemeanor penalty for its violation. The offense requires proof that a defendant, for the purpose of damaging or interfering with the operations of an animal enterprise, "intentionally damages, or causes the loss of any property (including animals or records)" used by an animal enterprise. By contrast, the misdemeanor penalty provision applied to offenses involving "exclusively nonviolent physical obstruction" of an animal enterprise facility, resulting in no bodily injury, no property damage, and no loss of profits.

It is difficult to imagine how a person can intentionally damage property, or intentionally cause the loss of property, while at the same time be engaged exclusively in nonviolent physical obstruction that causes no real harm. The only way these provisions could be reconciled would be by watering down the criminal prohibition to extend to peaceful conduct that the bill was never intended to cover.

The current version of the bill clears up the confusion. It strikes the misdemeanor provision in its entirety and clarifies that the substantive offense created by the bill requires proof of intentional damage to real or personal property, not simply a loss of profits. These changes will ensure that legitimate, peaceful conduct is not chilled by the threat of Federal prosecution, and that prosecution is reserved for the worst offenders.

Mr. FRIST. I ask unanimous consent the amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5115), was agreed to, as follows:

AMENDMENT NO. 5115

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Enterprise Terrorism Act".

SEC. 2. INCLUSION OF ECONOMIC DAMAGE TO ANIMAL ENTERPRISES AND THREATS OF DEATH AND SERIOUS BODILY INJURY TO ASSOCIATED PERSONS.

(a) IN GENERAL.—Section 43 of title 18, United States Code, is amended to read as follows:

"§43. Force, violence, and threats involving animal enterprises

"(a) OFFENSE.—Whoever travels in interstate or foreign commerce, or uses or causes to be used the mail or any facility of interstate or foreign commerce—

"(1) for the purpose of damaging or interfering with the operations of an animal enterprise; and

"(2) in connection with such purpose—

"(A) intentionally damages or causes the loss of any real or personal property (including animals or records) used by an animal enterprise, or any real or personal property of a person or entity having a connection to, relationship with, or transactions with an animal enterprise;

"(B) intentionally places a person in reasonable fear of the death of, or serious bodily injury to that person, a member of the immediate family (as defined in section 115) of that person, or a spouse or intimate partner of that person by a course of conduct involving threats, acts of vandalism, property damage, criminal trespass, harassment, or intimidation; or

"(C) conspires or attempts to do so; shall be punished as provided for in subsection (b).

"(b) PENALTIES.—The punishment for a violation of section (a) or an attempt or conspiracy to violate subsection (a) shall be—

"(1) a fine under this title or imprisonment not more than 1 year, or both, if the offense does not instill in another the reasonable fear of serious bodily injury or death and—

"(A) the offense results in no economic damage or bodily injury; or

"(B) the offense results in economic damage that does not exceed $10,000;

"(2) a fine under this title or imprisonment for not more than 5 years, or both, if no bodily injury occurs and—

"(A) the offense results in economic damage exceeding $10,000 but not exceeding $100,000; or

"(B) the offense instills in another the reasonable fear of serious bodily injury or death;

"(3) a fine under this title or imprisonment for not more than 10 years, or both, if—

"(A) the offense results in economic damage exceeding $100,000; or

"(B) the offense results in substantial bodily injury to another individual;

"(4) a fine under this title or imprisonment for not more than 20 years, or both, if—

"(A) the offense results in serious bodily injury to another individual; or

"(B) the offense results in economic damage exceeding $1,000,000; and

"(5) imprisonment for life or for any terms of years, a fine under this title, or both, if the offense results in death of another individual.

"(c) RESTITUTION.—An order of restitution under section 3663 or 3663A of this title with respect to a violation of this section may also include restitution—

"(1) for the reasonable cost of repeating any experimentation that was interrupted or invalidated as a result of the offense;

"(2) for the loss of food production or farm income reasonably attributable to the offense; and

"(3) for any other economic damage, including any losses or costs caused by economic disruption, resulting from the offense.

"(d) DEFINITIONS.—As used in this section—

"(1) the term 'animal enterprise' means—

"(A) a commercial or academic enterprise that uses or sells animals or animal products for profit, food or fiber production, agriculture, education, research, or testing;

"(B) a zoo, aquarium, animal shelter, pet store, breeder, furrier, circus, or rodeo, or other lawful competitive animal event; or

"(C) any fair or similar event intended to advance agricultural arts and sciences;

"(2) the term 'course of conduct' means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose;

"(3) the term 'economic damage'—

"(A) means the replacement costs of lost or damaged property or records, the costs of repeating an interrupted or invalidated experiment, the loss of profits, or increased costs, including losses and increased costs resulting from threats, acts or vandalism, property damage, trespass, harassment, or intimidation taken against a person or entity on account of that person's or entity's connection to, relationship with, or transactions with the animal enterprise; but

"(B) does not include any lawful economic disruption (including a lawful boycott) that results from lawful public, governmental, or business reaction to the disclosure of information about an animal enterprise;

"(4) the term 'serious bodily injury' means—

"(A) injury posing a substantial risk of death;

"(B) extreme physical pain;

"(C) protracted and obvious disfigurement; or

"(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

"(5) the term 'substantial bodily injury' means—

"(A) deep cuts and serious burns or abrasion;

"(B) short-term or nonobvious disfigurement;

"(C) fractured or dislocated bones, or torn members of the body;

"(D) significant physical pain;

"(E) illness;

"(F) short-term loss or impairment of the function of a bodily member, organ, or mental faculty; or

"(G) any other significant injury to the body.

"(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution;

"(2) to create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution, regardless of the point of view expressed, or to limit any existing legal remedies for such interference; or

"(3) to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this action, or to preempt State or local laws that may provide such penalties or remedies.".

(b) CLERICAL AMENDMENT.—The item relating to section 43 in the table of sections at the beginning of chapter 3 of title 18, United States Code, is amended to read as follows:

"43. Force, violence, and threats involving animal enterprises.".

The bill (S. 3880), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 3880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Enterprise Terrorism Act".

SEC. 2. INCLUSION OF ECONOMIC DAMAGE TO ANIMAL ENTERPRISES AND THREATS OF DEATH AND SERIOUS BODILY INJURY TO ASSOCIATED PERSONS.

(a) IN GENERAL.—Section 43 of title 18, United States Code, is amended to read as follows:

"§43. Force, violence, and threats involving animal enterprises

"(a) OFFENSE.—Whoever travels in interstate or foreign commerce, or uses or causes to be used the mail or any facility of interstate or foreign commerce—

"(1) for the purpose of damaging or interfering with the operations of an animal enterprise; and

"(2) in connection with such purpose—

"(A) intentionally damages or causes the loss of any real or personal property (including animals or records) used by an animal enterprise, or any real or personal property of a person or entity having a connection to, relationship with, or transactions with an animal enterprise;

"(B) intentionally places a person in reasonable fear of the death of, or serious bodily injury to that person, a member of the immediate family (as defined in section 115) of that person, or a spouse or intimate partner of that person by a course of conduct involving threats, acts of vandalism, property damage, criminal trespass, harassment, or intimidation; or

"(C) conspires or attempts to do so;

shall be punished as provided for in subsection (b).

"(b) PENALTIES.—The punishment for a violation of section (a) or an attempt or conspiracy to violate subsection (a) shall be—

"(1) a fine under this title or imprisonment not more than 1 year, or both, if the offense does not instill in another the reasonable fear of serious bodily injury or death and—

"(A) the offense results in no economic damage or bodily injury; or

"(B) the offense results in economic damage that does not exceed $10,000;

"(2) a fine under this title or imprisonment for not more than 5 years, or both, if no bodily injury occurs and—

"(A) the offense results in economic damage exceeding $10,000 but not exceeding $100,000; or

"(B) the offense instills in another the reasonable fear of serious bodily injury or death;

"(3) a fine under this title or imprisonment for not more than 10 years, or both, if—

"(A) the offense results in economic damage exceeding $100,000; or

"(B) the offense results in substantial bodily injury to another individual;

"(4) a fine under this title or imprisonment for not more than 20 years, or both, if—

"(A) the offense results in serious bodily injury to another individual; or

"(B) the offense results in economic damage exceeding $1,000,000; and

"(5) imprisonment for life or for any terms of years, a fine under this title, or both, if the offense results in death of another individual.

"(c) RESTITUTION.—An order of restitution under section 3663 or 3663A of this title with respect to a violation of this section may also include restitution—

"(1) for the reasonable cost of repeating any experimentation that was interrupted or invalidated as a result of the offense;

"(2) for the loss of food production or farm income reasonably attributable to the offense; and

"(3) for any other economic damage, including any losses or costs caused by economic disruption, resulting from the offense.

"(d) DEFINITIONS.—As used in this section—

"(1) the term 'animal enterprise' means—

"(A) a commercial or academic enterprise that uses or sells animals or animal products for profit, food or fiber production, agriculture, education, research, or testing;

"(B) a zoo, aquarium, animal shelter, pet store, breeder, furrier, circus, or rodeo, or other lawful competitive animal event; or

"(C) any fair or similar event intended to advance agricultural arts and sciences;

"(2) the term 'course of conduct' means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose;

"(3) the term 'economic damage'—

"(A) means the replacement costs of lost or damaged property or records, the costs of repeating an interrupted or invalidated experiment, the loss of profits, or increased costs, including losses and increased costs resulting from threats, acts or vandalism, property damage, trespass, harassment, or intimidation taken against a person or entity on account of that person's or entity's connection to, relationship with, or transactions with the animal enterprise; but

"(B) does not include any lawful economic disruption (including a lawful boycott) that results from lawful public, governmental, or business reaction to the disclosure of information about an animal enterprise;

"(4) the term 'serious bodily injury' means—

"(A) injury posing a substantial risk of death;

"(B) extreme physical pain;

"(C) protracted and obvious disfigurement; or

"(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

"(5) the term 'substantial bodily injury' means—

"(A) deep cuts and serious burns or abrasions;

"(B) short-term or nonobvious disfigurement;

"(C) fractured or dislocated bones, or torn members of the body;

"(D) significant physical pain;

"(E) illness;

"(F) short-term loss or impairment of the function of a bodily member, organ, or mental faculty; or

"(G) any other significant injury to the body.

"(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution;

"(2) to create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution, regardless of the point of view expressed, or to limit any existing legal remedies for such interference; or

"(3) to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this action, or to preempt State or local laws that may provide such penalties or remedies.".

(b) CLERICAL AMENDMENT.—The item relating to section 43 in the table of sections at the beginning of chapter 3 of title 18, United States Code, is amended to read as follows:

"43. Force, violence, and threats involving animal enterprises.".

AMENDING THE INTERNAL REVENUE CODE OF 1986

Mr. FRIST. I ask unanimous consent the Finance Committee be discharged from further consideration of S. 3523 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3523) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3523) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX COURT REVIEW OF REQUESTS FOR EQUITABLE INNOCENT SPOUSE RELIEF.

(a) IN GENERAL.—Paragraph (1) of section 6015(e) of the Internal Revenue Code of 1986 (relating to petition for tax court review) is amended by inserting "or in the case of an individual who requests equitable relief under subsection (f)" after "who elects to have subsection (b) or (c) apply".

(b) CONFORMING AMENDMENTS.—

(1) Section 6015(e)(1)(A)(i)(II) of the Internal Revenue Code of 1986 is amended by inserting "or request is made" after "election is filed".

(2) Section 6015(e)(1)(B)(i) of such Code is amended—

(A) by inserting "or requesting equitable relief under subsection (f)" after "making an election under subsection (b) or (c)", and

(B) by inserting "or request" after "to which such election".

(3) Section 6015(e)(1)(B)(ii) of such Code is amended by inserting "or to which the request under subsection (f) relates" after "to which the election under subsection (b) or (c) relates".

(4) Section 6015(e)(4) of such Code is amended by inserting "or the request for equitable relief under subsection (f)" after "the election under subsection (b) or (c)".

(5) Section 6015(e)(5) of such Code is amended by inserting "or who requests equitable relief under subsection (f)" after "who elects the application of subsection (b) or (c)".

(6) Section 6015(g)(2) of such Code is amended by inserting "or of any request for equitable relief under subsection (f)" after "any election under subsection (b) or (c)".

(7) Section 6015(h)(2) of such Code is amended by inserting "or a request for equitable relief made under subsection (f)" after "with respect to an election made under subsection (b) or (c)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests for equitable relief under section 6015(f) of the Internal Revenue Code of 1986 with respect to liability for taxes which are unpaid after the date of the enactment of this Act.

SAFE DRINKING WATER ACT AMENDMENTS

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 255, S. 1409.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1409) to amend the Safe Drinking Water Act Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska.

There being no objection, the Senate proceeded to consider the bill (S. 1409) to amend the Safe Drinking Water Act Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 1409

SECTION 1. GRANTS TO ALASKA TO IMPROVE SANITATION IN RURAL AND NATIVE VILLAGES.

Section 303 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a) is amended—

(1) by redesignating subsection (e) as subsection (h);

(2) by inserting after subsection (d) the following:

"(e) REQUIREMENTS.—As a condition of receiving a grant under this section, the State of Alaska shall—

"(1) require each applicant to clearly identify the scope and the goal of the project for which funding is sought and how the funds will be used to meet the specific, stated goal of the project;

"(2) establish long-term goals for the program, including providing water and sewer systems to Alaska Native villages; and

"(3) carry out regular reviews of grantees to determine if the stated scope and goals of each grant are being met.

"(f) REPORTING.—The State of Alaska shall submit to the Administrator of the Environmental Protection Agency a report describing the information obtained under subsection (e), including—

"(1) the specific goals of each project;

"(2) how funds were used to meet the goal; and

"(3) whether the goals were met.

"(g) RECOMMENDATION.—The Administrator of the Environmental Protection Agency shall recommend to the State of Alaska means by which the State of Alaska can address any deficiencies identified in the report under subsection (f)."; and

(3) in subsection (h) (as redesignated by paragraph (1))—

(A) by striking "$40,000,000" and inserting "$45,000,000"; and

(B) by striking "2005" and inserting "2010".

Mr. FRIST. I ask unanimous consent that the amendment at the desk be agreed to, the committee-reported amendment as amended be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5116) was agreed to, as follows:

On page 3, strike line 7 and insert the following:

"(f) REPORTING.—Not later than December 31, 2007 (with respect to fiscal year 2007), and annually thereafter (with respect to each subsequent fiscal year), the State of Alaska shall submit to

On page 3, strike line 14 and insert the following:

"(g) REVIEW.—

"(1) IN GENERAL.—The Administrator of the

On page 3, lines 15 through 17, strike "recommend to the State of Alaska means by which the State of Alaska can address" and insert "require the State of Alaska to correct".

On page 3, strike line 18 and insert the following:

section (f).

"(2) FAILURE TO CORRECT OR REACH AGREEMENT.—

"(A) IN GENERAL.—If a deficiency in a project included in a report under subsection (f) is not corrected within a period of time agreed to by the Administrator and the State of Alaska, the Administrator shall not permit additional expenditures for that project.

"(B) TIME AGREEMENT.—

"(i) IN GENERAL.—Not later than 180 days after the date of submission to the Administrator of a report under subsection (f), the Administrator and the State of Alaska shall reach an agreement on a period of time referred to in subparagraph (A).

"(ii) FAILURE TO REACH AGREEMENT.—If the State of Alaska and the Administrator fail to reach an agreement on the period of time to correct a deficiency in a project included in a report under subsection (f) by the deadline specified in clause (i), the Administrator shall not permit additional expenditures for that project."; and

On page 3, line 24, strike "2010" and insert "2009".

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1409), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS TO ALASKA TO IMPROVE SANITATION IN RURAL AND NATIVE VILLAGES.

Section 303 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a) is amended—

(1) by redesignating subsection (e) as subsection (h);

(2) by inserting after subsection (d) the following:

"(e) REQUIREMENTS.—As a condition of receiving a grant under this section, the State of Alaska shall—

"(1) require each applicant to clearly identify the scope and the goal of the project for which funding is sought and how the funds will be used to meet the specific, stated goal of the project;

"(2) establish long-term goals for the program, including providing water and sewer systems to Alaska Native villages; and

"(3) carry out regular reviews of grantees to determine if the stated scope and goals of each grant are being met.

"(f) REPORTING.—The State of Alaska shall submit to the Administrator of the Environmental Protection Agency a report describing the information obtained under subsection (e), including—

"(1) the specific goals of each project;

"(2) how funds were used to meet the goal; and

"(3) whether the goals were met.

"(g) RECOMMENDATION.—The Administrator of the Environmental Protection Agency shall recommend to the State of Alaska means by which the State of Alaska can address any deficiencies identified in the report under subsection (f)."; and

(3) in subsection (h) (as redesignated by paragraph (1))—

(A) by striking "$40,000,000" and inserting "$45,000,000"; and

(B) by striking "2005" and inserting "2010".

EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2006

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 639, S. 3938.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3938) to reauthorize the Export-Import Bank of the United States.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5117) was agreed to, as follows:

(Purpose: To eliminate the requirement that the Bank seek comments from the International Trade Commission)

On page 14, lines 8 and 9, strike "the International Trade Commission,".

The bill (S. 3938), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Export-Import Bank Reauthorization Act of 2006".

SEC. 2. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "2006" and inserting "2011".

SEC. 3. SUB-SAHARAN AFRICA ADVISORY COMMITTEE.

Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking "2006" and inserting "2011".

SEC. 4. EXTENSION OF AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

Section 1(c) of Public Law 103-428 (12 U.S.C. 635 note; 108 Stat. 4376) is amended by striking "2001" and inserting "2011".

SEC. 5. DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended by adding at the end the following new paragraph:

"(5) DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.—Not later than 120 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall submit a list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, which designates sensitive commercial sectors and products with respect to which the provision of financing support by the Bank is deemed unlikely by the President of the Bank due to the significant potential for a determination that such financing support would result in an adverse economic impact on the United States. The President of the Bank shall review on an annual basis thereafter the list of sensitive commercial sectors and products and the Bank shall submit an updated list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such sectors and products.".

SEC. 6. INCREASING EXPORTS BY SMALL BUSINESS.

(a) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is amended by adding at the end the following:

"(f) SMALL BUSINESS DIVISION.—

"(1) ESTABLISHMENT.—There is established a Small Business Division (in this subsection referred to as the 'Division') within the Bank in order to—

"(A) carry out the provisions of subparagraphs (E) and (I) of section 2(b)(1) relating to outreach, feedback, product improvement, and transaction advocacy for small business concerns;

"(B) advise and seek feedback from small business concerns on the opportunities and benefits for small business concerns in the financing products offered by the Bank, with particular emphasis on conducting outreach, enhancing the tailoring of products to small business needs and increasing loans to small business concerns;

"(C) maintain liaison with the Small Business Administration and other departments and agencies in matters affecting small business concerns; and

"(D) provide oversight of the development, implementation, and operation of technology improvements to strengthen small business outreach, including the technology improvement required by section 2(b)(1)(E)(x).

"(2) MANAGEMENT.—The President of the Bank shall appoint an officer, who shall rank not lower than senior vice president and whose sole executive function shall be to manage the Division. The officer shall—

"(A) have substantial recent experience in financing exports by small business concerns; and

"(B) advise the Board, particularly the director appointed under section 3(c)(8)(B) to represent the interests of small business, on matters of interest to, and concern for, small business.

"(3) STAFF.—

"(A) DEDICATED PERSONNEL.—The President of the Bank shall ensure that each operating division within the Bank has staff that specializes in processing transactions that primarily benefit small business concerns.

"(B) RESPONSIBILITIES.—The small business specialists shall be involved in all aspects of processing applications for loans, guarantees, and insurance to support exports by small business concerns, including the approval or disapproval, or staff recommendations of approval or disapproval, as applicable, of such applications. In carrying out these responsibilities, the small business specialists shall consider the unique business requirements of small businesses and shall develop exporter performance criteria tailored to small business exporters.

"(C) APPROVAL AUTHORITY.—In an effort to maximize the speed and efficiency with which the Bank processes transactions primarily benefitting small business concerns, the small business specialists shall be authorized to approve applications for working capital loans and guarantees, and insurance in accordance with policies and procedures established by the Board.

"(D) IDENTIFICATION.—The Bank shall prominently identify the small business specialists on its website and in promotional material.

"(E) EMPLOYEE EVALUATIONS.—The evaluation of staff designated by the President of the Bank under subparagraph (A), including annual reviews of performance of duties related to transactions in support of exports by small business concerns, and any resulting recommendations for salary adjustments, promotions, and other personnel actions, shall address the criteria established pursuant to subsection (g)(2)(B)(iii) and shall be conducted by the manager of the relevant operating division following consultation with the senior vice president of the Division.

"(F) STAFF RECOMMENDATIONS.—Staff recommendations of denial or withdrawal for medium-term applications, exporter held multi-buyer policies, single buyer policies, and working capital applications processed by the Bank shall be transmitted to the Senior Vice President of the Division not later than 2 business days before a final decision.

"(4) RULE OF INTERPRETATION.—Nothing in this Act shall be construed to prevent the delegation to the Division of any authority necessary to carry out subparagraphs (E) and (I) of section 2(b)(1).

"(g) SMALL BUSINESS COMMITTEE.—

"(1) ESTABLISHMENT.—There is established a management committee to be known as the 'Small Business Committee'.

"(2) PURPOSE AND DUTIES.—

"(A) PURPOSE.—The purpose of the Small Business Committee shall be to coordinate the Bank's initiatives and policies with respect to small business concerns, including the timely processing and underwriting of transactions involving direct exports by small business concerns, and the development and coordination of efforts to implement new or enhanced Bank products and services pertaining to small business concerns.

"(B) DUTIES.—The duties of the Small Business Committee shall be determined by the President of the Bank and shall include the following:

"(i) Assisting in the development of the Bank's small business strategic plans, including the Bank's plans for carrying out section 2(b)(1)(E) (v) and (x), and measuring and reporting in writing to the President of the Bank, at least once a year, on the Bank's progress in achieving the goals set forth in the plans.

"(ii) Evaluating and reporting in writing to the President of the Bank, at least once a year, with respect to—

"(I) the performance of each operating division of the Bank in serving small business concerns;

"(II) the impact of processing and underwriting standards on transactions involving direct exports by small business concerns; and

"(III) the adequacy of the staffing and resources of the Small Business Division.

"(iii) Establishing criteria for evaluating the performance of staff designated by the President of the Bank under section 3(f)(3)(A).

"(iv) Coordinating with other United States Government departments and agencies the provision of services to small business concerns.

"(3) COMPOSITION.—

"(A) CHAIRPERSON.—The Chairperson of the Small Business Committee shall be the senior vice president of the Small Business Division. The Chairperson shall have the authority to call meetings of the Small Business Committee, set the agenda for Committee meetings, and request policy recommendations from the Committee's members.

"(B) OTHER MEMBERS.—Except as otherwise provided in this subsection, the President of the Bank shall determine the composition of the Small Business Committee, and shall appoint or remove the members of the Small Business Committee. In making such appointments, the President of the Bank shall ensure that the Small Business Committee is comprised of—

"(i) the senior managing officers responsible for underwriting and processing transactions; and

"(ii) other officers and employees of the Bank with responsibility for outreach to small business concerns and underwriting and processing transactions that involve small business concerns.

"(4) REPORTING.—The Chairperson shall provide to the President of the Bank minutes of each meeting of the Small Business Committee, including any recommendations by the Committee or its individual members.".

(b) ENHANCE DELEGATED LOAN AUTHORITY FOR MEDIUM TERM TRANSACTIONS.—

(1) IN GENERAL.—The Export-Import Bank of the United States shall seek to expand the exercise of authority under section 2(b)(1)(E)(vii) of the Export-Import Bank Act of 1945 (6 U.S.C. 635(b)(1)(E)(vii)) with respect to medium term transactions for small business concerns.

(2) CONFORMING AMENDMENT.—Section 2(b)(1)(E)(vii)(III) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(vii)(III)) is amended by inserting "or other financing institutions or entities" after "consortia".

(3) DEADLINE.—Not later than 180 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall make available lines of credit and guarantees to carry out section 2(b)(1)(E)(vii) of the Export-Import Bank Act of 1945 pursuant to policies and procedures established by the Board of Directors of the Export-Import Bank of the United States.

SEC. 7. ANTI-CIRCUMVENTION.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended—

(1) by inserting after paragraph (1), the following flush paragraph:

"In making the determination under subparagraph (B), the Bank shall determine whether the facility that would benefit from the extension of a credit or guarantee is reasonably likely to produce commodities in addition to or other than the commodity specified in the application and whether the production of the additional commodities may cause substantial injury to United States producers of the same, or a similar or competing, commodity.";

(2) in paragraph (2), by adding at the end the following:

"(E) ANTI-CIRCUMVENTION.—The Bank shall not provide a loan or guarantee if the Bank determines that providing the loan or guarantee will facilitate circumvention of a trade law order or determination referred to in subparagraph (A)."; and

(3) by adding at the end the following:

"(5) FINANCIAL THRESHOLD DETERMINATIONS.—For purposes of determining whether a proposed transaction exceeds a financial threshold under this subsection or under the procedures or rules of the Bank, the Bank shall aggregate the dollar amount of the proposed transaction and the dollar amounts of all loans and guarantees, approved by the Bank in the preceding 24-month period, that involved the same foreign entity and substantially the same product to be produced.".

SEC. 8. TRANSPARENCY.

(a) IN GENERAL.—Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)), as amended by section 7 of this Act, is amended by adding at the end the following:

"(6) PROCEDURES TO REDUCE ADVERSE EFFECTS OF LOANS AND GUARANTEES ON INDUSTRIES AND EMPLOYMENT IN UNITED STATES.—

"(A) CONSIDERATION OF ECONOMIC EFFECTS OF PROPOSED TRANSACTIONS.—If, in making a determination under this paragraph with respect to a loan or guarantee, the Bank conducts a detailed economic impact analysis or similar study, the analysis or study, as the case may be, shall include consideration of—

"(i) the factors set forth in subparagraphs (A) and (B) of paragraph (1); and

"(ii) the views of the public and interested parties.

"(B) NOTICE AND COMMENT REQUIREMENTS.—

"(i) IN GENERAL.—If, in making a determination under this subsection with respect to a loan or guarantee, the Bank intends to conduct a detailed economic impact analysis or similar study, the Bank shall publish in the Federal Register a notice of the intent, and provide a period of not less than 14 days (which, on request by any affected party, shall be extended to a period of not more than 30 days) for the submission to the Bank of comments on the economic effects of the provision of the loan or guarantee, including comments on the factors set forth in subparagraphs (A) and (B) of paragraph (1). In addition, the Bank shall seek comments on the effects from the Department of Commerce, the International Trade Commission, the Office of Management and Budget, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

"(ii) CONTENT OF NOTICE.—The notice shall include appropriate, nonproprietary information about—

"(I) the country to which the goods involved in the transaction will be shipped;

"(II) the type of goods being exported;

"(III) the amount of the loan or guarantee involved;

"(IV) the goods that would be produced as a result of the provision of the loan or guarantee;

"(V) the amount of increased production that will result from the transaction;

"(VI) the potential sales market for the resulting goods; and

"(VII) the value of the transaction.

"(iii) PROCEDURE REGARDING MATERIALLY CHANGED APPLICATIONS.—

"(I) IN GENERAL.—If a material change is made to an application for a loan or guarantee from the Bank after a notice with respect to the intent described in clause (i) is published under this subparagraph, the Bank shall publish in the Federal Register a revised notice of the intent, and shall provide for a comment period, as provided in clauses (i) and (ii).

"(II) MATERIAL CHANGE DEFINED.—In subclause (I), the term 'material change', with respect to an application, includes—

"(aa) a change of at least 25 percent in the amount of a loan or guarantee requested in the application; and

"(bb) a change in the principal product to be produced as a result of any transaction that would be facilitated by the provision of the loan or guarantee.

"(C) REQUIREMENT TO ADDRESS VIEWS OF ADVERSELY AFFECTED PERSONS.—Before taking final action on an application for a loan or guarantee to which this section applies, the staff of the Bank shall provide in writing to the Board of Directors the views of any person who submitted comments pursuant to subparagraph (B).

"(D) PUBLICATION OF CONCLUSIONS.—Within 30 days after a party affected by a final decision of the Board of Directors with respect to a loan or guarantee makes a written request therefor, the Bank shall provide to the affected party a non-confidential summary of the facts found and conclusions reached in any detailed economic impact analysis or similar study conducted pursuant to subparagraph (B) with respect to the loan or guarantee, that were submitted to the Board of Directors.

"(E) RULE OF INTERPRETATION.—This paragraph shall not be construed to make subchapter II of chapter 5 of title 5, United States Code, applicable to the Bank.

"(F) REGULATIONS.—The Bank shall implement such regulations and procedures as may be appropriate to carry out this paragraph.".

(b) CONFORMING AMENDMENT.—Section 2(e)(2)(C) of such Act (12 U.S.C. 635(e)(2)(C)) is amended by inserting "of not less than 14 days (which, on request of any affected party, shall be extended to a period of not more than 30 days)" after "comment period".

SEC. 9. AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

Subparagraph (E) of section 6(a)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)(2)) is amended to read as follows:

"(E) during fiscal year 2006, and each fiscal year thereafter through fiscal 2011.".

SEC. 10. TIED AID CREDIT PROGRAM.

Section 10(b)(5)(B)(ii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(b)(5)(B)(ii)) is amended to read as follows:

"(ii) PROCESS.—In handling individual applications involving the use or potential use of the Tied Aid Credit Fund the following process shall exclusively apply pursuant to subparagraph (A):

"(I) The Bank shall process an application for tied aid in accordance with the principles and standards developed pursuant to subparagraph (A) and clause (i) of this subparagraph.

"(II) Twenty days prior to the scheduled meeting of the Board of Directors at which an application will be considered (unless the Bank determines that an earlier discussion is appropriate based on the facts of a particular financing), the Bank shall brief the Secretary on the application and deliver to the Secretary such documents, information, or data as may reasonably be necessary to permit the Secretary to review the application to determine if the application complies with the principles and standards developed pursuant to subparagraph (A) and clause (i) of subparagraph (B).

"(III) The Secretary may request a single postponement of the Board of Directors' consideration of the application for up to 14 days to allow the Secretary to submit to the Board of Directors a memorandum objecting to the application.

"(IV) Case-by-case decisions on whether to approve the use of the Tied Aid Credit Fund shall be made by the Board of Directors, except that the approval of the Board of Directors (or a commitment letter based on that approval) shall not become final (except as provided in subclause (V)), if the Secretary indicates to the President of the Bank in writing the Secretary's intention to appeal the decision of the Board of Directors to the President of the United States and makes the appeal in writing not later than 20 days after the meeting at which the Board of Directors considered the application.

"(V) The Bank shall not grant final approval of an application for any tied aid credit (or a commitment letter based on that approval) if the President of the United States, after consulting with the President of the Bank and the Secretary, determines within 30 days of an appeal by the Secretary under subclause (IV) that the extension of the tied aid credit would materially impede achieving the purposes described in subsection (a)(6). If no such Presidential determination is made during the 30-day period, the approval by the Bank of the application (or related commitment letter) that was the subject of such appeal shall become final.".

SEC. 11. PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.

Section 2(b) of the Export-Import Act of 1945 (12 U.S.C. 635(b)) is amended by adding at the end the following new paragraph:

"(13) PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.—The Bank shall not guarantee, insure, or extend (or participate in the extension of) credit in connection with the export of any good or service relating to the development or promotion of any railway connection or railway-related connection that does not traverse or connect with Armenia and does traverse or connect Baku, Azerbaijan, Tbilisi, Georgia, and Kars, Turkey.".

CONVENTION ON SUPPLEMENTARY COMPENSATION FOR NUCLEAR DAMAGE CONTINGENT COST ALLOCATION ACT

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 636, S. 3879.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 3879) to implement the Convention on Supplementary Compensation for Nuclear Damage and other purposes.

There being no objection, the Senate proceeded to consider the bill (S. 3879), to implement the Convention on Supplementary Compensation for Nuclear Damage, and for other purposes, which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

(The parts of the bill or joint resolution intended to be stricken are shown in boldface brackets and the parts of the bill or joint resolution intended to be inserted are shown in italic.)

S. 3879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Convention on Supplementary Compensation for Nuclear Damage Contingent Cost Allocation Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the "Price-Anderson Act")—

(A) provides a predictable legal framework necessary for nuclear projects; and

(B) ensures prompt and equitable compensation in the event of a nuclear incident in the United States;

(2) section 170 of that Act, in effect, provides operators of nuclear powerplants with insurance for damage arising out of a nuclear incident and funds the insurance primarily through the assessment of a retrospective premium from each operator after the occurrence of a nuclear incident;

(3) the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997, will establish a global system—

(A) to provide a predictable legal framework necessary for nuclear energy projects; and

(B) to ensure prompt and equitable compensation in the event of a nuclear incident;

(4) the Convention benefits United States nuclear suppliers that face potentially unlimited liability for a nuclear incidents outside the coverage of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) by replacing a potentially open-ended liability with a predictable liability regime that, in effect, provides nuclear suppliers with insurance for damage arising out of such an incident;

(5) the Convention also benefits United States nuclear facility operators that may be publicly liable for a Price-Anderson incident by providing an additional early source for a Price-Anderson incident by providing an additional early source of funds to compensate damage arising out of the Price-Anderson incident;

(6) the combined operation of the Convention, section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), and this Act will augment the quantity of assured funds available for victims in a wider variety of nuclear incidents while reducing the potential liability of United States suppliers without increasing potential costs to United States operators;

(7) the cost of those benefits is the obligation of the United States to contribute to the supplementary compensation fund established by the Convention;

(8) any such contribution should be funded in a manner that neither upsets settled expectations based on the liability regime established under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) nor shifts to Federal taxpayers liability risks for nuclear incidents at foreign installations;

(9) with respect to a Price-Anderson incident, funds already available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) should be used; and

(10) with respect to a nuclear incident *outside the United States* not covered by section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), a retrospective premium should be prorated among nuclear suppliers relieved from potential liability for which insurance is not available.

(b) PURPOSE.—The purpose of this Act is to allocate the contingent costs associated with participation by the United States in the international nuclear liability compensation system established by the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997—

(1) with respect to a Price-Anderson incident, by using funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) to cover the contingent costs in a manner that neither increases the burdens nor decreases the benefits under section 170 of that Act; and

(2) with respect to a covered incident *outside the United States* that is not a Price-Anderson incident, by allocating the contingent costs equitably, on the basis of risk, among the class of nuclear suppliers relieved by the

Convention from the risk of potential liability resulting from any covered incident *outside the United States*.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Nuclear Regulatory Commission.

(2) CONTINGENT COST.—The term "contingent cost" means the cost to the United States in the event of a covered incident the amount of which is equal to the amount of funds the United States is obligated to make available under paragraph 1(b) of Article III of the Convention.

(3) CONVENTION.—The term "Convention" means the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) COVERED INCIDENT.—The term "covered incident" means a nuclear incident the occurrence of which results in a request for funds pursuant to Article VII of the Convention.

(5) COVERED INSTALLATION.—The term "covered installation" means a nuclear installation at which the occurrence of a nuclear incident could result in a request for funds under Article VII of the Convention.

(6) COVERED PERSON.—

(A) IN GENERAL.—The term "covered person" means—

(i) a United States person; and

(ii) an individual or entity (including an agency or instrumentality of a foreign country) that—

(I) is located in the United States; or

(II) carries out an activity in the United States.

(B) EXCLUSIONS.—The term "covered person" does not include—

(i) the United States; or

(ii) any agency or instrumentality of the United States.

(7) NUCLEAR SUPPLIER.—The term "nuclear supplier" means a covered person (or a successor in interest of a covered person) that—

(A) supplies facilities, equipment, fuel, services, or technology pertaining to the design, construction, operation, or decommissioning of a covered installation; or

(B) transports nuclear materials that could result in a covered incident.

(8) PRICE-ANDERSON INCIDENT.—The term "Price-Anderson incident" means a covered incident for which section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) would make funds available to compensate for public liability (as defined in section 11 of that Act (42 U.S.C. 2014)).

(9) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(10) UNITED STATES.—

(A) IN GENERAL.—The term "United States" has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(B) INCLUSIONS.—The term "United States" includes—

(i) the Commonwealth of Puerto Rico;

(ii) any other territory or possession of the United States;

(iii) the Canal Zone; and

(iv) the waters of the United States territorial sea under Presidential Proclamation Number 5928, dated December 27, 1988 (43 U.S.C. 1331 note).

(11) UNITED STATES PERSON.—The term "United States person" means—

(A) any individual who is a resident, national, or citizen of the United States (other than an individual residing outside of the United States and employed by a person who is not a United States person); and

(B) any corporation, partnership, association, joint stock company, business trust, unincorporated organization, or sole proprietorship that is organized under the laws of the United States.

SEC. 4. USE OF PRICE-ANDERSON FUNDS.

(a) IN GENERAL.—Funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) shall be used to cover the contingent cost resulting from any Price-Anderson incident.

(b) EFFECT.—The use of funds pursuant to subsection (a) shall not reduce the limitation on public liability established under section 170 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)).

SEC. 5. EFFECT ON AMOUNT OF PUBLIC LIABILITY.

(a) IN GENERAL.—Funds made available to the United States under Article VII of the Convention with respect to a Price-Anderson incident shall be used to satisfy public liability resulting from the Price-Anderson incident.

(b) AMOUNT.—The amount of public liability allowable under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) relating to a Price-Anderson incident under subsection (a) shall be increased by an amount equal to the difference between—

(1) the amount of funds made available for the Price-Anderson incident under Article VII of the Convention; and

(2) the amount of funds used under section 4 to cover the contingent cost resulting from the Price-Anderson incident.

SEC. 6. RETROSPECTIVE RISK POOLING PROGRAM.

(a) IN GENERAL.—Except as provided in subsection (b), each nuclear supplier shall participate in a retrospective risk pooling program in accordance with this Act to cover the contingent cost resulting from a covered incident *outside the United States* that is not a Price-Anderson incident.

(b) DEFERRED PAYMENT.—

(1) IN GENERAL.—The obligation of a nuclear supplier to participate in the retrospective risk pooling program shall be deferred until the United States is called on to provide funds pursuant to Article VII of the Convention with respect to a covered incident that is not a Price-Anderson incident.

(2) AMOUNT OF DEFERRED PAYMENT.—The amount of a deferred payment of a nuclear supplier under paragraph (1) shall be based on the risk-informed assessment formula determined under paragraph (3).

(3) RISK-INFORMED ASSESSMENT FORMULA.—

(A) IN GENERAL.—[The] *Not later than 3 years after the date of enactment of this Act, and every 5 years thereafter, the* Secretary shall, by regulation, determine the risk-informed assessment formula for the allocation among nuclear suppliers of the contingent cost resulting from a covered incident that is not a Price-Anderson incident, taking into account risk factors such as—

(i) the nature and intended purpose of the goods and services supplied by each nuclear supplier to each covered installation *outside the United States*;

(ii) the quantity of the goods and services supplied by each nuclear supplier to each covered installation *outside the United States*;

(iii) the hazards associated with the supplied goods and services if the goods and services fail to achieve the intended purposes;

(iv) the hazards associated with the covered installation *outside the United States* to which the goods and services are supplied;

(v) the legal, regulatory, and financial infrastructure associated with the covered installation *outside the United States* to which the goods and services are supplied; and

(vi) the hazards associated with particular forms of transportation.

(B) FACTORS FOR CONSIDERATION.—In determining the formula, the Secretary may—

(i) exclude—

(I) goods and services with negligible risk;

(II) classes of goods and services not intended specifically for use in a nuclear installation;

(III) a nuclear supplier with a de minimis share of the contingent cost; and

(IV) a nuclear supplier no longer in existence for which there is no identifiable successor; and

(ii) establish the period on which the risk assessment is based.

(C) APPLICATION.—In applying the formula, the Secretary shall not consider any covered installation or transportation for which funds would be available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210).

(D) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on whether there is a need for continuation or amendment of this Act, taking into account the effects of the implementation of the Convention on the United States nuclear industry and suppliers.

SEC. 7. REPORTING.

(a) COLLECTION OF INFORMATION.—

(1) IN GENERAL.—The Secretary may collect information necessary for developing and implementing the formula for calculating the deferred payment of a nuclear supplier under section 6(b).

(2) PROVISION OF INFORMATION.—Each nuclear supplier and other appropriate persons shall make available to the Secretary such information, reports, records, documents, and other data as the Secretary determines, by regulation, to be necessary or appropriate to develop and implement the formula under section 6(b)(3).

(b) PRIVATE INSURANCE.—The Secretary shall make available to nuclear suppliers, and insurers of nuclear suppliers, information to support the voluntary establishment and maintenance of private insurance against any risk for which nuclear suppliers may be required to pay deferred payments under this Act.

SEC. 8. EFFECT ON LIABILITY.

Nothing in any other law (including regulations) limits liability for a covered incident to an amount equal to less than the amount prescribed in paragraph 1(a) of Article IV of the Convention, unless the law—

(1) specifically refers to this Act; and

(2) explicitly repeals, alters, amends, modifies, impairs, displaces, or supersedes the effect of this section.

SEC. 9. PAYMENTS TO AND BY THE UNITED STATES.

(a) ACTION BY NUCLEAR SUPPLIERS.—

(1) NOTIFICATION.—In the case of a request for funds under Article VII of the Convention resulting from a covered incident that is not a Price-Anderson incident, the Secretary shall notify each nuclear supplier of the amount of the deferred payment required to be made by the nuclear supplier.

(2) PAYMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 60 days after receipt of a notification under paragraph (1), a nuclear supplier shall pay to the general fund of the Treasury the deferred payment of the nuclear supplier required under paragraph (1).

(B) ANNUAL PAYMENTS.—A nuclear supplier may elect to prorate payment of the deferred payment required under paragraph (1) in 5 equal annual payments (including interest on the unpaid balance at the prime rate prevailing at the time the first payment is due).

(3) VOUCHERS.—A nuclear supplier shall submit payment certification vouchers to the Secretary of the Treasury in accordance with section 3325 of title 31, United States Code.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Amounts paid into the Treasury under subsection (a) shall be available to the Secretary of the Treasury, without further appropriation and without fiscal year limitation, for the purpose of making the contributions of public funds required to be made by the United States under the Convention.

(2) ACTION BY SECRETARY OF TREASURY.—The Secretary of the Treasury shall pay the contribution required under the Convention to the court of competent jurisdiction under Article XIII of the Convention with respect to the applicable covered incident.

(c) FAILURE TO PAY.—If a nuclear supplier fails to make a payment required under this section, the Secretary may take appropriate action to recover from the nuclear supplier—

(1) the amount of the payment due from the nuclear supplier;

(2) any applicable interest on the payment; and

(3) a penalty of not more than twice the amount of the deferred payment due from the nuclear supplier.

SEC. 10. LIMITATION ON JUDICIAL REVIEW; CAUSE OF ACTION.

(a) LIMITATION ON JUDICIAL REVIEW.—

(1) IN GENERAL.—In any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, any appeal or review by writ of mandamus or otherwise with respect to a nuclear incident that is not a Price-Anderson incident shall be in accordance with chapter 83 of title 28, United States Code, except that the appeal or review shall occur in the United States Court of Appeals for the District of Columbia Circuit.

(2) SUPREME COURT JURISDICTION.—Nothing in this subsection affects the jurisdiction of the Supreme Court of the United States under chapter 81 of title 28, United States Code.

(b) CAUSE OF ACTION.—

(1) IN GENERAL.—Subject to paragraph (2), in any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, in addition to any other cause of action that may exist, an individual or entity shall have a cause of action against the operator to recover for nuclear damage suffered by the individual or entity.

(2) REQUIREMENT.—Paragraph (1) shall apply only if the individual or entity seeks a remedy for nuclear damage (as defined in Article I of the Convention) that was caused by a nuclear incident (as defined in Article I of the Convention) that is not a Price-Anderson incident.

(3) EFFECT OF SUBSECTION.—Nothing in this subsection limits, modifies, extinguishes, or otherwise affects any cause of action that would have existed in the absence of enactment of this subsection.

SEC. 11. RIGHT OF RECOURSE.

This Act does not provide to an operator of a covered installation any right of recourse under the Convention.

SEC. 12. PROTECTION OF SENSITIVE UNITED STATES INFORMATION.

Nothing in the Convention or this Act requires the disclosure of—

(1) any data that, at any time, was Restricted Data (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(2) information relating to intelligence sources or methods protected by section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403-1(i)); or

(3) national security information classified under Executive Order 12958 (50 U.S.C. 435 note; relating to classified national security information) (or a successor regulation).

SEC. 13. REGULATIONS.

(a) IN GENERAL.—The Secretary or the Commission, as appropriate, may prescribe regulations to carry out section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this Act.

(b) REQUIREMENT.—Rules prescribed under this section shall ensure, to the maximum extent practicable, that—

(1) the implementation of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this Act is consistent and equitable; and

(2) the financial and operational burden on a Commission licensee in complying with section 170 of that Act is not greater as a result of the enactment of this Act.

(c) APPLICABILITY OF PROVISION.—Section 553 of title 5, United States Code, shall apply with respect to the promulgation of regulations under this section.

(d) EFFECT OF SECTION.—The authority provided under this section is in addition to, and does not impair or otherwise affect, any other authority of the Secretary or the Commission to prescribe regulations.

SEC. 14. EFFECTIVE DATE.

This Act takes effect on the date on which the Convention enters into force for the United States under Article XX of the Convention.

Mr. FRIST. I ask unanimous consent that the amendment at the desk be agreed to, the committee-reported amendments as amended, if amended, be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5118) was agreed to, as follows:

(Purpose: To require the Secretary of Energy to submit periodic reports to Congress on whether there is a need for continuation or amendment of the Act)

On page 13, line 2, insert "and every 5 years thereafter" after "Act".

The committee amendments were agreed to.

The bill (S. 3879), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Convention on Supplementary Compensation for Nuclear Damage Contingent Cost Allocation Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the "Price-Anderson Act")—

(A) provides a predictable legal framework necessary for nuclear projects; and

(B) ensures prompt and equitable compensation in the event of a nuclear incident in the United States;

(2) section 170 of that Act, in effect, provides operators of nuclear powerplants with insurance for damage arising out of a nuclear incident and funds the insurance primarily through the assessment of a retrospective premium from each operator after the occurrence of a nuclear incident;

(3) the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997, will establish a global system—

(A) to provide a predictable legal framework necessary for nuclear energy projects; and

(B) to ensure prompt and equitable compensation in the event of a nuclear incident;

(4) the Convention benefits United States nuclear suppliers that face potentially unlimited liability for a nuclear incidents outside the coverage of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) by replacing a potentially open-ended liability with a predictable liability regime that, in effect, provides nuclear suppliers with insurance for damage arising out of such an incident;

(5) the Convention also benefits United States nuclear facility operators that may be publicly liable for a Price-Anderson incident by providing an additional early source for a Price-Anderson incident by providing an additional early source of funds to compensate damage arising out of the Price-Anderson incident;

(6) the combined operation of the Convention, section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), and this Act will augment the quantity of assured funds available for victims in a wider variety of nuclear incidents while reducing the potential liability of United States suppliers without increasing potential costs to United States operators;

(7) the cost of those benefits is the obligation of the United States to contribute to the supplementary compensation fund established by the Convention;

(8) any such contribution should be funded in a manner that neither upsets settled expectations based on the liability regime established under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) nor shifts to Federal taxpayers liability risks for nuclear incidents at foreign installations;

(9) with respect to a Price-Anderson incident, funds already available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) should be used; and

(10) with respect to a nuclear incident outside the United States not covered by section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), a retrospective premium should be prorated among nuclear suppliers relieved from potential liability for which insurance is not available.

(b) PURPOSE.—The purpose of this Act is to allocate the contingent costs associated with participation by the United States in the international nuclear liability compensation system established by the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997—

(1) with respect to a Price-Anderson incident, by using funds made available under section 170 of the Atomic Energy Act of 1954

(42 U.S.C. 2210) to cover the contingent costs in a manner that neither increases the burdens nor decreases the benefits under section 170 of that Act; and

(2) with respect to a covered incident outside the United States that is not a Price-Anderson incident, by allocating the contingent costs equitably, on the basis of risk, among the class of nuclear suppliers relieved by the Convention from the risk of potential liability resulting from any covered incident outside the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) Commission.—The term "Commission" means the Nuclear Regulatory Commission.

(2) Contingent cost.—The term "contingent cost" means the cost to the United States in the event of a covered incident the amount of which is equal to the amount of funds the United States is obligated to make available under paragraph 1(b) of Article III of the Convention.

(3) Convention.—The term "Convention" means the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) Covered incident.—The term "covered incident" means a nuclear incident the occurrence of which results in a request for funds pursuant to Article VII of the Convention.

(5) Covered installation.—The term "covered installation" means a nuclear installation at which the occurrence of a nuclear incident could result in a request for funds under Article VII of the Convention.

(6) Covered person.—

(A) In general.—The term "covered person" means—

(i) a United States person; and

(ii) an individual or entity (including an agency or instrumentality of a foreign country) that—

(I) is located in the United States; or

(II) carries out an activity in the United States.

(B) Exclusions.—The term "covered person" does not include—

(i) the United States; or

(ii) any agency or instrumentality of the United States.

(7) Nuclear supplier.—The term "nuclear supplier" means a covered person (or a successor in interest of a covered person) that—

(A) supplies facilities, equipment, fuel, services, or technology pertaining to the design, construction, operation, or decommissioning of a covered installation; or

(B) transports nuclear materials that could result in a covered incident.

(8) Price-Anderson incident.—The term "Price-Anderson incident" means a covered incident for which section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) would make funds available to compensate for public liability (as defined in section 11 of that Act (42 U.S.C. 2014)).

(9) Secretary.—The term "Secretary" means the Secretary of Energy.

(10) United States.—

(A) In general.—The term "United States" has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(B) Inclusions.—The term "United States" includes—

(i) the Commonwealth of Puerto Rico;

(ii) any other territory or possession of the United States;

(iii) the Canal Zone; and

(iv) the waters of the United States territorial sea under Presidential Proclamation Number 5928, dated December 27, 1988 (43 U.S.C. 1331 note).

(11) United States person.—The term "United States person" means—

(A) any individual who is a resident, national, or citizen of the United States (other than an individual residing outside of the United States and employed by a person who is not a United States person); and

(B) any corporation, partnership, association, joint stock company, business trust, unincorporated organization, or sole proprietorship that is organized under the laws of the United States.

SEC. 4. USE OF PRICE-ANDERSON FUNDS.

(a) In General.—Funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) shall be used to cover the contingent cost resulting from any Price-Anderson incident.

(b) Effect.—The use of funds pursuant to subsection (a) shall not reduce the limitation on public liability established under section 170 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)).

SEC. 5. EFFECT ON AMOUNT OF PUBLIC LIABILITY.

(a) In General.—Funds made available to the United States under Article VII of the Convention with respect to a Price-Anderson incident shall be used to satisfy public liability resulting from the Price-Anderson incident.

(b) Amount.—The amount of public liability allowable under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) relating to a Price-Anderson incident under subsection (a) shall be increased by an amount equal to the difference between—

(1) the amount of funds made available for the Price-Anderson incident under Article VII of the Convention; and

(2) the amount of funds used under section 4 to cover the contingent cost resulting from the Price-Anderson incident.

SEC. 6. RETROSPECTIVE RISK POOLING PROGRAM.

(a) In General.—Except as provided in subsection (b), each nuclear supplier shall participate in a retrospective risk pooling program in accordance with this Act to cover the contingent cost resulting from a covered incident outside the United States that is not a Price-Anderson incident.

(b) Deferred Payment.—

(1) In general.—The obligation of a nuclear supplier to participate in the retrospective risk pooling program shall be deferred until the United States is called on to provide funds pursuant to Article VII of the Convention with respect to a covered incident that is not a Price-Anderson incident.

(2) Amount of deferred payment.—The amount of a deferred payment of a nuclear supplier under paragraph (1) shall be based on the risk-informed assessment formula determined under paragraph (3).

(3) Risk-informed assessment formula.—

(A) In general.—Not later than 3 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall, by regulation, determine the risk-informed assessment formula for the allocation among nuclear suppliers of the contingent cost resulting from a covered incident that is not a Price-Anderson incident, taking into account risk factors such as—

(i) the nature and intended purpose of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(ii) the quantity of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(iii) the hazards associated with the supplied goods and services if the goods and services fail to achieve the intended purposes;

(iv) the hazards associated with the covered installation outside the United States to which the goods and services are supplied;

(v) the legal, regulatory, and financial infrastructure associated with the covered installation outside the United States to which the goods and services are supplied; and

(vi) the hazards associated with particular forms of transportation.

(B) Factors for consideration.—In determining the formula, the Secretary may—

(i) exclude—

(I) goods and services with negligible risk;

(II) classes of goods and services not intended specifically for use in a nuclear installation;

(III) a nuclear supplier with a de minimis share of the contingent cost; and

(IV) a nuclear supplier no longer in existence for which there is no identifiable successor; and

(ii) establish the period on which the risk assessment is based.

(C) Application.—In applying the formula, the Secretary shall not consider any covered installation or transportation for which funds would be available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210).

(D) Report.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on whether there is a need for continuation or amendment of this Act, taking into account the effects of the implementation of the Convention on the United States nuclear industry and suppliers.

SEC. 7. REPORTING.

(a) Collection of Information.—

(1) In general.—The Secretary may collect information necessary for developing and implementing the formula for calculating the deferred payment of a nuclear supplier under section 6(b).

(2) Provision of information.—Each nuclear supplier and other appropriate persons shall make available to the Secretary such information, reports, records, documents, and other data as the Secretary determines, by regulation, to be necessary or appropriate to develop and implement the formula under section 6(b)(3).

(b) Private Insurance.—The Secretary shall make available to nuclear suppliers, and insurers of nuclear suppliers, information to support the voluntary establishment and maintenance of private insurance against any risk for which nuclear suppliers may be required to pay deferred payments under this Act.

SEC. 8. EFFECT ON LIABILITY.

Nothing in any other law (including regulations) limits liability for a covered incident to an amount equal to less than the amount prescribed in paragraph 1(a) of Article IV of the Convention, unless the law—

(1) specifically refers to this Act; and

(2) explicitly repeals, alters, amends, modifies, impairs, displaces, or supersedes the effect of this section.

SEC. 9. PAYMENTS TO AND BY THE UNITED STATES.

(a) Action by Nuclear Suppliers.—

(1) Notification.—In the case of a request for funds under Article VII of the Convention resulting from a covered incident that is not a Price-Anderson incident, the Secretary

shall notify each nuclear supplier of the amount of the deferred payment required to be made by the nuclear supplier.

(2) PAYMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 60 days after receipt of a notification under paragraph (1), a nuclear supplier shall pay to the general fund of the Treasury the deferred payment of the nuclear supplier required under paragraph (1).

(B) ANNUAL PAYMENTS.—A nuclear supplier may elect to prorate payment of the deferred payment required under paragraph (1) in 5 equal annual payments (including interest on the unpaid balance at the prime rate prevailing at the time the first payment is due).

(3) VOUCHERS.—A nuclear supplier shall submit payment certification vouchers to the Secretary of the Treasury in accordance with section 3325 of title 31, United States Code.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Amounts paid into the Treasury under subsection (a) shall be available to the Secretary of the Treasury, without further appropriation and without fiscal year limitation, for the purpose of making the contributions of public funds required to be made by the United States under the Convention.

(2) ACTION BY SECRETARY OF TREASURY.—The Secretary of the Treasury shall pay the contribution required under the Convention to the court of competent jurisdiction under Article XIII of the Convention with respect to the applicable covered incident.

(c) FAILURE TO PAY.—If a nuclear supplier fails to make a payment required under this section, the Secretary may take appropriate action to recover from the nuclear supplier—

(1) the amount of the payment due from the nuclear supplier;

(2) any applicable interest on the payment; and

(3) a penalty of not more than twice the amount of the deferred payment due from the nuclear supplier.

SEC. 10. LIMITATION ON JUDICIAL REVIEW; CAUSE OF ACTION.

(a) LIMITATION ON JUDICIAL REVIEW.—

(1) IN GENERAL.—In any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, any appeal or review by writ of mandamus or otherwise with respect to a nuclear incident that is not a Price-Anderson incident shall be in accordance with chapter 83 of title 28, United States Code, except that the appeal or review shall occur in the United States Court of Appeals for the District of Columbia Circuit.

(2) SUPREME COURT JURISDICTION.—Nothing in this subsection affects the jurisdiction of the Supreme Court of the United States under chapter 81 of title 28, United States Code.

(b) CAUSE OF ACTION.—

(1) IN GENERAL.—Subject to paragraph (2), in any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, in addition to any other cause of action that may exist, an individual or entity shall have a cause of action against the operator to recover for nuclear damage suffered by the individual or entity.

(2) REQUIREMENT.—Paragraph (1) shall apply only if the individual or entity seeks a remedy for nuclear damage (as defined in Article I of the Convention) that was caused by a nuclear incident (as defined in Article I of the Convention) that is not a Price-Anderson incident.

(3) EFFECT OF SUBSECTION.—Nothing in this subsection limits, modifies, extinguishes, or otherwise affects any cause of action that would have existed in the absence of enactment of this subsection.

SEC. 11. RIGHT OF RECOURSE.

This Act does not provide to an operator of a covered installation any right of recourse under the Convention.

SEC. 12. PROTECTION OF SENSITIVE UNITED STATES INFORMATION.

Nothing in the Convention or this Act requires the disclosure of—

(1) any data that, at any time, was Restricted Data (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(2) information relating to intelligence sources or methods protected by section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403–1(i)); or

(3) national security information classified under Executive Order 12958 (50 U.S.C. 435 note; relating to classified national security information) (or a successor regulation).

SEC. 13. REGULATIONS.

(a) IN GENERAL.—The Secretary or the Commission, as appropriate, may prescribe regulations to carry out section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this Act.

(b) REQUIREMENT.—Rules prescribed under this section shall ensure, to the maximum extent practicable, that—

(1) the implementation of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this Act is consistent and equitable; and

(2) the financial and operational burden on a Commission licensee in complying with section 170 of that Act is not greater as a result of the enactment of this Act.

(c) APPLICABILITY OF PROVISION.—Section 553 of title 5, United States Code, shall apply with respect to the promulgation of regulations under this section.

(d) EFFECT OF SECTION.—The authority provided under this section is in addition to, and does not impair or otherwise affect, any other authority of the Secretary or the Commission to prescribe regulations.

SEC. 14. EFFECTIVE DATE.

This Act takes effect on the date on which the Convention enters into force for the United States under Article XX of the Convention.

JOHN MILTON BRYAN SIMPSON UNITED STATES COURTHOUSE

Mr. FRIST. Mr. President, I ask unanimous consent that the EPW Committee be discharged and the Senate immediately proceed to H.R. 315.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 315) to designate the United States Courthouse at 300 North Hogan Street, Jacksonville, FL as the "John Milton Bryan Simpson United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

The bill (H.R. 315), was ordered to a third reading, read the third time, and passed.

Mr. FRIST. Mr. President, I further ask unanimous consent that the Senate now proceed to the consideration of the following courthouse-naming bills, all en bloc. Calendar No. 649, H.R. 1463, H.R. 1556, H.R. 2322, H.R. 5026, H.R. 5546, H.R. 5606, H.R. 6051, Calendar No. 626, S. 3867.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bills en bloc.

JUSTIN W. WILLIAMS UNITED STATES ATTORNEY'S BUILDING

The bill (H.R. 1463), to designate a portion of the Federal building located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the "Justin W. Williams United States Attorney's Building", was considered, ordered to a third reading, read the third time, and passed.

CLYDE S. CAHILL MEMORIAL PARK

A bill (H.R. 1556) to designate a parcel of land located on the site of the Thomas F. Eagleton United States Courthouse in St. Louis, Missouri, as the "Clyde S. Cahill Memorial Park" was considered, ordered to a third reading, read the third time, and passed.

KIKA DE LA GARZA FEDERAL BUILDING

A bill (H.R. 2322) to designate the Federal building located at 320 North Main Street in McAllen, Texas, as the "Kika de la Garza Federal Building" was considered, ordered to a third reading, read the third time, and passed.

ANDRES TORO BUILDING

A bill (H.R. 5026) to designate the Investigations Building of the Food and Drug Administration located at 466 Fernandez Juncos Avenue in San Juan, Puerto Rico, as the "Andres Toro Building" was considered, ordered to a third reading, read the third time, and passed.

CARROLL A. CAMPBELL, JR. UNITED STATES COURTHOUSE

A bill (H.R. 5546) to designate the United States courthouse to be constructed in Greenville, South Carolina, as the "Carroll A. Campbell, Jr. United States Courthouse" was considered, ordered to a third reading, read the third time, and passed.

WILLIAM M. STEIGER FEDERAL BUILDING AND UNITED STATES COURTHOUSE

A bill (H.R. 5606) to designate the Federal building and United States courthouse located at 221 and 211 West Ferguson Street in Tyler, Texas, as the "William M. Steger Federal Building and United States Courthouse" was considered, ordered to a third reading, read the third time, and passed.

JOHN F. SEIBERLING FEDERAL BUILDING AND UNITED STATES COURTHOUSE

A bill (H.R. 6051) to designate the Federal building and United States courthouse located at 2 South Main Street in Akron, Ohio, as the "John F. Seiberling Federal Building and United States Courthouse" was considered, ordered a third reading, read the third time, and passed.

RUSH H. LIMBAUGH, SR., FEDERAL COURTHOUSE

The bill (S. 3867), to designate the Federal courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush H. Limbaugh, Sr., Federal Courthouse."

S. 3867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RUSH H. LIMBAUGH, SR., FEDERAL COURTHOUSE.

(a) DESIGNATION.—The Federal courthouse located at 555 Independence Street, Cape Girardeau, Missouri, shall be known and designated as the "Rush H. Limbaugh, Sr., Federal Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal courthouse referred to in subsection (a) shall be deemed to be a reference to the Rush H. Limbaugh, Sr., Federal Courthouse.

Amend the title so as to read: "To designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the 'Rush H. Limbaugh, Sr., Federal Courthouse'.".

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill as amended, if amended, be read a third time and passed en bloc, and the committee-reported title amendment be withdrawn and the title amendment at the desk be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5120) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. RUSH H. LIMBAUGH, SR. UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, shall be known and designated as the "Rush H. Limbaugh, Sr. United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Rush H. Limbaugh, Sr. United States Courthouse".

The amendment (No. 5121) was agreed to, as follows:

Amend the title so as to read: "To designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the 'Rush H. Limbaugh, Sr. United States Courthouse'.".

The bill (S. 3867), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

INDIAN LAND CONSOLIDATION ACT AMENDMENTS OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 536, S. 3526.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislation clerk read as follows:

A bill (S. 3526) to amend the Indian Land Consolidation Act to modify certain requirements under that act.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5119), was agreed to as follows:

On page 2, strike lines 18 through 20 and insert the following:

"(B) includes, for purposes of intestate succession only under section 207(a) and only with respect to any decedent who dies after July 20,

Beginning on page 3, strike line 12 and all that follows through page 4, line 9, and insert the following:

"(v) EFFECT OF SUBPARAGRAPH.—Nothing in this subparagraph limits the right of any person to devise any trust or restricted interest pursuant to a valid will in accordance with subsection (b).";

On page 6, line 21, strike "that" and insert "who".

The bill (S. 3526), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Land Consolidation Act Amendments of 2006".

SEC. 2. DEFINITIONS.

Section 202 of the Indian Land Consolidation Act (25 U.S.C. 2201) is amended—

(1) in paragraph (4)—

(A) by inserting "(i)" after "(4)";

(B) by striking "'trust or restricted interest in land' or" and inserting the following:

"(ii) 'trust or restricted interest in land' or"; and

(C) in clause (ii) (as designated by subparagraph (B)), by striking "an interest in land, title to which" and inserting "an interest in land, the title to which interest"; and

(2) by striking paragraph (7) and inserting the following:

"(7) the term 'land'—

"(A) means any real property; and

"(B) for purposes of intestate succession only under section 207(a), includes, with respect to any decedent who dies after July 20, 2007, the interest of the decedent in any improvements permanently affixed to a parcel of trust or restricted lands (subject to any valid mortgage or other interest in such an improvement) that was owned in whole or in part by the decedent immediately prior to the death of the decedent;".

SEC. 3. DESCENT AND DISTRIBUTION.

Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended—

(1) in subsection (a)(2)(D)—

(A) in clause (i), by striking "clauses (ii) through (iv)" and inserting "clauses (ii) through (v)"; and

(B) by striking clause (v) and inserting the following:

"(v) EFFECT OF PARAGRAPH; NONAPPLICABILITY TO CERTAIN INTERESTS.—Nothing in this paragraph—

"(I) limits the right of any person to devise any trust or restricted interest pursuant to a valid will in accordance with subsection (b); or

"(II) applies to any interest in the estate of a decedent who died during the period beginning on the date of enactment of this subclause and ending on July 20, 2007 (or the last day of any applicable period of extension authorized by the Secretary under clause (vi)).

"(vi) AUTHORITY TO EXTEND PERIOD OF NONAPPLICABILITY.—The Secretary may extend the period of nonapplicability under clause (v)(II) for not longer than 1 year if, by not later than July 2, 2007, the Secretary publishes in the Federal Register a notice of the extension.";

(2) in subsection (c)(2), by striking "the date that is" and all that follows through the period at the end and inserting the following: "July 21, 2007."; and

(3) in subsection (o)—

(A) in paragraph (3)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and indenting the clauses appropriately; and

(ii) by striking "(3)" and all that follows through "No sale" and inserting the following:

"(3) REQUEST TO PURCHASE; CONSENT REQUIREMENTS; MULTIPLE REQUESTS TO PURCHASE.—

"(A) IN GENERAL.—No sale"; and

(iii) by striking the last sentence and inserting the following:

"(B) MULTIPLE REQUESTS TO PURCHASE.—Except for interests purchased pursuant to paragraph (5), if the Secretary receives a request with respect to an interest from more than 1 eligible purchaser under paragraph (2), the Secretary shall sell the interest to the eligible purchaser that is selected by the applicable heir, devisee, or surviving spouse.";

(B) in paragraph (4)—

(i) in subparagraph (A), by adding "and" at the end;

(ii) in subparagraph (B), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (C); and

(C) in paragraph (5)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "auction and";

(II) in clause (i), by striking "and" at the end;

(III) in clause (ii)—

(aa) by striking "auction" and inserting "sale";

(bb) by striking "the interest passing to such heir represents" and inserting ", at the time of death of the applicable decedent, the interest of the decedent in the land represented"; and

(cc) by striking the period at the end and inserting "; and"; and

(IV) by adding at the end the following:

"(iii)(I) the Secretary is purchasing the interest as part of the program authorized under section 213(a)(1); or

"(II) after receiving a notice under paragraph (4)(B), the Indian tribe with jurisdiction over the interest is proposing to purchase the interest from an heir that is not a member, and is not eligible to become a member, of that Indian tribe.";

(ii) in subparagraph (B)—

(I) by striking "(B)" and all that follows through "such heir" and inserting the following:

"(B) EXCEPTION; NONAPPLICABILITY TO CERTAIN INTERESTS.—

"(i) EXCEPTION.—Notwithstanding subparagraph (A), the consent of the heir or surviving spouse";

(II) in clause (i), by inserting "or surviving spouse" before "was residing"; and

(III) by adding at the end the following:

"(ii) NONAPPLICABILITY TO CERTAIN INTERESTS.—Subparagraph (A) shall not apply to any interest in the estate of a decedent who dies on or before July 20, 2007 (or the last day of any applicable period of extension authorized by the Secretary under subparagraph (C)).": and

(iii) by adding at the end the following:

"(C) AUTHORITY TO EXTEND PERIOD OF NONAPPLICABILITY.—The Secretary may extend the period of nonapplicability under subparagraph (B)(ii) for not longer than 1 year if, by not later than July 2, 2007, the Secretary publishes in the Federal Register a notice of the extension.".

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of the following postal-naming bills en bloc: S. 1726, S. 3845, H.R. 4109, H.R. 4805, H.R. 4674, H.R. 4768, H.R. 5428, H.R. 5434, H.R. 5054, H.R. 5664, and H.R. 6033 and the Senate proceed to their immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bills en bloc.

COACH EDDIE ROBINSON POST OFFICE

The bill (S. 1726), to designate the facility of the United States Postal Service located at 324 Main Street in Grambling, Louisiana, shall be known and designated as the "Coach Eddie Robinson Post Office Building" was considered; ordered to a third reading, read the third time, and passed, as follows:

S. 1726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COACH EDDIE ROBINSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 324 Main Street in Grambling, Louisiana, shall be known and designated as the "Coach Eddie Robinson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Coach Eddie Robinson Post Office Building".

MICKEY MANTLE POST OFFICE BUILDING

The bill (S. 3845), to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the "Mickey Mantle Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

UNITED STATES REPRESENTATIVE PARREN J. MITCHELL POST OFFICE

A bill (H.R. 4109) to designate the facility of the United States Postal Service located at 6101 Liberty Road in Baltimore, Maryland, as the "United States Representative Parren J. Mitchell Post Office" was considered, ordered to a third reading, read the third time, and passed.

GENE VANCE POST OFFICE BUILDING

A bill (H.R. 4805) to designate the facility of the United States Postal Service located at 105 North Quincy Street in Clinton, Illinois, as the "Gene Vance Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

GOVERNOR JOHN ANDERSON, JR. POST OFFICE BUILDING

A bill (H.R. 4674) to designate the facility of the United States Postal Service located at 110 North Chestnut Street in Olathe, Kansas, as the "Governor John Anderson, Jr. Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

ROBERT LINN MEMORIAL POST OFFICE BUILDING

The bill (H.R. 4768) to designate the facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, as the "Robert Linn Memorial Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

JOSHUA A. TERANDO MORRIS POST OFFICE BUILDING

The bill (H.R. 5428) to designate the facility of the United States Postal Service located at 202 East Washington Street in Morris, Illinois, as the "Joshua A. Terando Morris Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

LARRY COX POST OFFICE

A bill (H.R. 5434) to designate the facility of the United States Postal Service located at 40 South Walnut Street in Chillicothe, Ohio, as the "Larry Cox Post Office" was considered, ordered to a third reading, read the third time, and passed.

LARRY WINN, JR. POST OFFICE BUILDING

The bill (H.R. 5504) to designate the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, as the "Larry Winn, Jr. Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

JACOB SAMUEL FLETCHER POST OFFICE BUILDING

A bill (H.R. 5564) to designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the "Jacob Samuel Fletcher Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

THOMAS J. MANTON POST OFFICE BUILDING

A bill (H.R. 6033) to designate the facility of the United States Postal Service located at 39-25 61st Street in Woodside, New York, as the "Thomas J. Manton Post Office Building" was considered, ordered to a third reading, read the third time, and passed.

THE CALENDAR

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate en bloc consideration of H.R. 6075, H.R. 5224, and H.R. 5929, postal naming bills which were received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I ask unanimous consent the bills be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROBERT J. THOMPSON POST OFFICE BUILDING

The bill (H.R. 6075) to designate the facility of the United States Postal Service located at 101 East Gay Street in West Chester, Pennsylvania, as the "Robert J. Thompson Post Office Building", was considered, ordered to a third reading, read the third time, and passed.

CURT GOWDY POST OFFICE BUILDING

The bill (H.R. 5224) to designate the facility of the United States Postal

Service located at 350 Uinta Drive in Green River, Wyoming, as the "Curt Gowdy Post Office Building", was considered ordered to a third reading, read the third time, and passed.

KATHERINE DUNHAM POST OFFICE BUILDING

A bill (H.R. 5929) to designate the facility of the United States Postal Service located at 950 Missouri Avenue in East St. Louis, Illinois, as the "Katherine Dunham Post Office Building", was considered, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

NOMINATION OF ANDREW B. STEINBERG TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar: 769.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF TRANSPORTATION

Andrew B. Steinberg, of Maryland, to be an Assistant Secretary of Transportation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

Mr. FRIST. Mr. President, we have completed a lot of business. We may have a little more business in a bit. While we are conducting that business, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. FRIST. Mr. President, in the early hours of the morning, we are going to be closing down here in a few minutes. We do have some very important business to conduct, first on the Defense authorization conference report, and closing up with a few other matters.

It has been a long day, with a lot of productive work. The Democratic leader and I were just commenting it has been a constructive and productive last 2 or 3 weeks.

Mr. President, before I propound a unanimous consent request on the Defense authorization conference report, I turn to my colleague, the distinguished Senator from Oklahoma, who has been intimately involved in this issue over the last several days and the last several hours.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank the leader for working with me on getting the requirements of what we need to do to get control of our spending in this country. I also want to thank the House leadership for their commitment in attempting to do that.

I had threatened to object to the unanimous consent request that we pass this bill. That is not a desire or something I want to do. But what I do want to do is make sure the money we spend actually goes for Defense. And we had, in both the appropriations bill and in the authorization bill, by a vote of 96 to 1 in this body, that even though we do not report earmarks in the Senate, we do not label them, we do not say who put them, we did have an agreement—with amendments in both those bills—that we will allow the Pentagon to report to the American public on the status of those earmarks and back to us as a Congress whether or not they met the mission of the Defense Department because about 40 percent of them do not. It is all about transparency, the American people seeing where we are spending our money.

I appreciate the leaders both here and in the House agreeing to bring this amendment—which was offered and accepted and passed here; and what was thrown out of the conferences—up in the lame-duck session. And given that commitment from both the House leadership and the Senate leadership, I will not object to this bill.

I will tell people, other than the earmarks that are in this bill, this is a needed bill, and a lot of the earmarks are appropriate and needed. But the American people ought to be seeing where we are spending the money, and they cannot. This amendment would have allowed them to see that.

The agreement of, hopefully, bringing this back, so the American people can actually know where money is spent, I appreciate the leader's help in accomplishing that.

I yield the floor.

Mr. FRIST. Mr. President, it looks like we will be able to proceed with our unanimous consent request and pass a very, very important bill to this country. We passed earlier today the appropriations for our Department of Defense. And with this, on the same day, we will be able to pass the authorization bill.

JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007—CONFERENCE REPORT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the conference report to accompany H.R. 5122, the Defense authorization bill, and the conference report be agreed to, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. REID. Mr. President, reserving the right to object, I want the RECORD to reflect the hard work that has gone into this bill by the managers of the bill, the chairman, Senator WARNER, and the ranking member, Senator LEVIN. There are no two finer Senators in the Senate. They have worked so diligently and so hard on this legislation for which they deserve so much credit for getting us to where we are. They are both dedicated to the service of their country. They are just two of the best, and if not for them we could not be where we are.

I also express my appreciation to Senator COBURN for allowing us to move forward on this legislation this morning.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No.

The PRESIDING OFFICER. Without objection, it is so ordered.

INSURRECTION ACT

Mr. KENNEDY. Mr. President, I want to applaud the Senator from Virginia for his amendment in the Defense authorization bill. This amendment clarifies the President's authority to employ the Armed Forces inside the United States to restore public order when domestic violence has occurred to such an extent that the State authorities are not able to enforce the laws and protect the legal rights of its people.

Late August last year, New Orleans and gulf coast residents saw the devastation nature can sow. We are now in another hurricane season. Communicable diseases like SARS and avian flu are still real risks. No one needs reminding that bin Laden and al-Qaida are still out there. We need to clarify the applicability of this law to modern problems.

This is a task that uniquely belongs to Congress. It is Congress's responsibility, according to the Constitution, to make rules "for the government and regulation" of the Armed Forces. Senator Warner's provision takes a real step in the right direction.

Mr. WARNER. Mr. President, I'm glad Senator KENNEDY drew attention to my amendment to the Militia Acts, sometimes referred to as the "Insurrection Act." These statutes have not been amended for a half century. We urgently need a statute that clarifies when and how the President can use the Armed Forces in the homeland.

This is not a new problem. The Second Congress passed a law in May 1792 giving the President power to call out the Armed Forces inside the United States. Congress carefully defined when the President could act. In certain cases, he had to get a judge's approval before calling forth the troops. When President Washington put down the Whiskey Rebellion, he used this 1792 statute.

Congress made changes to this authorization in 1795, 1807, 1861 and 1871. Clearly, Congress was responding to threats of the day. These included Aaron Burr's conspiracy, the Civil War, and Reconstruction. The end result of all these amendments was a very sweeping statute with open-ended authorization in some situations, but ambiguous authority to use the Armed Forces in others. So we clearly needed to revisit this.

Mr. KENNEDY. As I understand the amendment, it defines when the President can call on the Armed Forces if there is a major public emergency at home. The amended statute now lists specific situations in which the troops can be used to restore public order. This includes natural disasters, epidemics or other serious public health emergencies, and terrorist attacks or incidents that result in domestic violence to such an extent that State authorities are unable to maintain public order. These were not mentioned specifically before. While the amendment does not grant the President any new powers, it fills an important gap in clarifying the President's authority to respond to these new kinds of emergencies.

The amendment defines the kind of situations in which the President can employ the Armed Forces to restore public order. In our system, responsibility for law enforcement and the maintenance of public order normally lies with the State and local authorities. The Armed Forces can and should enter this arena only in extreme ergencies. The amendment explains that the trigger for the employment of Armed Forces is a condition, which may result from a terrorist attack or a natural disaster, that makes it impossible for regular law enforcement agencies to enforce the laws.

Mr. WARNER. The Senator from Massachusetts is correct about the provision. The Armed Forces have a legitimate role to play in responding to serious emergencies. That role benefits from clear definition. Bringing this statute to date and removing its ambiguities will help the Nation respond better to the next crisis.

Mr. SESSIONS. Mr. President, I rise to compliment the distinguished chairman and ranking member of the Armed Services Committee for their work in bringing forth the National Defense Authorization Act for fiscal year 2007 through conference. This Act supports our Armed Forces during this critical period in our Nation's history.

In particular, I would like to note the House and Senate conferees full support for the administration's missile defense activities. The conference report before us fully funds the President's request for missile defense activities—reflecting strong confidence in and support for the current program.

The recommendations of the conferees with respect to missile defense follow very closely the actions taken in the national Defense authorization bill for fiscal year 2007—as passed by the full Senate earlier this year.

Notably, the conference report reflects the consensus view of the Senate and House that the Department of Defense must accord a priority to those near-term missile defense capabilities that are now beginning to provide a measure of protection for the American people, our deployed forces, and our friends and allies.

The need to emphasize near-term missile defense capabilities was brought home to many of us by the fourth of July ballistic missile launches by North Korea, where six missiles of short-, medium-, and long-range were tested.

Similarly, I just returned from the Ballistic Defense Annual Conference in London where over 900 delegates from over 20 nations discussed near and long term missile requirements in Asia and Europe. Among the key issues was the 3rd site requirement in Europe—a site designed to protect the United States and our NATO allies; a site which will provide an additional mix of options, both military and diplomatic to us and our NATO partners as the specter of missile blackmail increases.

On Independence Day, for the first time ever, Americans witnessed their country activate a missile defense system to protect our homeland against long-range ballistic missiles. This was certainly an epiphany for some and a wake up call for friends and foes alike.

Missile defense has thus become part of the diplomatic and military tool set available to our President and other senior policymakers.

Some critics of missile defense questioned whether the ground-based midcourse defense system would be able to intercept a long-range ballistic missile fired by North Korea.

Lieutenant General Obering, Director of the Missile Defense Agency, expressed confidence that the ground-based midcourse defense, GMD, system would be able to address a limited threat posed by North Korea.

He said that while the entire system had not undergone the full comprehensive testing regime he has planned, General Obering flatly stated he believed the system would, if need be, work to knock down a North Korean missile.

The successful intercept test of a long-range ballistic missile on September 1 confirms General Obering's assessment that the current GMD system has the capability, though not fully developed and tested, to defend America.

Both of these recent tests—the North Korean launches of July and our GMD test earlier this month—confirm, more broadly, the wisdom of the decision by President Bush in 2002 to begin deployment of an initial set of missile defense capabilities.

In less than 2 years, we have laid the infrastructure in Fort Greely, Alaska, and elsewhere so that this country at last is ready to defend itself against long-range ballistic missiles fired against our homeland.

The successful intercept of a long-range ballistic missile target on September 1 was the most operationally realistic test for the ground-based midcourse defense system conducted to date.

It included an operationally configured interceptor, an operational radar, and operational crews.

Critics continue to highlight reports of earlier unsuccessful missile defense testing, but the truth is that since 2001, we have had 23 successful hit-to-kill intercepts against all ranges of ballistic missiles, from the shortrange to the longrange.

In the past 90 days alone, we have conducted four successful engagements of short-, medium-, and long-range ballistic missile targets—using Aegis BMD, THAAD, PAC-3, and GMD. I will submit for the RECORD a letter from the Under Secretary of Defense for Acquisition, Technology and Logistics Kenneth J. Kreig to Congressman IKE SKELTON on September 19, 2006, which discusses ground-based midcourse defense system testing. I think the letter is illustrative of the points I made here regarding our efforts to bring a robust missile defense system on line.

While more testing is necessary and planned to ensure confidence in the effectiveness of the defenses we field, we should take comfort in the knowledge that we have demonstrated fully that we can engage ballistic missile targets of all ranges.

Some editorial writers also like to remind us that the budget request for missile defense is close to $10 billion per year. While this is indeed a significant sum, we should bear in mind that this funding figure reflects research, development and fielding not for a single missile defense system, but for a number of missile defense capabilities based on land, on ships, on aircraft, and in space.

These include Patriot PAC-3, terminal high altitude area defense system, THAAD, ship-based Aegis BMD, the ground-based midcourse defense system, the airborne laser, the kinetic energy interceptor, and a host of sensors and the command and control links necessary to tie all these elements together.

In conclusion, I thank the conferees for fully supporting the administration's missile defense program and note the consensus within Congress to get on with the fielding of missile defense capabilities that are now demonstrating testing success and providing a measure of protection for our homeland and deployed forces.

This is a consensus that stretches back at least as far as the National Missile Defense Act of 1999, when Congress stated that:

> It is the policy of the U.S. to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack. . . .

Those of us who supported this legislation—indeed all of us in Congress—should be gratified to see how far we come in such a short time.

Mr. President, I ask unanimous consent that the letter to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNDER SECRETARY OF DEFENSE,
Washington, DC, Sept. 19, 2006.

Hon. IKE SKELTON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SKELTON: Thank you for your August 29 letter concerning Ground-based Midcourse Defense System testing. The Secretary of Defense asked that I respond.

Since the Secretary's comments at Fort Greely and your recent letter to him, the Missile Defense Agency completed a successful end-to-end flight test of the long-range missile defense capability on September 1. This test began with the lanch of a threat representative target on a realistic trajectory across an operational, upgraded, early warning radar manned by warfighters in California. An intercept solution was then generated using the operational command and fire control system, also manned by warfighters, and an operational interceptor was launched from an operational site. Given necessary range and safety limitations, a 5-hour target launch window was defined, but the warfighters operating the system did not receive prior notice of target launch.

The flight test was representative of an attack by a single, relatively unsophisticated, but lethal, hostile missile. While this test was a success, the Ballistic Missile Defense System (BMDS) test program is by no means complete. Later tests will involve different trajectories and engagement geometries, different target characteristics and countermeasures, and different raid patterns and composition. Some will be successful, and some will not, but all will contribute to moving the program forward.

Each of these tests, and those of the other components of the BMDS, builds on the knowledge gained from previous tests and adds new and challenging objectives to demonstrate enhanced capability. The goal is to devise scenarios that test each system to the maximum extent possible to increase knowledge of, and confidence in, system performance, while maintaining safety and keeping pace with the advancing threat.

This last point is important. In July, we saw one manifestation of that threat from North Korea in its effort to test an advanced missile capability that could threaten the United States. Iran's intentions also seem increasingly clear as its missile programs progress. That is why the Secretary of Defense has endorsed a capability-based acquisition approach to developing missile defenses, allowing us to deploy militarily useful capability while we continue to enhance it.

Over the past 2 decades, you noted the United States has devoted some $100 billion to missile defense. This has occurred under several Administrations and with ever-increasing Congressional support. A substantial portion of this funding went to early research and space-based programs that were cancelled in 1993. Approximately $21 billion has been invested in the Ground-based Midcourse Defense program over the last 10 years.

The remaining funds have permitted the PATRIOT PAC–3 capability to evolve, so that when it was employed in combat during Operation IRAQI FREEDOM, it was a complete success against Iraqi missiles. The funding supported the sea-based Aegis Ballistic Missile Defense program, which has succeeded in 7 of 8 intercept attempts, with its 18 ships programmed for modification. Aegis ballistic missile defense-equipped ships started operational long-range surveillance and tracking patrols in the Sea of Japan almost 2 years ago: The funding supported the restructured Terminal High-Altitude Area Defense system, capable of intercepting threats in the upper atmosphere as well as just outside the atmosphere, which completed a successful intercept test in July. In addition, the funds were used for sensors and C2 systems integrating all of these components into a layered defensive system that is much more capable than any of the individual elements alone. And finally, the funds support the development of future capabilities including the Airborne Laser, more capable interceptors and space-based sensors to enhance discrimination, and lethality across the entire spectrum of missile defense.

This latest test of the long-range interceptor increases our confidence in the approach to enhance the system's performance. We have a limited, but increasing, capability where none existed before. Four years ago, with the Anti-Ballistic Missile Treaty in effect, this could not have been possible. Today, the Department is on a path to provide critically-needed missile defense protection for our citizens, deployed forces, friends, and allies.

Your continued support of our efforts will ensure we can reach this goal.

Sincerely,

KENNETH J. KRIEG.

Mr. McCAIN. Mr. President, I would like to commend the chairman and ranking member for their outstanding leadership in bringing the Defense authorization bill to closure and thank them for their untiring work concerning this most important legislation. By enacting this legislation, Congress will take a major step forward in ensuring that the defense of our Nation remains the number one priority. That is why I will vote for passage of the conference report on H.R. 5122, the John Warner National Defense Authorization Act for fiscal year 2007.

I would like to take a moment to recognize our distinguished chairman, a man I have known for 33 years, my friend and mentor, the senior Senator from Virginia. No Member of this body has done more for our national security than JOHN WARNER. As a sailor, Marine officer, Under Secretary and Secretary of the Navy, and U.S. Senator, he has always answered his country's call. The dignified and even-handed way in which he has presided over the business of the Committee these past 6 years has enabled it to continue its noble tradition of being an island of bipartisanship in an increasingly unpleasant political era. I am proud that we have named this year's defense authorization act, the last which JOHN WARNER will manage as chairman of the Committee on Armed Services, in his honor, and I thank my friend for all he has done for our Nation.

This legislation authorizes the funding of $462.8 billion in budget authority for defense programs in fiscal year 2007, which is a 3.6 percent increase or $21 billion above the amount authorized by Congress last year. I am pleased to see that this measure meets the President's requested funding level and that the conferees focused much of their efforts on addressing requirements for the ongoing war on terror as expressed by the service chiefs in their unfunded priority lists.

While I am pleased we are able to act on this legislation prior to adjourning for the elections, I am compelled to point out that once again, the Defense Appropriations Act has been decided prior to final action on the Defense Authorization Act. The Defense Authorization Act is intended to provide a framework for the policies and funding levels for the Department of Defense and its programs. The role of the Appropriations Committee is to allocate funding based on policies provided by authorization bills. A continuing trend, however, is an expansion of the role of the Appropriations Committee, which now engages in significant policy decision making. It is my hope that next year we will succeed in passing the authorization measure prior to the appropriations measure.

An important legislative provision contained in the conference report is an amendment which I sponsored on the Senate bill that would require the regular budgeting for ongoing military operations in Iraq and Afghanistan. Over the years, the administration and the Congress have become addicted to paying for these operations through "emergency" supplemental appropriation bills. In addition, many defense-related activities that should have been financed through the normal appropriations process have been funded through these emergency supplementals. Additionally, nondefense-related spending has also found its way into these bills further undermining the budget process. This method of funding has unfortunately become the rule rather than the exception, but with this provision it will no longer be allowed. The next budget submission will be expected to include funding required to conduct ongoing operations through the following year.

It should now be obvious that the current rate of growth in the cost of defense programs is reaching unsustainable levels. Over the intermediate term, this will pose a threat to not only our economic stability but also our national security. For this reason, next year I will propose an aggressive and comprehensive defense acquisition reform agenda. I have called for, and hope to obtain, the assistance of both the Department of Defense as well as the defense industry in this regard.

The need for such an agenda is clear. Over the last few years, the defense acquisition process has shown itself to be broken. This has been shown not only by the Air Force's proposed lease of Boeing 767 tanker aircraft, but also in the Department's procurement strategies for the C–130J, Future Combat Systems, Joint Primary Aircraft Training System, Joint Cargo Aircraft, Joint Strike Fighter, and F–22A Raptor.

Incidentally, I remain concerned about the approach the Air Force is currently taking to recapitalize its tanker fleet. But I will address this issue at another time.

As with past authorization bills, I have included in this year's bill several acquisition reform-related provisions. These provisions include measures that address abuses in the use of cost-type contract billing, financial conflicts of interest involving lead systems integrators, the improper payments of award and incentive fees, and excessive pass-through charges. These provisions also subject the multi-year purchase of F–22 aircraft to greater congressional oversight. There is every expectation that this legislation will be subject to further legislative efforts in the future. I am hopeful that these measures will be further supplemented by even more comprehensive reforms next year.

The American taxpayer has a right to expect the government to properly manage the allocation of resources, especially at a time when those resources are so critical. While this legislation addresses a great many of the needs of our military, there is still money that is being diverted to unrequested projects. Unauthorized earmarks drain our precious resources and adversely affect our national security.

One of the more egregious add-ons in the legislation currently on the floor is the addition of over $2 billion for 10 C–17 cargo planes that were not requested by the administration. This contradicts the Quadrennial Defense Review and is not in keeping with the President's request. So why are these additional aircraft now part of a bridge fund designed to provide necessary resources for our conflicts in Iraq and Afghanistan? Another reason I find this add-on particularly objectionable is that, going into conference, the House had approved only three additional C–17s and the Senate had approved only two. What we are presented in this legislation is seven more C–17s added by the conferees. This is completely outside the scope of the matter the conferees were tasked to resolve. The practice of adding unrequested, unauthorized, and unnecessary projects onto wartime spending bills must end.

Each and every day the men and women of our Nation's Armed Forces put their lives on the line to protect the freedoms we cherish and it is imperative we provide them with the proper resources. It is our obligation to provide quality of life benefits for our servicemembers and their families. I am confident that enactment of this legislation will accomplish that goal. For example, this conference report authorizes a 2.2 percent across-the-board pay raise for all military personnel. Also included in the report is a provision that prohibits predatory practices by creditors who loan to military personnel. This legislation is a testament to our commitment to the brave men and women of our military who have answered their Nation's call.

The ongoing war on terror has required us to become increasingly reliant on the men and women of our Reserve forces and National Guard. Approximately 40 percent of the ground troops in Iraq and Afghanistan are National Guard and Reserve forces. These soldiers and sailors leave behind friends, families, and careers to go willingly into harm's way for their Nation's cause. We in the Congress owe it to these patriots to ensure we look after their needs. Included in the conference report is the authorization to expand the eligibility for TRICARE to all members of the Selected Reserve. This provision is critical for providing our Reserve forces with the proper care they have earned.

Upon returning home from tours in Iraq or Afghanistan, soldiers and Marines are experiencing less and less downtime before their next deployment. This is not good for morale nor is it good for retention and eventually it will become a readiness issue as recruiting is affected. Fortunately, this legislation authorizes significant increases in recruiting and retention bonuses, as well as substantial increases in educational funds for recruitment purposes. Also provided is authorization for maintaining the Army active-duty end strength of 512,400, the Army National Guard end strength of 350,000, and an increase in Marine Corps end strength to a total of 180,000. This authorized force structure is critical to ensure proper readiness levels so that our military can meet its operational requirements.

As in years past, I am disappointed that the annual "Buy America" battle has once again made its way into this legislation. It seems as if every year we fight the same fight in conference. What it really comes down to is what I have stated countless times before: we need to provide American servicemen and women with the best equipment at the best price to the American taxpayer. By following this simple philosophy, we will protect both the men and women in uniform, as well as our domestic defense industry.

The international considerations of Buy America provisions are immense. Isolationist, go-it-alone approaches have serious consequences on our relationship with our allies. Our country is threatened when we ignore our trade agreements. Currently, the U.S. enjoys a trade surplus of $31 billion in defense and aerospace equipment. We don't need protectionist measures that detract from international cooperation in order to insulate our defense or aerospace industries. Critical international programs, such as the joint strike fighter and missile defense, could be placed in jeopardy when our allies reassess our defense cooperative trading relationship. If we enact laws that isolate our domestic defense industry, allies could potentially retaliate and hinder our ability to sell U.S. equipment which would in turn adversely affect our interoperability with NATO and other allies.

Although there are examples of why this bill is far from perfect, I am putting my reservations aside to support the final passage of this conference report. The John Warner National Defense Authorization Act for fiscal year 2007 is legislation that further strengthens our Nation's military and gives the Department of Defense the tools it needs to defend our Nation's interests both at home and abroad.

I urge my colleagues to support this important legislation.

Mr. LEAHY. Mr. President, I would like to express my gravy reservations about certain provisions of the fiscal year 2007 Defense authorization bill conference report. This legislation poorly handles key provisions related to the National Guard, which—as the events since September 11th have highlighted—is critical to our Nation's defense. The final conference report drops the reforms known as the National Guard Empowerment Act, a bill that would have given the National Guard more bureaucratic muscle inside the Pentagon. It would have cleared away some of these administrative cobwebs and given the Guard the seat at the decision-making table that it needs and deserves. It also should concern us all that the conference agreement includes language that subvert solid, long-standing posse comitatus statutes that limit the military's involvement in law enforcement, thereby making it easier for the President to declare martial law. There is good reason for the constructive friction in existing law when it comes to martial-law declarations.

Combined, these moves amount to a double punch against the National Guard. The National Guard has done so much to protect the security and safety of our country. Yet the authorization bill sends the signal that we are not interested in truly supporting them. This conference report says we do not want to address glaring problems that have surfaced during their increasingly frequent deployments. And, incredibly enough, it says to the Guard that other military forces are better to carry out tasks here at home. In short, this bill goes in the wrong direction.

Let's review what the 500,000 men and women of the National Guard do for the country. The National Guard is essential to the military's missions at home and abroad. More than 10,000 members of the National Guard are currently called up for domestic options, most along the border and involved in counter-drug operations

Almost 60,000 citizen-soldiers are deployed overseas, almost 40,000 involved in Iraq deployments. Over 6,000 members of the Air Guard are deployed. And let's remember, that at the high-water mark, the Guard made up almost 40 percent of the troops on the ground in Iraq.

It is also clear that we are going to need the Guard even more in the future. Consider the information reported in a New York Times article from last Friday. The active U.S. Army is being deployed at such a high rate that it appears increasingly likely that the National Guard is going to need to be tapped once again to make the troop levels.

Any way you cut it, the National Guard is absolutely essential to our Nation's defense. We cannot fight our wars abroad, we cannot secure the country at home, and we cannot response to large-scale emergencies without the Guard.

Given the fact that the National Guard is one of the country's most valuable and needed forces, one would think that our leaders in the Department of Defense would be spending significant time developing policies and budgets plans that truly support the Guard. For example, I would think it logical to make the replacement of the Guard's aging and worn equipment a priority. I would think it logical to give the National Guard a stronger voice in policymaking decisions and in setting budgetary priorities that affect the National Guard. I clearly see the benefits of deferring to the Adjutants General and the Nation's governors, those who control and oversee the Guard, when determining how best to utilize Guard at home during domestic emergencies.

Instead of these good policy goals and practices, we have only a long list of unfair and ill-conceived decisions from the Pentagon that do very little to support the Guard in reality. And these examples are only the tip of the iceberg.

Last December, the Army and the Air Force decided to try to make precipitous cuts to the National Guard. The Army sought to cut the Army Guard by almost 17,000 soldiers, while the Air Force drove for reductions of almost 14,000 airmen. These personnel cuts were made without consultation with the National Guard Bureau, the States Adjutants General, and the Nation's Governors. While Congress was successful in turning those recommendations back, the fact remains that the active force still desired to balance its budgets at the expense of the Guard.

In late Spring of last year, the Air Force forwarded a list of base closure recommendations the cut deeply into the Air National Guard. The closure list took away flying missions in States in which the Air National Guard is the only Air Force presence in the State. No consideration was made of this crucial link between local communities and the armed forces. Nor did the Air Force consider the Air National Guard's homeland security capabilities. Why were such ill-advised recommendations made? The reason is that the Air National Guard was not involved in the force structure review process.

Similarly, in 2002, there was no consultation with the Air National Guard when the Air Force decided to take away the Air National Guard's B-1 bomber units, which, as a GAO study underscored, were cheaper to operate, more efficient, and more effective than their active duty counterparts.

Further, since September 11, torturous debate has developed in the Pentagon whenever the National Guard is needed for a large-scale operation at home, such as during Hurricane Katrina. We have learned that the Guard works optimally at home when it serves under the command-and-control of the Nation's Governors, with Federal reimbursement, under title 21 of the Federal Code.

This title 32 status ensures that locally elected officials remain in control of military forces operating at home. Because the National Guard comes directly out of these local communities, posse comitatus statutes do not apply. This title 32 arrangement has been used most recently to increase security at the border, but it has previously been used effectively to have the Guard provide added security at the Republican and Democratic National Conventions, the G8 Summit, the Nation's airports, and around the Capitol Building in Washington.

There seems to be some kind of reflexive reaction within the Department of Defense against having the Guard and the Governors remain in control of operations at home. In fact, a sizeable contingent exists within the Pentagon to have the active duty military control the National Guard and other military personnel and assets. So every time there is a natural disaster or other emergency, the Pentagon engages in a lengthy debate back-and-forth about control of the Guard. To date, these debates have led to sensible outcomes. But it should not be so difficult and uncertain.

Finally, the National Guard has little influence at the senior ranks within the Army and the Air Force. The number of high-ranking officers is completely imbalanced between the Guard and the active forces. While the National Guard constitutes a high percentage of our total number of ground troops, it has just a sliver of the overall percentage of three- and four-star general officers. And, while the Air National Guard constitutes a high percentage of the Air Force's mobility assets and a similarly high percent of its strike assets, the Air Guard has a negligible share of the high-ranking positions, where important decisions are made.

The National Guard Empowerment Act seemed to be a logical response to these ill-advised policy positions and imbalanced bureaucratic structure. The entire thrust of the legislation rests in increasing the bureaucratic muscle of the National Guard. The idea behind it is to prevent some of these ill-advised policies from moving forward. More importantly, the legislation is designed to firmly identify the uses of the National Guard, ensure the force is ready and equipped for its critical homeland security missions by bringing its organizational ties in line with its real responsibilities and accomplishments.

Specifically; the legislation, as included in the Senate's version of the Defense authorization bill contained four major provisions. First, it would elevate the Chief of the National Guard Bureau from the rank of lieutenant general to full general.

Second, the Deputy Commander of United States Northern Command, the military headquarters designed to oversee military forces used in the United States operationally would be mandated to come out of the ranks of the National Guard. Third, the National Guard would be redefined as a joint bureau of the Department Defense, rather than a branch of Army and the Air Force, enabling the Guard to maintain its role as the primary military reserve, while allowing the National Guard to avoid bureaucracy within the Defense Department. Finally, the National Guard would have formally be tasked with working with the States to identify gaps in their resources to respond to emergencies at home.

This proposal is not only targeted, but also modest. Our original legislation, S. 2658, the National Defense Enhancement and National Guard Empowerment Act of 2006, would have additionally placed the Guard Bureau chief on the Joint Chiefs of Staff and given the National Guard separate budget authority. Though we still believe these provisions are important to empowering the National Guard fully, we listened and understood the objections of other senators. We dropped those provisions in the amendment to the Defense Authorization bill to reach a consensus where even more members would agree to the amendment, beyond the already 40 senators who are cosponsoring the baseline legislation.

We can all acknowledge that the National Guard is essential to our Nation's defense, that there has been some questionable policymaking affecting the Guard in recent years, and that the empowerment bill represents a positive step towards strengthening the Guard. Yet where does the final conference report on the defense authorization bill end up on Guard empowerment?

Not only does this conference report unfortunately drop the Empowerment amendment entirely, it adopts some incredible changes to the Insurrection Act, which would give the President more authority to declare martial law.

Let me repeat: The National Guard Empowerment Act, which is designed to make it more likely for the National Guard to remain in State control, is dropped from this conference report in favor of provisions making it easier to usurp the Governors control and making it more likely that the President will take control of the Guard and the active military operating in the States.

The changes to the Insurrection Act will allow the President to use the military, including the National Guard, to carry out law enforcement activities without the consent of a governor. When the Insurrection Act is invoked posse comitatus does not apply. Using the military for law enforcement goes against one of the founding tenets of our democracy, and it is for that reason that the Insurrection Act has only been invoked on three—three—in recent history.

The implications of changing the act are enormous, but this change was just slipped in the defense bill as a rider with little study. Other congressional committees with jurisdiction over these matters had no chance to comment, let alone hold hearings on, these proposals.

While the Conference made hasty changes to the Insurrection Act, the Guard empowerment bill was kicked over for study to the Commission on the National Guard and Reserve, which was established only a year ago and whose recommendations have no real force of law. I would have never supported the creation of this panel—and I suspect my colleagues would agree with me—if I thought we would have to wait for the panel to finish its work before we passed new laws on the Guard and Reserve.

In fact, we would get nothing done in Congress if we were to wait for every commission, study group, and research panel to finish its work. I have been around here over 30 years, and almost every Senator here knows the National Guard as well as any commission member. We don't need to wait, and we don't need to study the question of enhancing the Guard further. This is a terrible blow against rational defense policy-making and against the fabric of our democracy.

Since hearing word a couple of weeks ago that this outcome was likely, I have wondered how Congress could have gotten to this point. I can only surmise that we arrived at this outcome because we are too unwilling to carry out our article I, section 8 responsibilities to raise and support an Army. We have it in our constitutional power to organize the Department of Defense. The Goldwater-Nicholas Act that established a highly effective wartime command structure and the Nunn-Cohen legislation that established the now-critical Special Operations Command came out of Congress.

If the then-stale leadership of the Pentagon had its way, these two critical bills would never have seen the light of day. Today, however, the Pentagon is just as opposed to the Empowerment legislation, and instead of asserting its power, the Congress is punting—just kicking it down the field and out of play.

Also, it seems the changes to the Insurrection Act have survived the conference because the Pentagon and the White House want it. It is easy to see the attempts of the President and his advisors to avoid the debacle involving the National Guard after Hurricane Katrina, when Governor Blanco of Louisiana would not give control of the National Guard over to President and the Federal chain of command. Governor Blanco rightfully insisted that she be closely consulted and remain largely in control of the military forces operating in the State during that emergency. This infuriated the White House, and now they are looking for some automatic triggers—natural disasters, terrorist attacks, or a disease epidemic—to avoid having to consult with the Governors.

And there you have it—we are getting two horrible policy decisions out of this conference because we are not willing to use our constitutional powers to overcome leadership that ranges from the poor to the intemperate in the Pentagon and the White House. We cannot recognize the diverse ways that the Guard supports the Country, because the Department of Defense does not like it—simply does not like it.

Because of this rubberstamp Congress, these provisions of this conference report add up to the worst of all worlds. We fail the National Guard, which expects great things from us as much as we expect great things from them. And we fail our Constitution, neglecting the rights of the States, when we make it easier for the President to declare martial law and trample on local and state sovereignty.

The conference report was agreed to.

(The conference report is printed in the proceedings of the House in the RECORD of September 29, 2006.)

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT—CONFERENCE REPORT

The PRESIDING OFFICER. If the majority leader will suspend, under the previous order, the Senate adopts the conference report to accompany H.R. 4954, the port security bill.

Mr. STEVENS. Mr. President, the passage of this port security legislation marks the first time three Senate committees and their House counterparts have merged their collective expertise and crafted a truly comprehensive approach to port security. A bipartisan group of Members from both Chambers of Congress dedicated several months to developing this bill to better secure America. It is a credit to the Senate and the House that each committee involved agreed to pool their resources, put aside jurisdictional issues, and reach consensus on this bill.

This act strengthens security at our land and sea ports, improves our maritime transportation security strategy, and enhances communication between the Department of Homeland Security and transportation security stakeholders. It includes a plan to get our trade activities up and running again in the event of a transportation security incident. And it creates a pilot program which will study the feasibility of scanning each of the containers—100 percent of the containers—entering our ports.

This legislation will enhance the collection and analysis of information about cargo destined for our ports, and this bill aims to increase awareness of the operations at domestic and foreign ports. Once those in industry share important information about cargo in the international supply chain, we must analyze it quickly. This legislation expedites that process and ensures it begins earlier in the supply chain—before containers even reach our shores. This act requires information about cargo be provided and analyzed before the cargo is loaded on a vessel in a foreign port and shipped here.

This bill also expands several initiatives with a proven track record of success. There are currently five interagency operations centers up and running throughout our country. These centers bring together Federal, State, and local security enforcement officials to ensure communication among them. This act expands this effort to each of the major seaports, and places the Coast Guard in charge of these centers.

This act also builds upon the Department of Homeland Security's, DHS, past cooperation with foreign governments. The container security initiative, CSI, contained within this bill enables the Department, working in partnership with host government customs services, to examine high-risk containerized cargo at foreign seaports before it is loaded on vessels destined for the United States.

The Customs-Trade Partnership Against Terrorism (C-TPAT), a voluntary public-private partnership, is also strengthened in this bill. The Commissioner of Customs and border protection will now be able to certify that a business's supply chain is secure from the point of manufacture to the product's final U.S. destination. Under this legislation, whether cargo crosses our border at Laredo or arrives on a ship from Hong Kong, participating companies' supply chains will undergo a thorough security check. This will add another layer of security to the C-TPAT initiative. Since this is a voluntary system, we have also included provisions which encourage those in industry to go above and beyond the security requirements already in place. These new incentives include expedited clearance of cargo.

Mr. President, while I was disappointed earlier this year by the negative public reaction to foreign investment in our Nation's port terminals, we learned a great deal from hearings held by the Commerce Committee on this matter. As a result of those hearings, this bill requires DHS to conduct background checks on all port personnel. Current law only requires the Transportation Security Administration to perform checks on those workers directly tied to transportation at the port, or involved in its security. From the Commerce Committee hearings, it was evident that a more stringent requirement was needed.

To prevent future attacks, we must secure our ports. This bill is a major step forward in this effort. Senator INOUYE is my co-chairman on the Commerce Committee, and I thank him and Senators GRASSLEY, BAUCUS, COLEMAN, COLLINS and LIEBERMAN for their leadership in drafting this bill, as well as the House committee leaders who were involved. I would also like to thank the staff members on each of the committees—they have worked tirelessly on this bill.

Our country's ports have become enormous operations. To fully address security of our ports, it is important that we appreciate the impacts security requirements might have on economic efficiencies in transportation and trade. We must strive to be a secure state without becoming a security state.

Each of the Senate and House committees involved in this bill has jurisdiction over an area vital to the safety of our ports. Working together, our committees have developed a comprehensive bill which will help shield our Nation from future terrorist attacks. It is my hope our colleagues will support this act and move quickly to pass this bill.

Mr. REID. Mr. President, the days before a long recess are always a hectic time as we scramble to complete our work. This conference took a lot longer then it needed to take, and the events leading up to the filing of this report represented an abuse of the process. The Senate passed this bill 3 weeks ago, but the House waited until yesterday to appoint conferees. The conferees conducted one perfunctory public meeting last night where no bill language was provided, no amendments allowed; and no votes taken in public. In fact, there seemed to be more interest by the majority conferees in determining what additional unrelated bills could be jammed into this conference overnight and not on improving our homeland security.

These types of shenanigans really show a lack of respect for the members of this institution and a disregard for the serious task at hand.

I was encouraged when this bill passed the Senate 3 weeks ago. Senators from both sides of the aisle worked together to pass a transportation security bill for seaports, mass transit, freight rail, and commercial aviation systems and actually extended expiring Customs fees in an attempt to pay for some of the new port security initiatives.

Three weeks later after negotiations with the House, all but the port security initiatives were dropped at the insistence of the House Republicans, despite overwhelming support in the Senate. The new initiatives for the mass transit and freight rail system would have fulfilled an important recommendation of the 9/11 Commission Report, which recommended that the Federal Government address a much broader range of transportation security issues in addition to those undertaken in commercial aviation.

A Democratic amendment adopted in the Senate also would have provided a source of funding to fund some of the new port initiatives in the bill, given the fact that we are not adequately funding current port security programs. This meager attempt to begin to fund these programs was also dropped at the insistence of the House Republicans.

It has now been 5 years since the attack on the World Trade Center and little has been done to make our transportation systems more secure other then the obvious improvements in commercial aviation. There is no urgency by this administration. One gets the feeling that they believe these transportation security issues are really not a Federal responsibility and instead should be funded by State and local governments or the private sector. Homeland Security Secretary Chertoff scoffed at the idea of spending money to protect Americans who use mass transit, noting that a bomb in a subway car would kill only 30 people. Other Republicans, including Assistant Secretary of Homeland Security Henkey, have said that they think rail and transit security should be a State and local or private responsibility.

Democrats believe Government cannot 'pass the buck' on protecting Americans from the threat of a deadly terrorist attack to the private sector or to our already-squeezed State and local governments.

The U.S. mass transit industry has said it needs $5.2 billion in capital expenditures from the Federal Government to protect American citizens from deadly terrorist attacks. But, since 2003, the Federal Government has only invested a total of roughly $400 million in transit and rail security for the entire country, compared to $20 billion on aviation security during that same period. President Bush's Fiscal Year 2007 budget completely eliminated rail and transit security grants and intercity bus grants, which were funded at paltry amounts in 2006.

This is just another example of misplaced priorities. According to the RAND Corporation, there are about 30 terrorist attacks on trains and rail-related targets per year. Our close allies in Britian, Spain, and India have been the victims of deadly terrorist attacks on rail and transit targets in recent years. Yet Republicans stripped rail security out of this bill so they could add unrelated provisions.

I am proud of the work of the Democratic caucus on this bill and on earlier homeland security measures. It was a Democratically controlled Senate that passed a landmark aviation security bill and a comprehensive port security bill immediately after 9/11—over the objections of the Republican-controlled House and the White House. These bills acknowledged for the first time that securing our maritime trade and our commercial air passenger system were national security responsibilities of the Federal Government and should not be relegated to contractors or the private sector. Similarly, Democrats have led the way in developing and pushing security measures during this Congress related to ports, freight rail, aviation and mass transit, and I am proud of the work the caucus has done on this bill.

The port security provisions in here reflect a lot of hard work and bipartisan effort, so are worthy of our support. But, I don't take a lot of pride in giving the American people half a loaf when it comes to security. I think all in all, this is another time that the Republican majority has let the American people down. And I hope that the American people are sick of half a loaf and will agree with me on the need for a new direction.

Mr. INOUYE. Mr. President, just 2 weeks ago, the Senate considered comprehensive legislation to address the transportation security needs of this country. That bill was not written overnight. It was the culmination of 2 years of bipartisan work within the Commerce Committee, the Banking Committee, the Finance Committee, and the Homeland Security Committee.

While we have had our jurisdictional debates during the past 2 years, this week we somberly observed the fifth anniversary of the attacks of September 11, 2001. We set aside those debates, and as a body, came together and passed a comprehensive bill improving security for all modes of transportation. The Senate passed that bill by a vote of 98 to 0, and we took a huge step toward making our Nation a safer place to live, work, and travel.

I had hoped that today I would be telling my colleagues that the House and Senate conferees had recognized they had the rare opportunity, for the first time in 5 years, to address transportation security in a comprehensive manner. I believed they would act in the same manner as we had here in the Senate just 2 weeks ago and would reach an agreement on the port security bill that truly reflects the best of our institution.

Regrettably, that is not the case. Staff from the Senate and several House Committees sat down the past 2 weeks and went through hundreds of pages of text in what was suppose to be, and in fact, appeared to be a bipartisan, bicameral process. They did a good job, and the port security title reflects their hard work. However, several days ago, House leadership stymied our efforts to provide a real transportation security bill for America.

The House leadership effectively hijacked the work of the Senate and refused to include or even discuss anything but the port security provisions of the Senate's bill.

Despite this refusal, several of my colleagues came to last night's meeting of the conferees prepared to offer and debate amendments to restore the nonport related security provisions that had been included in the Senate-passed bill. As I stated then, while the port security provisions are sound and a big step in the right direction, we must take a comprehensive approach to securing our transportation infrastructure.

I was prepared to work into the evening on efforts to restore the other provisions. My colleagues should be aware that we did not have the text of the conference report when we met for the first, and what has now become apparent, the only meeting. During the round of opening statements on the conference report, the Chairman of the conference was repeatedly asked when we would be able to offer amendments.

In the end, the chairman indicated that we would reconvene in the morning when we had the text of the bill. Because of the chairman's assurances that we would meet again, and out of deference to the chairman's wishes, several of my colleagues agreed to not offer their amendments to restore the Senate provisions on rail and truck security.

Late last night, we were told there would be no more meetings of the conferees, denying my colleagues the ability to have their amendments debated and voted upon.

Last night's theater has ramifications for all of us today for three reasons. First, we have allowed a rare opportunity to enact comprehensive legislation that would improve the security of our transportation infrastructure to pass us by.

Our colleagues who opposed the inclusion of the other transportation modes claim that this is a port security bill only. The fact is, other modes of transportation are just as important and worthy of protection. Like the port security provisions, the rail, truck, and transit provisions reflect several years of committee hearings and full Senate action.

To pretend these provisions were written overnight is a disservice to the expert staff that have worked on these issues for years. It is also a disservice to our constituents who depend upon these modes of transportation for their livelihoods.

The American public deserves better from us. We have waited 5 years for this opportunity and have been fortunate that attacks like those in London and Madrid have not occurred here in the United States. We should act now to prevent an attack rather than waiting until a tragedy occurs.

Second, if we are to succeed as a democratic and open institution, our ability to work together and rely on the assurances of our colleagues is critical. My colleagues, particularly Senator LAUTENBERG, who has worked diligently on behalf of his constituents who rely on rail and transit and is an expert in the area of rail safety, deserve to be heard and be able to offer amendments.

To assure him the opportunity but deny him the reality is a disservice to the institution and to the millions of people who rely upon the rail and transit systems each day.

Third, it has come to my attention that the leadership has decided to include in the conference report provisions that are outside the scope of transportation security issues. These are provisions that our friends on the Armed Services conference refused to allow on their bill, and our friends on the Department of Homeland Security appropriations conference refused to allow on their bill.

It does not bode well for the American public that with the stroke of one pen we jettison fully vetted rail, truck, and transit security provisions that would have provided enhanced security for the American public. Yet with the stroke of another pen, we add provisions that are not related to security nor fully debated by the Senate and House as a whole.

Ultimately, the action of the last few days reflects a lack of leadership and a lack of vision about our responsibilities to the American people. As a result, what we have before this body today does so much less than what is possible and prudent to secure the Nation, as well as ignoring the will of both bodies. More importantly, it neglects the real needs of our transportation security.

We have missed a rare opportunity to make our transportation infrastructure more secure. We have missed a rare opportunity to follow through with the promises we made on the Senate floor just 14 days ago.

Mr. GRASSLEY. Mr. President, I rise in support of the conference report to accompany H.R. 4954, the SAFE Port Act. This legislation achieves some important objectives that I have been working on for some time.

It will strengthen our port security operations and resources within the United States Customs and Border Protection.

It authorizes and approves current programs for securing our Nation's trade, and it provides direction for further strengthening of these programs as technological advances permit.

It requires our Federal agencies to cooperate and better coordinate their contingency planning in the event there is a security breach. In sum, this critical legislation will empower personnel in the Department of Homeland Security to stay one step ahead of the terrorists who seek to wreak economic havoc and physical destruction on our Nation.

At the same time, this legislation strengthens our Nation's economic security by realigning resources to ensure better efficiency in the administration of customs laws within the United States Customs and Border Protection, as well as trade facilitation functions within the agency and elsewhere in the Department of Homeland Security. Unfortunately, this legislation falls short in one critical area. The Senate-passed bill included robust sections on rail and mass transit security. But objections from the House have prevented us from including those provisions in the conference report.

I find this extremely shortsighted. It demonstrates a troubling lack of leadership. I want to make clear that I strongly supported the Senate-passed provisions on rail and mass transit security, and I strongly oppose their omission from this conference report.

But because this legislation contains so many provisions critical to the security of our Nation, I will support the conference report. It is certainly better than the alternative. I hope my colleagues on the House side realize that we have lost an opportunity here. At a minimum, it would take another several months for us to be in a position to enact rail and mass transit security legislation into law. In the meantime, this important aspect of our Nation's security will not get the rightful attention that it needs.

That being said, this legislation does significantly strengthen our Nation's security. I want to thank my colleagues, particularly the chairmen and ranking members of the Commerce and Homeland Security Committees in the Senate, as well as the chairman of the Permanent Subcommittee on Investigations of the Homeland Security Committee, Senator COLEMAN, for their constructive engagement with me and Senator BAUCUS these past few months. Together we produced a very good bill, much of which is retained in this conference report. I urge its support so that we can get this critical legislation to the President's desk as soon as possible.

Mr. BAUCUS. Mr. President, I have mixed emotions about the SAFE Ports Act we pass today.

On the one hand, I am deeply disappointed that the bill that does not include the essential rail and transit security measures passed by the Senate last month. I strongly disagree with the decision to drop these provisions from the conference report. The rail and transit tragedies we have witnessed in London, Madrid, and Mumbai should be evidence enough that we should not have passed up this chance to shore up our defenses.

On the other hand, I am pleased that our hard work on land and seaport security has come to fruition. Working together, we have produced a bill that strengthens the security of our ports while ensuring the proper flow of trade on which all of our Nation's ports and our Nation's economy depends.

The easiest way to secure our ports would have been to simply pass a bill that mandated fences around our ports and required opening every container coming across our borders. But these measures would bring the flow of port traffic to a grinding halt and cripple our Nation's economy. It is essential that we strike the right balance on port security. I am pleased that this legislation does so.

This bill contains important provisions to screen workers coming through or working at the ports, establishes standards for container security devices, authorizes $400 million in port security grants annually, and requires a pilot program at three foreign ports to employ integrated container scanning technology on 100 percent of containers bound for the United States.

The bill also directs the Commissioner of Customs to hire 1,000 more armed Customs and Border Protection officers for land and sea ports around the country. I have heard from ports big and small that they are woefully undermanned. In fact, in Montana, the port of Roosville finally received state-of-the-art container scanning equipment, but we didn't get the personnel to run it, so it sits unused. This bill would ensure that every service port in the country, and the smaller ports in their area, won't be overlooked by Customs and Border Protection headquarters in Washington.

The SAFE Ports Act also authorizes the Commissioner of Customs to nearly double the number of Customs and Border Protection specialists dedicated to validating the supply chains of participants in the Customs-Trade Partnership Against Terrorism program. The quicker this program can process participants, the safer, and more prosperous, our Nation will be.

This bill also contains a provision I wrote to direct U.S. Customs and Border to begin targeting methamphetamine and its associated precursor chemicals crossing our borders at ports or through the international mail, and share its findings with various border and drug enforcement agencies.

I also saw a need to ensure the Customs and Border Protection Northern Border Airwing Branch based in Great Falls, Montana, will have support facilities needed to cover the 500-mile long border with Canada. Customs and Border Protection officials have proposed to expand the branch by adding facilities in Kalispell, Havre and Glasgow. A provision I authored in this bill gives them the ability to move forward with that plan. Including this provision was important to me, to ensure that Montana's border enforcement personnel have the backup they need to get the job done.

All of these provisions I have mentioned are key to enhancing physical security at our ports and along our borders. But it was important that we do more than that.

When Congress passed the Homeland Security Act of 2002, we strictly prohibited any diminution in the trade functions or personnel committed to trade functions at the Department of Homeland Security. Yet for 3 years, the Department has not complied with the law. Trade resources have decreased by as much as 15 percent within both Customs and Border Protection and Immigration and Customs Enforcement. I fought hard to ensure that this bill requires the Commissioner of Customs to restore a proper focus on the traditional trade mission of his agency.

So this act further ensures the Commissioner's commitment to Customs' trade mission by creating an Office of International Trade, headed by an Assistant Commissioner, who will be responsible for coordinating policy for all personnel dedicated to the agency's trade functions. The Commissioner will also now be assisted in trade policy oversight and operations by an International Trade Committee, comprised of the Assistant Commissioners of International Trade, Finance, Field Operations, International Affairs, and the Director of Trade Relations. Finally, we have also included a mandate for all U.S. agencies involved in the clearance of imports or exports to use a single-portal data collection system to streamline the clearance process. I look forward to seeing how all of these measures will improve the overall trade mission of U.S. Customs and Border Protection.

While far from being the comprehensive transportation security legislation I had hoped the House would support, the bill before us is a positive step forward. I believe we have struck a good balance between security and trade. I thank my friend Senator GRASSLEY, the Chairman of the Senate Finance Committee, for working with me so closely on this, as in so many things. And I want to thank my colleagues for working so hard with Senator GRASSLEY and I to find the appropriate balance in this bill. It was a long, difficult journey, but we arrived there together in the end.

Thanks and congratulations to Chairman STEVENS and Ranking Member INOUYE of the Commerce Committee, Chairman COLLINS and Ranking Member LIEBERMAN of the Homeland Security and Government Affairs Committee, Chairman SHELBY and Ranking Member SARBANES of the Banking Committee, and of course, my good friends, Senator MURRAY and Senator COLEMAN.

I also would like to recognize all of the hard-working staff who made the port security legislation before us today possible.

On my Finance Committee staff, I credit the tenacity and hard work of Anya Landau French, International Trade Adviser. Anya dedicated long hours to the Customs Reauthorization and Trade Facilitation Act of 2006, which served as the basis for many of the provisions in this Act. Brian

Pomper, Chief International Trade Counsel; Bill Dauster, Chief Counsel and Deputy Democratic Staff Director; and Russ Sullivan, Staff Director, were all indispensable to this effort.

I would be remiss if I did not also recognize the tireless efforts of Senator GRASSLEY's talented, hardworking Finance Committee staff, who worked so closely and so well with my own staff. Tiffany McCullen Atwell and Stephen Schaefer put in long hours, and Kolan Davis, Staff Director, provided excellent guidance.

I also want to thank the many other dedicated staff of the Commerce Committee and the Homeland Security and Government Affairs Committee, in particular, Dabney Hegg, Sam Whitehorn, Stephen Gardner, Gael Sullivan, Channon Hanna, Lisa Sutherland, Ken Nahigian, David Wonnenberg, Mark Delich, Jason Yanussi, Michael Alexander, Rob Strayer, Mark Winter, and Ray Shepard. This bill is a result of teamwork and commitment at its best.

May the work we have all done keep us safe and strong.

Mr. SARBANES. Mr. President, the conference report on H.R. 4954 takes important steps toward improving security at our Nation's seaports. It provides much needed funding to upgrade security at our ports, which are considered to be among our most vulnerable assets. Today, less than 6 percent of the 11 million containers that come through our seaports are inspected. While we have made significant investments in upgrading airport security, the administration's budgets continue to shortchange the funding necessary to ensure that the containerized cargo that comes into our country is safe. This legislation takes an important step toward addressing that shortfall.

While the need for action in the area of port security is clearly evident, we must not forget the other parts of our Nation's multimodal transportation network, at which the need is equally great. The legislation passed by the Senate included provisions aimed at addressing threats to public transit, rail, and intercity buses, among others. The Senate took a responsible, comprehensive approach toward securing our Nation's infrastructure. However, the conference report before us does not include those titles. While I support the effort to improve security at our ports, I cannot justify ignoring the needs of these other modes of transportation and continuing to leave Americans at risk.

Moreover, the process by which the decision was made to jettison these critical provisions was sorely lacking in transparency and accountability. The conference committee held only a single public meeting, and conferees were not permitted to offer any amendments to the conference report. When the conference committee met, for the first and only time in a public venue, I observed that this conference presented us with a unique opportunity to address the pressing security needs of our transit systems and to protect the millions of Americans who ride transit every day. I expressed my view that failure to take advantage of this opportunity would be tragic. Unfortunately, this conference report adopts the House position on transit and rail security—which is that our Nation's transit and rail riders will have to wait for another day to see a meaningful Federal commitment to their safety.

I want to focus my remaining remarks on public transportation, which is within the jurisdiction of the Committee on Banking, Housing, and Urban Affairs, on which I am the ranking member. The transit provisions in the Senate bill were based on legislation that passed the Senate unanimously in the 108th Congress, and passed again this Congress in the context of this legislation, again unanimously. The Senate bill would have provided grants to our Nation's transit systems to help protect the millions of riders who use subway trains, commuter rail, and buses every single day.

If there is any question as to whether transit is at risk, one need only look at recent events. This summer, seven coordinated bomb blasts devastated commuter rail trains in Mumbai, India, leaving over 200 people dead and 700 injured. Last year, the London subway system was the target of a tragic attack that left 52 people dead, and in 2004, almost 200 people were killed when bombs exploded on commuter rail trains in Madrid.

In the United States this past May, the Department of Homeland Security issued a specific warning to transit systems to remain alert against possible terrorist attacks. The warning said that four people had been arrested over several months in separate incidents involving videotaping of European subway stations and trains or similar activity, which, the Department went on to say, provides "indications of continued terrorist interest in mass transit systems as targets."

The threat to transit is clear. In response, both the Federal Transit Administration and the Department of Homeland Security have worked with transit systems to identify steps that can be taken to help prevent and mitigate attacks. In fact, the greatest challenge to securing our Nation's transit systems is not a lack of knowledge of what to do, but rather lack of resources with which to do it. In the words of the Government Accountability Office: "Obtaining sufficient funding is the most significant challenge in making transit systems as safe and secure as possible."

Despite the record of attacks against transit overseas and the identified vulnerabilities here at home, the Federal Government's response to the needs of America's transit systems—which provide 32 million trips every weekday—has thus far been inadequate. In an editorial published shortly after the London subway bombings, the Baltimore Sun stated that, "Since September 11, 2001, the Federal Government has spent $18 billion on aviation security. Transit systems, which carry 16 times more passengers daily, have received about $250 million. That is a ridiculous imbalance."

To begin to address this issue, I worked closely with Chairman SHELBY and with Senator REED of Rhode Island, who have been leaders on this issue, on the Public Transportation Terrorism Prevention Act, which was incorporated into the Senate version of H.R. 4954. The Senate bill authorized $3.5 billion over 3 years in security grants for our Nation's public transportation systems. That money would have been available for projects designed to resist and deter terrorist attacks, including surveillance technologies; tunnel protection; chemical, biological, radiological, and explosive detection systems; perimeter protection; employee training; and other security improvements.

Let me give one example of a critical need right here with respect to Washington's Metro. Their greatest security need is a backup operations control center. This need was identified by the Federal Transit Administration in its initial security assessment and then identified again by the Department of Homeland Security in its subsequent security assessment. This critical need remains unaddressed because it has been unfunded. The Senate bill would have authorized the funding to make this and other urgently needed security upgrades at transit systems around the country.

We know that transit systems are potential targets for terrorist attacks. We know the vital role these systems play in our Nation's economic and security infrastructure. We can wait no longer to address the critical security needs of America's transit systems. The Senate has passed transit security legislation unanimously in each of the last two Congresses. By adopting the House of Representatives' do-nothing position on transit in this conference report, we have lost a unique opportunity to help protect the millions of Americans who use transit every day.

Mr. LIEBERMAN. Mr. President, the Security and Accountability for Every Port, or SAFE Port, Act marks a significant advancement for the security of our ports, authorizing $400 million for critical port security grant programs and enabling all ports—not merely a select few—to become eligible to apply for that funding. These improvements are desperately needed to help close one of our most dangerous security vulnerabilities.

But when the Senate approved our version of this bill, it was a broader, comprehensive transportation security bill. It was not limited to the security of our ports but extended to several other modes of transportation—namely, rail, transit, trucking, and pipelines. It authorized over $4.5 billion for the security of mass transit systems, freight railroads, and passenger rail.

Unfortunately, the Republican leadership, acting alone and without participation from the appointed Democratic conferees, stripped those provisions from the bill we are voting on tonight. I am deeply disappointed that conferees were never given an opportunity to frankly discuss and amend the conference report, even when Member after Member asked for that opportunity.

This unilateral, partisan process also resulted in the eleventh hour insertion of a bill that purportedly outlaws Internet gambling but which may have unintended consequences. This issue clearly deserves more deliberation, and it is unfortunate that such a measure has been added to a critical bill designed to protect the Nation's ports, legislation which this Congress must pass. I hope that the Senate will return to this issue and give it the attention it deserves, in the future.

On the issue which is what this bill is about, securing our homeland, we had a golden opportunity to present the President with legislation to enhance the security of our rail and transit systems. Fourteen million people ride the rails every day in America, and Connecticut is no different, where 110,000 people use the New Haven MTA line each day. Improving security for rail and transit is an enormous concern and it should have been addressed tonight, rather than in a future Congress.

It is unfortunate that the bill no longer contains most of the well-advised Senate provisions which would have strengthened our open and highly vulnerable rail and transit systems. While the rail and transit provisions authorized a large sum of money, it is but a fraction of what the experts say is needed to address rail and transit vulnerabilities—vulnerabilities which have been exploited time and again by terrorists in London, Madrid, and Mumbai. I regret that the money was stripped out of the bill and that I was prevented from even trying to reinstate it by offering an amendment in a conference that was never formally completed.

Nevertheless, I am proud to be an original cosponsor of the port security legislation at the heart of this conference report and to have worked with my colleagues in the Senate and House to craft the port security provisions we will be voting on shortly.

Let me thank Senators COLLINS, MURRAY, COLEMAN, STEVENS, and INOUYE for their hard work not only in bringing a comprehensive, bipartisan port security bill before the Senate but also for expertly guiding it toward a 98 to 0 vote, and now through conference. I would also like to tip my hat to Senators GRASSLEY and BAUCUS of the Finance Committee for their hard work as well.

Mr. President, 95 percent of our international trade flows through our ports. Prior to 9/11, the main goal was to move these goods through our ports efficiently. Since 9/11, we have come to realize we need to bring security into that equation but without harming our economy which depends on international trade.

It is a tricky—but imperative—balancing act.

The 9/11 Commission reported that "major vulnerabilities still exist in cargo [security]" and that, since aviation security has been significantly improved since 9/11, "terrorists may turn their attention to other modes. Opportunities to do harm are as great, or greater, in maritime and surface transportation."

Just last month, RAND's Center for Terrorism Risk Management Policy published a report titled: "Considering the Effects of a Catastrophic Terrorist Attack" that considered the effects of a nuclear weapon smuggled in a shipping container sent to the Port of Long Beach and detonated on a pier.

The potential short- and long-term effects truly are devastating. The report estimated that up to 60,000 people might die instantly from the blast or radiation poisoning, with 150,000 more exposed to hazardous levels of radiation.

The blast and the fires could completely destroy both the Port of Long Beach and the Port of Los Angeles and every ship in the port. As many as 6 million people might have to be evacuated from the Los Angeles area and another 2 to 3 million from the surrounding area might have to relocate due to the fallout. Short-term costs could exceed $1 trillion.

Besides the damage to the United States, such an attack would cause economic ripple effects across the globe.

The dangerous little secret of port security—and why we need this bill—is that we still have very little idea about the contents of thousands of containers that are shipped into and across the heart of this Nation every day. Just 5 or 6 percent of those containers are physically inspected.

While Senator COLLINS and I began working on port security legislation in late 2004, the truth is port security received a major shot of adrenaline after the Dubai Ports World controversy earlier this year.

Looking back on it, perhaps we should be thankful for that uproar, since it raised the collective consciousness of the American people and Members of Congress to the vulnerabilities that we face at our ports.

Following that skirmish, the Homeland Security and Governmental Affairs Committee marked up the GreenLane bill, and later, Senator COLLINS and I started working with the Senate Commerce and Finance Committees, as well as our House colleagues to craft the comprehensive legislation we are voting on today.

The SAFE Port Act builds on the GreenLane foundation by providing both direction and much needed resources to port security. The bill moves us closer toward the goal of inspecting all of the containers entering the United States through our ports. The legislation requires DHS to establish a pilot program to inspect 100 percent of all containers bound for the United States from three foreign ports within 1 year and then report to Congress on how DHS can expand that system. We should move toward 100 percent inspection as fast as we can, understanding that we are at cross purposes if commerce slows to a halt. This legislation will provide us critical information about how soon we can achieve this goal.

This bill authorizes port security grant, training, and exercise programs, with a $400-million grant program for which all ports can apply. And it requires DHS to deploy both radiation detection and imaging equipment to improve our ability to find dangerous goods and people being smuggled into the United States.

DHS says it will deploy radiation portal monitors at all of our largest seaports by the end of 2007. But this solution is only half of the equation. To provide real port security, radiation detection equipment must be paired with imaging equipment capable of seeing through dense materials that might shield radiation. This legislation requires DHS to develop a strategy for deploying both types of equipment, as does the three-port pilot program for screening 100 percent of containers.

Lastly, since most experts agree that the next terrorist attack is a matter of when, not if, this bill requires DHS to develop a plan to deal with the effects of a maritime security incident, including protocols for resuming trade and identifying specific responsibilities for different agencies. I cannot stress the importance of this provision enough. The private sector and our global partners must have confidence that we can mitigate an economic disruption with the least amount of harm to our trading partners and foil terrorism's chief goal, which is to instill chaos.

Mr. President, again let me stress that the absence of funding for rail and transit security is a major omission that leaves wide open an entire transportation sector that we know from history is an appealing target for terrorists.

Nevertheless, when it comes to our ports, the SAFE Port Act will move us one giant step closer to better security by building a robust security regime domestically and abroad and by providing the resources necessary to protect the American people and our global economy.

Mr. REED. Mr. President, tonight the Senate is voting on the port security conference report. While the conference report contains important provisions to secure our Nation's ports, I am disappointed that the House of Representatives refused to accept the Senate bill's transit and rail security provisions. This is particularly troubling in light of the inclusion in the conference report of extraneous matter not debated by the full Senate and not related to our nation's security.

While our Nation acted quickly after 9/11 to secure our airports and airplanes, major vulnerabilities remain in maritime and surface transportation. As the 9/11 Commission concluded "opportunities to do harm are as great, or greater, in maritime and surface transportation" as in commercial aviation. Unfortunately, this conference report will leave our surface transportation system vulnerable.

Transit agencies around the country have identified in excess of $6 billion in transit security needs—$5.2 billion in security-related capital investment and $800 million to support personnel and related operation security measures to ensure transit security and readiness.

The Senate-passed port security bill contained a provision I coauthored with Banking Committee Chairman SHELBY, Ranking Member SARBANES, and Senator ALLARD that authorized a needs-based grant program within the Department of Homeland Security to identify and address the vulnerabilities of our Nation's transit systems. The Senate bill provided $3.5 billion over the next 3 years to transit agencies for projects designed to resist and deter terrorist attacks, including surveillance technologies, tunnel protection, chemical, biological, radiological, and explosive detection systems, perimeter protection, training, the establishment of redundant critical operations control systems, and other security improvements.

Transit is the most common, and most vulnerable, target of terrorists worldwide, whether it is Madrid, London, Moscow, Tokyo, Israel, or Mumbai. According to a Brookings Institution study, 42 percent of all terrorist attacks between 1991 and 2001 were directed at mass transit systems.

Transit is vital to providing mobility for millions of Americans and offers tremendous economic benefits to our Nation. In the United States, people use public transportation over 32 million each weekday compared to two million passengers who fly daily. Paradoxically, it is the very openness of the system that makes it vulnerable to terrorism. When one considers this and the fact that roughly $9 per passenger is invested in aviation security, but less than one cent is invested in the security of each transit passenger, the need for an authorized transit security program is clear.

Transit agencies and the women and men who operate them have been doing a tremendous job to increase security in a post 9/11 world, but there is only so much they can do with the very limited resources at their disposal. Our Nation's 6,000 transit agencies face a difficult balancing act as they attempt to tighten security and continue to move people from home to work, school, shopping, or other locations efficiently and affordably. This conference report should have provided for these workers and transit riders' safety and it did not.

With energy prices taking a larger chunk out of consumers' pocketbooks, public transit offers a solution to our national energy crisis and dependence on foreign oil. But, more Americans will not use transit unless they feel safe. When it comes to protecting our homeland against a terrorist attack, we can and must do more to fortify our ports, our transit systems, and our rail system. Our priorities must be to ensure that we are doing all we can to protect our most important asset our—citizens. Unfortunately, this conference report falls short by failing to include rail and transit security, and once again the Republican-led Congress has missed an important opportunity.

Mr. JOHNSON. Mr. President, I have serious concerns about extraneous provision that was included in the port security conference report. The internet gaming prohibition which was included in the conference report at the eleventh hour has been opposed by banks, convenience stores, American Indian tribes, religious groups, and a Government agency—the National Indian Gaming Commission.

There are several troublesome attributes to this legislation, but perhaps none more so than how it became included in the port security conference report. This legislation was never approved by the Senate Banking Committee nor debated by the full Senate. Many unresolved concerns exist about this legislation regarding the impact it will have on the banking and gambling industry, an effect that could be in the billions of dollars.

I strongly support firm regulation and oversight of the gambling industry, but this legislation is unequal in its treatment of gambling activities creating specific carve outs for horse racing while not providing similar treatment for other gambling entities. As expressed in the opposition letter of the National Indian Gaming Commission, the Federal agency charged with oversight of Indian Gaming, this legislation could have unintended consequences that will have negative and far reaching effects on the Indian Gaming industry. Moreover, this legislation charges banks with a responsibility for regulating the wire transfers that could potentially place an undue burden on the small independent banks that serve countless South Dakotans and others on main streets across the country.

At the very least, the effects of this legislation needed to be studied and analyzed by the full Senate before final passage. While I now have no choice but to vote for Defense legislation at a time when our Nation is at war, I deeply resent the Republican leadership shopping this unrelated matter into a must pass bill. The inclusion of the Internet Gambling provision in a must pass bill at the last minute is irresponsible legislation.

Mr. COLEMAN. Mr. President, I support the SAFE Port Act. Simply put—this historic legislation will make us safer.

The result of inaction will be disastrous. The stakes are just too high. In a recent estimate, a 10-to-20 kiloton nuclear weapon detonated in a major seaport would kill 50,000 to one million people and would result in direct property damage of $50 to $500 billion, losses due to trade disruption of $100 billion to $200 billion, and indirect costs of $300 billion to $1.2 trillion.

FBI Director Robert Mueller, ominously assessed the terrorist threat at the annual Global Intelligence Briefing by stating he is very concerned "with the growing body of sensitive reporting that continues to show al-Qa'ida's clear intention to obtain and ultimately use some form of chemical, biological, radiological, nuclear or high-energy explosives in its attacks against America."

Many terrorism experts believe that maritime container shipping may serve as an ideal platform to deliver these weapons to the United States. In fact, we recently saw that containers may also serve as ideal platforms to transport potential terrorists into the United States. This was demonstrated on January 15 and again on April 2 of this year when upwards of 30 Chinese immigrants were found emerging from containers arriving at the Port of Los Angeles. The Subcommittee's concern is that smuggled immigrants could include members of terrorist organizations—and/or—that the container could have contained a weapon of mass destruction.

As the 9/11 Commission put it so succinctly, "opportunities to do harm are as great, or greater, in maritime or surface transportation." Since 90 percent of global trade moves in maritime containers, we can not allow these containers to be utilized to transport weapons of mass destruction. The consequences of such an event would be devastating to our way of life and our economy.

Instead, we must secure our supply chain before we pay the high price of an attack, and seek the appropriate balance between two often competing priorities: security and speed. This balancing act resulted in the creation of two prominent homeland security programs—the Container Security Initiative, or CSI, and the Customs-Trade Partnership Against Terrorism, or C–TPAT. CSI effectively pushed our borders out by placing CBP offices in foreign ports to inspect containers before they reach our shores. C–TPAT exemplified a true public-private partnership, in which the private sector took a leading role in securing its supply chain. These programs alone are laudable—but due to the sheer magnitude of the challenge of securing the global supply chain—we must continue to improve upon these promising initiatives.

With that in mind, as Chairman of the Permanent Subcommittee on Investigations, I have directed the Subcommittee's 3-year effort to bolster America's port security and supply chain security. We have identified numerous weaknesses in our programs that secure the global supply chain. A brief overview of these problems illustrates the challenges confronting these efforts:

In CSI, the Subcommittee found that only a de minimus number of such high-risk containers are actually inspected. In fact, the vast majority of high-risk containers are simply not inspected overseas. To make matters worse, the U.S. Government has not established minimum standards for these inspections.

The Subcommittee initially found that an overwhelming proportion of C–TPAT companies enjoy the benefits before DHS conducts a thorough on-site inspection, called a validation. As of July 2006 this proportion has improved considerably to where 49 percent of the participating companies have been subjected to a validation. But this still leaves 51 percent of companies that have not been subjected to any legitimate, on-site review to ensure that their security practices pass muster.

The Subcommittee found that DHS uses a flawed system to identify high-risk shipping containers entering U.S. ports. According to CBP officials, the Automated Targeting System or ATS is largely dependent on "one of the least reliable or useful types of information for targeting purposes," including cargo manifest data and bills of lading. Moreover, the Subcommittee found that this targeting system has never been tested or validated, and may not discern actual, realistic risks.

Currently, only 70 percent of cargo containers entering U.S. ports are screened for nuclear or radiological materials. One part of the problem is that the deployment of radiation detection equipment is woefully behind schedule. As of August 29, 2006, the Department of Homeland Security has deployed only 43 percent of the necessary radiation monitors at priority seaports.

These are just a handful of the significant problems discovered by the Subcommittee. In short, America's supply chain security remains vulnerable. Our enemies could compromise the global supply chain to smuggle a Weapon of Mass Destruction, WMD, or even terrorists, into this country. This legislation tackles these concerns—and many other weaknesses—in a coherent and comprehensive manner.

The SAFE Port Act addresses the problem of inadequate nuclear and radiological screening, by requiring the Secretary of DHS to develop a strategy for deployment of radiatioction capabilities and mandating that, by December 2007, all containers entering the United States through the busiest 22 seaports shall be examined for radiation; requires DHS to develop, implement, and update a strategic plan improve the security of the international cargo supply chain. In particular the plan will identify and address gaps, provide improvements and goals, and establish protocols for the resumption of trade after a critical incident; requires DHS to identify and request reliable and essential information about containers moving through the international supply chain; requires DHS to promulgate a rule to establish minimum standards and procedures for securing containers in transit to the U.S.; provides Congressional authorization for the CSI program, empowering cap to identify, examine or search maritime containers before U.S.-bound cargo is loaded in a foreign port as well as establish standards for the use of scanning and radiation detection equipment at CSI ports; and authorizes C–TPAT and establishes certain minimum security and other requirements that applicants must meet to be eligible for C–TPAT benefits.

Even if we pass this legislation, our job is not completed. We still need to look to the future and develop even more effective and advanced programs and technology. Effectively scanning containers with both an x-ray and a radiation scan is the only definitive answer to the perplexing and most important question of "what's in the box?"

However, in fiscal year 2005, only 0.38 percent of containers were screened with a nonintrusive imaging device and only 2.8 percent of containers were screened for radiation prior to entering the United States. DHS' efforts have improved somewhat from last year's paltry numbers, but we have more work to do. To date, DHS still uses a risk-based approach that targets only high-risk containers. While this approach is fundamentally sound, the system used to target high-risk containers has yet to be validated or proven to accurately identify high-risk containers. Moreover, the validity of the intelligence used to enhance this system's targeting ability is increasingly in question. Thus, we need to both enhance our targeting capability and use technology to enhance our ability to increase inspections—without impeding the flow of commerce.

While the United States currently inspects approximately 5 percent of all maritime containers, the partial pilot test in the Port of Hong Kong demonstrates the potential to scan 100 percent of all shipping containers. Each container in the Hong Kong port flows through an integrated system featuring an imaging machine, a radiation scan, and a system to identify the container. Coupling these technologies together allows for the most complete scan of a container currently available. The Hong Kong concept or similar technology holds great promise and could lead to a dramatic improvement in the efficacy of our supply chain security.

I am pleased to say that this legislation develops a pilot program in three foreign seaports, each with unique features and varying levels of trade volume to test integrated scanning systems using non-intrusive inspected radiation detection equipment. It requires full-scale pilot implementation within 1 year after enactment and an evaluation report would be required to be submitted to Congress 120 days after full implementation of the pilot. If the pilot programs prove successful, then full-scale implementation would follow.

The bottom line is this: we are safer now than we were yesterday, but we are not safe enough. The question then becomes: how do we get there? In the words of the hockey legend Wayne Gretzky, "A good hockey player plays where the puck is. A great hockey player plays where the puck is going to be." In other words, we cannot safeguard a post 9/11 America by using pre-9/11 methods. If we think that the terrorists are not plotting their next move, we are mistaken. We must find where the gaps are in our Nation's homeland security and close them before an attack happens. That is the only way to guarantee our security.

I agree with what Secretary Chertoff articulated at our full Committee DHS budget hearing, "the worst thing would be this: to have a program for reliable cargo that was insufficiently robust so that people could sneak in and use it as a Trojan Horse. That would be the worst of all worlds." By reforming and strengthening C–TPAT, CSI, ATS, by expediting the, deployment of sophisticated radiation portal monitors and testing the ability to scan 100 percent of cargo before it enters the United States, the SAFE Port Act closes gaps in our homeland security and makes us safer.

The conference report was agreed to.

(The conference report is printed in the proceedings of the House in the RECORD of September 29, 2006).

DEPARTMENT OF DEFENSE AUTHORIZATION BILL

Mr. FRIST. Mr. President, I do want to add my congratulations to the managers, Senators WARNER and LEVIN. They have done a tremendous job on the Defense authorization bill, a very important bill. We had several pauses over the course of today that we were able to work through, and not at all with the substance of the bill, but with related issues. But I congratulate both of them for their hard work, for their dedication, and for their patriotism, all of which is reflected in that Defense authorization conference report that we just passed.

UNANIMOUS CONSENT REQUEST—S. 3709

Mr. FRIST. Mr. President, I do want to turn to another very important issue. It is an issue the Democratic leader and I have been discussing and moving towards. It is on the India nuclear arrangement. I will propound a unanimous consent request and comment after that.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3709, the U.S.-India nuclear bill. I ask consent that the managers' amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. REID. Mr. President, reserving the right to object, I support this legislation. I have for many months. This was reported out of the committee sometime in July. And from that time to today, we have given the majority a proposal for a limited number of amendments. When we get back after the election—I have spoken to the majority leader—certainly there is a commitment from us that we would complete this bill very expeditiously. This has been rejected.

As I have indicated, this bill has been on the calendar since July, and it has not been scheduled. We could have acted on this a long time ago. It was held up initially because of an arms control measure that was placed in the bill by Senator LUGAR. And a number of people on the majority side, the Republican side, held this up. It took a lot of time. It was not brought forward. And that is unfortunate.

So I will object to this consent request. I look forward to working with the majority leader in November to complete this act. It is very important. I acknowledge that. I hope, certainly, we can do that during the lame-duck session. It is one of my priorities.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

Mr. FRIST. Mr. President, I know my distinguished Democratic colleague agrees with me about the need to enact this United States-India Peaceful Atomic Energy Cooperation Act.

Therefore, once again, I am disappointed that this Senate is prevented from passing this important legislation by their objection.

All Republican Members of the Senate are prepared, this evening, to pass the managers' amendment to the legislation without any debate or amendment. But it is clear the Democrats will not allow us to do so.

The reason so many of my colleagues on the other side of the aisle are not prepared to pass the legislation is that in some cases they oppose it and wish to defeat it, and in other cases, a lot of amendments. In my opinion and the opinion of other Republican Members of the Chamber, there really is no need to further amend the managers' amendment. It was carefully worked out between Chairman LUGAR and Ranking Member BIDEN of the Committee on Foreign Relations. They have done an outstanding job working on that bill and refining that bill that was reported by their committee. It is a tribute to their fine work, to their dedication, to their hard work that all concerns with that legislation, at least on our side of the aisle, have been fully addressed.

The reason I have continued to push for it is because it means that now that we have this recess, we will not be able to get back to it until November. And this means we just lose valuable time in working out differences between S. 3709 and the corresponding bill that has already been approved by the House of Representatives for several weeks now. So that is the reason I have tried to work out a reasonable way of addressing this and have not been successful to date.

So with that, Mr. President, I hope we will be able to do this just as soon as possible. If there is no progress made on the other side between now and November in narrowing down the large number of amendments on the other side, we would have to take the measure up under cloture. That is not the way I would want to proceed. When I look at the large number of amendments on the other side, though, it looks like we would have no alternative. I assure our colleagues that I consider this legislation very high priority, and absolutely I am determined to bring it back to the floor at the earliest date possible—I hope soon after we return.

We have a lot of legislation to do when we come back. We need to get to this as quickly as possible. With that, there should be no doubt on our side of the determination and President Bush's commitment on this matter and to get this done as soon as possible.

Mr. REID. Mr. President, if I may say a final word. The problem with the managers' amendment, all the amendments are Republicans' amendments. We don't have the numbers, but I think we have a few amendments that would strengthen the bill. We have discussed this publicly and privately and here is where we are. It is unfortunate. It is something that should be done. There is not a country in the world, in my opinion, that deserves more attention than India—maybe some as much as them, but they have been a good partner of ours. I think this would be a step forward for the world and our two countries.

Mr. FRIST. Mr. President, it is my understanding the managers' amendment has been worked out between Senator LUGAR and Senator BIDEN to their satisfaction.

We all agree that it is critical to do this as soon as possible. We have this promise of a new relationship between our Nation and India, which is the world's largest democracy, and it is a relationship President Bush has begun to construct. That can only grow if Congress delivers on the commitment the President put forward to revise the U.S. law. There should be no doubt about our determination to deliver on President Bush's commitment.

ORDERS FOR THURSDAY, NOVEMBER 9, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 483 until 10 a.m. on Thursday, November 9, and that following the prayer and the pledge, the Senate stand in adjournment until Monday, November 13, at 2 p.m. I further ask that notwithstanding the adjournment of the Senate on November 9, Senators be permitted to introduce bills and submit statements and the Senate receive messages until 10:30 a.m. on November 9.

I further ask that following the prayer and the pledge on Monday, November 13, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, it has been a long day. We are into our second day now, as it is about 2:20 in the morning. It has been a productive day with the passage of the Defense appropriations conference report, the border security fence bill, the Homeland Security appropriations conference report, the Iran Libya Sanctions Act, and several other key legislative and executive items.

We will return on November 9 for a brief session for the introduction of bills, but no business will be conducted. We will return on Monday, November 13. We will have a busy week, with orientation of new Members and our party conferences. I don't expect votes to begin that week until sometime later Tuesday afternoon. We will get word to Members as to the timing of any votes.

THANKING THE SENATE STAFF

Mr. REID. Mr. President, if the Senator will yield. I know I speak for both of us in expressing our appreciation to our Senate staff. It is 2:30 in the morning, and they have been here long, long hours. We get a lot of things done here, but it is not on our own. We have a wonderful staff that does so much.

We have the pages, some of whom are still here, and they are juniors in high school. We have the doorkeepers, the Capitol Police, the official reporters, and the fine floor staff that makes it possible to get all this complicated stuff done. It could not be done without them. They get very little recognition.

To them, I say thank you very much to all of you who do such wonderful things for us personally. and it all winds up being for our country.

Mr. FRIST. Mr. President, I second that as well. It is interesting, when you are around here at 2:30 in the morning—or, as I said at my retirement dinner, when you are here early in the morning and are among the first people who come in and usually one of the last people leaving, because generally Senator REID and I are here to close, you get to see a side of this place that a lot of people don't see—the people who keep it clean, who sweep the floors, make sure light bulbs are in place, who make sure there is always clean paint on the walls. It is pretty amazing. It reminds me of a hospital a lot because people get sick 24 hours a day. This is very similar in that the hours are unpredictable, and it is a living democracy in which we have the opportunity to participate. It is one big, huge team that makes it possible. We very rarely pause and say that. It is very important as we all work together to make the country a safer, healthier, and stronger place.

ADJOURNMENT UNTIL THURSDAY, NOVEMBER 9, 2006, AT 10 A.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res 483.

There being no objection, the Senate, at 2:26 a.m., adjourned until Thursday, November 9, 2006, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 29, 2006:

THE JUDICIARY

WILLIAM LINDSAY OSTEEN, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, VICE WILLIAM L. OSTEEN, SR., RETIRED.

MARTIN KARL REIDINGER, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA, VICE GRAHAM C. MULLEN, RETIRED.

THOMAS D. SCHROEDER, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, VICE FRANK W. BULLOCK, JR., RETIRED.

DEPARTMENT OF JUSTICE

JOHN ROBERTS HACKMAN, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE JOHN FRANCIS CLARK.

DEPARTMENT OF THE TREASURY

ROBERT F. HOYT, OF MARYLAND, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY, VICE ARNOLD I. HAVENS, RESIGNED.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be captain

RAYMOND C. SLAGLE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be ensign

CARYN M. ARNOLD
MATTHEW T. BURTON
JAMES T. FALKNER
MARK K. FRYDRYCH
JUSTIN T. KEESEE
JENNIFER L. KING
BENJAMIN M. LACOUR
CHAD M. MECKLEY
MEGAN A. NADEAU
CARL G. RHODES
CHRISTOPHER S. SKAPIN
JOSHUA J. SLATER
TIMOTHY M. SMITH
RYAN C. WATTAM
MARC E. WEEKLEY
PHOEBE A. WOODWORTH

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

To be assistant surgeon

CHRISTOPHER J. BENGSON
SAMUEL A. MC ARTHUR
CHAYANIN MUSIKASINTHORN

THE FOLLOWING CANDIDATE FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be assistant surgeon

LEAH HILL

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED. FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JAMES A. JIMENEZ, OF FLORIDA
NATHANIEL SEKOU TURNER, OF MARYLAND

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OFTHE UNITED STATES OF AMERICA, AS INDICATED: CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

THOMAS J. BRENNAN, OF MISSOURI
LAURA A. GIMENEZ, OF CALIFORNIA
JANE KITSON, OF MARYLAND
ERIC P. OLSON, OF COLORADO

DEPARTMENT OF STATE

JEFFREY D. ADLER, OF MASSACHUSETTS
KATHERINE ARCIERI, OF NEW JERSEY
MARK ERNEST AZUA, OF ILLINOIS
KRISTIN HELENE BAHNSEN, OF THE DISTRICT OF COLUMBIA
SHERRI BAKER, OF VIRGINIA
BRIAN T. BEDELL, OF WISCONSIN
SHANNON D. BEHAJ, OF DELAWARE
LYNETTE M. BEHNKE, OF THE DISTRICT OF COLUMBIA
DANIEL M. BELL III, OF VIRGINIA
STEPHEN BLACK, OF NEW YORK
CAREN A. BROWN, OF ARIZONA
JOEL TODD BULLOCK, OF ALABAMA
DANIEL N. CALLISTER, OF VIRGINIA
ANGELA CAULFIELD, OF VIRGINIA
ANDREW HUN CHOI, OF VIRGINIA
JOHN MICHAEL COYLE, OF VIRGINIA
JONATHAN JOEL CRAWFORD, OF VIRGINIA
PATRICK EVERETT CRUNKLETON, OF VIRGINIA
JONATHAN M. CULLEN, OF VIRGINIA
VALERI A. DAVIES, OF VIRGINIA
KIMBERLY J. DEICHERT, OF OHIO
AINSLEY YOHANN DESILVA, OF VIRGINIA
PRADNYA PRADHAN DESHPANDE, OF VIRGINIA
HESTER KERKSIEK DREDGE, OF TEXAS
ERIC EILSKOV, OF TEXAS
AARON FEIT, OF MICHIGAN
EMILY S. FERTIK, OF MASSACHUSETTS
PATRICK J. FISCHER, OF PENNSYLVANIA
ANN CLEMENTI FLYNN, OF CALIFORNIA
JILLIAN FRUMKIN, OF VIRGINIA
JANE K. GAMBLE, OF WASHINGTON
LEAH GEORGE, OF NEW YORK
PETER H. GILLETTE, OF VIRGINIA
STEVEN F. GRABOWSKI, OF VIRGINIA
KRISTI L. GRUIZENGA, OF MICHIGAN
CARRIE A. GRYSKIEWICZ, OF MINNESOTA
MICHAEL D. GUINAN, OF VIRGINIA
REVA GUPTA, OF MARYLAND
CAROLINE ADAIR HAMILTON, OF TEXAS
KENNETH C. HAN, OF VIRGINIA
ELIZABETH E. HANNY, OF VIRGINIA
ALEXANDER HAWKES, OF CALIFORNIA
LYNDA J. HINDS, OF CALIFORNIA
ELIZABETH M. HOFFMAN, OF NEW YORK
JOHN THOMAS ICE, OF KENTUCKY
KENNETH WAYNE JACKMAN II, OF THE DISTRICT OF COLUMBIA
JENNIFER MARIE JASKEL, OF VIRGINIA
JENNIFER A. JONES, OF CALIFORNIA
BLAINE KALTMAN, OF FLORIDA
DANIEL SETH KATZ, OF WASHINGTON
JULIE L. KELLY, OF VIRGINIA
BRIAN E. KENNEDY, OF THE DISTRICT OF COLUMBIA
WILLIAM E. KIRBY, OF VIRGINIA
KAREN E. KIRCHGASSER, OF THE DISTRICT OF COLUMBIA
SHAWN A. KOBB, OF VIRGINIA
ELIZABETH A. KOLOJEK, OF OHIO
STEVEN W. KOOP, OF VIRGINIA
DIANA L KRAMER, OF THE DISTRICT OF COLUMBIA
SIMON KIM LEE, OF VIRGINIA
MARION D. LEVESKAS, OF OHIO
KING SAN LIEN, OF MASSACHUSETTS
ALMA LONDON, OF VIRGINIA
EDWARD V. MARSHALL, OF VIRGINIA
AMIR MASLIYAH, OF CALIFORNIA
KIMBERLY L. MCCLAIN, OF TEXAS
SUSAN N. MCFEE, OF NEW JERSEY
MCKENZIE A. MILANOWSKI, OF PENNSYLVANIA
CAROLYN A. MILLS, OF VIRGINIA
VINCENT R. MOORE, OF SOUTH CAROLINA
MATTHEW J. MORRILL, OF VIRGINIA
ADAM D. MURRAY, OF MICHIGAN
MENAKA M. NAYYAR, OF NEW YORK
JAIMEE MACANAS NEEL, OF NEVADA
MARIANA L. NEISULER, OF VIRGINIA
RICHARD C. NICHOLSON, OF FLORIDA
AARON ADRIAN NUUTINEN, OF TEXAS
ANGELA JANE PALAZZOLO, OF VIRGINIA
KATRISA BOHNE PEFFLEY, OF MINNESOTA
KIMBERLY G. PHELAN, OF CALIFORNIA
ANTHONY V. PIRNOT, OF PENNSYLVANIA
JENNIFER L. PROULX, OF VIRGINIA
STEVEN M. RICHES, OF TENNESSEE
DALE M. RICHTER, OF VIRGINIA
RENE A. RIVERA-SANTIAGO, OF VIRGINIA
SILVANA DEL VALLE RODRIGUEZ, OF THE DISTRICT OF COLUMBIA
MICHAEL JAMES SCHARDING, OF THE DISTRICT OF COLUMBIA
SARAH GOLDFEDER SCHMIDT, OF MAINE
ERIK J. SCHNOTALA, OF ILLINOIS
SUSAN T. SERNA, OF TEXAS
AMIT S. SHETH, OF VIRGINIA
CRAIG C. SHIPLEY, OF VIRGINIA
SPENCER CARRYN SHIPMAN, OF MARYLAND
SCOTT M. SIMPSON, OF TEXAS
KATHERINE PARKS SKARSTEN, OF COLORADO
VIRGINIA LEE STERN, OF ILLINOIS
RACHEL M. STREIN, OF VIRGINIA
JENNIFER SKOUSEN SUDWEEKS, OF VIRGINIA

BARBARA R. SZCZEPANIAK, OF FLORIDA
MARC TARANTO, OF VIRGINIA
JAIME L. TEAHEN, OF VIRGINIA
HAMISH B. TEASDALE, OF VIRGINIA
JAMES TIRA, OF NEW YORK
DANIELLE MARIE TRAYLOR, OF THE DISTRICT OF COLUMBIA
MATTHEW E. WALL, OF ALABAMA
DANIEL KARL WALTER, OF VIRGINIA
MARY WALZ, OF WASHINGTON
DAVID EARL WILLIAMS, OF NORTH CAROLINA
SUSAN A. WILSON, OF VIRGINIA
HOWELL J. WINTERS, OF VIRGINIA
MIREILLE L. ZIESENISS, OF THE DISTRICT OF COLUMBIA

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be colonel

JEFFERY C. CARSTENS, 2190

To be lieutenant colonel

CHARLES M. COUNCE, 3275
CHARLES D LUTIN, 7491
SUSAN P. STATTMILLER, 1492

To be major

MICHAEL M. BEZOUSKA, 9564
ENRIQUE M. BURSZTYN, 4280
DAWNE P. CHRICHLOWROUSE, 9431
KAVITA P. DAVEARORA, 1164
EARL W. EDWARDS, 8684
LONNIE T. FEAGAN, 3082
TIMOTHY J. HIRTEN, 9911
JOHN O. MAYES III, 2883
STEFAN J. ORR, 8341
MARIA M. B. SANGALANG, 6198
MARCIA WHEELER, 3244

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

ROBERT E. SUTER, 9674

To be lieutenant colonel

RICHARD C. RUCK, 5565
STEPHEN T. SAUTER, 3267
LINDA K. WEIR, 6758

To be major

LAURA DAWSON, 5953
DAWN HAROLD, 1156

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JOHN M. COTTEN, 5072

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

LAUREEN A. OTTO, 8393
DEE A. PAOLI, 8968

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

STEVEN F. WILLIAMS, 8834
JESSICA N. STANTON, 8834

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

LEE A. KNOX, 7393

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

Clyde Bishop, of Delaware, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands.

Charles L. Glazer, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Donald Y. Yamamoto, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Ethiopia.

Frank Baxter, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay.

The Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of the following nominations and the nominations were held at the desk:

Christopher A. Padilla, of the District of Columbia, to be an Assistant Secretary of Commerce.

Bijan Rafiekian, of California, to be a Member of the Board of Directors of the Export-Import Bank of the United States for the remainder of the term expiring January 20, 2007.

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination and the nomination was held at the desk:

Calvin L. Scovel, of Virginia, to be Inspector General, Department of Transportation.

The Senate Committee on Energy and Natural Resources was discharged from further consideration of the following nominations and the nominations were held at the desk:

Robert W. Johnson, of Nevada, to be Commissioner of Reclamation.

C. Stephen Allred, of Idaho, to be an Assistant Secretary of the Interior.

Mary Amelia Bomar, of Pennsylvania, to be Director of the National Park Service.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, September 29, 2006:

DEPARTMENT OF TRANSPORTATION

ANDREW B. STEINBERG, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

DEPARTMENT OF DEFENSE

ROBERT L. WILKIE, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

DEPARTMENT OF THE INTERIOR

DAVID LONGLY BERNHARDT, OF COLORADO, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR.

DEPARTMENT OF TRANSPORTATION

MARY E. PETERS, OF ARIZONA, TO BE SECRETARY OF TRANSPORTATION.

MISSISSIPPI RIVER COMMISSION

BRIGADIER GENERAL BRUCE ARLAN BERWICK, UNITED STATES ARMY, TOBE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION.

COLONEL GREGG F. MARTIN, UNITED STATES ARMY, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION.

BRIGADIER GENERAL ROBERT CREAR, UNITED STATES ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION.

REAR ADMIRAL SAMUEL P. DE BOW, JR., NOAA, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION.

TENNESSEE VALLEY AUTHORITY

WILLIAM H. GRAVES, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2007.

DEPARTMENT OF VETERANS AFFAIRS

ROBERT T. HOWARD, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (INFORMATION AND TECHNOLOGY).

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN K. VERONEAU, OF VIRGINIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF THE TREASURY

ROBERT K. STEEL, OF CONNECTICUT, TO BE AN UNDER SECRETARY OF THE DEPARTMENT OF THE TREASURY.

CORPORATION FOR PUBLIC BROADCASTING

DAVID H. PRYOR, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2008.

CHRIS BOSKIN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012.

EXECUTIVE OFFICE OF THE PRESIDENT

SHARON LYNN HAYS, OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

DEPARTMENT OF COMMERCE

CYNTHIA A. GLASSMAN, OF VIRGINIA, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

COLLISTER JOHNSON, JR., OF VIRGINIA, TO BE ADMINISTRATOR OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION FOR A TERM OF SEVEN YEARS.

DEPARTMENT OF DEFENSE

RONALD J. JAMES, OF OHIO, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

NELSON M. FORD, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

MAJOR GENERAL TODD I. STEWART, USAF, (RET.), OF OHIO, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

JOHN EDWARD MANSFIELD, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2011.

LARRY W. BROWN, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2010.

PETER STANLEY WINOKUR, OF MARYLAND, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2009.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF COMMERCE

CHRISTOPHER A. PADILLA, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF STATE

CLYDE BISHOP, OF DELAWARE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS.

CHARLES L. GLAZER, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

DONALD Y. YAMAMOTO, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA.

FRANK BAXTER, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ORIENTAL REPUBLIC OF URUGUAY.

DEPARTMENT OF THE INTERIOR

ROBERT W. JOHNSON, OF NEVADA, TO BE COMMISSIONER OF RECLAMATION.

C. STEPHEN ALLRED, OF IDAHO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

MARY AMELIA BOMAR, OF PENNSYLVANIA, TO BE DIRECTOR OF THE NATIONAL PARK SERVICE.

DEPARTMENT OF TRANSPORTATION

CALVIN L. SCOVEL, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF TRANSPORTATION.

EXPORT-IMPORT BANK OF THE UNITED STATES

BIJAN RAFIEKIAN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 20, 2007.

DEPARTMENT OF JUSTICE

RODGER A. HEATON, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE CENTRAL DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. THERESA M. CASEY
COL. BYRON C. HEPBURN

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES A. BUNTYN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHNNY A. WEIDA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LOYD S. UTTERBACK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. STEPHEN G. WOOD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RAYMOND E. JOHNS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT D. BISHOP, JR.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JOSEPH ANDERSON
COLONEL ALLISON T. AYCOCK
COLONEL ROBERT B. BROWN
COLONEL EDWARD C. CARDON
COLONEL LYNN A. COLLYAR
COLONEL GENARO J. DELLAROCCO
COLONEL RICHARD T. ELLIS
COLONEL WILLIAM F. GRIMSLEY
COLONEL MICHAEL T. HARRISON, SR.
COLONEL DAVID R. HOGG
COLONEL REUBEN D. JONES
COLONEL STEPHEN R. LANZA
COLONEL MARY A. LEGERE
COLONEL MICHAEL S. LINNINGTON
COLONEL XAVIER P. LOBETO
COLONEL ROGER F. MATHEWS
COLONEL BRADLEY W. MAY
COLONEL JAMES C. MCCONVILLE
COLONEL PHILLIP E. MCGHEE
COLONEL JOHN R. MCMAHON
COLONEL JENNIFER L. NAPPER
COLONEL JAMES C. NIXON
COLONEL ROBERT D. OGG, JR.
COLONEL HECTOR E. PAGAN
COLONEL DAVID D PHILLIPS
COLONEL DAVID E. QUANTOCK
COLONEL MICHAEL S. REPASS
COLONEL BENNET S. SACOLICK
COLONEL JEFFREY G. SMITH, JR.
COLONEL THOMAS W. SPOEHR
COLONEL KURT J. STEIN
COLONEL FRANK D. TURNER III
COLONEL KEITH C. WALKER
COLONEL PERRY L. WIGGINS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. CARLA G. HAWLEY-BOWLAND

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JULIA A. KRAUS

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RODNEY J. BARHAM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MICHAEL A. KUEHR

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. BANTZ J. CRADDOCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. SIMEON G. TROMBITAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT WILSON

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. STEPHEN J. HINES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. DAN K. MCNEILL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH F. PETERSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES D. THURMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. PETER W. CHIARELLI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CHARLES C. CAMPBELL

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RONALD S. COLEMAN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MATTHEW L. NATHAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. WILLIAM A. BROWN
CAPT. KATHLEEN M. DUSSAULT
CAPT. STEVEN J. ROMANO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. JAMES G. STAVRIDIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) THOMAS R. CULLISON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. JANICE M. HAMBY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. STEVEN R. EASTBURG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. JOSEPH F. CAMPBELL
CAPT. THOMAS J. ECCLES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. MARK P. FITZGERALD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. EVAN M. CHANIK, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL K. LOOSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. KEVIN J. COSGRIFF

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN J. DONNELLY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MELVIN G. WILLIAMS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PAUL S. STANLEY

DEPARTMENT OF JUSTICE

SHARON LYNN POTTER, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS.

DEBORAH JEAN JOHNSON RHODES, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH RAYMOND A. BAILEY AND ENDING WITH ANDREW D. WOODROW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH RICHARD E. AARON AND ENDING WITH ERIC D. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH GARY J. CONNOR AND ENDING WITH MICHAEL T. WINGATE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH GARY J. CONNOR AND ENDING WITH EFREN E. RECTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH DENNIS R. HAYSE AND ENDING WITH JOHN W. WOLTZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2006.

AIR FORCE NOMINATION OF JAMES J. GALLAGHER TO BE COLONEL.

AIR FORCE NOMINATION OF NORMAN S. WEST TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF DAVID P. COLLETTE TO BE MAJOR.

AIR FORCE NOMINATION OF PAUL M. ROBERTS TO BE MAJOR.

AIR FORCE NOMINATION OF LISA D. MIHORA TO BE MAJOR.

AIR FORCE NOMINATION OF DAVID E. EDWARDS TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL D. BACKMAN AND ENDING WITH STAN G. COLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

AIR FORCE NOMINATION OF KEVIN BRACKIN TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH AMY K. BACHELOR AND ENDING WITH ANITA R. WOLFE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN G. BULICK, JR. AND ENDING WITH DONALD J. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH TIMOTHY A. ADAM AND ENDING WITH LOUIS V. ZUCCARELLO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH WADE B. ADAIR AND ENDING WITH RANDALL WEBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH JAMES W. BARBER AND ENDING WITH STEVEN P. VANDEWALLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH DENNIS R. HAYSE AND ENDING WITH RODNEY PHOENIX, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 2006.

AIR FORCE NOMINATION OF RANDALL J. REED TO BE MAJOR.

AIR FORCE NOMINATION OF ANDREA R. GRIFFIN TO BE MAJOR.

AIR FORCE NOMINATION OF RUSSELL G. BOESTER TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH RUSSELL G. BOESTER AND ENDING WITH VLAD V. STANILA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2006.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH JOSSLYN L. ABERLE AND ENDING WITH FRANK H. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006

ARMY NOMINATIONS BEGINNING WITH TIMOTHY F. ABBOTT AND ENDING WITH X2566, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

ARMY NOMINATIONS BEGINNING WITH DARRYL K. AHNER AND ENDING WITH GUY C. YOUNGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

ARMY NOMINATIONS BEGINNING WITH ROBERT L. ABBOTT AND ENDING WITH X1943, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

ARMY NOMINATIONS BEGINNING WITH NAKEDA L. JACKSON AND ENDING WITH STEVEN R. TURNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

ARMY NOMINATIONS BEGINNING WITH LARRY W. APPLEWHITE AND ENDING WITH DENNIS H. MOON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

ARMY NOMINATION OF KATHERINE M. BROWN TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JONATHAN E. CHENEY AND ENDING WITH JAMES S. NEWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

ARMY NOMINATIONS BEGINNING WITH KEVIN P. BUSS AND ENDING WITH JILL S. VOGEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

ARMY NOMINATION OF JOHN PARSONS TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH PAGE S. ALBRO AND ENDING WITH JANET L. PROSSER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

ARMY NOMINATIONS BEGINNING WITH MICHAEL C. DOHERTY AND ENDING WITH NESTOR SOTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

ARMY NOMINATIONS BEGINNING WITH HEIDI P. TERRIO AND ENDING WITH JOHN H. WU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

ARMY NOMINATIONS BEGINNING WITH MICHAEL T. ABATE AND ENDING WITH X3541, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

ARMY NOMINATIONS BEGINNING WITH JAMES M. CAMP AND ENDING WITH CATHY E. LEPPIAHO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 2006.

ARMY NOMINATIONS BEGINNING WITH ROBERT J. ARNELL III AND ENDING WITH DAVID A. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 2006.

ARMY NOMINATIONS BEGINNING WITH JAMES M. FOGLEMILLER AND ENDING WITH TIMOTHY E. GOWEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 2006.

ARMY NOMINATION OF MICHAEL L. JONES TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH NEELAM CHARAIPOTRA AND ENDING WITH DOUGLAS POSEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 2006.

ARMY NOMINATION OF SANDRA E. ROPER TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH GARY W. ANDREWS AND ENDING WITH STEPHEN D. TABLEMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 2006.

ARMY NOMINATIONS BEGINNING WITH JOSEFINA T. GUERRERO AND ENDING WITH MARY ZACHARIAKURIAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 2006.

ARMY NOMINATION OF HERBERT B. HEAVNBER TO BE COLONEL.

ARMY NOMINATION OF PAUL P. KNETSCHE TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH CRAIG N. CARTER AND ENDING WITH MICHAEL E. FISHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2006.

ARMY NOMINATION OF LOUIS R. MACAREO TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH DONALD A. BLACK AND ENDING WITH JOSEPH O. STREFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2006.

ARMY NOMINATIONS BEGINNING WITH CAROL A. BOWEN AND ENDING WITH PAULA M. B. WOLFERT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2006.

ARMY NOMINATIONS BEGINNING WITH DIRETT C. ALFRED AND ENDING WITH MICHAEL YOUNGBLOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2006.

ARMY NOMINATIONS BEGINNING WITH KAREN E. ALTMAN AND ENDING WITH RUTH A. YERARDI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2006.

ARMY NOMINATIONS BEGINNING WITH ROBERT D. AKERSON AND ENDING WITH JEROME WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2006.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH PAUL S. SZWED AND ENDING WITH BRIGID M. PAVILONIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2006.

COAST GUARD NOMINATIONS BEGINNING WITH MARGARET A. BLOMME AND ENDING WITH RICKEY D. THOMAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2006.

COAST GUARD NOMINATIONS BEGINNING WITH MEREDITH L. AUSTIN AND ENDING WITH WERNER A. WINZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2006.

COAST GUARD NOMINATIONS BEGINNING WITH JOYCE E. AIVALOTIS AND ENDING WITH JOSE M. ZUNIGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2006.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF DAVID M. REILLY TO BE MAJOR.

MARINE CORPS NOMINATION OF RAUL RIZZO TO BE MAJOR.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH TRACY A. BERGEN AND ENDING WITH DONALD R. WILKINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

NAVY NOMINATIONS BEGINNING WITH MICHAEL N. ABREU AND ENDING WITH ROBERT K. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

NAVY NOMINATIONS BEGINNING WITH CRISTAL B. CALER AND ENDING WITH KIMBERLY J. SCHULZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

NAVY NOMINATIONS BEGINNING WITH KEVIN L. ACHTERBERG AND ENDING WITH PETER A. WU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

NAVY NOMINATIONS BEGINNING WITH SCOTT R. BARRY AND ENDING WITH JEFFREY C. WOERTZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

NAVY NOMINATIONS BEGINNING WITH RUTH A. BATES AND ENDING WITH BRUCE G. WARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

NAVY NOMINATIONS BEGINNING WITH DARRYL C. ADAMS AND ENDING WITH RICHARD WESTHOFF III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

NAVY NOMINATIONS BEGINNING WITH ALFRED D. ANDERSON AND ENDING WITH MICHAEL R. YOHNKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

NAVY NOMINATIONS BEGINNING WITH HENRY C. ADAMS III AND ENDING WITH JOHN J. ZUHOWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

NAVY NOMINATIONS BEGINNING WITH LORI J. CICCI AND ENDING WITH JOHN M. POAGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2006.

NAVY NOMINATIONS BEGINNING WITH RYAN G. BATCHELOR AND ENDING WITH JASON T. YAUMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH MARC A. ARAGON AND ENDING WITH ROBERT A. YEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH MICHAEL J. BARRIERE AND ENDING WITH MICHAEL D. WAGNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH JOHN A. ANDERSON AND ENDING WITH JAY A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH GERARD D. AVILA AND ENDING WITH EDDI L. WATSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH RENE V. ABADESCO AND ENDING WITH MICHAEL W. F. YAWN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH AMY L. BLEIDORN AND ENDING WITH MICAH A. WELTMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH COREY B. BARKER AND ENDING WITH WILLIAM R. URBAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH NATHANIEL A. BAILEY AND ENDING WITH MATTHEW C. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH TRACY L. BLACKHOWELL AND ENDING WITH SEAN M. WOODSIDE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH CHARLES J. ACKERKNECHT AND ENDING WITH JAMES G. ZOULIAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH DENNIS K. ANDREWS AND ENDING WITH RAYMOND M. SUMMERLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

NAVY NOMINATIONS BEGINNING WITH JAMES S. BROWN AND ENDING WITH WINFRED L. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

NAVY NOMINATIONS BEGINNING WITH LILLIAN A. ABUAN AND ENDING WITH KEVIN T. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

NAVY NOMINATIONS BEGINNING WITH ANDREAS C. ALFER AND ENDING WITH ALISON E. YERKEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

NAVY NOMINATIONS BEGINNING WITH MICHAEL J. ADAMS AND ENDING WITH HEATHER A. WATTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

NAVY NOMINATIONS BEGINNING WITH EMILY Z. ALLEN AND ENDING WITH JOSEPH W. YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

NAVY NOMINATIONS BEGINNING WITH KAREN L. ALEXANDER AND ENDING WITH JOHN W. ZUMWALT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

NAVY NOMINATIONS BEGINNING WITH ALEXANDER T. ABESS AND ENDING WITH LAURETTA A. ZIAJKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

NAVY NOMINATIONS BEGINNING WITH CHAD E. BETZ AND ENDING WITH TRACIE M. ZIELINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

NAVY NOMINATIONS BEGINNING WITH WANG S. OHM AND ENDING WITH VIKTORIA J. ROLFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 2006.

NAVY NOMINATIONS BEGINNING WITH ILIN CHUANG AND ENDING WITH WILLIAM P. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2006.

EXTENSIONS OF REMARKS

HONORING THE GREATER CHICAGO FOOD DEPOSITORY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the Greater Chicago Food Depository, a non-profit organization that provides food to a half-million adults and children every year. The Food Depository accomplishes this massive undertaking with a network of almost 600 food pantries, soup kitchens, and shelters in the Chicago area. Last year, the Food Depository distributed more than forty million pounds of nonperishable food, fresh produce, dairy products, and meat—the equivalent of more than 84,000 meals every day.

Recently, the WGN Radio Neediest Kids Fund awarded a $60,000 grant to the Greater Chicago Food Depository, supporting two of its unique programs: the Kids Cafe and Nourish for Knowledge. These programs specifically focus on providing sustenance for the neediest children.

The Food Depository administers nearly forty Kids Cafés in Cook County, serving over 1800 meals per day through this program. Kids Café is a place where underprivileged children can enjoy a warm meal, exercise, and receive tutoring/other educational services. The Food Depository also sponsors Nourish for Knowledge, a program that provides take-home bags of food on weekends to schoolchildren in low-income neighborhoods. Together, the Chicago Food Depository and the Chicago Public Schools offer bags of food and after school programming for students and their parents in sixteen community schools. Both Kids Café and Nourish for Knowledge act to mitigate the negative effects of hunger for young people.

Today, I am honored to recognize the Greater Chicago Food Depository, their sponsors and partners, and all those making their work possible. The Food Depository's ongoing and innovative efforts to fight hunger serve as an inspiration to our community. In a world where hunger plagues many people, organizations like the Greater Chicago Food Depository make life-saving differences

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. KOLBE. Mr. Speaker, on rollcall No. 492, my vote was not recorded.

Had I been present, I would have voted "aye.'

HONORING MR. FREDRICK W. HATFIELD AS A 2006 TOP DOG AWARD RECIPIENT

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. COSTA. Mr. Speaker, I rise today to commend Mr. Fredrick W. Hatfield for his achievement in receiving the California State University Fresno's Outstanding Alumni 2006 Top Dog Award for the College of Social Sciences. Mr. Hatfield has enjoyed an exceptional career in public service and has served in many key positions in both the Federal Government and the private sector. Mr. Hatfield is currently one of five commissioners appointed by the President, and confirmed by the Senate, to oversee the Commodity Futures Trading Commission.

A native of the Central Valley, Mr. Hatfield graduated from Fresno State in 1977, Suma Cum Laude, with a Bachelor of Arts degree in History. Upon graduating from Fresno State, he worked as a government teacher for the Fresno County Schools. After his time in the classroom, Mr. Hatfield relocated to Washington, D.C. and embarked on his lifelong career in public service by joining the staff of then, House Majority Whip Tony Coelho. His 9 years of diligent service to Congressman Coelho's office opened the floodgates for career opportunities elsewhere in our Nation's Capitol. Mr. Hatfield pursued and successfully served as a partner with Copeland and Hatfield Government Affairs; Chief of Staff for Senator John Breaux of Louisiana; Senior Vice President for Human Resources and Community Relations for Education Training Communications, Inc.; and Deputy Commissioner General for U.S. Pavilion's World's Fair in Lisbon, Portugal.

Above all, Mr. Hatfield is someone who has never forgotten his roots and has never failed to contribute and invest in the future of the Central Valley. Aside from serving as chief of staff, advisor, and confidant to some of the most powerful and influential elected officials on Capitol Hill, Mr. Hatfield has dedicated time to serve as a mentor, role model, and friend to many Central Valley residents who have gone to Washington, D.C. for internships and employment opportunities from Fresno State. In addition, Mr. Hatfield has provided many local elected officials and their staff with indispensable advice and guidance. He has also helped our local leaders by facilitating introductions to high level policy makers, administrative agencies, boards and commissions on behalf of many Central Valley residents.

Mr. Hatfield's commitments and efforts to improve the quality of life in the Central Valley are truly deserving of such recognition. It is for those reasons that I, a Fresno State Alumni myself, join his family, friends, colleagues, and the Fresno State community in honoring Mr. Hatfield as a 2006 Top Dog Awards recipient

HONORING SHELTON BEACH ROAD BAPTIST CHURCH ON THE OCCASION OF ITS 47TH YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. BONNER. Mr. Speaker, today I rise to pay tribute to Shelton Beach Road Baptist Church on the occasion of its 47th year.

Shelton Beach Road Baptist Church has been a vital partner of the city of Saraland and the State of Alabama. The church was founded in 1959, and for the last 47 years, this congregation has been worshipping God and serving the people of south Alabama.

The congregation of Shelton Beach Road Baptist Church has used its resources and opportunities to provide hope, comfort, instruction, and inspiration to countless citizens in the north Mobile County area. Their outstretched arms have touched the hearts of many through their efforts in missionary projects throughout the world.

Shelton Beach Road Baptist Church has lovingly served the people of Saraland through its contributions to children and family throughout the community. The Shelton Beach Road Baptist kindergarten and day care center, and the beautifully constructed family life center, are among the inspirational services provided to the young people of north Mobile County. The World of Life Club, the Olympians Club, and Gopher Buddies are just a few of the many youth activities offered to help instill Christian values in the children of Saraland.

It is my sincere hope that the Shelton Beach Road Baptist Church will continue to be such a source of inspiration, hope, and comfort to the people of Saraland for another 47 years, and I rise today to salute this wonderful congregation and the many contributions they have made toward the betterment of south Alabama.

INTRODUCTION OF THE TAXPAYER PROTECTION FROM FRIVOLOUS LITIGATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. PAUL. Mr. Speaker, I am pleased to introduce the Physicians and Taxpayers' Protection from Frivolous Litigation Act. This bill provides protection from frivolous lawsuits for physicians in cases involving Medicare and Medicaid, and in cases where physicians are

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

obligated to provide treatment under the Emergency Medical Treatment and Active Labor Act (EMTALA).

Among the legal reforms contained in this act are a loser pays rule providing for physicians to be reimbursed for costs incurred in defending against frivolous lawsuits; a tightening of statutes of limitations to ensure lawsuits are not just attempts to extort money for conditions that arose years after treatment was delivered; reforms of how putative damages are calculated in order to ensure the damages bear a relationship to the harm suffered, limitations on contingent fee contracts which encourage the filing of frivolous lawsuits, reforms to calculations of joint and several liability so a defendant is only liable for the harm he actually caused, and limitation of damages in cases where the plaintiff has already received compensation.

Frivolous lawsuits and the accompanying increase in malpractice insurance payments have driven many physicians out of medical practice. The malpractice crisis has further increased the cost of health care by forcing physicians to practice defensive medicine. While most malpractice reform issues are properly addressed at the state level, Congress does have a duty to act to protect physicians from frivolous lawsuits stemming from cases involving federally funded programs or federal mandates. After all, these programs already impose tremendous costs on physicians. For example, Medicare imposes so many rules and regulations on health care providers that the Medicare code is actually larger than the infamous tax code!

EMTALA imposes additional burdens on physicians. EMTALA forces physicians and hospitals to bear 100% of the costs of providing care to anyone who enters an emergency room, regardless of the person's ability to pay. According to the June 29, 2003 edition of AM News, emergency physicians lose an average of $138,000 in revenue per year because of EMTALA. EMTALA also forces physicians and hospitals to follow costly rules and regulations. A physician can be fined $50,000 for a technical EMTALA violation.

The combined effect of excessive regulations, inadequate reimbursements, and the risk of being subjected to unreasonable malpractice awards is endangering the most vulnerable people's access to health care. I am aware of several physicians who have counseled young people not to enter the health care profession because of lawsuits, federal regulations, and low federal reimbursement rates. Other physicians are withdrawing from the Medicare and Medicaid programs and cutting their ties with emergency rooms in order to avoid the EMTALA mandates. Protecting physicians from frivolous lawsuits who are participating in federal programs or acting to fulfill federal mandates is an important step in removing federally created disincentives to providing care to elderly and low income people. I therefore call upon my colleagues to stand up for heath care providers, low income people, senior citizens, and taxpayers by cosponsoring the Physicians and Taxpayers' Protection from Frivolous Litigation Act.

VETERANS' MEMORIALS, BOY SCOUTS, PUBLIC SEALS, AND OTHER PUBLIC EXPRESSIONS OF RELIGION PROTECTION ACT OF 2006

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. ETHERIDGE. Mr. Speaker, I rise in opposition to H.R. 2679, Public Expression of Religion Act of 2005, and I urge my colleagues to join me in voting against it.

I take very seriously my duty to uphold the rights safeguarded for all citizens by the United States Constitution. Our founding fathers created a document that not only gives us a framework that we govern by even today but a document that sets forth the unalienable rights of all Americans. The legislation that passes Congress should be designed to protect these rights, not weaken them. Unfortunately, H.R. 2679 fails to meet this most basic test.

H.R. 2679 is not a bill that would protect the freedom of religion as its authors contend. In reality, by weakening the Establishment Clause of the First Amendment to the U.S. Constitution, it would have the opposite effect. Under current law, attorneys' fees are paid for by the defending party when the plaintiff is found to have had their constitutional rights violated under the Establishment Clause. By denying the payment of these attorneys' fees, even in successful cases, H.R. 2679 insulates serious constitutional violations from judicial review. Few citizens can afford to pay attorney fees that can total hundreds of thousands of dollars in these cases. In addition, attorneys cannot always take cases, even on a pro bono basis, if they are unable to recoup their fees and out-of-pocket costs when they prevail. By barring the awarding of attorneys' fees to prevailing parties in these cases, H.R. 2679 severely impairs the ability of our citizens to protect their constitutional rights.

Furthermore, the Establishment Clause is included in the Constitution to protect and promote religious freedom for all Americans. H.R. 2679 would for the first time single out one of the constitutional protections afforded in the Bill of Rights, and prevent its full enforcement. If the right to attorney's fees is taken away in these cases, a dangerous precedent would be set for the erosion of more civil liberties included in the U.S. Constitution. All of the rights in the Constitution are granted to every citizen of the United States, not just to those who can afford to pay for them. I urge you to oppose H.R. 2679, the misnamed "Public Expression of Religion Act."

IN REMEMBRANCE OF LAURETTA ZARLENGA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in memory and recognition of Lauretta Lisa Zarlenga. A wife, mother, and grandmother, Lauretta dedicated her life to her family.

Born in a small town in Italy in 1913, Lauretta immigrated to the United States during the Great Depression as a teenager. Settling in Chicago, Lauretta's family carved out their presence as a working class immigrant family. Learning quickly the skill of artistic hat design at night school, Lauretta practiced her craft to support her constantly growing family. It was also at night school that she met her future husband, Dino, whereupon the two coincidentally chose the same topic for an essay assignment and subsequently discovered they came from neighboring villages in Italy.

Lauretta went on to serve her Chicago community in the restaurant industry where she eventually managed several dining rooms at Chicago's premier establishments. Once, while running the dining room at the Drake Hotel, she accommodated a desperate Bob Hope and Bing Crosby, who had been denied entrance to another restaurant based on their attire. The two had been referred to Lauretta by her brother, who said, "You give these guys good service." This story exemplifies the two strongest qualities for which we remember Lauretta: service and family. Lauretta's ability to always hospitably put others before herself stood out to anyone who knew her. As a mother of four, she modestly provided her children with any opportunities she could and supported them in all their endeavors. In this way, she truly accomplished her own American Dream.

Lauretta Zarlenga's legacy continues to live on through her posterity. Lauretta's inspiration and support of her family shows itself in the work of her children who include a lauded poet, successful restaurateur, and a notable scholar of monetary reform.

Mr. Speaker and Colleagues, please join me in honoring the memory and recognizing the accomplishments of Lauretta Zarlenga. Her unwavering commitment to her family, friends, and community framed her life and served to make a difference in the lives of countless individuals.

A TRIBUTE TO THE JAZZ POWERHOUSE FOURPLAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of the jazz supergroup, Fourplay, distinguished artists of the music industry. It behooves us to pay tribute to these outstanding artists and I hope my colleagues will join me in recognizing the group's impressive accomplishments.

Fourplay debuted with a splash in 1991. Their self-titled debut album sold more than one million copies and lodged for 33 weeks at the top of the Billboard Contemporary Jazz charts. The follow-up album, Between the Sheets, reached number one, earned gold status, and was nominated for a Grammy in 1993. The band went three-for-three in 1995 with its third release, Elixir, which also hit number one and stayed on the charts for more than a year and a half. And, as if to save time, its fourth album, 4, entered the charts at number one.

The magic of Fourplay is based on the interactions between keyboardist Bob James, bassist Nathan East, guitarist Larry Carlton, and drummer Harvey Mason, each a pop music icon in his own right.

Now in heavy rotation at radio throughout the country, Fourplay X, the supergroup's landmark tenth album, entered the Billboard Jazz Charts at the number one position and has remained No.1 for five weeks.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Fourplay. The group's phenomenal success makes them most worthy of our recognition today.

HONORING DAN SHANNON OF LAGRANGE, IL

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Dan Shannon, an exceptional citizen of the Third Congressional District of Illinois and founder of Operation Homelink. Operation Homelink seeks to establish a communication link between deployed military personnel and their families. The program not only serves as a means of contact for troops and their families, but as a strong show of support for American soldiers stationed overseas.

Operation Homelink enables communication and encouragement by providing free refurbished computers to both deployed military units and their spouses or parents. Troops on the field then have the ability to e-mail their loved ones updates, while loved ones have the ability to relate local news and send their best regards. This excellent program truly makes a difference in the lives of our soldiers, as well as their families and friends.

I ask my colleagues to rise with me to acknowledge Dan Shannon for his highly successful and significant program that supports our armed forces. Dan shows all citizens the importance of becoming involved to support our troops and how one idea can touch the lives of so many people. I commend him for his continued efforts and unyielding determination. START HERE

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. KOLBE. Mr. Speaker, on rollcall No. 483, my vote was not recorded.

Had I been present, I would have voted "aye.".

A TRIBUTE TO STUART PYLE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. COSTA. Mr. Speaker, I rise today to honor the memory of Mr. Stuart Pyle of Bakersfield, California. Mr. Pyle was an exemplary advocate for effective water policy primarily in California's San Joaquin Valley.

As a past manager of the Kern County Water Agency, Stuart is remembered by all who knew him for his love and dedication to his family, his commendable service to the community, and his success in managing the second largest water contractor in the State of California.

Mr. Pyle was born in 1925 in Napa, California. He spent most of his adolescent years with his five siblings in Tahoe City and Auburn, California. As a Naval Officer during World War II, Mr. Pyle earned a degree in civil engineering in only three years. Following the war, he began his career in water as a developer of dams and canals for the California Department of Water Resources. As his career in water was established, he met his wife Virginia and married her in 1950.

In 1967, the Pyle family moved to Pakistan, where Stuart worked as a project manager for water systems for three years. When the Pakistani Civil War broke out they were forced to move back to the United States. Upon his arrival to the states, Stuart was hired as the manager of National Water Issues for the Federal Government in Washington DC. After three years in DC, he was offered a job as manager of the Kern County Water Agency. Stuart spent the next 17 years of his life dedicated to advancing water policy in Kern County.

Throughout his life Mr. Pyle was extremely involved in his community. He served on the National Academies of Science, was a Member of the Rotary Club, and was an active supporter of the Bakersfield Assistant League. Even while enjoying retirement, he was active in the United States Committee on Irrigation and Drainage. In addition to being a life long advocate of water policy, he was also a dedicated member of the Christian Science Church where he was a reader on the Board of Directors.

Mr. Pyle is survived by his beloved wife of 56 years Virginia, their five children; Linda, Jennifer, Stuart, Marianna, and Tom, and his nine grandchildren.

Stuart Pyle led a happy life full of love and adventure. His professional achievements will leave an eternal legacy for his family and community.

IN HONOR OF LANCE CORPORAL CLEVE KINSEY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. BONNER. Mr. Speaker, I rise today to pay tribute to Marine Lance Corporal Cleve Kinsey, who was wounded in Ramadi, Iraq, earlier this year.

Cleve, a native of Foley, Alabama, and a member of the Marines' 3rd Battalion, 8th Regiment, was injured on April 1, when an improvised explosive device was detonated next to the Humvee in which he was riding. Sustaining serious injuries to his left leg, Cleve faced the very real threat of losing his leg. After undergoing at least 12 surgeries, which included having muscle tissue transplanted from his back to his leg, his leg was saved.

A member of Foley High School's track and football teams, Cleve joined the Marines upon graduation. Throughout his career with the Marines, Cleve has set a standard of excellence and displayed the qualities of discipline, devotion, and dedication to country that are the hallmarks of men and women throughout the long and distinguished history of the American military.

Mr. Speaker, I am happy to note that Cleve returned home last month. I urge my colleagues to take a moment to pay tribute to Marine Lance Corporal Cleve Kinsey and his selfless devotion not only to our country and the freedom we enjoy, but to a people who are in the infant stages of a new life—a new freedom—in their own land.

I ask my colleagues to join with me in recognizing a true hero. I know Cleve's parents, Jimmy and Penny, his brothers, Matthew and Christopher, his sister April, and his many friends join with me in praising his accomplishments and extending heartfelt thanks for his selfless efforts on behalf of a grateful Nation.

CONGRATULATIONS TO POINT COMFORT ELEMENTARY SCHOOL

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. PAUL. Mr. Speaker, Point Comfort Elementary School, of the Calhoun County Independent School District, is among the 26 Texas schools that have recently received the Department of Education's prestigious Blue Ribbon Schools award.

The No Child Left Behind-Blue Ribbon Schools Program recognizes outstanding public and private schools that are either academically superior or have demonstrated dramatic and consistent gains in student achievement. The Department of Education selects Blue Ribbon Schools based on nominations submitted by the states. My colleagues may be interested to know that every school nominated by Texas received a Blue Ribbon Schools award.

Schools can be nominated for a Blue Ribbon Schools Award if at least forty percent of their disadvantaged students show dramatic improvement over three years on state tests in reading or English language arts and mathematics. Schools whose student bodies rank in the top ten percent on state tests in reading or English language arts and mathematics may also be nominated for a Blue Ribbon Schools Award.

In addition to these two criteria, Blue Ribbon Schools must meet Adequate Yearly Progress requirements in reading or English language arts and mathematics, must not have been identified as a "Persistently Dangerous" school within the last two years, and must comply with other Department of Education requirements.

Point Comfort's designation as a Blue Ribbon School is a tribute to the schools' teachers, administrators, and other employees' dedication to providing students with a quality education. It also is a reflection of the students and parents' commitment to the pursuit of educational excellence. I am therefore pleased to offer my congratulations to Point Comfort Elementary School for being one of the 26 Texas schools designated as Blue Ribbon Schools by the Department of Education.

IN HONOR AND RECOGNITION OF JOSEPH PIZZORNO, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. KUCINICH. Mr. Speaker, today I rise to recognize and celebrate the contributions of Joseph Pizzorno, Jr., N.D. Dr. Pizzorno is a pioneer in naturopathy, the founder of Bastyr University, author of several books, and acclaimed by various health organizations.

Dr. Pizzorno has illuminated the field of naturopathy, or treatment by natural, holistic methods, in the modern world of medicine. He has founded Bastyr University, a multidisciplinary accredited school in natural health sciences; where he served as president for 22 years followed by serving as president emeritus, senior advisor to the president, member of the Board of Trustees, and a professor, until his recently announced retirement. Dr. Pizzorno was appointed by President Clinton to the White House Commission on Complementary and Alternative Medicine Policy and by President George W. Bush to the Medicare Coverage Advisory Committee. He has also served on the Seattle/King County Board of Health, founding board of directors of the American Herbal Pharmacopoeia, the Scientific Review Board of the Cancer Treatment Research Foundation, chair of the American Public Health Association, and vice chair of the Institute for Functional Medicine Board of Directors. Dr. Pizzorno is an accomplished author having written several acclaimed books and is the founding editor of Integrative Medicine: A Clinicians Journal. In 2001, Dr. Pizzorno founded SaluGenecists. Inc. to develop artificial intelligence-aided advice systems to provide smart, personalized heath promotion, and self-care guidance for the public and practitioners.

Dr. Pizzorno was recognized as a "Pioneer in Holistic Medicine" by the American Holistic Medical Association; awarded "Naturopathic Physician of the Year" by the American Association of Naturopathic Physicians; granted the "Founder's Award for Pioneering Complementary and Alternative Medicine" by the National Foundation for Alternative Medicine; and declared "Humanitarian of the Year" by the Cancer Treatment Centers of America.

Mr. Speaker and my fellow colleagues, today I ask you to join me in commending the actions of the noble Dr. Joseph Pizzorno, Jr. His dedication to the medical community has improved the medical field for everyone and his doctrines are certain to endure.

TRIBUTE TO THE JAZZ GREAT, NATHAN EAST

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of the renowned jazz musician, Nathan East, a distinguished member of the music industry. It behooves us to pay tribute to this outstanding artist and I hope my colleagues will join me in recognizing his impressive accomplishments.

Born one of seven children to Thomas and Gwendolyn East on December 8, 1955, in Philadelphia, PA, Nathan East and his family moved to San Diego, CA, when he was 4 years old to accommodate his father's aerodynamic engineering position at General Dynamics. As a child, East would peck out familiar melodies on the family piano. Music filled the home as his sister Cecilia practiced the French horn and their sister Gertrude played the flute. When Nathan was in the seventh grade, he began playing cello in the junior high school orchestra. At age 14, he switched to bass guitar, inspired by his older brother David's mastery of the guitar. He began playing for local church groups and folk masses with his brothers.

East played along with the recordings of jazz bassists Ray Brown, Ron Carter, Charles Mingus, Buster Williams, Scott LaFaro, Motown's James Jamerson, James Brown, Sly Stone with Larry Graham, Cream, and horn bands like Chicago, Tower of Power and Blood, Sweat & Tears as they came over the radio or out of his record player. The young bassist began playing in his high school's jazz ensemble, marching band, choir, chorus, and pep band, as well as local Top 40 bands. He also listened to Wes Montgomery, Quincy Jones, Cannonball Adderley, Herbie Hancock, Wayne Shorter, George Benson, Bob James, Harvey Mason, Lee Ritenour, Jimi Hendrix, Santana, session bassist Chuck Rainey, Earth, Wind & Fire's Verdine White, and Francis Rocco Prestia.

East's breakthrough came while he was a member of a band named Power. They were hired as the house band for a Stax revue. The recognition brought the attention of Barry White, who hired the entire band for a national tour. Still a teenager, East became a member of the Love Unlimited Orchestra ("Love's Theme") playing The Apollo Theater, Madison Square Garden, Kennedy Center and other major U.S. venues. East earned a bachelor of arts degree in Music from University of California at San Diego. He began work on a master's degree when instructor Bertram Turetzky suggested that he already had enough education and that it was time for him to move to Los Angeles to try and start a lucrative music career.

While involved with the San Diego club and studio scene, Barry White contacted him to play on many of his recording projects. In early 1980, veteran writer/arranger Gene Page, whom East had worked with on White's sessions, called the bassist to play on a recording session for a Hertz commercial jingle. Impressed with East's ability to read music as well as his diverse playing skills, Page used East on numerous projects (Dionne Warwick, Johnny Mathis, Whitney Houston, and Madonna).

As East's reputation grew on the L.A. session scene, so did his job calls. From that point on, East worked consistently, He did sessions for Lionel Richie ("Endless Love," Kenny Rogers' "Lady") and Kenny Loggins ("Footloose", "Vox Humana"). He toured with Loggins appearing with the singer at Live Aid in 1985. Eric Clapton heard East and invited him to join his band. With keyboardist Greg Phillinganes and drummer Phil Collins, they toured the world over and performed multiple concerts at London's Royal Albert Hall which resulted in the release of Clapton's "24 Nights" CD, 1988.

In 1990, East was one of four musicians that formed the supergroup, Fourplay. The group had phenomenal success: albums selling millions of copies, several times charting at No. 1 as well as remaining on the chart as long as 90 weeks and a Grammy nomination.

East was voted the Most Valuable Player in the bass category at the International Rock Awards. He also won Britain's most prestigious Ivor Novello Award for co-writing the number one hit song "Easy Lover" with Phil Collins and Philip Bailey. East has developed his own Yamaha Signature Series bass guitar (the BBNE–2) available in stores worldwide. He also has an instructional VHS video, Contemporary Electric Bass and instructional DVD, The Business of Bass, (distributed by Hal Leonard Music Publishing Co), a behind the scenes look that goes into considerable detail on the steps he has taken, the choices and decisions made and the mindset that has successfully earned him both the profile and a respect many players would be pleased to call their own.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Nathan East, as he offers his talents and services for the betterment of our local and global communities,

Mr. Speaker, Nathan East's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

HONORING THE SOUTHWEST YOUTH SERVICES COLLABORATIVE

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the Southwest Youth Services Collaborative, an outstanding organization for teenagers and young adults, that serves several Chicago communities troubled with gang violence, high drop-out rates, and high unemployment. For more than a decade, the Collaborative's after-school programs have given students a vision and focus they need to become responsible leaders of their communities—leaders that are agents of change.

Area churches, social service centers, recreational centers, and neighborhood organizations are responsible for the good work of the Southwest Youth Services Collaborative. They bring hope to participants through the recreational centers, a soccer league, and even a Hip-Hop Academy. Additionally, the organization offers mentoring and support programs that provide wisdom, understanding, and a second chance for many young adults.

Recently, the WGN Radio Neediest Kids Fund awarded the Southwest Youth Services Collaborative a $25,000 grant in recognition of their after-school programming. The grant will help support these essential after-school life skills programs that make a difference in the lives of so many young people.

It is my honor to recognize the Southwest Youth Services Collaborative for their role in providing opportunities for young people and making our community a better place to live. I also commend the staff, facilitators, and volunteers who truly make this organization possible. Their work positively influences the lives and outlook of many who face the pressures of life in disadvantaged areas.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. KOLBE. Mr. Speaker, on rollcall No. 494, my vote was not recorded. Had I been present, I would have voted "aye."

A TRIBUTE TO LARRY TRULLINGER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. COSTA. Mr. Speaker, I rise today to honor the memory of Mr. Lawrence E. Trullinger who passed away on Wednesday, August 30, 2006. Larry dedicated his life to serving his community as a civic leader and his efforts will provide all those engaged in a civic movement with a lasting model. Throughout my time in public office I came to know Larry and considered him a good friend within the Fresno community.

Mr. Trullinger was born on February 22, 1930 in Portland, Oregon. Throughout his life, he was a devoted member of the Democratic Party and he never shied away from lending a helping hand to further the party's cause. Mr. Trullinger had several leadership roles with California's Democratic Party, including serving as the president of the Democrats of North Orange County and the regional vice president of the California Democratic Council (CDC). After moving to Fresno, he served as the CDC's Executive Vice President and State Treasurer. Further, Mr. Trullinger contributed countless hours as statewide chair of CDC's Organizational Development Committee, Living Wage Initiative, Water Advisory Committee, Interfaith Alliance, Health Care for All and many other projects.

Mr. Trullinger is survived by his sons Steven and Mark; daughter, Laureen; and many grandchildren. Although Mr. Trullinger's passing brings sadness to his family, friends, and the community, he left a legacy as an advocate for the people that will never be forgotten.

HONORING THE LIFE OF FORMER CONGRESSMAN JOEL T. BROYHILL

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor the life of the late Joel T. Broyhill, former Congressman for Virginia's 10th district.

Congressman Broyhill was born in Hopewell, Virginia on November 4, 1919. His family moved to Arlington in 1937, when his father relocated his building and real estate firm, M.T. Broyhill and Sons, to the area. He attended Fork Union Military Academy as well as George Washington University.

Before he took his seat in the House of Representatives in 1953, Congressman Broyhill served in World War II, where he became a decorated Captain and commanded a rifle company. During the Battle of the Bulge, he was captured by the Germans. However, he rejoined the advancing U.S. forces six months later after he and a fellow soldier escaped from a prisoner of war camp. Among his military awards was a Bronze Star.

Upon his return from World War II, he joined his father's real estate firm, becoming a partner and general manager of the company. He was president of the Arlington Chamber of Commerce, Chairman of the Arlington County Planning Commission and in 1950 was elected president of the Arlington Republican Club.

In 1952, he won his seat in Congress on his 33rd birthday. Congressman Broyhill was known as an effective politician with a boyish grin and an easy conversational manner. A strong advocate for Federal workers and the postal service, Congressman Broyhill was especially well known for the way he attended to the needs of his constituents. The Washington Post accredited this personalized service to Congressman Broyhill's sense of kinship with his constituents stating, "He is, simply, one of them. He is a war hero turned postwar booster, a hell-of-a-fellow".

On a personal level, I cut my teeth working on Joel Broyhill's campaigns. I attended his election night parties at the Old Broyhill Building on Lee Highway and remember the long night in 1964 when he narrowly escaped the LBJ landslide, as well as his huge victory over Clive Duval in 1966, when he came on the stage and exclaimed "How Sweet It Is".

After leaving office, Congressman Broyhill returned to his family's real estate and investment business, which developed several neighborhoods in Northern Virginia. He remained engaged in politics and served as campaign manager for JOHN W. WARNER's successful first campaign for Senate in 1978.

Congressman Broyhill's first wife, Jane Marshall Bragg, died in 1978. He is survived by Suzanne Broyhill, his wife of 25 years; three daughters, Nancy, Jane and Jeanne; a stepdaughter Kimberly; four grandchildren; and three great-grandchildren.

Mr. Speaker, in closing, I would like to pay tribute to the life and work of Congressman Joel T. Broyhill, and express my deepest condolences to all who knew and loved him.

THE DETERIORATING PEACE IN SUDAN

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. MEEKS of New York. Mr. Speaker, people are being massacred in Darfur, Sudan by the Sudanese Government's proxy militia called the Janjaweed. The Janjaweed have been unleashed to carry out a scorched earth campaign against innocent civilians from three African communities in Darfur causing death, destruction, and displacement.

After the Holocaust in which 6 million Jews of Europe were murdered as a result of Adolf Hitler's plan called the "Final Solution", Germany's deliberate and systematic attempt to annihilate the entire Jewish population of Europe, the world said "Never Again."

In 1994, from April to June, 800,000 Rwandans were brutally slaughtered in one of the worst cases of human suffering of the 21st century. The U.S. and the international community failed to mount an intervention to stop the genocide, instead, we stood by watched and did nothing. The United Nations had a front row seat to these atrocities for they were on the frontlines but did not have the mandate to stop the slaughter. After the Rwandan genocide, we looked back and said, "Not on my watch."

From August 1998 to April 2004, 3.8 million people or 38,000 people per month have died in the Democratic Republic of the Congo, DRC. Today, the people of the DRC are still suffering the affects of a lack of a serious commitment to end the lawlessness in their country.

Mr. Speaker, it is our watch and genocide continues to happen in Darfur, Sudan. What will be our excuse for not acting this time? We have witness testimonies from survivors of the genocide and other documentary evidence that the Sudanese government is acting with intent to destroy groups in Darfur because of their ethnicity.

The United Nations estimates the number of people affected by the conflict at almost 4 million and according to the World Food Program, nearly 3 million people are reliant on humanitarian aid for food, shelter and health care. The Sudanese government and regional insecurity continues to obstruct aid workers from reaching displaced villagers. This phenomenon coupled with a lack of adequate funding will cause the number of people dying each month to increase significantly.

The Khartoum government has demonstrated that it cannot be relied upon to address the humanitarian crisis. The government's use of import restrictions and routine harassment of aid workers and obstruction to food aid deliveries is according to U.N. Secretary General Kofi Annan, "a violation of international humanitarian law." Also, The United Nations' International Commission of Inquiry on Darfur report found that the Sudanese government has committed major crimes under international law, including a pattern of mass killings, rape, pillage and forced displacement that constitutes war crimes and crimes against humanity. The U.N. must act now to protect civilians.

History will remember that we waited for the approval of a genocidal regime before going in to protect innocent Darfurians. We must act now. The world will remember that this Republican Congress, Republican Senate and Republican White House did not do all it could to stop the deaths, destruction and displacement that is occurring in Darfur.

It has been 2 years since then-Secretary of State Colin Powell declared that, "genocide has been committed in Darfur, and the government of Sudan and the Janjaweed bear responsibility." I have supported and continue to support the 7,000 member African Union Mission in Sudan, AMIS. As it stands, AMIS has no mandate to protect civilians, lacks the troop strength, financial, and logistical support necessary to stop the ongoing genocide. However, given these insurmountable odds, the A.U. force has performed admirably. AMIS' mandate was set to expire on September 30, 2006, and the A.U. has consistently called for transition of AMIS to the U.N. force. Khartoum vehemently opposes this request and consequently opposes U.N. Security Resolution 1706 but with much reluctance, Khartoum has agreed to extend AMIS' mandate until the end of the year.

The United States continues to call on the Sudanese Government to recognize the severity of the humanitarian crisis in Darfur and immediately agree to a transition of AMIS to the U.N. President Bush has failed to leverage the diplomatic might of the presidency to overcome the objections of the Sudanese Government to a U.N. force entering Darfur. Instead, we have accepted the stalling tactics of the Sudanese administration: Only a massive U.N. force can legitimately and credibly protect civilians, ensure humanitarian access and fully carry out the extensive monitoring and implementation duties spelled out in the Darfur Peace Agreement.

The Darfur Peace Agreement, DPA, establishes critical security, wealth-sharing and power sharing arrangements that address the long-standing economic and political marginalization of Darfur. To date, the criteria's of the DPA have yet to be implemented thus creating a sense of uncertainty for Darfur.

We must leverage our compounded international diplomatic efforts to work with members of the Security Council such as China and Russia to overcome Sudanese President al-Bashir's objections to U.N. Security Council Resolution 1706 and allow the 20,000 U.N. forces to enter Darfur and begin to provide immediate security to Darfurians. The international community should not take a backseat to Khartoum's objections nor should the deployment of the troops be contingent upon Khartoum's consent.

The situation on the ground continues to spiral out of control. Violence is causing surges in malnutrition and starvation rates. Humanitarian aid organizations have been cut off from helping those in need. Twelve humanitarian aid workers have been killed in the last 2 months. Twenty-five humanitarian aid vehicles have been hijacked causing humanitarian aid organizations to pull out of northern Darfur leaving major populations vulnerable.

Under pressure from the Congress, the President recently appointed a Special Envoy for Darfur, Andrew Natsios. Securing civilians should be Mr. Natsios' primary responsibility. Further, he should have a strong mandate and staff to ensure he is successful in achieving this mandate.

The Government of Sudan is deploying 26,000 Sudanese troops to Darfur in preparation for a major offensive. At the same time, the Sudanese Government is opposed to U.N. forces entering Darfur and continues to object to the African Union troops remaining in Darfur if they transition into a U.N. force. The actions by the Government of Sudan should raise concern for the safety of the people of Darfur.

Sudanese armed forces—Janjaweed militia—are still using vehicles that they've painted white to look like African Union troops and they continue to steal gasoline from the A.U. It is despicable to know that the Sudanese Government in Khartoum continues to use helicopter gunships and Soviet-era Antonov planes to bomb villages and drive innocent unarmed civilians from their mud-and-thatch hut homes.

An international force is needed immediately to stop the killings, rapes, and pillaging in Darfur; provide security to facilitate humanitarian assistance programs for internally displaced people; enforce the cease-fire between the government in Khartoum and the rebel groups in Darfur to allow for political negotiations; and, facilitate the return of civilians to their land, reconstruction of homes, and provide a secure environment.

Mr. Speaker, we should be immediately deploying a U.N. peacekeeping force in accordance with U.N. Security Council Resolution 1706 and immediately implement all previously passed U.N. Security Council resolutions. The people of Darfur should not have to wait. We must act not before it is too late, we must act now before there is no one left to protect.

TRIBUTE TO REVEREND DR. FRED L. DAVIS, SR.

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to the Reverend Dr. Fred L. Davis, Sr. on the occasion of his retirement from the Community Church of God in Ypsilanti, Michigan, after 39 years of service.

A native of Boligee, Alabama, Dr. Davis came to the Ypsilanti area in 1968 with the intention to serve and help those in his community. He has provided this service with his leadership at the Community Church of God. Dr. Davis also worked as a Supervisor at General Motors for more than 30 years. His preparation and training for this service included a strong and supportive family and church and it was supplemented by studies at the Detroit Bible College, where he received his diploma in 1961. Dr. Davis was also awarded an honorary doctorate's degree in 1996 from the Detroit Extension of Faith Evangelistic Christian Schools.

During his tenure, Dr. Davis implemented many different programs at Community Church of God, including Alcoholics Anonymous, narcotics and substance abuse assistance, food and clothing distributions, marriage and singles therapy classes and tutoring. These programs, which Dr. Davis started and facilitated, have helped to strengthen and improve the church and its community.

Dr. Davis' service has not been limited to only to his congregation. He has served as the Ypsilanti Police Department Chaplain since 1992, providing aid and comfort to the brave men and women of the department in their times of great need. He also currently serves as an active member of the United Way and the Hope Clinic and is on the executive committees for the United Negro College Fund and the Ministerial Alliance of the Ann Arbor/Npsilanti Area.

I applaud Dr. Davis for his many years of service. I know that he and Verlouis Davis, his wife of 54 years, will enjoy this new phase of life, but will continue to give back to the community in the Ypsilanti area. Once again, I salute the work of Dr. Fred Davis and I wish both he and his wife many more years of happiness.

HONORING THE LIFE OF LLOYD WAYNE WAGGONER

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. YOUNG of Alaska. Mr. Speaker, I come to the House floor today to express my profound sadness for the loss of a constituent and a friend, Lloyd Wayne Waggoner. He was a husband, father, father-in-law, grandfather, brother, and a friend. Known by most people as "Wayne" or "Gotebo," the little town in Oklahoma in which he grew up, Wayne was an Alaskan for more than 40 years. He arrived shortly after the 1964 earthquake with a friend who asked him to ride along on his trip to the last frontier. And like many people in Alaska, Wayne fell in love with the beauty, independence and kind people that Alaska had to offer, and he never left.

When he first came to Alaska, he worked on an oil rig on the North Slope. During his years in the Last Frontier, he pursued such varied career interests as holding the first Seiko watch distributorship in the State, running for state office, operating a wholesale jewelry business, serving on the Anchorage Zoning Commission and opening Wayne's Diamond Center stores in Anchorage, Wasilla, and Fairbanks. He also gave his time generously to the Anchorage Lions Club, the Shriners, and the Freedom Frog program, which promotes recovery from substance abuse and addiction.

Wayne had experiences, met people, and lived a life that most people only dream about. He regaled his family and friends with stories he told about the little bar in Laguna Beach that he gave to a friend when he decided not to return from Alaska; his dislike for salmon because that was all he ate for 3 weeks on a cargo ship he boarded as a stowaway in the Mediterranean; his one and only hole-in-one that he shot in 2001 at Fort Richardson Golf Course; the night he met the beautiful pianist—the love of his life, Karen—at the bar up at Stuckagain Heights; and the time he and his daughter saw a moose calf taken down by a sow bear right in front of them while fly-fishing in Naknek River.

Wayne was a patriot, a great American who served his country honorably and a true sourdough Alaskan. With a story and a smile for everyone, he was a person that made people think, "boy, am I glad I met him." We are all better for having known him, for having loved him, and for having been loved by him. For the person he was, for the lessons he taught us, for the love he shared with us, he will always be in our hearts. We celebrate his life and cherish our memories. Mr. Speaker, in Wayne's words I leave you with his favorite toast "may you work like you don't need the money, may you dance like no one is watching, and may you love like you've never been hurt."

McGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION PROGRAM

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. McGOVERN. Mr. Speaker, today, Congresswoman JO ANN EMERSON (MO) and I, along with 23 of our House colleagues, introduced legislation to reauthorize the George McGovern-Robert Dole International Food for Education and Child Nutrition Program (McGovern-Dole). This unique and flexible program, administered by the U.S. Department of Agriculture (USDA), helps promote education, child development, and food security for the world's poorest children.

Sadly, an estimated 300 million children go hungry every day around the world. Of these children, an estimated 120 million do not attend school, in part because of hunger or malnourishment. Because of cultural traditions, prejudice, or simple economic need, many of these children are girls or children engaged in labor to increase their families' basic income. Providing meals in schools has proven to be the single most effective incentive for convincing parents to send their children to school, including their daughters.

The McGovern-Dole Program has used American-grown commodities and financial and technical assistance to decrease the incidence of child hunger and increase educational opportunity for millions of these vulnerable children. Nutritious meals, take home rations, or both are provided as means to increase food security for children, and increase school enrollment and attendance. Official evaluations by USDA document how McGovern-Dole has been especially successful at increasing access to education for girls and in strengthening parental and community commitment and engagement in education, nutrition and agriculture. McGovern-Dole has also become a catalyst for other community-based projects such as clean water, sanitation, children's health, and HIV/AIDS education, treatment and prevention programs. These outcomes have resulted in broad bipartisan support for the program and especially for increased annual funding. The McGovern-Dole Program has also garnered the support of farm, commodity and agricultural groups, as well as U.S. and international humanitarian, development, education, anti-hunger and food security organizations.

In several projects, the McGovern-Dole Program also supports maternal and child health projects when those projects complement school feeding, including early learning and early childhood development programs that address critical nutritional and developmental needs of children under five years of age.

Named in honor of former Senators George McGovern and Robert Dole, who worked closely during their tenures in the U.S. Senate to address the problems of hunger and malnutrition in the United States and around the world, the McGovern-Dole program was initiated in 2000 by President Bill Clinton as a $300 million pilot program, the Global Food for Education Initiative (GFEI). From 2001–2003, the GFEI fed nearly 7 million children through 48 projects in 38 countries. Enrollment increased by up to 10 percent in participating schools, and other donors provided almost $1 billion of funding to complement the GFEI program. In 2003, as part of the Farm Bill Reauthorization, the GFEI was established as a permanent program, and renamed the McGovern-Dole Program. During 2003–2004, the McGovern-Dole Program used $100 million of Commodity Credit Corporation funds and $50 million in appropriated funds to support over 4 million children in 26 countries. School enrollment overall rose by 14 percent in participating schools, with girls enrollment increasing by 17 percent on average. McGovern-Dole helped considerably in Afghanistan when the country's leadership changed and girls were once again allowed to be educated. The program helped to build or renovate schools, provided meals and other incentives for children to come to school, and contributed to a 123 percent increase in overall enrollment in the country. The McGovern-Dole school feeding programs also received support from other donors, private businesses, and local governments and communities.

Mr. Speaker, I have had the privilege of visiting some McGovern-Dole and school feeding programs in Colombia. They were in some of the poorest neighborhoods surrounding the capital of Bogotá, where thousands of people displaced by violence and conflict were trying to survive. I remember, in particular, a mother and grandmother who came up to me and thanked me and the United States for supporting the school and providing these daily meals. They told me how members of the right-wing paramilitaries and the FARC guerrillas would prowl around the edges of their neighborhood, trying to recruit young children as soldiers with the promise of a meal. But their children would not be lured into becoming child soldiers because they were being fed and educated at the school. Mr. Speaker, you can't imagine how proud and grateful those words made me feel. I could see the powerful good will this modest project had created for America among these poor families.

I was reminded of the words of these families when I read the recommendations of the 9/11 Commission, and more recently, when reviewing the declassified judgments of the latest National Intelligence Estimate (NIE). Both of these reports noted that the lack of sustained social and economic reform and development feed the anger, humiliation, powerlessness and sense of hopelessness that are the feeding grounds of terrorists and extremists. When mothers and fathers have hope for a better future for their children, they turn away from extremists. When children have the chance to go to school and stay in school, and when hunger no longer impedes their ability to learn, then they are on the path that leads to greater economic opportunity. Hope and opportunity are among our most powerful weapons in the fight against terrorism, Mr. Speaker, and I believe it is programs like McGovern-Dole that will ultimately help us win the war against extremism.

Mr. Speaker, the bill we just introduced would reauthorize the McGovern-Dole Program for fiscal years 2008 through 2012. It provides stable funding with annual increases to expand the reach of current programs and initiate new project in more countries, bringing hope and opportunity to more children and their families. Such secure funding will allow McGovern-Dole programs to work with local communities and national governments to make these critical educational, nutritional and development programs self-sustaining. The increase in funding over time will also support greater project development in early learning and early childhood development programs so that more children enter school healthy and ready to learn. And by demonstrating a firm, long-term commitment to this program, I believe this reauthorization will serve as a catalyst to increase support from other donors for global school feeding programs.

In the true spirit of George McGovern and Bob Dole, Congresswoman EMERSON and I are also very proud that this bill reflects the strong bipartisan support that the McGovern-Dole Program has received since first initiated. In a time of intense partisanship, this bill demonstrates that men and women of good will not only can come together, but want to come together, on issues and programs that genuinely make a difference in children's lives and help make our world a better place. I would like to thank Representatives LANTOS, HYDE, SKELTON, WOLF, POMEROY, SMITH (NJ), DELAURO, LEACH, HERSETH, OSBORNE, KAPTUR, WALSH, BOSWELL, BOUSTANY, MCCOTTER, PAYNE, SHIMKUS, MOORE (KS), ENGLISH, SNYDER, MORAN (KS), MCCOLLUM (MN), and SOLIS for joining us as original cosponsors of this important legislation.

Mr. Speaker, I ask to submit for the RECORD a copy of a letter Senators George McGovern and Robert Dole sent to representatives urging Members of Congress to cosponsor the McGovern-Dole Reauthorization Act.

WASHINGTON, DC,
July 21, 2006.

DEAR REPRESENTATIVE: We are writing in support of the George McGovern-Robert Dole International Food for Education and Child Nutrition Program and to request that you cosponsor legislation reauthorizing this important program.

The McGovern-Dole International Food for Education and Child Nutrition Program has made a critical difference in the lives of millions of children and provides a clear statement throughout the world about America's compassion and values. The McGovern-Dole Program provides American-grown food to hungry children in schools in the world's poorest countries. It helps ensure that children suffering from hunger receive at least one nutritious meal during the day. In addition, where school feeding programs are offered, enrollment and attendance rates increase significantly—especially for girls. Increasing girls' education has important implications for social and economic progress in the world's poorest communities. It is a model food aid program that is tailor made for the 21st Century and we strongly support its reauthorization.

Representative Jim McGovern and Representative Jo Ann Emerson are introducing legislation to reauthorize the McGovern-Dole Program. We respectfully urge you to contact either Jim or Jo Ann and add your name as a cosponsor of this important legislation as soon as possible.

Sincerely,
GEORGE MCGOVERN.
ROBERT DOLE.

TRIBUTE TO MR. RICHARD G. "ANDY" ANDERSON

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. DOOLITTLE. Mr. Speaker, today I wish to recognize and honor an outstanding citizen and public servant who will celebrate his 50th Anniversary as Fire Chief of the Quincy Volunteer Fire Department on November 11, 2006. I join with the local community of Quincy and the residents of Plumas County in congratulating Mr. Richard G. "Andy" Anderson for his remarkable service.

Andy Anderson was born and raised on a farm in Southern Illinois. In addition to attending school and performing farming chores, Andy also worked at the local mortuary. When World War II commenced in 1941, he pleaded with his father to allow him to serve in the United States military. When his father finally granted permission in 1942, Andy enrolled in the United States Navy and served aboard the USS *Cullman* for the duration of the conflict and received an honorable discharge for his contributions.

After the war, Andy attended mortician school in San Francisco and completed his apprenticeship in the Bay Area. He then took a position in Red Bluff, California, before purchasing mortuaries in Portola and Quincy, California. In 1956, Andy moved to Quincy to manage his businesses and was elected fire chief of the local department in November of that same year.

During his service as chief, Andy made the Quincy Volunteer Fire Department into a model organization. He has stressed the importance of interagency cooperation and created the Plumas County Fire Chiefs Association which included the fire chiefs from throughout rural Plumas County. Andy served as the chairman of this organization for 25 years. Presently, the organization has expanded to include all Plumas County emergency service providers. In addition to this valuable contribution, Andy participated in or created several other county and statewide organizations dedicated to emergency services and disaster preparedness. To this day, he serves as the Director of the Plumas County Office of Emergency Services and as Plumas County Fire Warden.

Andy is also an accomplished pilot and has an active interest in radio broadcasting, railroading, and county fairs. He has poured his efforts into these worthy causes as well as numerous other local volunteer and civic organizations. Andy has great pride in his two grandsons, Will and Richard, and has been married to his wife Gayle for over 42 years. He affectionately refers to Gayle as "the real Chief."

Mr. Speaker, my district encompasses a large area of rural California, and I am happy to say that these communities are kept strong by people like Andy Anderson who make sacrifices in order to serve their fellow citizens. Andy is deserving of our recognition because of his five decades of public fire and emergency service, his military service to our country, and his love of family. I appreciate the opportunity to honor him today.

TRIBUTE TO REVEREND DR. G. DAVID HORTON, PASTOR OF GREATER NEW BETHEL BAPTIST CHURCH

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to one of our community's indefatigable church leaders, Rev. Dr. G. David Horton, Pastor of Greater New Bethel Baptist Church, as he celebrates his 27th Pastoral Anniversary.

Rev. Horton is married to Modena Smith Horton and is the father of five sons: Gregory, Eldrick, Reginald, Michael, and Thomas, and one daughter, Ava Rena.

Rev. Horton represents the vocation of a Good Shepherd who attends to his flock in ways we can never understand. As pastor and teacher, he exudes the knowledge and pragmatism of a visionary who goes about teaching the ways of God. He has tirelessly worked to enlighten our community on the agenda of spiritual wisdom and good governance, impacting our duties and responsibilities to the less fortunate.

I want to commend his tremendous work in guiding not only the members of Greater New Bethel Baptist Church, but also the members of the larger community. Through the longevity of his pastorate, he has truly persevered in showing us the Way and expounding for us the Truth that emanates from the teachings of the Gospels.

Having completed his religious studies at the Easonian Theological Seminary in Birmingham, Alabama, he went on to pursue and obtain his Doctorate of Ministry from the South Florida Center for Theological Studies. In the midst of his studies, he continued to serve as the CEO of Bethel's Family Life Center and Bethel's Child Care Center. He emphasizes the sanctity of the family and the importance of responding to the needs of children. This commitment truly underscores his unshakeable belief that ". . . the ruin of a nation starts in the homes of its people."

Rev. Horton continues to be involved in the Baptist Church on both the state and national level. He is currently Moderator of the Seaboard Baptist Association, Inc. and President of the Moderator Auxiliary, Florida General Baptist State Convention, Inc. He has previously served in several other capacities within the Seaboard Baptist Association and the State Congress of Christian Education.

Rev. Horton's timely and persevering leadership at Greater New Bethel Baptist Church for 27 years is genuinely admirable. As a man of God and as a deeply spiritual leader immersed in Scriptural commitment, he has earned our deepest respect and commendation.

This is the legacy of Rev. Dr. G. David Horton. I am truly privileged in thanking him for his many years of service. My pride in sharing his friendship is only exceeded by my utmost gratitude for everything he has sacrificed on behalf of our community. He continues to teach us to live by the noble ethic of loving God by serving our fellow man.

BRINGING TERRORISTS TO JUSTICE

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I would like talk about the most important reason our constituents send us to Washington—to work to secure our Nation. Our forefathers never shirked from this responsibility and neither should we. Since the Supreme Court's Hamden decision this year it is critical that this Congress create a legal structure to bring terrorists to justice.

Since September 11, 2001, our country has captured hundreds of members of the al-Qaeda network including masterminds of the 9/11 attacks and others who have made it their mission in life to kill innocent Americans. It is critical that we continue to stay on the offensive in the fight against terror. Our soldiers have pushed this objective forward with the apprehension of these terrorists, who, with the passage of the Military Commissions Act of 2006, will have their day of justice.

This Act ensures that terrorists have basic legal rights, including the right to counsel, the right to obtain evidence and witnesses, and the right to appeal a guilty verdict. Suspected terrorists have the right to be present at all legal proceedings, and no evidence may be presented to the jury unless it is also provided to the accused terrorist. This measure also reinforces our commitments under Common Article 3 of the Geneva Conventions that prohibit the use of torture contrary to the outcries of some.

I am glad to cast my vote in support of creating a legal system that will bring to justice those who seek to destroy our way of life. As President Bush said before a joint address before Congress, "whether we bring our enemies to justice, or bring justice to our enemies, justice will be done."

PERSONAL EXPLANATION

HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. WATT. Mr. Speaker, if I was present to vote on rollcall No. 431, I would have voted "no."

INTRODUCTION OF THE WITHHOLDING TAX RELIEF ACT OF 2006

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. HERGER. Mr. Speaker, I have long championed tax relief for small businesses because I believe such firms are the lifeblood of our economy. As a small businessman myself, I know how small business owners struggle to remain profitable in a highly competitive and extremely challenging environment. Yet they continue to be the drivers of much of our Nation's economic and new job growth. It is for this reason that I have strongly supported increases to the current section 179 small business expensing limits, an end to the onerous death tax, and the reduced double taxation of capital gains and dividends. I am concerned, however, that a little known revenue raising provision, passed as part of the tax reconciliation bill in May, will hamper small business' creative spirit by significantly and adversely changing the way governments pay for the goods they use and services they require.

Effective in 2011, section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 will require federal, state, and local governments to withhold 3 percent from payments for goods and services, excluding payments to non-profits and those made by governments with less than $100 million in annual expenditures. This onerous provision will not take effect for 4 years. But I believe we must begin addressing the impacts it will have on honest taxpaying businesses now, and actively seek alternatives to withholding in the meanwhile.

Every day, thousands of businesses and individuals across the country are reimbursed by governments for various reasons. In my Northern California congressional district, governments rely on local and regional businesses all the time to maintain public services—from the electrician who rewires a city council chambers in Redding to the construction company that builds an interchange at a dangerous stretch of highway in Butte County. When the Feather River needs a new setback levee, or an existing levee in the network requires urgent repairs to protect the community, the Army Corps of Engineers employs local businesses for construction and materials. Similarly, when an escape route from a fire-prone community requires widening, the government turns to local sources to get the job done. In 2011, however, firms providing these necessary goods and services to governments will see 3 percent of their payments withheld.

I am troubled that the withholding provision will effectively force firms to float a new interest-free loan to the federal Treasury if they do business with a local, state or federal government. In addition, unlike other income-based withholding, which is actually based on tax liability, the new government withholding provision is based on government payments with no relationship to a company's taxable income. This means that, while businesses will be deprived of much needed cash flows for day-to-day operations, the 3 percent provision could end up significantly over withholding for tax purposes. The Joint Committee on Taxation (Joint Committee) confirmed this in its description of the provision, stating "sellers of goods and materials are more likely to have overwithholding and, thus, bear more of the burden of a flat rate because of the lower profit margin on such sales relative to sales of services."

The provision would also disproportionately harm small-and medium-sized businesses that operate on low margins, and contractors that frequently employ subcontractors. It is conceivable that, faced with 3 percent withholding on a revenue source, companies that do business with governments may inflate contract costs to compensate, shift costs to subcontractors, or simply hire fewer employees over the course of the year. Others may resort to increased debt financing to make up for reduced cash flows. In addition, governments at all levels have expressed concerns over the new administrative burdens that such withholding will require.

Among the reasons for inclusion of this provision was a desire to reduce America's tax gap, or the difference between the taxes we believe should be collected in a given year, and those that actually are. The Internal Revenue Service currently estimates the net tax gap to be in the area of $290 billion. Whether due to taxpayer error or willful tax avoidance, the tax gap is a very real problem that can undermine taxpayer confidence in the voluntary nature of our tax system, and encourage continued non-compliance. According to the National Taxpayer Advocate, the "cost" of the tax gap could be equated to a $2,000 annual "surtax" on each taxpayer to subsidize non-compliance. The result is that the tax gap ends up "harming compliant taxpayers because they pay their correct tax liability while others do not."

Like many, I believe that bridging the tax gap and encouraging tax compliance should remain a top priority of both Congress and the Administration. Where identification of specific non-compliant sectors of the economy has been difficult, the Administration should continue to investigate ways it can use its existing authority to improve the collection and utilization of non-wage taxpayer information for enforcement purposes. In addition, as better information on noncompliance is generated, Congress should actively consider whether additional legislation is needed to crack down on tax cheats.

Prior to implementing a new tax collection regime, such as the 3 percent withholding provision, we should investigate what other methods are at our disposal to deal with the outstanding problems of non-compliance. To this end, I believe that any solution that aims to reduce the tax gap should consider the impacts of new burdens on taxpayers. For this reason, I am pleased to introduce the "Withholding Tax Relief Act of 2006," a companion to legislation introduced in the Senate, S. 2831, by Senator LARRY CRAIG of Idaho.

While I recognize the underlying problem of tax compliance must be addressed, I believe this problem—as it pertains to businesses and individuals that provide goods and services to governments—can be tackled in a less intrusive manner than withholding, and with positive results. As reported by the Joint Committee, the withholding provision is estimated to increase revenues coming into the Treasury by $6.079 billion in its first year of implementation, and between $215 million and $235 million per year over the next four years. Further, the Joint Committee recognizes that the "significant revenue effect" in the year of implementation "is largely attributable to accelerating tax receipts," indicating that the additional compliance sought by this provision is really in the ballpark of $235 million. Still, in order to recapture this amount of unpaid taxes, the withholding provision will affect over $6 billion of government payments tohonest business and individual taxpayers.

It is probably unrealistic to think that we could ever reduce non-compliance to zero, especially given the enormous complexity of our CUITent tax code. But apart from fundamental tax reform and simplification, increased compliance should remain an objective. Congress and the Administration should continue to pursue increased compliance alternatives, including the use of the federal government's already broad authority to levy federal payments, improve coordination and use of taxpayer information, require new information reporting, or increase enforcement. Ultimately, though, any alternatives that focus on compliance should be balanced against the new burdens such compliance mechanisms would cause. We should avoid placing unnecessary burdens on all honest taxpayers in a particular sector of the economy to force the compliance of the few.

Although I recognize that repeal of the 3 percent withholding provision will leave the actual problem of non-compliance unanswered, I believe withholding is the wrong policy approach to this issue. Repeal, as proposed in the "Withholding Tax Relief Act of 2006," serves as a reminder of the importance of this issue, and the need to seriously address the impacts this policy will have on businesses in my congressional district and elsewhere in the country. In addition, we must also begin discussion of alternatives to withholding. I intend to continue working with the business community and others in the 110th Congress on ways to reduce any eventual burdens this provision will cause, as well as alternatives to withholding that will reduce taxpayer non-compliance.

RECOGNIZING HONORAIR 2006

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise today to recognize the World War II veterans group, "HonorAir" of Western North Carolina, who recently visited Washington, DC. I want to commend the residents of Henderson County, who made this trip possible and showed the rest of the Nation how to honor the heroes of the greatest generation.

The residents of Henderson County, with a population of 98,000, raised more than $100,000 to send 220 World War II veterans on two chartered aircrafts to Washington, DC to see the World War II memorial for the first time.

The World War II Memorial honors the 16 million who served in the Armed Forces of the U.S., the more than 400,000 who died, and all who supported the war effort from home. Symbolic of the defining event of the 20th century, the memorial is a monument to the spirit, sacrifice, and commitment of the American people.

The idea for HonorAir started when Jeff Miller, a resident of Western North Carolina whose father served in the Navy in the Pacific Theater, read an article about a man who flew World War II veterans in a small plane to Washington, DC to see the memorial.

A fundraising campaign began in Western North Carolina on Memorial Day and ran through July 4, 2006. This effort was lead by Jeff Miller, Frank Schell, David Reeves, David Adams, Senator Tom Apodaca, Mike Murdock, Henry Johnson, George Erwin, Meridith Elliott, Marybeth Burns, Kim McKibbin and Sarah Smith. Within 6 months, residents young and old rallied to raise more than $100,000 for the trip. I would like to commend these individuals for their hard work in making this awe-inspiring idea into reality. Also, I want to commend Mr. Frank Schell and the "guardians," a group of over 50 volunteers, who flew up from North Carolina to assist with the operation of the event.

From the celebrated departure at the Asheville Regional Airport, to the water-arched greeting at Reagan National Airport, to the wreath ceremony at the Tomb of the Unknowns, the World War II veterans of Henderson County received a day of honor that was long deserved. It is apparent that the people in Henderson County truly love the Nation, and they honor the heroes who have protected it.

Again, it was truly an honor to take part in HonorAir 2006 and I and the rest of the United States Congress hope to see more events like this around the Nation.

CELEBRATING KPMG LLP'S VOLUNTEERISM IN PHILADELPHIA

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to recognize the spirit of volunteerism embodied by a company in Philadelphia which celebrates its 100th anniversary in our city, KPMG LLP.

KPMG's partners and employees serve as officers, directors and volunteers for many of Philadelphia's philanthropic and charitable organizations. Earlier this year, KPMG sponsored the "City Hall in Bloom" spring planting. As part of the event, more than 200 KPMG volunteers joined students from the Bach-Martin Elementary School in clearing, cleaning and preparing beds for more than 8,500 flowers, plants, and trees in the largest volunteer clean-up ever mounted at City Hall. Other examples of KPMG's volunteerism are many. Employees helped paint the interior of Bach-Martin school and created a new mural for the entrance. The firm also has assisted the "Help Philadelphia" women's shelter with a number of events over the years. And last year, KPMG helped welcome refugees from Hurricane Katrina, assisting in their relocation, while this year a group of KPMG professionals traveled to the Gulf region to help rebuild homes with Habitat for Humanity.

In 1906, Marwick, Mitchell & Co. opened its doors on Chestnut Street. Marwick, Mitchell & Co. was then a small accounting firm with less than a handful of partners. In the these last 100 years, Philadelphia has added greatly to its history as the birthplace of the American republic to its renown as one of the Nation's leading ports, centers of commerce, and home to many Fortune 500 companies. Marwick, Mitchell & Co. grew with Philadelphia and is known today as KPMG.

Throughout its history, KPMG has been and is an outstanding citizen of Philadelphia. KPMG is today one of the oldest and largest professional services firms in the city, employing more than 850 professionals headquartered on Market Street and providing a variety of audit, tax and advisory services to the public and private sectors.

Mr. Speaker, I am proud to pay tribute to KPMG and its people for 100 years of service to Philadelphia, for its contributions to the growth and health of the city's commerce, and for its many efforts benefiting our community's quality of life.

BULGARIAN MIRACLE CONTINUES

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. WILSON of South Carolina. Mr. Speaker, yesterday was a joyous day for the people of Bulgaria. The European Commission recommended Bulgaria be admitted into the European Union in January 2007.

In less than 16 years, Bulgaria has successfully transitioned from a Communist totalitarian regime into a free market democracy.

Just 3 years ago, I was honored to be at the White House with former Prime Minister Simeon Saxe-Coburg Gotha as Bulgaria was admitted into NATO. Bulgaria has proven to be a true ally in the Global War on Terrorism, and Bulgarian troops have served bravely in Iraq and Afghanistan. There are currently plans for three U.S. bases to be located within Bulgaria.

Bulgaria has one of the fastest growing European economies, and membership in the EU will accelerate its pace. Economically and militarily, Bulgaria is secure.

Congratulations to President Georgi Parvanov, Prime Minister Sergey Stanishev, Ambassador to Washington Elena Poptodorova, and my longtime friend Ambassador to Athens Stefan Stoyanov.

I am grateful to serve with Congresswoman ELLEN TAUSCHER as Co-Chair of the Bulgarian Caucus, promoting the growing partnership between Bulgaria and America.

In conclusion, God bless our troops, and we will never forget September 11th.

TRIBUTE TO AUTISM SPEAKS

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. HAYWORTH. Mr. Speaker, the incidence of autism is rapidly growing. By some estimates, one out of every 166 children born today will be diagnosed with autism. And science has not yet been able to determine a cause or treatment for autism. Efforts to treat children with autism have resulted in children being subject to chelation, hyperbaric chambers, massive allergy therapies, and restrictions in diet, to name a few. So many treatments, yet few have real scientific proof behind them and none has proven effective. With such a great number of children affected by autism, we need to find the cause and also a cure! To assist in these efforts, the people of Arizona are raising awareness through such events as the Lake Pleasant Bar-b-que Cookoff. The people of Lake Pleasant, Arizona will host Autism Speaks, a national organization that raises awareness about autism and is actively searching for the causes of and a cure for autism. Events like these are crucial to raising awareness about the prevalence of and lack of information on autism. I applaud organizations like Autism Speaks for raising awareness of autism and the need for more scientifically-based information.

EMERGENCY ULTRASOUND

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. BONILLA. Mr. Speaker, I rise to speak about the use of ultrasound imaging by emergency physicians. October 2006 marks the 10-year anniversary of the establishment of the American College of Emergency Physicians', ACEP, Section of Emergency Ultrasound, which actively encourages research and training of emergency physicians in the use of emergency ultrasound. October 15, 2006, celebrates Emergency Ultrasound Day.

Emergency ultrasound, defined as the use of ultrasound imaging at the patient's bedside, is a critical component of quality emergency medical care. Ultrasound imaging enhances the physician's ability to evaluate, diagnose, and treat patients in the emergency department. It provides immediate information and can answer specific questions about the patient's physical condition, such as determining whether a presenting patient has thoracic and abdominal traumas, ectopic pregnancy, pericardial effusion, and many other conditions.

High quality emergency care is dependent on rapid diagnostic tools, enhanced safety of emergency procedures, and reduced treatment time. Imaging technology has greatly improved quality of care and made invasive medical procedures safer.

Emergency physicians are trained in the use of imaging equipment during their residency, as well as continuing medical education courses. Hospital privileges further validate this training.

Emergency ultrasound has moved outside the hospital due to its compact nature. In fact, emergency ultrasound technology is helpful on-site during military and disaster medical care. It has served in the care of America's brave military troops during both the Gulf and Iraq Wars. Also, emergency ultrasound was used to care for patients last year after Hurricane Katrina, and will be helpful in responding to other disasters and mass casualty events.

Mr. Speaker, I congratulate the work of the ACEP Section of Emergency Ultrasound. It has increased awareness of the contribution and value of emergency ultrasound by emergency physicians in the medical care of emergency patients, survivors of disasters, and our military forces serving at home and abroad. Research in this field should continue to be encouraged to allow the adaptation of critical technologies to continually improve the quality of emergency care.

HONORING JOHNNY MOSBY ON HIS RETIREMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. GORDON. Mr. Speaker, I rise today to honor Assistant Chief Johnny Mosby on his retirement from the Murfreesboro Police Department. After 42 years of dedicated service, Chief Mosby is retiring on October 6.

Not only has Chief Mosby done an excellent job of serving his native Rutherford County, he also bravely answered his country's call to service during the Vietnam War. He served in the U.S. Army from 1966 to 1968 in the Big Red One Infantry Division. He was wounded three times while serving his country and earned numerous medals, including the National Defense Service Medal, Army Commendation Medal, Vietnam Campaign Medal, Purple Heart, Combat Infantry Badge and Sharpshooters Badge.

Upon his return from Vietnam, Chief Mosby rejoined the Murfreesboro Police Department and rose through the ranks, eventually receiving a promotion to assistant chief in 2003. He is a member of the Fraternal Order of Police, International Association of Chiefs of Police and the Tennessee Association of Chiefs of Police.

Civic involvement is a big part of Chief Mosby's life. He serves on the Usher Board of Mt. Zion Missionary Baptist Church and on the Rutherford County Workhouse Board. He is also a member of the American Legion, Disabled American Veterans and the Pin High Golf Club.

I thank Chief Mosby for his dedication and service to his community. I know he is ready to spend quality time with his family, but his service to Murfreesboro certainly will be missed. I wish him all the best in his retirement.

TRIBUTE TO REV. CLEMITY THOMAS BAKER

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to pay tribute to Rev. C.T. Baker the Pastor of Holy Corinthian Missionary Baptist Church located in Chicago, Illinois. This Sunday Rev. Baker will celebrate 32 years as Pastor of Holy Corinthian Missionary Baptist Church. Rev. Baker has come a long way from his birth in Lexington, Kentucky. He has served in the ministry now for more than 45 years.

Rev. Baker has served as a beacon of light and a ray of hope throughout Chicago. Rev. Baker is not only a great preacher, but he has also been blessed with a great singing voice. After preaching on Sunday's he can be found singing God's praises in Dr. Willie Wilson's Singsation Choir. The choir is in a different church ever Sunday afternoon.

Rev. Baker really epitomizes the scripture found in the sixth Chapter of the Book of Micah. In that chapter the writer asks the question—what does God require of man? The response that was given—God requires that man do justice, love kindness and walk humbly with God. When Hurricane Katrina struck and thousands of people were displaced—it was Rev. Baker who helped lead the effort on behalf of Dr. Willie Wilson and Ministers throughout Chicago to provide relief. Rev. Baker, Dr. Willie Wilson and others personally went to the Gulf Coast and New Orleans—while there they handed out more than $300,000 dollars to people who were displaced by the storm.

Rev. Baker is a compassionate man with a big heart. He received his formal training in the ministry from Moody Bible Institute and The Chicago Baptist Institute. He is a family man, father of his own children and he and his wife Mrs. Diane Baker are parents to many others.

On behalf of the constituents of the Seventh Congressional District I join with those paying tribute to Rev. Baker for his 32 years as Pastor of the Holy Corinthian Missionary Baptist Church.

HONORING DR. BEATO

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize Dr. Virgilio I. Beato, a constituent of Congressional district, in Coral Gables, Florida. Dr. Beato was born on December 20, 1916, in Cuba, where he grew up and attended medical school. Dr. Beato graduated as President of his class at the Havana University School of Medicine in 1943. Over the course of a career that has spanned more than six decades in both the United States and Cuba, Dr. Beato has treated thousands of patients and left a tremendously positive impact on countless lives.

Dr. Beato has done more than cure patients; he has also contributed greatly to the medical community with dozens of articles published in both English and Spanish medical journals. He has also shared his wealth of knowledge and tremendous insight with his peers by addressing numerous medical conventions on a wide variety of subjects.

Dr. Beato's dedication and support extends beyond the medical community and has long been a strong advocate for his community and activist for South Florida. Dr. Beato has also stood firm in the face of brutality and oppression as a staunch and vocal opponent of Fidel Castro and his tyrannical reign in Cuba.

I wish Dr. Beato an early happy 90th birthday and that he has many more happy returns. I would also like to offer many congratulations on his numerous accomplishments throughout his lifetime and his contribution and service to his community. I offer my best wishes to Dr. Beato in all his future endeavors and thank him for over 60 years of service to the medical community.

TRIBUTE TO SIMON GREEN WOODARD OF WASHINGTON, DC

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. MEEK of Florida. Mr. Speaker, it is with deep sorrow that Mr. RYAN of Ohio and I rise to pay tribute to the late Simon Green Woodard, a dedicated public servant devoted to his family, religion, community, and country. Mr. Woodard is the father of Kimberly Annette Woodard of Washington, DC. We mourn alongside Kimberly in this time of family sorrow.

Simon Green Woodard was born on March 3, 1943, to the late Charles and late Ida Harrington Woodard in Columbia, South Carolina. He was educated in the public schools of Richland County District One in Columbia, and after graduating from Booker T. Washington High School, he served in the United States Navy for 4 years.

Mr. Woodard moved to Washington, DC, in 1963. He received a B.A. in public management from the University of the District of Columbia. He began his 25 years of service in the Federal Government as an entry level contract specialist with the National Aeronautics Space Administration, NASA. Following his time at NASA, Simon worked for the National Science Foundation. At the time he retired from the Federal Government, Simon served as a Procurement Executive at the Corporation for National and Community Service, AmeriCorps. Simon's "retirement" lasted less than a week and in April 2003 he joined the Washington Convention Center as manager of the Contracts and Procurement Services Department.

Mr. Woodard was a man of faith who dedicated his life to Jehovah's Witnesses. He attended the Ft. Chaplin Park North Congregation for more than 20 years and for the past 3 years, belonged to the Mt. Pleasant Congregation.

Mr. Woodard was the loyal and loving husband of Iris Woodard. They wed on September 23, 1972. Together they had one daughter, Kimberly Annette Woodard; and two sons, Lamar Simon Woodard of Champaign, Illinois, and Mark Christopher Woodard of Washington, DC.

Mr. Speaker, Mr. Woodard was loved and admired by his family and friends. He will be sorely missed. We offer our sincere condolences to his family and all who were touched by his kindness and service.

THE CAMPUS FIRE SAFETY RIGHT TO KNOW ACT

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. PASCRELL. Mr. Speaker, in March 2006 the Campus Fire Safety Right to Know Act passed the House of Representatives as part of the College Access and Opportunity Act of 2006. This landmark legislation called for colleges and universities across the United States to report vital fire safety information to the U.S. Department of Education so that prospective students and their parents could make informed decisions regarding a fire-safe school based on criteria such as the installation of automatic fire sprinkler systems, automatic fire alarm systems, fire prevention training, and other related factors.

The fact that this legislation passed the House of Representatives was due, in no small part, to the tremendous support provided by leading fire safety organizations. Each of these organizations works tirelessly every day to improve fire safety for our citizens, and their contribution to the passage of this bill was instrumental.

These organizations include: The Center for Campus Fire Safety, the Congressional Fire Services Institute, the International Fire Chiefs Association, the International Code Council, the International Fire Marshals Association, the National Association of State Fire Marshals, the National Electrical Manufacturers Association, the National Fire Protection Association, the National Fire Sprinkler Association, the Society of Fire Protection Engineers, and Underwriters Laboratories.

I want to offer my heartfelt thanks to these associations for their hard work and dedication to the safety of the students of this Nation. They are to be commended for their commitment to the cause of fire safety and for their support in the passage of the Campus Fire Safety Right to Know Act.

I also want to thank my friends on the Education and Workforce Committee who worked to make passage possible. My colleagues Representatives ROB ANDREWS, CAROLYN MCCARTHY, JOE WILSON, Chairman BUCK MCKEON, and former Chairman (and current Majority Leader) JOHN BOEHNER were immensely helpful in passing our amendment in Committee and I am eternally grateful for their support.

Mr. Speaker, I will not stop fighting to enact legislation to ensure a safe school environment for all college and university students. This is the least we can do for the young people of this nation. When we entrust our children to any institution, we expect that they will be in a safe environment. And we have the right to expect that much.

TRIBUTE TO SHOSHANA SHOUBIN CARDIN

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Shoshana Shoubin Cardin, a remarkable woman and Baltimorean who will celebrate her 80th birthday on October 10.

Shoshana Cardin is known to many in this Chamber, and to many presidents and prime ministers throughout the world. She has been a tireless worker for human rights, women's rights, education, Jewish spirituality and culture, and the State of Israel.

As Chairwoman of the Maryland Commission for Women, Shoshana worked with Citicorp to help women understand their economic rights and to initiate the first women's credit "hotline." She also worked with the Maryland Senate to revise rape legislation, and convened the first state conference on battered women, leading to the opening of the House of Ruth, a safe haven for victims of domestic violence. She promoted volunteerism and helped to form and then chaired the Maryland Volunteer Network.

Shoshana was the first woman to become the Chair of the Board of the Associated Jewish Community of Baltimore, the first female President of the Council of Jewish Federations, the first woman Chair of the National Council of Soviet Jewry, NCSJ, the first female Chair of the Council of President of Major American Jewish Organizations, the first female President of the National Center for Learning and Leadership, CLAL, and the first woman to Chair the United Israel Appeal.

Using her position of leadership in the Jewish community, Shoshana brought her courage and wisdom to bear on many major national issues. As Chair of the NCSJ, she succeeded in convincing Soviet President Gorbachev to denounce anti-Semitism as negative antisocial behavior. She met with Presidents Ronald Reagan and George H.W. Bush, Secretary of State James Baker, Prime Ministers of Israel Shimon Peres, Yitzhak Rabin, Yitzhak Shamir and Ariel Sharon. She served as a Public Member of the U.S. delegation to the Organization for Security and Cooperation in Europe Conference, as well as an NGO representative in numerous world conferences promoting human rights.

Currently, Shoshana serves as co-founder and chair of the Shoshana S. Cardin School, Baltimore's first trans-denominational Jewish high school.

I urge my colleagues in the U.S. House of Representatives to join me in honoring Shoshana Cardin, a woman who has made a difference as a wife, mother, grandmother, volunteer, professional, activist, philanthropist and humanitarian. I hope you will join me in wishing Shoshana Shoubin Cardin the happiest of birthdays and wishes for many more.

THE GUILT-FREE RECORD OF GEORGE SOROS

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. SOUDER. Mr. Speaker, George Soros is one of the most controversial figures in American politics, and I think it is important for American families to focus on what George Soros has said about himself, what George Soros has said about his objectives, and where George Soros has spent his money to influence public opinion. Supreme Court Justice Louis D. Brandeis once wrote that "the best disinfectant is sunshine," and it is in that spirit that I submit "The Guilt-Free Record of George Soros" to be printed in the CONGRESSIONAL RECORD.

THE GUILT-FREE RECORD OF GEORGE SOROS

"I am basically there to—to make money. I cannot and do not look at the social consequences of—of what I do." George Soros, commenting on being blamed for the financial collapse of—Thailand, Malaysia, Indonesia, Japan and Russia. "He can move world financial markets simply by voicing an opinion or destabilize a government by buying and selling its currency . . . [W]hen he saw cracks in the Asia boom, he began selling the currency in Thailand. Traders in Hong Kong followed suit, triggering a financial crisis that plunged much of Asia into a depression. ("George Soros," 60 Minutes interview transcript, December 20, 1998)

"I don't feel guilty. Because I'm engaged in an amoral activity which is not meant to have anything to do with guilt." George Soros, commenting on his actions in the currency markets. ("George Soros," 60 Minutes interview transcript, December 20, 1998)

Soros Convicted of Insider-Trading, Ordered to Pay $2.8 million. "George Soros's bid to overturn an insider-trading conviction has been rejected by France's highest appeals court, ending the billionaire's fight to erase a legal stain on his 40-year investing career. The Court of Cassation, the tribunal of last resort in France, ended its review of a March 2005 judgment that Soros broke insider-trading laws when he bought Societe Generale SA shares in 1988 with the knowledge that the bank might be a takeover target. Soros had been ordered to pay back 2.2

million euros ($2.8 million) in gains." (Gabriele Parussini, "Soros Insider-Trading Conviction Upheld by Paris Appeals Court," Bloomberg, June 14, 2006)

Soros: "No Sense of Guilt" for Confiscating Property from Jews in Nazi-occupied Budapest. "But there was no sense that I shouldn't be there, because that was—well, actually, in a funny way, it's just like in markets—that if I weren't there—of course, I wasn't doing it, but somebody else would . . . be taking it away anyhow . . . whether I was there or not, I was only a spectator, the property was being taken away. So the—I had no role in taking away that property. So I had no sense of guilt." ("George Soros," 60 Minutes interview transcript, December 20, 1998)

Extended quotation from the 60 Minutes transcript follows: "When the Nazis occupied Budapest in 1944, George Soros' father was a successful lawyer. He lived on an island in the Danube and liked to commute to work in a rowboat. But knowing there were problems ahead for the Jews, he decided to split his family up. He bought them forged papers and he bribed a government official to take 14-year-old George Soros in and swear that he was his Christian godson. But survival carried a heavy price tag. While hundreds of thousands of Hungarian Jews were being shipped off to the death camps, George Soros accompanied his phony godfather on his appointed rounds, confiscating property from the Jews.

(Vintage footage of Jews walking in line; man dragging little boy in line)

KROFT: (Voiceover) These are pictures from 1944 of what happened to George Soros' friends and neighbors.

(Vintage footage of women and men with bags over their shoulders walking; crowd by a train)

KROFT: (Voiceover) You're a Hungarian Jew . . .

Mr. SOROS: (Voiceover) Mm-hmm.

KROFT: (Voiceover) . . . who escaped the Holocaust . . .

(Vintage footage of women walking by train)

Mr. SOROS: (Voiceover) Mm-hmm.

(Vintage footage of people getting on train)

KROFT: (Voiceover) . . . by—by posing as a Christian.

Mr. SOROS: (Voiceover) Right.

(Vintage footage of women helping each other get on train; train door closing with people in boxcar)

KROFT: (Voiceover) And you watched lots of people get shipped off to the death camps.

Mr. SOROS: Right. I was 14 years old. And I would say that that's when my character was made.

KROFT: In what way?

Mr. SOROS: That one should think ahead. One should understand and—and anticipate events and when—when one is threatened. It was a tremendous threat of evil. I mean, it was a—a very personal experience of evil.

KROFT: My understanding is that you went out with this protector of yours who swore that you were his adopted godson.

Mr. SOROS: Yes. Yes.

KROFT: Went out, in fact, and helped in the confiscation of property from the Jews.

Mr. SOROS: Yes. That's right. Yes.

KROFT: I mean, that's—that sounds like an experience that would send lots of people to the psychiatric couch for many, many years. Was it difficult?

Mr. SOROS: Not—not at all. Not at all. Maybe as a child you don't—you don't see the connection. But it was—it created no—no problem at all.

KROFT: No feeling of guilt?

Mr. SOROS: No.

KROFT: For example that, "I'm Jewish and here I am, watching these people go. I could just as easily be there. I should be there." None of that?

Mr. SOROS: Well, of course I c—I could be on the other side or I could be the one from whom the thing is being taken away. But there was no sense that I shouldn't be there, because that was—well, actually, in a funny way, it's just like in markets—that if I weren't there—of course, I wasn't doing it, but somebody else would—would—would be taking it away anyhow. And it was the—whether I was there or not, I was only a spectator, the property was being taken away. So the—I had no role in taking away that property. So I had no sense of guilt." ("George Soros," 60 Minutes interview transcript, December 20, 1998).

Soros Said That President Bush's Statements Remind Him of Nazi Slogans. "'When I hear Bush say, 'You're either with us or against us,' it reminds me of the Germans.' It conjures up memories, he said, of Nazi slogans on the walls, Der Feind Hort mit ("The enemy is listening"). 'My experiences under Nazi and Soviet rule have sensitized me,' he said in a soft Hungarian accent.'" (Laura Blumenfeld, "Soros's Deep Pockets vs. Bush," The Washington Post, November 11, 2003).

Soros Is the Primary Financier of Left-Wing Causes. Tax records of Soros' Open Society Institute show contributions of: $4.41 million to the American Civil Liberties Union and its state affiliates; $500,000 to the Pro-Choice Education Project to launch a (pro-abortion rights) "public education and media strategy;" $100,000 to Catholics for a Free Choice, an allegedly Catholic group that advocates for abortion rights; $100,000 to the Death Penalty Information Center, an organization that works against capital punishment; $100,000 to the Pennsylvania Coalition to Save Lives Now "to support needle exchange programs," $80,000 over three years to the Gay Straight Alliance Network, to promote "a traveling photo documentary exhibit by lesbian, gay, transgender, queer and questioning youth;" $35,000 to the Abortion Access Project. (Jeff Johnson, "George Soros" $30M Welfare Check," CNSNews.com, April 26, 2005).

The Soros Prostitution Agenda. Open Society Institute (OSI), a foundation funded and controlled by George Soros, sued the United States Agency for International Development (USAID) "over requirement that recipients of federal AIDS grants pledge to oppose prostitution. The group would be the second charity to challenge the policy, which AIDS activists say stigmatizes prostitutes and makes it harder to fight the disease." In June 2006, Open Society Institute published a study entitled "Sex Workers Health and Rights: Where is the Funding?" The report highlighted the role of OSI and various Soros foundations, in financing "a large number of sex workers organizations" and attacked the Bush Administration policy for refusing to fund such groups. OSI received at least $30 million between 1998 and 2003 from the federal government, mostly from the State Department. (Wall Street Journal, September 23, 2005; Open Society Institute webpages, http://www.soros.org/initiatives/health/focus/sharp/news/usaid 20050923,: http://www.soros.org/initiatives/health/focus/sharp/articles_publications/publications where 20060719/where.pdf

Soros Called the War on Drugs a "Fantasy" and More Harmful Than Drugs Themselves. "Tilting the balance against the drug warriors side is a short piece by Howard Fineman on the activities of George Soros. The billionaire financier, who calls the drug war 'a fantasy' and says it does more harm to America than drugs themselves, has spent big money pushing his position that we should treat drug abuse as a medical problem, not a criminal one." (Bill Steigerwald, "Newsweek Wants A Drug Debate," Pittsburgh Post-Gazette, January 30, 1997).

Soros is Major Financier Behind Drug Legalization Groups. In 1994, Soros pledged $4 million over five years to the Lindesmith Center, a pro-marijuana legalization think-tank that merged with the Drug Policy Foundation to form the Drug Policy Alliance, which supports legalization of marijuana for "medical" purposes, repealing mandatory minimum sentences for drug offenses, ending imprisonment for drug possession. (Neil Hrab, "George Soros' Social Agenda for America," Capital Research Center's Foundation Watch, http://www.capitalresearch.org/pubs/pdf/x3770435801.pdf)

Soros Heavily Financed Drug Legalization Efforts For Marijuana. "And the award for best supporting role goes to billionaire George Soros, the Daddy Warbucks of drug legalization. He doesn't reside in either state [Arizona or California], but he bankrolled both efforts. . . . Most money used to buy misleading TV ads for both referenda came from out of state. In Arizona, as of the most recent reporting date (May 31), of $300,490 contributed to support Prop. 200, only $490 came from in state. The remaining $300,000 came from out of state, $200,000 of it from the Drug Policy Foundation—a pet charity of George Soros'—and the other $100,000 came directly from Soros himself." (Joseph A. Califano Jr., "Pro-Drug Campaigns' Hidden Agenda," Pittsburgh Post-Gazette, December 22, 1996)

Soros Helped Finance a Pro-Marijuana Children's Book. "Dr. Robert Newman, served on the Board of Directors for the Drug Policy Foundation as early as 1997, and presently serves on the board of directors with another minority witness, Rev. Edwin Sanders, of the Drug Policy Alliance (the new name of the Drug Policy Foundation since its merger with the aforementioned Lindesmith Center). The Drug Policy Alliance describes itself as "the nation's leading organization working to end the war on drugs." Along with its major donor George Soros, it helped produce It's Just a Plant, a promarijuana children's book. I will be very interested in learning from the witnesses today what they believe U.S. Government policy should be with respect to financing heroin distribution, safe-injection facilities, and how-to manuals like H Is For Heroin, published by the Harm Reduction Coalition, and children's books on smoking marijuana, produced with the help of the organization run by two of the minority's witnesses today." (Mark Souder, opening statement, "Harm Reduction or Harm Maintenance: Is There Such a Thing as Safe Drug Abuse?", hearing before the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, February 16, 2005, http://www.dpna.org/resources/current/02-16-5c.htm; http://www.justaplant.com)

Soros and Two Friends give $450,000 to "take apart [California's] criminal justice system one step at a time." "International financier George Soros and two other wealthy donors have contributed a total of $450,000 for a November ballot measure that would alter California's tough three strikes sentencing law . . . The donation marks the third time that this trio has backed criminal justice measures in California. In 1996, the three gave money to pass Proposition 215, which sought to legalize marijuana for medical uses. In 2000, they supported the successful Proposition 36, which diverts drug offenders from prison to treatment." (Bill Ainsworth, "$450,000 to help try to weaken law," San Diego Union-Tribune, September 14, 2004.)

Soros Effort To Infiltrate the U.S. Conservative Movement. "The scheduled Friday CPAC event on "A Conservative Drug Policy" was to feature a mini-debate between Ethan Nadelmann of the Drug Policy Alliance (DPA) and Calvina Fay. The "moderator," hardly unbiased, was scheduled to be Rob Kampia of the Marijuana Policy Project (MPP). The Soros Open Society Institute has given the DPA millions of dollars, including $2.5 million in 2004 alone. MPP has been funded by Soros as well as Peter Lewis, chairman of the Progressive Corporation, who was arrested in New Zealand several years ago after customs officers found marijuana in his luggage. Lewis, who gave $340,000 to MPP in 2004, is also a major funder of the ACLU." (Mark Souder, Congressional Record, insertion in the record of article by Cliff Kincaid, February 8, 2006, http://reform.house.gov/CJDPHR/News/DocumentSingle.aspx?DocumentID=39349)

Soros Support of Lynne Stewart, Lawyer to Terrorists. "George Soros funds many controversial projects, some extreme projects. One quick example is the $20,000 that went from his Open Society Institute to the Lynne Stewart Legal Committee. Lynne Stewart was the attorney who represented the blind sheik who was involved in the first bombing of the World Trade Centers and was later convicted for aiding and abetting his activities while in prison." (Peter Flaherty of the National Legal and Policy Center, O'Reilly Factor, May 20, 2005, relying on Open Society Institute IRS Form 990 filings. Byron York, "Soros Funded Stewart Defense," National Review, February 17, 2005.)

Soros Attacks "War on Terror," Compares Bush Administration to Nazis. Soros told an audience at the Carnegie Endowment for International Peace, "We are working with a very false frame when we talk about a 'war on terror,' and yet it is universally accepted." He added, "President Bush is exploiting it even further ahead of these elections . . . I would voice my concerns about the similarities between this administration and the Nazis' and communist regimes." (Monisha Bansal, "Soros Slams Terror 'War,' Compares White House to Nazis," CNSNews.com, September 15, 2006.)

Soros To Encourage a U.S./Europe Split. "Soros, the Hungarian-American financier who has historically invested his billions in encouraging democracy in eastern block countries, is turning his attention to Western Europe because he thinks the EU is failing. Soros is to invest hundreds of millions of dollars in foundations, the first of which will be either in London or Paris." Soros: "The practical message for Europeans is that the world really needs a strong European Union with a mission which is different to America's priorities." (Rupert Stein, "Soros lays foundations to restore EU purpose," The Scotsman, July 15, 2006.)

INTRODUCTION OF THE ENDANGERED SALMON PREDATION PREVENTION ACT

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. HASTINGS of Washington. Mr. Speaker, today I am introducing legislation that provides an expedited process for the States of Washington and Oregon and the four Columbia River treaty tribes to manage aggressive California sea lion predation of endangered salmon and steelhead in the Columbia River. This bill is the result of months of collaboration with my colleague from Washington, Mr. BAIRD, and I thank him and his staff for their diligent efforts in working with me to develop this legislation.

The Columbia River is the heart of our region, and runs right through my district in Central Washington state. This river is critical for power production, irrigation, transportation, recreation, and fish and wildlife habitat. This river is renowned for its salmon, which are an important part of the regional economy and way of life, and of great cultural significance to the Native American people of the Pacific Northwest. Unfortunately, at this time, we have a number of salmon and steelhead runs that are listed as threatened and endangered under the Endangered Species Act in our region. Many of these are in the Columbia River and its tributaries.

Our region is working diligently to restore healthy salmon runs, and we have made great progress over the last 10 years. We have invested hundreds of millions of dollars each year in direct spending in support of salmon recovery. I have long argued that we must take a balanced approach to salmon recovery that recognizes the many factors that influence their life cycle. This includes the so-called "four Hs"—hydropower, hatcheries, harvest, and habitat—as well as things like ocean conditions and the high level of predation by certain birds and marine mammals. This legislation is about addressing the latter problem.

We have witnessed dramatic increases in the number of California sea lions over the past few decades. In fact, their numbers have grown six-fold to nearly 300,000 coast wide. While these animals have always been present in and around the Columbia River, we have seen them appear in growing numbers in recent years—especially during the peak of the spring salmon run. A few years ago, just a few sea lions were witnessed in the tailrace below Bonneville dam, where the salmon tend to gather before entering the fish ladders. Now, it is becoming the norm to see nearly 100 of them. Recent estimates by the Army Corps of Engineers indicate that California sea lions are responsible for eating more than three percent of the run as observed at Bonneville dam. This does not include the numbers of salmon eaten elsewhere in the lower Columbia River by sea lions.

Despite efforts by federal, state, and tribal officials to discourage the sea lion predation through aggressive nonlethal hazing, the sea lions appear to becoming more brazen with each passing year. It is clear that lethal removal of some of the worst actors is necessary to deter this sea lion behavior and to help recoup more of our substantial investment in salmon recovery.

Similar conflicts between protected marine mammals and ESA-listed fish have occurred in the Northwest before. In fact, the Marine Mammal Protection Act was amended in 1994 to address the problem of California sea lions eating returning winter steelhead at the Ballard Locks in Seattle. The process established by that amendment allows states to apply to the Commerce Department for legal authority to remove marine mammals under certain conditions. However, in practice, the application process takes 3 to 5 years to come to a conclusion.

The Endangered Salmon Predation Prevention Act, which I am introducing today, would provide expedited authority for states and tribes to manage the sea lion problem while the states concurrently apply for longer-term authority through the established process. There are numerous protections in this proposal to ensure that only a limited number of sea lions are removed. In addition, the permit holders would have to determine that the sea lion in question has preyed upon salmon stocks and has not been responsive to nonlethal hazing methods. The proposal calls upon the Commerce Secretary to report to Congress on the need for amendments to the Marine Mammal Protection Act to address conflicts between protected marine mammals and fish species that are listed under the Endangered Species Act.

In addition to Mr. BAIRD, I am pleased to be joined today upon introduction by Mr. WALDEN and Mr. DICKS. This proposal is a measured, common-sense response to the very real problem of increasing California sea lion predation of threatened and endangered salmon, and I hope my colleagues will allow us the opportunity to move this legislation expeditiously before the end of the 109th Congress.

IN HONOR OF MIKE HURST

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. PICKERING. Mr. Speaker, as we near the end of this session of Congress, I see the end of the loyal service of my legislative director and counsel, Mike Hurst. He leaves my office in October to become an Assistant United States Attorney in Mississippi. Today I make these remarks to honor Mike's service and to recognize the challenges we faced together as he now embarks on this new opportunity.

It was August 2003 when Mike Hurst first joined my team. After graduating from Newton County Academy as the valedictorian in 1993, he attended East Central Community College on a basketball scholarship where he earned an Associates of Arts degree. He was the student body association president and "Mr. ECCC." He went on to earn a Bachelor of Arts degree in political science at Millsaps College in 1997 here he was recognized for his academic achievements and earned a law degree from George Washington University Law

School in 2000. After working in the private sector for a few years at Troutman Sanders, Mike turned to public service as majority staff counsel for the House Judiciary Committee's subcommittee on the Constitution.

Mike joined my staff as legislative director and counsel and led my staff and committee work on telecommunications, transportation, and energy issues including the House-passed Communications Opportunity, Promotion, and Enhancement Act of 2006 and Mississippi specific language in the Satellite Home Viewer Extension and Reauthorization Act of 2004. He served as my representative on the conference committees for the Energy Policy Act of 2005 and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. Following Hurricane Katrina, he assisted me in drafting and passing into law—in less than a month—the Local Community Recovery Act of 2006. He also played an integral part in drafting the Housing Opportunities and Mitigating Emergencies Act of 2005, which served as the model for Mississippi's post-Katrina housing initiative implemented through community development block grants.

Mike is a son of Newton County who grew up in what we affectionately call Hurstville, a "suburb" of the town of Hickory, population 512. His father Mike operates Mike Hurst Trucking and his mother Lucy is an assistant district engineer for the Mississippi Department of Transportation. I know they, along with his sister Aime'e Hurst Lang, are proud of Mike.

Now Mike, his wife Celeste and their children Anna Reagan, Amelia, Asa with another on the way, have returned home to Mississippi. Our office will miss his experience, knowledge, and skills, but Mississippi and our Nation will continue to benefit from his service as an assistant United States attorney.

Mike Hurst leaves a formative mark on the shape and operation of my office. We will miss his good nature, humor, and dedication to his work. But I thank him for his service to this office and to Mississippi.

HONORING THE SAFETY RECORD OF THE UTILITIES DISTRICT OF WESTERN INDIANA REMC

HON. JOHN N. HOSTETTLER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Mr. HOSTETTLER. Mr. Speaker, I rise today to recognize the Utilities District of Western Indiana Rural Electric Membership Corporation (REMC) for its remarkable safety record, specifically working more than 750,000 hours without a lost-time accident.

Since its incorporation some seventy years ago, UDWI REMC has focused on its core mission of providing reliable and affordable power to its member consumers. The electric cooperative was formed to serve southwestern Indiana residents in 1936 when most of our nation's rural homes and farms were without the benefits of electric power.

Today, UDWI REMC delivers power, services and energy solutions to nearly 19,000 homes, businesses and farms in Indiana's Greene, Clay, Daviess, Knox, Lawrence, Martin, Monroe, Owen, Putnam, Sullivan and Vigo counties. Through its efforts, the Bloomfield-based cooperative has improved the quality of life for thousands of Hoosiers.

Ensuring reliable electric distribution is a vital job that requires dedication, skill and safe work practices. Electricity provides light, heat, cooling, and comfort, and power for labor-saving conveniences and electronics along with life-saving benefits. Yet electricity demands proper respects and attention. UDWI REMC's 49 employees have demonstrated their commitment to safe work practices by compiling an exceptional safety record, working from February 24, 1998 to August 10, 2006 without a lost-time accident.

Mr. Speaker, it is through the efforts and cooperation as demonstrated by UDWI REMC that our country's rural communities enjoy the benefits of clean, safe electricity. We take great pride in commending UDWI REMC General Manager Roger Davis, the cooperative's employees, and Board of Directors on a job done well—and safely—for the past 8 years. Thanks to these men and women, and others like them, the future is bright in southwestern Indiana.

THE U.S.-OMAN FREE TRADE AGREEMENT (H.R. 5684)

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in opposition to the U.S.-Oman Free Trade Agreement, which perpetuates the flawed CAFTA model by sacrificing worker rights and environmental standards for the sake of greater profits for the elite.

American policies should promote global trade that is both fair and free. Trade agreements that meet this standard improve the quality of life for American families by expanding export markets for our products while also providing economic opportunity, human dignity and political stability for workers around the world.

Unfortunately, the U.S.-Oman Free Trade Agreement is another step towards a lowest-common-denominator global economy where sinking labor and environmental standards undermine American competitiveness and global security. The intellectual property provisions of the agreement will hinder the spread of lower priced generic drugs, which could improve public health and stabilize populations in Oman. The agreement's only enforceable labor protection is a requirement that Oman enforce its own labor laws, even though the country's laws fail to comply with basic international labor standards in ten specific areas. Rather than requiring improvements in Oman's labor law, H.R. 5684, accepts unenforceable promises from Oman's government. Even the most basic labor safeguards in this agreement have been crippled: the Bush Administration subverted the will of Congress and stripped out a provision inserted by the Senate Finance Committee stipulating that goods made in Oman with forced labor may not benefit from the trade agreement.

Global trade is the keystone of America's economic success. Expanding trade promotes economic growth in our country and the quest for higher living standards and opportunity abroad. And, as with foreign policy, America's trade policy is an expression of our values and a tool to advance our global vision. Unfortunately, this Oman Free Trade Agreement contradicts America's much-touted commitment to foster global democracy and freedom. If America is to find success in our efforts to spread democracy, serious commitments to the conditions that support democracy: economic stability, environmental sustainability and human dignity. To secure economic prosperity at home and human rights around the world, we in Congress do better than H.R. 5684.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. MOORE of Kansas. Mr. Speaker, during the week of September 18, 2006, I was unable to cast recorded votes due to the death of my father and attendance to family matters in Kansas.

On September 19, had I cast my vote on rollcall votes 451, 452, and 453, I would have voted "yes" on each one.

On September 20, had I cast my vote on rollcall vote 454, 455, and 456, I would have voted "no" on each one. Had I cast my vote on rollcall vote 457, I would have voted "yes." Had I cast my vote on rollcall vote 458, I would have voted "yes." Had I cast my vote on rollcall vote 459, I would have voted "no." Had I cast my vote on rollcall vote 460, I would have voted "yes."

On September 21, had I cast my vote on rollcall vote 461, I would have voted "no." Had I cast my vote on rollcall vote 462, I would have voted "no." Had I cast my vote on rollcall vote 463, I would have voted "yes." Had I cast my vote on rollcall vote 464, I would have voted "no." Had I cast my vote on rollcall vote 465, I would have voted "yes." Had I cast my vote on rollcall vote 466, I would have voted "yes." Had I cast my vote on rollcall vote 467, I would have voted "yes." Had I cast my vote on rollcall vote 468, I would have voted "no." Had I cast my vote on rollcall vote 469, I would have voted "yes." Had I cast my vote on rollcall vote 470, I would have voted "no."

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, on May 22, 2006 I missed rollcall vote No. 178 on the Pets Evacuation and Transportation Standards Act (H.R. 3858). Had I been present, I would have voted in favor of this legislation that requires local and state authorities to consider the needs of people with pets and service animals in disaster planning. Hurricane Katrina taught our Nation many difficult lessons about preparing for a disaster. We now know that many evacuees, who were fleeing the area, were forced to abandon their animals. This bill works to correct these problems by requiring all federal evacuation plans to protect pets. I know how important a role pets play in the lives of many people, and therefore am proud to be both a co-sponsor and full supporter of this legislation.

PERSONAL EXPLANATION

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. POMBO. Mr. Speaker, I was not able to attend a number of votes that took place September 26, 2006 on the House floor. I take my responsibility to vote very seriously and would like my intentions included in the CONGRESSIONAL RECORD.

Had I been present, I would have voted "yea" on rollcall 479, or the Child Custody Protection Act, S. 403; "yea" on rollcall 480, or the Public Expression of Religion Act, H.R. 2679; "yea" on rollcall 481, or the Calling on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with specific emphasis on civilian protection, H. Res. 723; "yea" on rollcall 482, or the Urging the President to appoint a Presidential Special Envoy for Sudan, H. Res. 992; "yea" on rollcall 483, or the Commending the United Kingdom for its efforts in the War on Terror, and for other purposes, H. Res. 989; "yea" on rollcall 484, or the Affirming support for the sovereignty and security of Lebanon and the Lebanese people, H. Res. 1017; "yea" on rollcall 485, or the National Institutes of Health Reform Act, H.R. 6164; and "yea" on rollcall 486, or the Department of Defense Appropriations Act, 2007, H.R. 5631.

IN TRIBUTE TO THE ELECTRONIC WARFARE CENTER OF EXCELLENCE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. GALLEGLY. Mr. Speaker, I rise to recognize and pay tribute to the Electronic Warfare Center of Excellence at the Naval Air Station, Point Mugu, as it celebrates its 55th anniversary.

Electronic Warfare encompasses the science of denying an enemy the ability to locate, monitor, guide, and communicate within its own offensive and defensive operations, while retaining one's own capabilities. In practical terms, it includes, but is not limited to, the ability of our missiles and aircraft to avoid detection while breaking through the electronic barriers erected by our enemies.

Great Britain's World War II Prime Minister Winston Churchill dubbed this technology the "Wizard War." And for much of Point Mugu's Electronic Warfare Center of Excellence's existence, its work has been shrouded in secrecy accorded wizardry. Much of its work today, in fact, remains sensitive and classified.

However, what is public knowledge is impressive: maintaining the EA–6B, Airborne Electronic Attack platform, optimizing Jammer techniques, developing Mission Planning systems, conducting post-mission processing, and continually updating the worldwide threat database.

The center has generated millions of lines of software code; provides fleet support 24 hours a day, seven days a week, 365 days a year—including Thanksgiving and Christmas; and fields tens of thousands of help desk calls every year. The men and women who staff Point Mugu's Electronic Warfare Center of Excellence are not only among the most creative, they are also among the most dedicated.

Mr. Speaker, I know my colleagues will join me in paying tribute to Point Mugu's Electronic Warfare Center of Excellence and the men and women who have worked diligently behind the curtain for 55 years to keep our Nation free.

TRIBUTE TO ST. JOHN'S EPISCOPAL CHURCH

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor St. John's Episcopal Church in the Town of Boonton, Morris County, New Jersey, a vibrant community I am proud to represent! On October 21, 2006, the good citizens of Boonton will celebrate St. John's Episcopal Church's 150th Anniversary.

St. John's Episcopal Church was established in 1856, when the Reverend Charles F. Hoffman began holding services at a building on Main Street in Boonton. The Reverend Francis D. Canfield became Rector later that year and was responsible for leading his congregation to finance and build their own church. The plans were drawn by an architect renowned for the designs of such magnificent structures as Trinity Church, Trinity Chapel and St. Thomas' in New York City. The cornerstone of St. John's Church of Boonton was laid on July 8, 1863. The total cost of the building amounted to $3,600. The building was completed in three months and consecrated on October 13, 1863. Two years later the grounds were graded and enclosed in stone. The Reverend Canfield, in addition to his regular responsibilities, was responsible for raising much of the money needed to build the church.

St. John's is also graced by its E. & G. G. Hook Company Opus 394 pipe organ, which was installed in the north transept in 1893. The organ company was one of the foremost makers of fine pipe organs in the 19th century. The organ has been in continuous service since its installation and is dedicated to Eleanor Bidwell, St. John's organist-choirmaster for 37 years, through 2001.

St. John's continues to be a vital part of the greater Boonton area to this day, hosting regular luncheons for the needy and helping to support the local Cedar Street Community Development Corporation, the Boy Scouts, the Seamen's Church Institute, and the Boonton Food Bank.

Mr. Speaker, I urge you and my colleagues to join me in congratulating St. John's Episcopal Church of Boonton on the celebration of its 150 years serving Morris County.

H.R. 4893

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in opposition to H.R. 4893, which represents a significant change in federal policy towards tribal governments and grossly undermines tribal sovereignty.

The U.S. Constitution article 1, section 8 acknowledges Indian Tribes as governments, equal to States and Foreign Nations. In recognition of this constitutionally guaranteed sovereignty, the Indian Gaming Regulatory Act, IGRA, directs tribes to negotiate gambling compacts with states and the federal government. H.R. 4893 amends Section 20 of IGRA to restrict off-reservation Indian gambling by forcing tribes to enter into agreements with subdivisions of states for the first time in over 200 years.

H.R. 4893 further undermines tribal sovereignty and Indian Self-Determination with a provision that requires tribes to enter into binding arbitration with counties and parishes. Binding arbitration is an alternative dispute resolution process between two equals, yet the Constitution makes clear that Indian Tribes are equal to Federal and state governments, not their local subdivisions. This legislation creates a precarious precedent that could lead to further erosion of tribal sovereignty.

For these reasons, major tribal organizations vehemently oppose passage of H.R. 4893. The National Indian Business Association, the National Indian Gaming Association and the National Congress of American Indians, which includes 250 tribes throughout the United States, are among the bill's detractors.

This bill is only the most recent in a long and regrettable series of assaults on the rights of Native Americans. As a proud member of the Native American Caucus and a stalwart defender of tribal sovereignty, I stand opposed to this legislation and in defense of the Constitution. I will continue to work in Congress to ensure that our federal government's commitment to America's Native peoples, cultures and languages remains steadfast.

A TRIBUTE TO BISHOP L.N. FORBES

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. BUTTERFIELD. Mr. Speaker, I rise today to pay tribute to a great man, Bishop

L.N. Forbes whom I greatly respect for his dedication, commitment and loyalty to serving the Lord and his people. Bishop Forbes was born on October 24, 1936 in Wayne County, North Carolina, the fourth of ten children to the late Will Scott and Sally Melvin Forbes. At an early age, he began practicing actively and later received his biblical and spiritual guidance at the Leventon Chapel Free Will Baptist Church, where he remains a member in good standing.

After receiving the call to the ministry, Pastor Forbes preached his initial sermon in May 1959, using as a subject, "You Need It and You Must Have It." In 1959, Pastor Forbes established Faith Temple No. 1 in East Orange, New Jersey, and in 1962, Faith Temple No. 2, now in Capitol Heights, Maryland. In 1978, Bishop Forbes established Faith Temple No. 3 in St. Paul, North Carolina.

As the Presiding Bishop of the Original Free Will Baptist Conference, he spearheaded the construction of the L.N. Forbes Tabernacle in Wilson, North Carolina, which was dedicated in 1975. He now serves as the General Bishop of the Original Free Will Baptist Conference of America, the Vice President of the National Convention of Free Will Baptist of USA, President of the East Orange Clergy Movement and Past President of the Hampton University Ministers Conference.

Mr. Speaker, Bishop Forbes is my personal friend and I know so well the difference his Ministry is making in our community. He works tirelessly and often without compensation. My colleagues, I ask that you join with me in honoring this great American, Bishop Lemmie Nathaniel Forbes.

RECOGNIZING VANDERBILT UNIVERSITY SCHOOL OF NURSING AND GODCHAUX HALL

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. COOPER. Mr. Speaker, I rise today to recognize the many contributions of Vanderbilt University School of Nursing and its historic Godchaux Hall. Some of Nashville's most talented health care professionals, educators and students will gather today to celebrate a place "where tradition meets innovation," the newly renovated Godchaux Hall.

Godchaux Hall was built in 1925 as the dormitory for the 100 students and faculty of the Vanderbilt nursing program. It included classrooms, laboratory space and a library. Since then, it has undergone several name changes and renovations, but last year, Vanderbilt University School of Nursing was awarded a grant from the National Institutes of Health (NIH) to improve the space for the first time in thirty years.

Today, Godchaux Hall is a truly innovative place where students from all over the world come to earn advanced nursing degrees and learn the skills they need to care for patients as nurses. An advanced 9-bed "Intervention Lab" provides a simulated hospital environment and includes state-of-the-art computer equipment, "Sim Man," to replicate a human patient. New behavioral labs create space for nursing researchers to work with human subjects outside the laboratory. The increased space also allows Vanderbilt to expand its relationship with community partners like Fisk and Lipscomb Universities whose students can earn Bachelor degrees at Vanderbilt's Godchaux Hall.

The improved learning space at Godchaux Hall will give Vanderbilt the ability to continue its long tradition of excellence in nursing education. I commend Dean Colleen Conway-Welch for her leadership and Vanderbilt University School of Nursing for its achievements in innovation and education. One of the most significant outcomes of today's ribbon-cutting is that it will allow Nashville to combat the nursing shortage our nation faces and continue to provide the best in health care to patients from across Middle Tennessee.

NATO SUMMIT IN RIGA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. VISCLOSKY. Mr. Speaker, as a Co-Chair of the Congressional Croatian Caucus and in light of the forthcoming National Atlantic Treaty Organization (NATO) Summit in Riga, I would like to bring your attention to the significant progress Croatia has made to date under Euro-Atlantic integrations. I would also like to emphasize the contributions Croatia could make as a new NATO member in furthering its principles and enhancing security in the area. Finally, I would like to commend both the Croatian Embassy to the United States and the National Federation of Croatian Americans for their steadfast commitment to furthering the U.S.-Croatian relationship.

In pursuing extensive political, economic, and defense reforms since it's independence, Croatia has proven to be a reliable partner in the international community's efforts to build long-term support and stability, and has been an active supporter of the global coalition against terrorism. Croatia fully recognizes the fundamental importance of sharing its vision of Euro-Atlantic integration with other countries in the region, demonstrating this through various regional initiatives such as the U.S. Adriatic Charter for Partnership with Albania and Macedonia.

Croatia is one of the countries first in line for the next round of NATO enlargement, and has benefited greatly from the substantial investment made by the United States in the region. This investment represents the United States' belief in Croatia as a partner in promoting democratic ideals and peace-keeping efforts world-wide. Croatia has been an active contributor to non-Article V. NATO operations in the areas of crisis management and crisis response, notably under NATO-led ISAF operations in Afghanistan, Further, Croatia has consistently demonstrated its support for international efforts to bring peace, stability, and democracy in Iraq.

The Congress' continuing support for further NATO enlargement was expressed last year, when the United States House of Representatives unanimously adopted House Resolution 529, recommending Croatia's integration into NATO. This was quickly followed by a similar resolution in the United States Senate. These resolutions not only represented recognition by the U.S. Legislature of the significant progress made by the Croatian government towards participating actively in a free and democratic world, they also provided valuable support for further efforts in Southeast Europe towards stability and security in the Southeastern European region.

At the Riga Summit, NATO should go beyond its "open door" policy and issue an unequivocal message to invite one or more aspirant MAP countries to begin accession talks with NATO at the next Summit in 2008, provided that they continue with necessary reforms and fulfill the conditions for membership, Croatia has demonstrated it is willing and able to assume responsibilities of NATO membership, and will prove to be an effective contributor to the collective defense and overall Alliance mission.

Mr. Speaker, as a Co-Chair of the Croatian Caucus, I am fully convinced that Croatia's earliest integration into NATO will allow it to be a more valuable ally to the United States. I ask that you and my other distinguished colleagues join me today in recognizing Croatia's progress and in encouraging the Departments of State and Defense to push for full integration of Croatia into NATO at the earliest opportunity, preferably with an invitation no later than 2008.

CRIMINAL CODE MODERNIZATION AND SIMPLIFICATION ACT OF 2006

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. SENSENBRENNER. Mr. Speaker, I rise today to introduce the "Criminal Code Modernization and Simplification Act of 2006."

This measure revises the criminal code to update, simplify and consolidate many of the criminal provisions in Title 18 of the United States Code. It has been over 50 years since the criminal code was last revised. The existing criminal code is riddled with provisions that are either outdated or simply inconsistent with more recent modifications to reflect today's modern world.

As my term as Chairman of the Judiciary Committee comes to a close, I am introducing this measure to begin the dialogue and process for rewriting the criminal code. It is my hope that this bill will trigger a dialogue and input from other interested parties to develop a more comprehensive re-write. Further, it is my hope that a careful review of the code will lead to even more of a reduction in the "federalization" of what many consider local crimes. I am well aware that federal prosecutions constitute only 7 percent of the criminal prosecutions nationwide. We need to ensure that the federal role continues to be limited and that the State and local offenses are not subsumed within an ever expanding criminal code.

Through the years, the criminal code has grown with more and more criminal provisions, some of which are antiquated or redundant, some of which poorly drafted, some of which have not been used in the last 30 years, and some of which are unnecessary since the crime is already covered by existing criminal provisions.

This bill cuts over ⅓ of the existing criminal code; reorganizes the criminal code to make it more user-friendly; and consolidates criminal offenses from other titles so that title 18 includes all major criminal provisions (e.g., drug crimes in title 21, aviation offenses and hijacking in title 49).

In redrafting the criminal code, I applied several drafting principles: (1) added a uniform set of definitions for the entire title; (2) revised the intent requirements to apply a consistent definition of intent in response to Supreme Court criticisms of intent requirements for criminal offenses; (3) eliminated excess language that confuses, or potentially complicates, use of a criminal statute; and (4) added new headings to make the code more user friendly.

I attempted to the extent possible to make these changes policy neutral; however, two general policy changes were made: (1) attempts and conspiracies to commit criminal offenses are generally punished in the same manner as the substantive offense unless specifically stated otherwise; and (2) criminal and civil forfeiture and restitution provisions were consolidated unless a more specific policy was adopted for a crime.

I wanted to take a moment to thank the Legislative Counsel's Office and in particular Doug Bellis, the Deputy Counsel of that Office, who devoted substantial efforts to preparing this bill and should be commended for his extraordinary efforts.

I recognize that additional input from outside interested parties will be needed, and look forward to working with other Members, the Justice Department, the Department of Homeland Security, the Treasury Department and other parties on this worthwhile project.

RECOGNIZING THE ACCOMPLISHMENTS OF THE AMERICAN COUNCIL OF YOUNG POLITICAL LEADERS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, it is with appreciation that I rise today to recognize the accomplishments of the American Council of Young Political Leaders (ACYPL). As a bipartisan, non-profit educational exchange organization, ACYPL serves a critical purpose in helping to ensure strong U.S. public diplomacy around the world.

ACYPL programs enhance understanding of political systems, cultures, and people by fostering relations between young political leaders. These international exchanges are an important strategy in a broader effort to ensure our nation's security and the protection of U.S. interests abroad.

Through these exchanges young political leaders learn from each other and share their experiences. In fact, two of my own staff have participated in ACYPL programs, including a program to Egypt and a program to Tanzania and Uganda. These experiences have provided opportunities for them to share their views on democracy, foreign policy issues, and cultural differences—broadening their world views and building new international relationships.

I am also proud that my Congressional Office has hosted several young political leaders over the years. This September, my office hosted a young political leader from Egypt—Ms. Fatma Zaki-Khalil. Fatma is a staff member with the Badrawi Technical Bureau. Dr. Hossam Badrawi, a former of the People's Assembly and Chairman of the Education Committee, has also hosted young American political leaders, including a staff member from my office, through ACYPL exchange programs in Egypt.

Thank you ACYPL. I look forward to continued partnerships in working to support cultural and political exchanges.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. MOORE of Kansas. Mr. Speaker, on September 28, 2006, I was unavoidably detained and failed to cast a recorded vote on rollcall vote No. 495. Had I cast my vote, I would have voted "no."

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, on September 7, 2006 I missed rollcall vote No. 433, the American Horse Slaughter Prevention Act (H.R. 503). Had I been present, I would have voted in favor of this bill that intends to put an end to horse slaughter in this country for good. The practice of this purely export-driven market which involves the cruel treatment and killing of our horses for trade is unacceptable, and therefore I am a proud cosponsor and supporter of this bill that moves to end these practices.

INTRODUCTION OF H.R. 6014

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. POMBO. Mr. Speaker, California's Sacramento-San Joaquin Delta provides water for millions of Californians and is a recreational and environmental treasure. In addition, it serves as a home, where generations of us continue to live and work.

The Delta, however, is also one of the most flood-prone areas in the world. Hurricane Katrina reinforced the need to do everything possible to protect the Delta. To do otherwise would risk tempting the same human and environmental disaster that devastated New Orleans. Simply accepting that the Delta will flood catastrophically is unacceptable.

Over the past two years, we have held productive hearings on protecting the Delta and have steered funding towards actual levee construction. Long-term studies are underway, but I worry that our federal and state agencies are studying levee protection to death and do not have a comprehensive emergency preparedness plan. The reality is hearings and long-term studies don't protect Delta Residents and water users from the immediate threats that swollen waterways present.

That's why I introduced H.R. 6014. Experts on the ground who work to keep the levees safe have told me that the most effective levee protection is performed through the California Levees Subvention Program. It's a proven program with tangible results. While we continue to develop long-term strategies for protecting the Delta, funding this existing program will cut through bureaucratic red tape and get needed dirt and rock on the levees in a cost effective manner.

My bill is not a cure-all, but it is a bipartisan step in the right direction. It rightly forces the Bureau of Reclamation to funnel money to a proven program that will benefit the agency and the 22 million California water consumers who depend on reliable levees in the Delta.

The 2004 Jones Tract levee failure demonstrated that what happens in the Delta, does not stay in the Delta. Private levee failures can have a significant impact on federal agencies: The Jones Tract failure forced the Bureau of Reclamation to shut down its export water pumps to those south of the Delta for several days. The funding in my bill helps prevent future levee failures that could have far-reaching impacts on the entire State. It is simply an ounce of prevention for a pound of cure.

Mr. Speaker, I thank you for considering this important and timely legislation. Studies and history have shown that levees in the Delta are vulnerable to breaks at any moment. We must act now to protect our communities and water supply and this bill does exactly that.

TRIBUTE TO POINT MUGU, CALIFORNIA

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. GALLEGLY. Mr. Speaker, I rise to recognize and pay tribute to Naval Air Station, Point Mugu, California and its 60 years as a premier Navy missile research, development, test, and evaluation center.

Mugu beach is believed to be the site where Juan Cabrillo landed on October 10, 1542. Muwu was the capital village of the Chumash Indians located along the shores of Mugu Lagoon. Most of its early history centers around ranching, farming, and the famous Mugu fish camp.

In 1947, Congress appropriated funds to establish a permanent Navy presence here to develop a site where both missiles and pilotless aircraft could be tested. Since the mid-1940s, Point Mugu has had several Center Names, all with the mission to develop, test, and evaluate missiles and related systems.

Originally, on October 1, 1946, Point Mugu was named the U.S. Naval Air Missile Test Center, followed on August 1, 1949, as the Naval Air Station. On June 16, 1958, it obtained the Pacific Missile Range moniker and on January 7, 1959, it was named the Naval Missile Center. On April 26, 1975, Point Mugu became the Pacific Missile Test Center. On January 21, 1992, it became the Naval Air Warfare Center Weapons Division and Naval Air Weapons Station.

Today it is part of Naval Base Ventura County with the designation Naval Air Station, Point Mugu.

The main base complex at Point Mugu consists of 4,500 acres of support facilities and instrumentation equipment. Point Mugu maintains three runways to support range users and the numerous operational units assigned there.

Additionally, the Sea Range Operational Area comprises a 36,000-square-mile instrumented sea test range that can be expanded to 196,000 square miles. The sea range is supported by a deepwater port located at nearby Port Hueneme, and San Nicolas Island 60 miles off the coast.

Point Mugu is an integral part of the Naval Air Warfare Center Weapons Division, NAWCWPNS, the Navy's full spectrum research, development, test evaluation, and in-service engineering center for weapons systems associated with air warfare.

Mr. Speaker, I know my colleagues will join me in paying tribute to the military and civilian men and women who, over the course of 60 years, have dedicated themselves to the defense of the United States and have substantially contributed to the security of the United States and our allies.

CONGRATULATING JEEHYUN CHOI

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to express my congratulations to one of my constituents—Ms. Jeehyun Choi. Jeehyun, a resident of St. Paul, is one of six national winners of the Library of Congress's 2006 Letters about Literature competition. She is one of the two high school-aged winners.

Jeehyun, who will read her letter during the Letters about Literature national awards presentation at the National Book Festival on the National Mall on September 30, 2006, is an 11th grade student at Saint Paul Academy.

Jeehyun addressed her letter to Peter Hedges the author of What's Eating Gilbert Grape. In her letter she eloquently expressed her thoughts about the book and her ability to relate to the main character—Gilbert. The letter is a joy to read and will certainly inspire many to enter the world of Gilbert by taking time to read What's Eating Gilbert Grape.

I also would like to recognize those who support Letters About Literature—affiliate State centers of the book and Target Stores—a Minnesota company. These kinds of public/private partnerships expand opportunities for our youth and I appreciate their commitments.

Congratulations Jeehyun. It is my hope that you will continue to be inspired by literature and to share your inspiration with others.

TRIBUTE TO ACCESSIBLE ARTS ON ITS 25TH ANNIVERSARY

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. MOORE of Kansas. Mr. Speaker, I take this opportunity today to pay tribute to Accessible Arts, Inc., of Kansas City, Kansas, during the year in which it celebrates its 25th year of service to children with disabilities,

Accessible Arts values children and the arts; above all, access to the arts for children with disabilities is their core principle. Advocacy, education and collaboration are essential components in accomplishing their objectives. Through the arts, children develop critical thinking skills, take risks in a safe environment and experience successes. The challenge of creating something of value instills hope and self-confidence in children of all ages.

In 1981, Accessible Arts founder and first executive director William Freeman saw the need for an organization to advocate for active participation in the arts for all children, regardless of their ability. The result was the Arts with the Handicapped program of the Kansas State Department of Education, which later became Accessible Arts, Inc.

This unique and innovative program has benefited thousands of children, their teachers and parents, This 25th anniversary of the Accessible Arts program is cause for celebration and appreciation of all who have contributed to its development, and to celebrate Accessible Arts' continuing its important work. I join in paying tribute to this unique and valuable program and wish Accessible Arts many more years of successful service to children with disabilities and their families.

TRIBUTE TO NEW VERNON VOLUNTEER FIRE DEPARTMENT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the New Vernon Volunteer Fire Department, in the Township of Harding, Morris County, New Jersey, a patriotic community that I am proud to represent! On September 30, 2006 the good citizens of Harding Township and the surrounding area will celebrate the New Vernon Fire Department's 85th anniversary at their 54th annual auction.

New Vernon, in the early 20th century, was a small community within Passaic Township with about 300 scattered homes with no electricity or radio. The Postmaster and keeper of the general store owned a large coach with a long seat on each side, which he used to take groups on picnics and other outings. When someone heard of a fire, he hitched his team to the coach and took the available men to the site of the fire. In the absence of a water supply and pumps, the best they could do was to pass buckets of water from hand to hand. Residents were eager for a fire department. The New Vernon Volunteer Fire Department was formally incorporated in 1921 with approximately 21 members along with the Ladies Auxiliary of approximately 35 members.

The all volunteer fire department has never received financial support through taxation. A large portion of the financial support in 1924 came from a carnival fundraiser, dinners and square dances; today, and for the past 54 years, an all-day auction, annual steak and lobster dinners, pancake breakfasts and soup contests have successfully raised a majority of the money needed to support the fire department. These events also are known to be opportunities for town residents to get together.

During the first 50 years of the department's history, the fire department responded to over 1,000 calls. In 1995, along with the First Aid Squad, they responded to more than 400 calls in that year alone.

Today, New Vernon Volunteer Fire Department Chief Ken Noetzli and his 60 volunteer firemen respond within an area that includes over 1,000 homes and a major interstate highway. The number of members has grown from 21 to 60.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the New Vernon Volunteer Fire Department on its 85 years of protecting one of New Jersey's finest municipalities.

A TRIBUTE TO ROMALLUS O. MURPHY

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. BUTTERFIELD. Mr. Speaker, I rise today to pay tribute to an outstanding citizen and a person whom I admire greatly, attorney Romallus O. Murphy of Greensboro, North Carolina. The meaningful accomplishments of Romallus Murphy have affected the lives of many people across the State of North Carolina and across this Nation. On October 14, 2006, this great American will be justly honored by the North Carolina State Conference of the National Association for the Advancement of Colored People, NAACP, for his many meaningful years of remarkable service. At the Conference they will also announce a fitting tribute, the establishment of an Annual Continuing Legal Education Program bearing the name of Romallus Murphy. The yearly award will assist lawyers in refining their skills and renewing their dedication to honorable, steadfast service which has been the hallmark of his career.

Mr. Speaker, Romallus Murphy served as Chair of the Legal Redress Committee of the North Carolina Conference of the NAACP since the 1960s. Over the last half-century, he and those he has inspired have given invaluable counsel to clients and young lawyers alike who were and still are engaged in dismantling the old walls that have divided people of North Carolina along artificial lines of color and creed.

Romallus Murphy is a native of Houston, Texas. He attended college at Howard University in Washington, DC, and graduated in 1951. He briefly attended the School of Law at Howard University but finished his legal education at the University of North Carolina School of Law in 1956 where he was the only student of color.

Mr. Speaker, Romallus Murphy began his legal career in my home community of Wilson, North Carolina. He was the only African-American attorney in this eastern North Carolina community. As such, he was a role model to countless individuals. I attribute my desire to become a lawyer to the tremendous impression he made upon my young life.

Mr. Speaker, in 1957 the Wilson City Council changed its election procedure to require at-large elections and a provision requiring voters to vote for a full slate. Anything less than a full slate was considered a spoiled ballot. The purpose of these discriminatory changes in election procedure resulted in the Black candidate, Dr. G.K. Butterfield, being defeated.

In 1959, another Black candidate ran for a seat on the City Council but was required to run in the new at-large election system and be subjected to the full slate requirement. The candidate, Reverend Talmage A. Watkins, was soundly defeated and his defeat was directly attributable to the new elections procedure. In response, the community retained Romallus Murphy to bring a voting lawsuit against the City of Wilson. Mr. Murphy litigated the case through the state courts and eventually argued the case before the United States Supreme Court. Though unsuccessful, the case was part of the record that convinced the Congress to enact the Voting Rights Act of 1965.

Mr. Speaker, Romallus Murphy served in the United States Air Force and was honorably discharged with the rank of Captain. He was assigned to Shaw Air Force Base, Sumter, South Carolina, Clovis Air Force Base, Clovis, New Mexico, and Japan.

Romallus Murphy served as President of Shaw College in Detroit, Michigan, for several years. He also practiced law in the capital city of Raleigh, North Carolina, with renowned civil rights lawyer, Samuel Mitchell. He currently practices law in Greensboro, North Carolina, where he serves a community that is appreciative of his work.

In 1987, Romallus Murphy was legal counsel to the North Carolina State Conference of Branches for the NAACP. He was part of the legal team that forced the State of North Carolina to create electoral opportunities for Black lawyers to become Superior Court Judges. His lawsuit was the catalyst that forced the General Assembly to create majority black judicial districts. As a result of this effort, at least eight African-American judges were elected to the Superior Court bench.

Currently, Romallus Murphy is a practicing attorney in Greensboro, North Carolina. He is a member of Genesis Baptist Church. He is married to Gale Bostic Murphy and he has six children: Natalie, Kim, Romallus Jr., Wynette, Verna, and Christian.

Mr. Speaker, placing this tribute into the CONGRESSIONAL RECORD is a great personal honor for me. I ask my colleagues to join me and the delegates to the North Carolina Conference in paying tribute to this courageous attorney who has worked to foster and continue our Nation's founding principle—that all men and women are created equal.

IN RECOGNITION OF NASHVILLE'S SCHERMERHORN SYMPHONY CENTER

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. COOPER. Mr. Speaker, Nashville has long been known as Music City. It is famous as the home of the Grand Ole Opry, the best place anywhere to hear the stars of country and bluegrass perform. Nashville is also the place to head if you want to kick back at a lively spot like Tootsie's Orchid Lounge for a night of sad songs and good times.

Now, Nashville has another reason to claim the title of Music City. It is home to a new symphony hall that is being heralded as a world class triumph. According to the Wall Street Journal, "the $123 million, 1,860-seat concert hall is an architectural and acoustic gem and one of the most successful auditoriums built in a century."

Nashville's new Schermerhorn Symphony Center opened September 9th to great reviews from the media and the community. Praised for its elegant neoclassical design and its superb acoustics, the project also won fans because it was on budget and on time. But Nashville is truly proud of our new hall because it recognizes the extraordinary talent and dedication of a gentleman who led the Nashville Symphony for more than 20 years, Maestro Kenneth Schermerhorn. Under his leadership, the Nashville Symphony was transformed from an orchestra that too often struggled for funding and stability into one now recognized as among the best in the nation. And, equally important, Nashville became a city that celebrates music in all its genres. In keeping with the tone set by Maestro Schermerhorn, the new symphony hall will present performances that showcase music from classical to pops, cabaret, choral, jazz, and blues and yes, even a country tune or two.

On Saturday, October 7th, the spirit of Maestro Schermerhorn will fill downtown Nashville. On this day, the new symphony hall that bears his name will open its doors to one and all for a day-long celebration of music and culture in true Music City style. On this one day, more than 600 musicians from the region will bring their talents to the stages and courtyards and many performance spaces that are part of the Schermerhorn Symphony Center. The Nashville Symphony will share the spotlight with the Fisk Jubilee Singers, the Belmont Bluegrass Ensemble, the Gypsy Hombres, Annie Selleck and the Tennessee State University Band, among others. Come early and stay all day. Whatever style of music you prefer, you will find it celebrated here at the Schermerhorn Symphony Center, and that is just the way the Maestro envisioned it.

Saturday, October 7th will be a special day in Nashville. But in our city, and at Schermerhorn Symphony Center, we are proud to say every day is special because every day we celebrate what it means to be Music City.

TRIBUTE TO IVY TECH COMMUNITY COLLEGE NORTHWEST AND SOUTH SHORE CLEAN CITIES, INC.

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and pleasure that I stand before you to recognize Ivy Tech Community College Northwest and South Shore Clean Cities, Incorporated, as they join the National Alternative Fuels Training Consortium in hosting the 2006 National Alternative Fuel Vehicle (AFV) Day Odyssey. They, along with other community leaders, will come together on Thursday, October 12, 2006, at the Westfield Shoppingtown in Hobart, Indiana to explore alternatives to powering cars and trucks with gasoline and diesel throughout many locations across Northwest Indiana.

The National AFV Day Odyssey began in 2002. The mission of the National AFV Day Odyssey, which is vital to the protection of our environment for future generations of our country and the world, is to create awareness of alternative fuel and advanced technology vehicles. The first event reached more than 17,000 people at 51 sites nationwide. In 2004, nearly 25,000 people attended the 54 locations where the Odyssey events were held. Having continually grown in size and interest, this event will once again explore the environmental needs for AFV's in our country, and local participants will learn of alternative fuel options to protect the future of not only Northwest Indiana, but the rest of the nation as well.

On October 12, 2006, Ivy Tech Community College Northwest and South Shore Clean Cities, Incorporated will be educating participants on how alternative fuels can be part of the solution to America's environmental and energy needs. The day's events will include presentations, information, and games, as well as a special appearance by the Lindquist CNG Race Team, a racing team that enhances the goals of National AFV Day by racing alternative fuel vehicles in high-profile races throughout the United States.

Mr. Speaker, at this time, I ask that you and my other distinguished colleagues join me in recognizing and paying tribute to the National Alternative Fuels Training Consortium, Ivy Tech Community College Northwest, and South Shore Clean Cities, Incorporated as they strive to provide the tools and education for protecting our local and national interests in securing both the future of our environment and our Nation's energy independence.

THE SENTENCING FAIRNESS AND EQUITY RESTORATION ACT OF 2006

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. SENSENBRENNER. Mr. Speaker, today I introduce the "Sentencing Fairness and Equity Restoration Act of 2006," to restore uniformity to Federal sentencing and reaffirm Congress' commitment to protecting our Nation's children.

This legislation addresses the Supreme Court's decision in *United States* v. *Booker,* 543 U.S. 220 (2005), which invalidated the mandatory sentencing requirement of the Sentencing Guidelines (18 U.S.C. section 3553(b)(1)), and struck down the de novo standard for appellate review of any downward departures in 18 U.S.C. Section 3742(e), which was enacted as part of the PROTECT Act in 2003.

On March 13, 2006, the U.S. Sentencing Commission issued its report on Booker's impact on Federal sentencing. The Sentencing Commission's report shows that unrestrained judicial discretion has undermined the very purposes of the Sentencing Reform Act, and jeopardizes the basic precept of our Federal court system that all defendants should be treated equally under the law.

The Federal Sentencing Guidelines are now advisory in all cases, even in those where they can be applied without any judicial fact-finding. Federal judges are now able to impose sentences outside the prescribed ranges, thereby undermining the very purpose of the Sentencing Reform Act to "provide certainty and fairness in meeting the purposes of sentencing, avoiding unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar criminal conduct."

The PROTECT Act ensured that appropriate sentences would be administered to sex offenders, pedophiles, child pornographers, and those who prey on our children. Thus, I am troubled that the Commission's Report shows that these fundamental sentencing reforms have been effectively eliminated. That is neither good nor acceptable for justice and public safety.

Most alarming is the dramatic increase in departure rates for sex offenses including sexual abuse of a minor, sexual exploitation of a minor, and possession or trafficking in child pornography. Downward departures increased for these offenses to levels that had not existed since enactment of the PROTECT Act in 2003.

The Sentencing Commission's report shows that in the last year there has been a six-fold increase in below guideline range sentences for defendants convicted of sexual abuse of a minor, a five-fold increase in below guideline range sentences for defendants convicted of sexual exploitation of a child, a 50 percent increase in below guideline range sentences for defendants convicted of sexual contact of a minor, trafficking in child pornography, and possession of child pornography.

The report also shows an increase in overall departure rates for nearly all Federal offenses across all Federal jurisdictions, including drug trafficking offenses, firearms offenses, theft and fraud offenses, and immigration offenses. These four offense types comprise 75 percent of all Federal cases annually. According to current sentencing data, the rate of downward departures has not improved.

Shortly after the release of the Booker report, I expressed my concern for the increase in departures rates, particularly for sexual offenses, and promised a legislative response. The Sentencing Fairness and Equity Restoration Act directs the courts to impose a sentence at the minimum of the guideline range up to the statutory maximum and reinstates de novo review for all downward departures. The act also requires the Attorney General to create and implement a new policy for the filing of motions for departure for substantial assistance and report this policy to Congress within 180 days of enactment of the bill.

Mr. Speaker, I am introducing this legislation to restore equity in Federal sentencing and to ensure that tough sentences are handed out to all defendants, including sex offenders.

THE SENTENCING FAIRNESS AND EQUITY RESTORATION ACT OF 2006

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. This section provides that the Act may be cited as the "Sentencing Fairness and Equity Restoration Act of 2006."

Section 2. Reaffirmation of Intent of Congress in the Sentencing Reform Act of 1984.

Subsection (a). This subsection amends section 3553(b)(1) of title 18 to address the Supreme Court's holding in *United States* v. *Booker*, 543 U.S. 220 (2005). The Booker court ruled that the Sixth Amendment applies to the federal Sentencing Guidelines and noted that the Sixth Amendment implications hinged on the mandatory nature of the Guidelines, which are dependent on judicial fact-finding. Id. at 232. In a separate opinion, the Court excised the provision in section 3553(b) that instructed the court to "impose a sentence of the kind, and within the range" provided by the Guidelines.

This subsection amends the first sentence of section 3553(b)(1) to instruct that the sentencing court may not impose a sentence below the minimum of the guideline range unless the court finds the existence of a mitigating circumstance that is not adequately addressed by the Sentencing Guidelines. The amendment also instructs that the court may impose a sentence above the minimum of the guideline range up to the statutory maximum sentence.

Subsection (a) replaces the mandatory provision excised by the Court with a requirement that the court adhere to only the minimum of the guideline range established by the Sentencing Commission. This requirement, however, is not mandatory because the court may still depart from the minimum of the range in certain instances.

Subsection (a) also reaffirms Congress' intent in the Sentencing Reform Act of 1984 that the maximum sentence a judge may impose is the statutory maximum rather than the Guideline maximum. The Booker Court reasoned that because section 3553(b)(1) required courts to adhere to the sentencing guidelines, the "maximum" sentence authorized by law was, in fact, the Guideline maximum and not the statutory maximum. Amended section 3553(b)(1) removes the mandatory requirement from the sentencing statute. Thus, the court is not bound by the Guideline maximum and may impose a sentence up to the maximum authorized by statute.

Subsection (a) makes identical revisions to section 3553(b)(2).

Subsection (b). This subsection amends section 3553(c) to conform with subsection (a). Section 3553(c) continues to require the court to state for the record its reasons for imposing a particular sentence. The amendment does not change the ability of the court to receive information in camera pursuant to the Federal Rules of Criminal Procedure and requires the court to indicate for the record when such in camera information is received and relied upon for sentencing purposes. Finally, this subsection maintains current language regarding restitution and dissemination of sentencing transcripts.

Subsection (c). This subsection amends section 3742(e) of title 18 to re-establish the de novo appellate review standard for downward departures. In Booker, the Court also excised the de novo appellate review standard, which was enacted as part of the PROTECT Act, based upon its rationale that this section "contains critical cross-references to the (now excised) §3553(b)(1) and consequently must be severed and excised for similar reasons." Id. at 247. The Court, however, provides no nexus between the de novo appellate standard of review and the Sixth Amendment right to a jury for sentencing. Moreover, having excised the mandatory sentencing provision in §3553(b)(I), the cross-reference to that section in §3742(e) carries no Sixth Amendment implications. Section 3742(e) merely outlines the criteria appellate courts use to review sentences.

Subsection (c) reasserts Congress' intent to reign in the increasing rate of reduced sentences, particularly for sexual offenses, expressed in the PROTECT Act. Pursuant to this amendment, the appellate courts will continue to review sentences below the minimum of the range de novo while maintaining Booker's reasonableness standard for all other sentencing appeals.

Section 3. Uniform National Standards for Downward Departures for Substantial Assistance. A significant result of the Booker decision is the spike in downward departures for substantial assistance imposed by the courts in the absence of a government motion. Substantial assistance motions are filed in instances where the defendant has provided the government with information relating to another investigation or prosecution. In reviewing this increase in sua sponte departures, the committee has learned that the government's standards for these motions vary from district to district, creating the potential for disparate treatment of similarly situated defendants.

This section, therefore, directs the Attorney General to implement a uniform policy for departure motions for substantial assistance, including the definition of substantial assistance in the investigation, the process for determining whether departure is warranted, and the criteria for determining the extent of departure. The amendment instructs the Attorney General to report the policy to Congress within 180 days of enactment of this Act.

Section 4. Assuring Judicial Administrative Responsibilities are Performed by the Judicial Branch. This section amends section 994(w) of title 28, which governs the reporting requirements of the federal district courts to the U.S. Sentencing Commission. This amendment simply clarifies that the reporting required by this section is to be completed by the judicial branch and may not be delegated to the executive branch.

CONGRATULATING PAUL PRIBBENOW

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to offer my congratulations and warm wishes to Paul Pribbenow on his appointment as the 11th president of Augsburg College. Located in Minneapolis, Minnesota, Augsburg College is a private liberal arts college associated with the Evangelical Lutheran Church in America (ELCA).

Augsburg has a long and proud history of not only educating and preparing students, but also in engaging and strengthening communities in Minnesota, especially those that coexist with and neighbor the Augsburg campus. Dr. Pribbenow, with expertise in issues related to philanthropy, non-profit management, and ethics, is uniquely prepared to continue to strengthen community ties. He holds a B.A. from Luther College in Iowa, and an M.A. and Ph.D. in social ethics from the University of Chicago. Before accepting the position at Augsburg, Dr. Pribbenow served as the President of Rockford College in Rockford, Illinois.

I am pleased to have this opportunity to join with the students, faculty and staff of Augsburg in welcoming Dr. Pribbenow to Minnesota and to Augsburg College. I look forward to continued work with Augsburg under the leadership of Dr. Pribbenow in ensuring a strong partnership between the federal government and our institutions of higher education in providing access to all those who wish to pursue a higher education, while strengthening the economic and social well-being of our communities.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, on September 7, 2006 I missed rollcall vote No. 431 on the Goodlatte Amendment to the American Horse Slaughter Prevention Act (H.R. 503). Had I been present I would have voted against this amendment because it is impractical to expect that all the horses that would otherwise be slaughtered would be able to go to rescue facilities. These horses could be humanely euthanized, adopted by other owners or kept longer by their current owners. If passed, this amendment would have severely compromised the underlying bill which I support.

NATIONAL SPINA BIFIDA MONTH

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to commemorate October as National Spina Bifida Awareness Month.

It is estimated that 3000 babies are born in the United States each year with a serious birth defect of the brain or spine called a neural tube defect. Spina bifida, the most common neural tube defect, is the leading cause of childhood paralysis. There are approximately 70,000 people in the United States currently living with this permanently disabling birth defect.

Spina Bifida can be accompanied by significant social, emotional and financial burdens. But with proper medical and family care, people affected by Spina Bifida can live productive lives with the help of braces and/or a wheelchair. The key to a better life for Americans who live with Spina Bifida is research and improved quality-of-life, and this goal must be a national priority.

Along with developing new methods for treatment and care, a critical effort must also be aimed at prevention. In response to research that showed the incidence of Spina Bifida could be reduced by up to 75% with the addition of folic acid in a woman's diet, the United States Public Health Service recommended that all women of childbearing years should take 400 micrograms of folic acid daily to prevent having a pregnancy affected by a neural tube defect.

Based on this recommendation, I introduced the Folic Acid Promotion and Birth Defects Prevention Act, which was passed into law as part of the Children's Health Act of 2000. This Act authorized a program within CDC to provide professional and public education for folic acid awareness.

The good news is that progress has been made in educating women about the importance of consuming folic acid supplements and maintaining diets rich in folic acid. However, the majority of women in this country are still not aware of the benefits of folic acid, and only 40 percent of women ages 18 to 45 take a daily vitamin with the recommended level of folic acid.

The Centers for Disease Control and Prevention, CDC, reports that the rate of Spina Bifida in the Hispanic population is almost seven in 10,000 births, nearly 40 percent higher than the non-Hispanic rate. And tragically, Hispanic women continue to have the lowest reported folic acid consumption of any racial or ethnic group.

To that end, I am happy to report that Gruma—one of the world's largest producers of corn flour and tortillas—has begun researching and conducting product testing with a year-end goal of enriching with folic acid its corn products sold in the United States. Imported corn flours—unlike most wheat flour and cereal products—are currently not enriched with folic acid. This important voluntary action by Gruma has significant implications for improving the health and well-being of the U.S. Hispanic/Latino population.

Lastly, I would like to take this opportunity to highlight the role of the Spina Bifida Association. The Spina Bifida Association, SBA, is an organization that has helped those affected by this debilitating disease for over 30 years and is the Nation's only organization solely dedicated to advocating on behalf of the Spina Bifida community. With almost 57 chapters in more than 125 communities, the SBA brings families together to answer questions, voice concerns, and lend support to one another.

Together the SBA and various local SBA California chapters work tirelessly to help families living with Spina Bifida meet the challenges and enjoy the rewards of raising their children. I thank the local chapters of SBA, especially those in my State of California for all they have done and all that they will continue to do to advance the needs of the Spina Bifida community.

In conclusion, Mr. Speaker, we have come a long way in the prevention of new incidences of spina bifida, as well as in the treatment and care of those individuals impacted by this serious birth defect. But there is still much to do. During this month of National Spina Bifida Awareness, we must commit ourselves to the goals of increased prevention, expanded health education, more thorough research, and improved quality of life for all those living with Spina Bifida.

HONORING CREATIVE BEGINNINGS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to honor Creative Beginnings, a South Florida organization dedicated to assisting women and children transition out of homelessness. Since its inception in 2000, Creative Beginnings has provided case management services on a one-to-one basis to provide homeless women with the support they need to foster growth, discipline, and self-commitment as they break the cycle of homelessness.

Every woman helped by Creative Beginnings undergoes an intensive personalized process aimed at helping them to assess, and care for, their own needs. The successful conclusion of this process entails reintegration into society. Counseling is offered throughout the process to develop and enhance independent basic life skills. These include work adjustment, job readiness training, and vocational rehabilitation to ensure that the transition out of homelessness is permanent. In addition to their own personal network, organizations such as the Salvation Army and local places of worship have offered their support in helping Creative Beginnings fulfill its goals. Through the tireless dedication of Creative Beginning's professional and caring staff, numerous homeless women and children have begun the path to happy, meaningful, and productive lifestyles.

My heart goes out to all the employees and volunteers at Creative Beginnings, but I would like to personally congratulate and thank Executive Director Teresita R. Terrón, Secretary Isabel Gonzalez-Jettinghoff, Treasurer Rose Marie Rojas Marty, and Rev. Fr. Jorge Bello for their supreme efforts at making Creative Beginnings what it is today.

The Village of Key Biscayne and the City of Coral Gables have already recognized Creative Beginnings for its commitment to homeless women and children. Creative Beginnings provides an integral service to our community, and plays an invaluable role in the lives of all who those who have been aided by their efforts.

The hard work and individual attention given to every woman is truly extraordinary and the entire South Florida community is truly grateful for their noble efforts. I congratulate Creative Beginnings for their work, and wish them continued success in helping individuals regain their rightful places in society.

HONORING CLINT BOLTE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. SHUSTER. Mr. Speaker, I rise today to honor Clint Bolte of Chambersburg, Pennsylvania, who has been named "2006 Citizen of the Year" by the Borough Council and the Waters Award Committee. This distinguished award is given annually, in memory of the late Donald "Mike" Waters, to the person who most exemplifies the efforts and achievements in community service once performed by Waters throughout his lifetime.

The "Citizen of the Year" award was presented to Clint, a local businessman and principal of C. Clint Bolte and Associates, by Mr. Waters' widow, Jenny, and son, Don. They remarked that Clint has "carried on Waters' tradition of community service," just as Clint and Mr. Waters did while co-chairing a community spring cleanup campaign together some years ago.

While accepting the honor on September 18, 2006, Clint said that the award was "very much a surprise," and that he was incredibly grateful for the recognition. Clint also remarked that the late "Mike" Waters was "very much an individual of extraordinary faith who loved his family and was passionate about his community."

Clint Bolte, himself, has contributed endlessly to the betterment of the Chambersburg community, and Franklin County as a whole. Clint has worked through organizations such as the Chambersburg Club, the Rotary Foundation, the United Way, and the YMCA. To cite each individual accomplishment and contribution that Clint has been a part of would be nearly impossible. His involvement in the community over the years has been immeasurable. Jenny Waters may have put it best, speaking about Clint Bolte, saying that he has selflessly dedicated himself to the Chambersburg community "just like 'Mike' did."

RECOGNIZING FRANCES WILLARD ELEMENTARY SCHOOL AND GARFIELD ELEMENTARY SCHOOL IN THE FOURTH DISTRICT

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. TIAHRT. Mr. Speaker, today I rise to recognize the excellent efforts and achievement of two schools in the fourth district of Kansas.

Last Friday, I was notified that Frances Willard Elementary School in Ark City and Garfield Elementary School in Augusta have been named 2006 No Child Left Behind—Blue Ribbon Schools. Schools that receive this honor are academically superior or show dramatic gains in student achievement.

The students, teachers, and administrators at Frances Willard and Garfield Elementary Schools are to be commended. Their dedication and hard work is evident and I am proud of their accomplishment. These two schools are excellent examples of how all students can exceed and achieve higher standards.

This is an incredible honor and truly shows the commitment to education in the Augusta and Ark City communities. I would also like to recognize the parents for the support of their children. Parental involvement in a child's education is crucial to his or her success.

As we begin another school year, I encourage students, teachers, administrators and parents in Kansas and around the nation to continue their efforts to close the achievement gap so all children can learn and succeed. We, as a nation, have to do more now to prepare these young people for their futures. I am confident that we will continue to see improvements each year and I hope to be honoring more schools next year.

Congratulations to Frances Willard Elementary School in Ark City and to Garfield Elementary School in Augusta for their outstanding achievement in earning the 2006 No Child Left Behind—Blue Ribbon Schools.

THE PEOPLE OF NORTH KOREA

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. PITTS. Mr. Speaker, I stand up today on behalf of the people of North Korea.

A number of reports have detailed the horrific suffering of the people there—a suffering that makes China looks like paradise. Those held in the prison camps in North Korea endure torture, forced abortions, and brutal deaths.

In early October, the Yoduk story musical will be performed in our area—this musical tells the story of the suffering in a North Korean prison camp, Director Jung, Sung-San is a North Korean defector himself, whose father died in one of the political prison camps.

Interestingly, the South Korean government did not want this musical produced in South Korea, but the director thought it was so important for the world to know the story of North Korea that he put up his own kidney as collateral for a $20,000 loan to ensure the musical was produced.

Mr. Speaker, that a North Korean was willing to put up his own kidney to produce this story speaks to the gravity of the suffering in North Korea. The international community must get its head out of the sand and ACT to stop the terrible suffering of the North Korean people.

CONGRATULATING DR. JUDEA PEARL AND DR. AKBAR AHMED

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. BERMAN. Mr. Speaker, I rise today to congratulate Dr. Judea Pearl and Dr. Akbar Ahmed, co-recipients of the Purpose Prize. Drs. Pearl and Ahmed have been recognized for innovation and success in using their lifetime of experience for the greater good.

The Daniel Pearl Foundation, which Dr. Pearl founded following the tragic death of his son, Daniel, at the hands of terrorists in Pakistan, is dedicated to promoting cross-cultural tolerance and understanding through public dialogue and the training and support of journalists. Together with Dr. Ahmed, Pearl created the Daniel Pearl Dialogue for Muslim-Jewish Understanding, which holds dialogues around the world to frankly discuss contentious issues and provide different perspectives on the topics that are causing so much violence today.

The Purpose Prize was created in 2005 by Civic Ventures, a California-based non-profit organization dedicated to generating ideas and inventing programs to help society achieve the greatest return on experience. Over 1,200 adults age 60 and over competed for the five $100,000 cash prizes and the accompanying benefits of publicity and support for their projects. The Purpose Prize aims to stimulate, recognize and support the entrepreneurial efforts of older adults who use their passion, smarts and experience to address serious social challenges. Unlike lifetime achievement awards, it seeks to reward new and creative efforts by older persons from all walks of life. Ultimately, the Purpose Prize will contribute to the transformation of our society's view of aging and lead to investments in America's greatest untapped resource: experienced and engaged older adults.

Mr. Speaker, I extend my heartfelt congratulations and appreciation to Drs. Pearl and Ahmed on receiving this prestigious award in its first year and I wish them continued success. I also commend Civic Ventures, The Atlantic Philanthropies, and The John Templeton Foundation, for their vision and generosity in creating this important stimulus for expanding citizen initiative for public good.

CELEBRATING THE 50TH ANNIVERSARY OF HEDY KUGLER'S ARRIVAL IN THE UNITED STATES OF AMERICA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. SHERMAN. Mr. Speaker, I rise today to honor a very special occasion in the life of one of my constituents, Jadwiga "Hedy" Kugler. This year, Hedy celebrates her 50th year in the United States of America! And what a wonderful 50 years they have been for her and her family.

Hedy's life represents the quintessential American dream. At the age of 13, she left the comforts of her family's Paris apartment and set sail for America on the SS United States with her parents Vincent and Maria Niziuk and her sister Marta. Although the family had very little at the time, they had grand dreams of a better life in America. Her very first glimpse of that dream was the Statute of Liberty, as her ship sailed into New York City on the morning of July 30, 1956.

But her journey did not end there. Shortly after clearing immigration, Hedy and her family boarded a train for the long trip to Los Angeles to meet the family's sponsor Wanda Wegrocka. Along the way, Hedy saw her first television show, "Queen for a Day," and had her first sip of Coca-Cola.

The family finally arrived in Los Angeles on August 4, 1956, and settled into a new apartment and new life on Ivar Avenue in the Hollywood Hills. These early years were an exciting time for Hedy, as she explored her new homeland and made lasting friendships that continue to this day. Hedy also took care to make the most of every opportunity that America provided. She graduated high school at Blessed Sacrament, and went on to earn a B.A. in Mathematics from UCLA. She then embarked on a career as a senior instructor for IBM, where she spent 30 years traveling the globe teaching application and systems programming to IBM clients. Now in her retirement, Hedy devotes much of her time to helping others, volunteering at a Kaiser hospital and serving as a Eucharistic minister at her local church.

Hedy has been married for 43 years to the love of her life, Bolek Kugler, and has two adult children, Christine and Andrew. She's now a proud grandmother too, or Baba as she is known to Ellie and Nate Kugler. I'm also proud to say that Hedy and her husband still live in the same Encino home that they bought nearly 35 years ago. Together, they continue to explore all corners of the world, from Argentina to Vietnam, Sydney to Krakow. Her adventurous spirit, born on the SS United States, continues to thrive and grow.

Fifty years ago, Hedy came to this country with a dream of a better life. She has turned that dream into a successful career, a lasting marriage, a vast circle of friends from around the country, and a family that loves her dearly. She is truly an inspiration to all those who know her.

I ask my colleagues to join me in congratulating Hedy on her 50th anniversary in the United States. May your future years in America be as full and prosperous as the last five decades.

IN RECOGNITION OF COOPERATIVES AND NATIONAL CO-OP MONTH

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. POMEROY. Mr. Speaker, I rise today to recognize the tremendous role that our cooperative businesses play in our nation's economy and in the state of North Dakota. October is National Co-op Month, so it is fitting that we take a few moments today to recognize the value of cooperatives.

Cooperatives are businesses owned and democratically governed by their members—those who buy their products or use their services—rather than by outside investors. This business structure provides valuable benefits to the co-op's member/owners.

North Dakota alone has over 250 farmer cooperatives and over 300 cooperatives total (including utilities and credit union cooperatives). These cooperatives contribute over $1.6 billion to the state's economy, and personal income attributed to cooperatives is over 15 percent of North Dakota's total.

North Dakota's cooperatives directly employ over 9,000 people full-time and an additional 3,000 people part-time. Add in secondary jobs associated with these cooperative businesses, and over 50,000 jobs in North Dakota result from cooperatives.

The effects of cooperatives are not just felt in North Dakota, of course. Nationwide, cooperatives operating in every state in the nation pump more than $200 billion into the economy and serve an estimated 130 million Americans. These cooperatives operate in virtually every industry, including agriculture, energy, financial services, food retailing and distribution, housing, healthcare, and telecommunications. They range in size from small storefronts to large Fortune 500 companies, employing more than 500,000 Americans with an aggregate payroll in excess of $15 billion.

Cooperatives dedicate substantial resources to serving their communities beyond their core business functions. This includes charitable giving that assists the underserved and community development activities that generate jobs and income.

The theme for Cooperative Month 2006 is "Cooperatives, Owned by Our Members, Committed to Our Communities." I urge my colleagues to join with cooperatives in their districts next month in celebrating the role of cooperatives in our economy and their value to their communities.

TRIBUTE TO HELEN DEHNKE

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. KIND. Mr. Speaker, as a member of the House Committee on Education and the Workforce, I am committed to ensuring that all children, regardless of socioeconomic background, receive an education that gives them the skills to achieve. Head Start, as developed in 1965, aims to address the educational, emotional, psychological, health, social, and nutritional needs of preschool-aged children from lower income families. Knowing how critical and beneficial this program is for so many families and their kids in western Wisconsin, I have consistently supported it.

Our local Head Start centers and leaders in western Wisconsin have served these students extremely well. One of the key components of the Head Start program is the quality of teaching it offers to its students. Without these teachers, the program could not succeed. Helen Dehnke of Mondovi, Wisconsin, embodies the devotion of many Head Start teachers. Helen has devoted 36 years of her life to Western Dairyland Head Start children and families.

Helen began her career as a Head Start parent volunteer in 1969 when her twins were in the program. The following year, her hard work earned her the position of teaching assistant in collaboration with Mondovi Day Care, Western Dairyland Head Start, and the Mondovi School District. Understanding how important teacher quality is, Helen participated in professional development sessions and she earned her Child Development Credential in order to serve her students to the best of her abilities.

Helen's hard work has not gone without recognition. Both her students and their families are extremely grateful for her 36 years of dedication, as am I. Helen is a loving and nurturing teacher, who has learned to know her student's exact needs. She has dedicated her life to ensure that young children are able to learn in a healthy, supportive environment.

I congratulate Helen on her retirement and thank her for her life's dedication to Wisconsin children and families. It is because of her work, and the work of her colleagues, that 13,000 Wisconsin preschool-aged children are enrolled in Head Start. As a result, these children will gain an excellent education and acquire the skills necessary to succeed in life. I wish Helen all the luck and well-being in the future, and it is my hope that her work will inspire others to continue to advance teacher qualifications and skills and strengthen the cognitive development and literacy of Head Start students.

TRIBUTE TO DR. HERBERT H. RICHARDSON

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. EDWARDS. Mr. Speaker, I rise today to recognize and honor Dr. Herbert H. Richardson for his service to The Texas A&M University System.

Dr. Richardson joined The Texas A&M University System in October 1984 as Vice Chancellor for Engineering in the System, Dean of the College of Engineering and Distinguished Professor of Engineering at Texas A&M University and brought together the University and the System's three engineering research and service agencies—the Texas Engineering Experiment Station, the Texas Engineering Extension Service and the Texas Transportation Institute—to form an integrated Engineering Program.

Dr. Richardson encouraged interdisciplinary research programs and played a key role in the awarding of Texas A&M University's first National Science Foundation Engineering Research Center, the Offshore Technology Research Center.

From 1991 to 1993, Dr. Richardson served as Chancellor of The Texas A&M University

System, leading the development of a comprehensive long-range vision for the System, as well as implementing a major administrative restructuring.

During his 22 years with The Texas A&M University System, Dr. Richardson has shown innovative leadership in building strong academic and research programs and in so doing helped the College of Engineering and the Texas Transportation Institute earn and maintain their outstanding national and international reputations for excellence.

I offer congratulations on his retirement and wish him and his family many years of future happiness

FREE TRADE AGREEMENT BETWEEN THE U.S. AND TAIWAN

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. KING of New York. Mr. Speaker, today I rise in support of H. Con. Res. 236, a resolution expressing Congressional support for a free trade agreement between the United States and Taiwan. As a cosponsor of this resolution, I join with over 65 of my colleagues in urging the Administration to begin these negotiations.

For more than 50 years, the U.S. and Taiwan have shared a close economic and security relationship resulting in more than 140 bilateral agreements. In 2005, trade between these countries totaled $56.9 billion as Taiwan became the 8th leading trading partner of the U.S. while the U.S. was Taiwan's 3rd leading trading partner. The Bush Administration has shown its commitment to expanding free trade in the region by signing FTAs with Singapore and launching negotiations with Korea and Malaysia recently. Now it is time to start discussions with Taiwan on a FTA that will further strengthen this relationship.

A 2002 report issued by the U.S. International Trade Commission found various sectors of the U.S. economy would increase significantly if the U.S. entered in to a FTA with Taiwan. While both the U.S. and Taiwan would benefit greatly from the elimination of trade and investment barriers, New York State stands to gain as well. Some of the largest U.S. companies whose headquarters are based in New York have invested in Taiwan. And over 300 Taiwanese companies specializing in computers, finance, and jewelry have invested in New York. In 2005 New York State exported over $1 billion worth of products to Taiwan. The reduction of these tariffs will certainly increase exports to Taiwan and create more jobs in New York. Finally, this FTA will allow New York companies to use Taiwan as a gateway for selling its products to China and the entire Asia-Pacific region.

A FTA between the U.S. and Taiwan has already been endorsed by 23 state legislatures. This important agreement will expand and greatly enhance the already close relationship between the U.S. and Taiwan.

Mr. Speaker, given these facts, I believe now is the time to begin negotiations on a free trade agreement between the United States and Taiwan.

TRIBUTE TO STEVE IRWIN

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. McCAUL of Texas. Mr. Speaker, I would like to submit the following poem for the RECORD.

THOSE AREN'T CROCODILE TEARS

(By Albert Carey Caswell)

Those aren't Crocodile Tears!
Those are real! As it's for their great fine friend, such heartache they now feel!
As the Crocodiles all in prayer, throughout the world so prepare . . . for their hero to so kneel . . .
As this day our Hearts Lie Down Under,
As The World and her Animal Kingdom have lost their great thunder, their fine son of wonder!
As The Lions they too so mourn, for this man of love so warm, their Savior . . . as they stop to ponder.
All the Animals are crying, as upon them their tears now lay lying
All because this their fine Hero, their True Champion . . . their True Friend lays dying
All of those sad elephant's ears are drooping, in the oceans . . . the whales, sad songs are crying!
But, Steve you will never be extinct,
Forever in our hearts, in our souls, in our minds, in our memories, you'll live on as of you we so think!
With you, life was all it's crocked up to be . . . with your heart of happiness ever to us such joy did bring.
FULL OUT, from life you never sipped, but drank . . . as how a life should be lived as no doubt,
With the heart of a child, as you lived To So Save The Wild . . . showing us all what living is all about!
Because you loved and so cared, as with the World your Aussie heart of a lion so shared throughout.
You Steve, You Great Big Koala Bear . . . Our Teddy Bear of Love . . . A Ray of Light . . .
A Thing of Joy, Reaching For The Stars . . . What is Right! A Shooting Star, So Very Bright!
You thought you were just a bloke, I think not! . . . God, put you on this earth to bring your light!
To Teach Us!
To So Deep Inside, In All Of Our Hearts To So Reach Us!
To show us all the true meaning of love and life, husband & wife, child or crocodile, you beseeched Us!
Oh Crockeeee, Oh how you showed us how life should be lived,
As to this our world, and her entire animal kingdom . . . Oh Crockeeee, the gifts to her you'd give!
You are gone, but not forgotten . . . as forever and a day upon this earth in our hearts you shall live!
For once, you were The King of The Jungle . . .
But, more so . . . A Prince of Love and Peace . . . of kindness, of what it is in our world she so surely needs.
For on this day, with your loss in so many ways, all God's Children and his Animals now for you so bleed.
Because, to our world you never took . . . You Gave!
In your life, and most magnificent family . . . the meaning of love . . . you so portrayed!
As The World & her most beloved Animals you so fought for to save, as was your fine life's crusade.
Steve, today . . . you're reached the Top!
As an Angel in The Army of our Lord, fighting for the destruction of the Animal Kingdom to so stop!
The first thing you will do, is return to earth to that stingray who killed you . . . and let his heart not sob.
But, the hardest pain of all . . .
Is what all of us so saw, how much you loved your family and they so too you!
Knowing, that little girl and boy, and fine wife and loved ones, will together miss such splendid joy . . . You!
But, really you're not gone!
As they will carry you in their hearts from dusk to dawn!
Until, the years pass by . . . and together with tears in eyes . . . in Heaven you'll rejoin and will live on!
Those aren't Crocodile Tears!
Dedicated To A Most Magnificent Man . . . who taught all of The World's Animal Kingdom
A Messenger to all of us from Our Lord, about Love, Life and Living!
Crockeeee . . . God Bless You Steve, May your Family find peace!

IN CELEBRATION OF HISPANIC HERITAGE MONTH RECOGNIZING PAQUITO D'RIVERA FOR HIS CONTRIBUTIONS TO AMERICAN JAZZ AND THE SECOND ANNUAL DUKE ELLINGTON JAZZ FESTIVAL

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. BECERRA. Mr. Speaker, I rise today to congratulate Paquito D'Rivera who has been selected as Artistic Director for this year's Duke Ellington Jazz Festival. In celebration of Hispanic Heritage Month, we salute the festival's acknowledgement of the contributions made by Latino artists. Paquito D'Rivera is a world-renowned jazz instrumentalist who embodies the diverse soul of today's modem musician. His ability to fuse South American and Caribbean sounds with that of American jazz is creative, unique and inspirational to all of us.

Mr. D'Rivera's proclivity toward music was apparent at a young age. Raised in Cuba, his father was his music instructor. By the age of 10, he was performing with the National Theater Orchestra of Havana. He continued making his mark in Cuba, playing both the clarinet and saxophone with the Cuban National Symphony Orchestra and co-founding the Orchestra Cubana de Musica Moderna and the group Irakere, a Cuban jazz band known for its mixture of Latin sounds and musical improvisation. Irakere impressed jazz enthusiasts across the world with its ground-breaking style, going on to win a Grammy in 1979 for Best Latin Recording.

So that he could fully express his musical talent, Mr. D'Rivera defected to the United States in 1981. With the assistance of fellow jazz musicians such as Dizzy Gillespie, he began performing in New York City and released his first album Paquito Blowin in 1981 and Mariel in 1982. The success of these two albums launched him into the national spotlight. His career blossomed and in 1988, Mr. D'Rivera was invited to join the United Nations Orchestra to perform jazz fused with Latin rhythms and sounds.

Paquito D'Rivera is truly a diverse musician. With commissions as a classical composer, he continues to be involved in a wide range of projects and music. In 1989, he composed "New York Suite" for the Gerald Danovich Saxophone Quartet and "Aires Tropicales" for the Aspen Wind Quintet. In 1999, D'Rivera participated in a series of programs in collaboration with Germany's Chamber Orchestra Werneck entitled "D'Rivera Meets Mozart". He continues to play with the Paquito D'Rivera Big Band and is an Artist in Residence at the New Jersey Performing Arts Center. For over a decade, Mr. D'Rivera has been the Artistic Director of the Festival International de Jazz en el Tambo in Uruguay. In 2003, Mr. D'Rivera received a Doctorate Honoris Causa in Music from the Berklee College of Music and made history when he became the first artist to win a Latin Grammy in both Classical and Latin Jazz categories. He has amassed seven Grammy awards to date and has over 30 solo albums. Additionally, his many solo performances include performances with the National Symphony Orchestra, the Brooklyn Philharmonic, and the St. Luke's Chamber Orchestra. Internationally, he has performed with the London Royal Symphony, the Costa Rican National Symphony, and the Simon Bolivar Symphony Orchestra, among others.

Paquito D'Rivera is a gifted writer and the author of his autobiography, "My Sax Life, a Memoir." In his autobiography, Mr. D'Rivera gives us a glimpse of the world through the eyes of a gifted jazz artist. Introduced to literature by his father, he also penned the novel "Oh, La Habana." In 2005 he was awarded the National Medal of Arts, the nation's highest honor for artistic excellence.

In January of 2005, Mr. D'Rivera celebrated 50 years in the music industry and 24 years in the United States. He continues to inspire jazz musicians in the U.S. and throughout the world. Mr. Speaker, during this Hispanic Heritage month, as we celebrate the valuable contributions Latinos make to this nation, we thank Mr. D'Rivera today for his brilliant work and tireless efforts to ensure that the Second Annual Duke Ellington Jazz Festival continues to successfully bring jazz to the Nation's Capitol.

TRIBUTE TO U.S. MILITARY SERVICE MEN AND WOMEN AROUND THE WORLD

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. WESTMORELAND. Mr. Speaker, I rise today to honor the sacrifices of our young men and women who are serving in the U.S. military around the world. A dear lady from my district, Mrs. Linda Smith, has two sons serving in the U.S. Marine Corps in Iraq. During Sunday school at Vineville Baptist Church a few weeks ago, she made a presentation to the class that I think summarizes the courage and bravery of our soldiers around the world. I wish to insert her comments into the RECORD, so that people across the country can be aware of the great work, not only of our men and women, but also of their families back home.

When Mrs. Ann asked me to speak to the class today, I told her that I may cry. I hope I don't, but if I do, I hope you will understand.

I want people to understand why our country is at war and why not only my sons, but others are willing to go and fight.

When people hear that I have two Marine sons being deployed to the same place in Iraq, they often comment that they didn't think the government could do that. I tell them that my oldest son was a drill instructor at Parris Island. When his term was up, he re-enlisted for a second time and asked to be in the same unit with his little brother. I am not the only Marine mom who has more than one son going to war. There are many of us.

Another comment that I often hear is that people don't think the government should deploy servicemen more than once. I say to them, "This is their job." That is like saying to a fireman you have already put out one fire, . . . therefore you shouldn't have to go to another fire and put yourself in danger.

My sons and all of the other servicemen and women want America to stand behind them in this war. None of them enjoy leaving their wives and children, their moms and dads, or friends. Believe me, it is very hard. But they know that they must go. Islamic extremists are dangerous, and they must be dealt with now. Militant Islam is just as much of a danger to our country and the world as other radical fascist governments in the past have been . . . such as Hitler's Germany, Russia's Stalin, or Lenin or Karl Marx. Militant Islam no more cares about their religion but only wants total control. Traditional Islam seeks to teach people to live according to God's will. Militant Islam aspires to create a new order, even if it means rewriting Islamic law to fit their desires. They have tortured and killed many of their own people to gain control. This is evil and evil can only be dealt with by force.

So where does this leave us as Christians? I have thought a lot about that as I pray for my sons. I very seldom pray for my sons without opening my Bible and reading as I pray. It is very important that I not take my relationship with Jesus for granted. I am grateful that both of my sons have a relationship with him as well.

I have learned to pray for our enemy. I pray that the Holy Spirit will open their eyes to the truth. Unfortunately, I fear that many of them are so far into their rebellion against God that they have allowed their hearts to be hardened and they may never come to repentance and salvation. This breaks my heart, because I know that it breaks God's heart. In Ezekiel, it says that God does not take pleasure in the death of the wicked.

I pray for my nation. I love her and her people. I pray for a revival and that those of us who claim the name of Jesus would truly come back to our first love and burn with a desire to serve God.

I pray for Israel, God's precious people. I pray not only for my sons but for all of the troops. My oldest son, Clayton, is a platoon Sgt. He called home one night a few weeks before they left for Iraq. Sensing something was wrong, I asked him what was wrong. My big, burly, tough son broke down and cried, "I just want my men to come home. They are so young. I have trained them the best I can. I just want them to come home." My son is 26.

My youngest son, Mark, is 20. He wants to marry his childhood friend that he grew up with at church. One night when he was home for a weekend, we heard him crying in his bedroom. My heart breaks and I cry out to God.

I never forget to pray for our President. It angers me when people complain and slander him. He makes mistakes but supporting him with our prayers is what he needs, not murmuring against him.

So if you ask me how you can help or support our troops, I would say first, to give thanks to God and praise him. Love him with all of your heart. Thank him for what you have. Thank him for the sweet young men and women he has called to defend our nation and fight for what is right. Ask God to reveal himself to our troops . . . that his glory would shine. That many would see his glory . . . our enemies as well as our troops. That they would worship him. It is then that we will have peace and our boys can come home.

Mr. Speaker, there is nothing I can add. May God bless the brave men and women fighting around the world for our freedom, and their families at home. And may God continue to bless America.

HONORING ANDREA PICKENS OF CEDAR CREEK LAKE

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. HENSARLING. Mr. Speaker, today I would like to recognize the outstanding contributions of Andrea Pickens, a model citizen of Cedar Creek Lake, Texas. Andrea has long dedicated herself to her community, supporting organizations including Mabank ISD, Trinity Valley Community College and the Youth Rodeo Organization. She has given her time and effort to her fellow citizens, particularly helping those most in need through civic work with the American Heart Association, the Council of the Blind, and one very dear to me personally, the American Cancer Society in Henderson County. Andrea also serves on the Board of Directors for the Kaufman Hospital District.

In addition to her dedicated hours of community service, Andrea also contributes immensely to improving the commerce and local economy of her community. She serves on the Board of Directors of the Mabank Chamber of Commerce and the 1st State Bank of Athens while still finding the time to own and operate the new Tri-County Ford Dealership in Mabank with her husband Joe.

Andrea's work on behalf of the Cedar Creek Lake community has earned her a well deserved "Citizen of the Year" Award as well as a "Lifetime Service" Award. She has been an invaluable leader to the district, and through both word and example she has encouraged and fostered a communal mentality of public service and involvement.

Andrea Pickens has offered so much of her time and financial support to the causes that help to better our community. Her generosity and example is well known, and I thank her for being a blessing to the community.

On behalf of the citizens of Cedar Creek Lake and the Fifth District of Texas, I am honored to be able to recognize Andrea Pickens in the United States House of Representatives.

HONORING THE MEMORY OF PRIVATE FIRST CLASS EDWIN ANTHONY ANDINO II

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. CANTOR. Mr. Speaker, I rise today to honor the memory of Private First Class Edwin Anthony (E.J) Andino II of Culpeper, Virginia.

On Sunday, September 3, 2006, PFC Andino, a member of the United States Army 1st Battalion 77th Armored Division, died while responding to a mortar attack against a U.S. Army camp in Baghdad. He had been awarded the Army Achievement Medal and was recently promoted to the rank of Private First Class. PFC Andino volunteered for 18 months of combat service and had only been in Iraq for a month before he was killed. Posthumously, he was awarded a Purple Heart and a Bronze Star for valor.

PFC Andino is remembered as an American hero who joined the Army to serve his country and to make his family proud. We are grateful for his service to our Nation and for his ultimate sacrifice in defending our freedom. I ask that you join me in offering our sincere condolences to the family and friends of PFC Andino at this most difficult time.

PERSONAL EXPLANATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. STUPAK. Mr. Speaker, yesterday, September 28, 2006, I could not be present for votes because I was in Michigan to attend the memorial service of the spouse of one of my longtime staffers.

House rollcall vote No. 495—I would have voted "no" on the motion to order the previous question on H. Res. 1045. Voting "no" would have allowed the House to take up the following 5 bills: A bill to implement the recommendations of the 9/11 Commission; a bill to increase the minimum wage to 7.25 per hour; a bill to provide authority to the Secretary of Health and Human Services to negotiate for lower prescription drug prices for senior citizens and people with disabilities; a bill to repeal the massive cuts in college tuition assistance imposed by the Congress and to expand the size and availability of Pell Grants; a bill to roll back tax breaks for large petroleum companies and to invest those savings in alternative fuels to achieve energy independence.

House rollcall vote No. 496—I would have voted "no" on the motion to order the previous question on H. Res. 1046. Voting "no" would have allowed the House to take up the following 5 bills: A bill to implement the recommendations of the 9/11 Commission; a bill to increase the minimum wage to 7.25 per hour; a bill to provide authority to the Secretary of Health and Human Services to negotiate for lower prescription drug prices for senior citizens and people with disabilities; a bill to repeal the massive cuts in college tuition assistance imposed by the Congress and to expand the size and availability of Pell Grants; a bill to roll back tax breaks for large petroleum companies and to invest those savings in alternative fuels to achieve energy independence.

House rollcall vote No. 497—I would have voted "no" on the passage of the Martial Law Rule, H. Res. 1046, bypassing House rules that ensure that Members of the House have adequate time to review legislation before voting on it.

House rollcall vote No. 498—I would have voted "no" on the previous question on H. Res. 1052, the rule providing for consideration of H.R. 5825, the Electronic Surveillance Act. Defeating the previous question would have allowed the House, immediately after the rule is adopted, to take up a bill to implement the recommendations of the 9/11 Commission.

House rollcall vote No. 499—I would have voted "no" on H. Res. 1052, the rule providing for consideration of H.R. 5825, Electronic Surveillance Act. This Rules Committee reported out a closed rule, which allowed for no amendments and limited debate on a bill that has strong, bipartisan opposition.

House rollcall vote No. 500—I would have voted "yes" on Representative Thompson's Motion to Instruct Conferees on H.R. 4954—SAFE Port Act. Mr. Thompson's motion instructs conferees to agree to the Senate provisions to improve security for America's rail, subway, buses and trucking systems; and to the Senate provisions to strengthen aviation security, secure the border, create a National Warning and Alert System, and provide first responders with post-disaster health monitoring. I was pleased this measure passed by a vote of 281–140, with all Democrats voting yes.

House rollcall vote No. 501—I would have voted "yes" on the Schiff/Flake/Harman/Inglis Motion to Recommit. The bipartisan substitute would update provisions of the Foreign Intelligence Surveillance Act, FISA, to provide intelligence agencies more flexibility in emergency situations and less bureaucratic red tape when applying for warrants, while still requiring court orders for domestic surveillance of Americans. The motion to recommit failed by a vote of 202–221.

House rollcall vote No. 502—I would have voted "no" on final passage of H.R. 5825, the Electronic Surveillance Act. I strongly support giving our law enforcement and intelligence agencies the tools they need to fight terror. However, H.R. 5825 gives the President unnecessarily broad powers to eavesdrop on innocent Americans. The FISA court system has worked well for nearly 30 years—we should be expanding and reforming the existing system, instead of reducing judicial oversight and undermining our system of checks and balances.

House rollcall vote No. 503—I would have voted "yes" on H.R. 6143, the Ryan White HIV/AIDS Treatment Modernization Act. While I understand that some States may lose funding under the new formula, I believe it is important to reauthorize this program that is critical to far too many Americans. I am hopeful that as the bill moves to the Senate, we can increase the overall funding level for the program so that Congress does not have to pick winners and losers in combating this terrible disease.

ANN RICHARDS' PASSING

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. DELAURO. Mr. Speaker, earlier this monthy, our country lost one of its most vibrant political forces—a woman of remarkable intellect, principle and—to be sure—wit. Regardless of who you were or whether you agreed with her politics, you could not help but admire and respect Ann Richards for who she was and what she accomplished. She was one of a kind—and she was my friend.

The twelfth woman ever elected Governor in the United States and the first elected in Texas in her own right, Ann Richards was a trailblazer—a pioneer who never wasted a minute of her 73 years. Like few others, she was a force of nature—always pushing forward.

And whether she was raising her four children, teaching high school and college, working to elect women to the Texas Legislature when there were hardly any, or training women candidates and campaign managers, Ann Richards made opportunity real for women—something I learned for myself, when she came to Connecticut to help me highlight the issues important to the women in my community. There I saw firsthand how she understood that the political process was a powerful force for change.

But you did not have to be a woman or a student to admire and learn from Ann Richards. The secret to her success as simple as it was elemental. Indeed, as much as Ann Richards's wit made people laugh, more importantly, she made people think. She challenged our society and believed we could always make it better, fairer, more just.

And Mr. Speaker, for someone so relentlessly quotable, no one will ever say that Ann Richards could not also walk the walk. During her campaign for Governor, Ann said she would be the face of "New Texas" and believed that government ought to reflect the diversity of its citizens. When she left office 4 years later, 46 percent of her appointees had been women, 15 percent were African-American, and one-fifth were Hispanic. And most importantly, her successors have since followed her example. "New Texas" is now the standard.

Ann Richards blazed a path taken now by women in all corners of society—in the well of the United States Congress and in Governor's mansions in States like Delaware and Michigan. In corporate boardrooms and in homes all across America. And most of all, at Planned Parenthood, where her daughter Cecile not only carries on her mother's irrepressible passion for women's advancement—she builds on its very foundation. I cannot think of a legacy more fitting than that.

And so, Mr. Speaker, today we thank Ann Richards—for her fight, her tenacity and her special, unwavering sense of purpose.

We should all make such a mark so extraordinary.

A TRIBUTE TO DAVID BAYLESS, SR.

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. HALL. Mr. Speaker, today I rise to pay tribute to David Bayless, Sr., of Denison, TX, a patriot, community leader, and dedicated husband and father, who passed away last December at the age of 80. David's service to the Denison community spanned 46 years and included significant involvement in a variety of civic endeavors as well as a long and devoted relationship with his alma mater, the University of North Texas.

Born in Denton, TX, David enlisted in the Marine Corps while in college, completed Officer Candidate School in 1945 and served during the Korean conflict. He returned to Texas and became a leader in the Texoma area, serving as a member of the Denison City Council, president of the Denison Rotary Club, first president of the Denison Downtown Association, president of the Denison Chamber of Commerce, and chairman of the board of the Texoma Medical Center, just to name a few of his civic affiliations. David also was involved with religious and charitable organizations as an elder of First Christian Church and president of United Way.

David also dedicated tremendous time and expertise to his alma mater. The University of North Texas benefited from his membership in the President's Council, as well as his time spent as regent from 1991 to 1997, director of the UNT Foundation Board, and first president of his local Alumni Chapter, the Texas Eagles, which he founded.

His years of work and service brought him many honors, including the "Outstanding Citizen" award in 1978 and induction into the Grayson County "Business Hall of Fame" in 1998. In 1991, the University of North Texas honored David as its Outstanding Alumnus, and in 1999 UNT again honored him as a Distinguished Alumnus. David and his wife, Patsy, were honored with a bronze plaque on the "Wall of Honor" in the UNT Alumni Center, and Chestnut Hall, the new student health center at UNT, will name the rotunda in his honor.

David will be missed by family, friends, and all those in Denison and at UNT whose interests he championed through a lifetime of service. He is survived by his wife Patsy and two children, David, Jr., and wife Sharon of Pottsboro, Brandy Hewitt and husband Stephen of McKinney, four grandchildren and four great grandchildren.

Mr. Speaker, David Bayless, Sr., was a great American and an outstanding civic leader whose legacy of service will be long remembered.

INTRODUCTION OF THE INTERNATIONAL TAX SIMPLIFICATION ACT

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. SAM JOHNSON of Texas. Mr. Speaker, today I am introducing the International Tax Simplification Act of 2006. This bill is aimed at streamlining tax rules so that American companies doing business all over the world can be more competitive. In the last few years we have taken a number of important steps toward this goal and the bill I am introducing would continue this effort.

In the past one of our former colleagues, Amo Houghton of New York, introduced similar bills. Some of the provisions of this bill echo his legislation and build off of his efforts.

Many of the concepts related to the taxation of international business operations were written forty years ago and have remained frozen in time. The global business environment has changed dramatically since the early 1960s when American companies were the major player in global business transactions. In the early 1960s, Western Europe was still recovering from the scars of World War II and the Asian business environment was just developing.

Today, our European and Asian competitors produce products and services of world-class standards and have consumers that demand the same. American companies must compete in these markets but are sometimes still bound by a tax code that presumes they are the only player on the field.

The American system of taxation—based on a "worldwide income" model—basically taxes all income earned by American companies both in the United States and abroad and then gives credits for taxes paid in other countries. Many other countries look only at income earned within its borders—based on a "territorial" model—but make certain exceptions for income earned abroad.

The tax departments of American companies are double and triple the size of tax departments of their foreign competitors. I believe there are more productive uses of corporate assets than complying with the arcane rules that make up our tax system.

At the House Ways and Means Committee, we've been taking steps to modernize the tax rules for American businesses working in the global business environment. We were also forced to change our tax code because of rulings by the World Trade Organization. Yet there remain dozens of places in the tax code that need work. The bill I am introducing is a first draft at this work. I am introducing it as the 109th Congress comes to a close and I invite those who are interested in these issues to work with me to either fine tune these provisions or find broader strokes to envelop wider solutions. I hope to reintroduce similar legislation early in the 110th Congress.

The bill I am introducing would get rid of some of the rules regarding the worldwide grab for revenue. The part of the tax code known as "Subpart F", in particular requires that tax be paid on income earned in foreign countries where American companies are making goods and providing services as if that money were earned in this country. The presumption is that companies are just keeping money offshore so that they can avoid American taxes. But we know that American companies must engage in business activities such as making loans to finance the sale of their goods and that a temporary provision exists to allow companies to engage in this legitimate business activity without seeing their income taxed immediately. My bill would make this provision of the tax code permanent.

I'd also repeal the rules that require immediate taxation of American subsidiaries on the income earned when related subsidiaries do business with one another. The anti-deferral rules are meant to discourage parking money offshore and evading taxes but the rules as written punish American companies that try to work collaboratively with their subsidiaries. If a subsidiary in Germany is working on a project with a subsidiary in Brazil, that income should not be subject to immediate tax in the United States. American subsidiaries should be able to work together for sourcing products and services rather than being encouraged by the tax code to work with other companies. By having subsidiaries work together on sales and services projects, American parent companies should see higher growth and productivity.

I have had several companies request that I fix specific parts of the rules on sales and services income. Because the full repeal of these rules is likely to be scored as a big loss to the Treasury, I may have to whittle away at these rules bit by bit instead of taking one bold step. I would like to hear comments from the business community and tax lawyers on the full repeal of these rules as well as inviting comments and suggestions on more narrow approaches.

Another provision in this bill would make permanent a temporary provision that permits related American subsidiaries in other countries to make dividend, interest, rent and royalty payments between subsidiaries without being subject to current taxation in the United States. We've already decided that this is not a business activity that should be penalized and we should now take the step of making it permanent.

The foreign tax credit regime prevents double taxation of income in multiple countries. Because use of credits is restricted in some circumstances, credits are not always used in the year earned. My bill would double to 20 years the current 10-year carryforward period that sometimes causes credits to expire before they can be used. While this would virtually eliminate the expiration of credits, I would like to hear from companies that would instead prefer to have the ordering rules changed so that oldest credits would be used first.

The bill changes a simple threshold for when American subsidiaries abroad are subject to the Subpart F rules. The current $1 million or 5 percent of income threshold, set generations ago, would be raised to $5 million or 5 percent of income.

Another provision of the bill concerns how earnings and profits are reported. Publicly traded companies are required to file financial statements. based on Generally Accepted Accounting Principles (GAAP) in the United States. My bill would permit American subsidiaries abroad to report their foreign earnings and profits based on GAAP rather than the American tax accounting rules of uniform capitalization.

The bill would accelerate the effective date of a provision of law that allows companies to allocate their interest expense as if all members of a worldwide group were a single corporation. This change would speed up the ability of companies to use a formula for allocating interest expenses.

Finally, this bill would repeal special rules on income from foreign oil and gas. American oil and gas companies need to explore and develop energy sources in other countries where oil and gas deposits exist. The provision would also repeal special tax rules that limit foreign tax credits for oil and gas companies, thus permitting underlying tax rules to apply.

The provisions of this bill generally focus on American corporations that have subsidiaries abroad. However, there are two other areas on which I invite comment for the next version of this bill. One is the inverse of this bill and concerns subsidiaries in America that have a parent company abroad. Global businesses know that having American operations is strategically important and I know that these businesses provide excellent jobs and contribute to American economic expansion. The other area on which I invite comment is individual taxpayer concerns regarding international taxation.

I want to thank several professional tax staffers who have helped to comb through many proposals and provided invaluable advice to me in drafting this legislation. They are: Marc Gerson from the Ways and Means Committee, Tom Barthold, Patrick Driessen, Tara Fisher, Chris Gerke, David Lenter, and Allen Littman from the Joint Committee on Taxation.

SEPTEMBER AS CAMPUS FIRE SAFETY MONTH

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, recognizing the organizations that have worked to promote fire safety and save young lives.

Mr. Speaker, H. Res. 295, which establishes September as Campus Fire Safety Month, is a vital part of our efforts to raise awareness about the importance of fire safety across the Nation. Along with the U.S. House of Representatives, 31 states, representing 61 percent of the population, have introduced proclamations and, as a result, many colleges and universities are holding campus fire safety training events during September.

There are several key organizations that are working tirelessly to promote the cause of fire safety and were instrumental in the introduction and passage of H. Res. 295. These include: The Center for Campus Fire Safety, Congressional Fire Services Institute, International Association of Fire Fighters, International Fire Chiefs Association, International Code Council, International Fire Marshals Association, National Association of State Fire Marshals, National Electrical Manufacturers Association, National Fire Protection Association, National Fire Sprinkler Association, Society of Fire Protection Engineers, and Underwriters Laboratories.

The Center for Campus Fire Safety is a central focal point for campus fire safety issues and is led by a staff and Board of Directors of dedicated individuals: Edward Comeau, Michael Halligan, Shawn Kauffman, Timothy Knisely, Paul Martin, and Michael Swain.

The aforementioned individuals are to be commended for their commitment to protecting students and improving fire safety on our campuses.

Teaching our youth the importance of fire safety during their college years will help to protect them not only while they are in school, but for the rest of their lives. The fire safety lessons and skills they learn will be vital in helping to reduce the horrific death toll from fire which claims the life of almost 4,000 people every year in all occupancies across the Nation.

HONORING WENDY KOPP, PRESIDENT AND FOUNDER OF TEACH FOR AMERICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. RANGEL. Mr. Speaker, I rise today to honor one of my constituents, Wendy Kopp, President and Founder of Teach for America, who was recently awarded the prestigious 2006 Harold W. McGraw, Jr. Prize in Education.

Ms. Kopp's steadfast commitment to education is evident in her deeds and actions for she truly embodies the ideal that a decent education is the key, not only to the acquisition of knowledge and skills, but also to building self-esteem. In short, education is the receptacle of hope and the door to the American dream.

Kopp's pursuit of educational excellence and equity led her in 1989 to propose the creation of Teach for America. She did this as her undergraduate senior thesis, and has spent the last 15 years working to sustain and further develop the organization. Teach for America is comprised of a national corps of recent college graduates who commit 2 years to teach in urban and rural public schools. Its mission is to help to eliminate educational inequity by enlisting our country's most promising future leaders in this effort.

Today, more than 3,500 corps members are teaching in our country's neediest communities, reaching approximately 300,000 students. They join more than 10,000 Teach for America alumni who are already assuming significant leadership roles in education and social reform even though they are in their 20s and 30s.

Kopp serves on the board of directors of The New Teacher Project, and the advisory boards of the Center for Public Leadership at Harvard University's Kennedy School of Government and the National Council on Teacher Quality.

Mr. Speaker, I am proud to recognize Wendy Kopp for her devotion and hard work in the field of education, and wish to extend my congratulations and best wishes to her for much continued success.

CHICAGO: WORKING TO CREATE A 21ST CENTURY ENERGY POLICY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. SCHAKOWSKY. Mr. Speaker, as the summer vacation season comes to a close and the winter heating season begins, I urge my colleagues to take a moment to consider the need for a serious investment in alternative energy policies. With global warming, unrest in the Middle East and stagnating wages that are stretched thin by high fuel bills, both the environment and our country stand to gain from increased and aggressive promotion of renewables and energy efficiency.

Important steps have already been taken by state and city governments to support the use of renewable energy sources. The Apollo Alliance, an organization that promotes policies which meet the concerns of green environmentalists and blue-collar workers alike, has cited Chicago, Illinois, as being one of several forward-thinking cities that has already acted to put numerous energy-efficient policies in place. Noted by the Alliance were Chicago's comprehensive solar power, environmentally-friendly public transportation, location efficient mortgages, and green roofs initiatives.

As what the Alliance calls a "model" solar-powered community, Chicago is working to promote photovoltaic cells and has attracted the solar manufacturer Solargenix to the city; a facility that employs 15 people full-time and manufactures 30–40 solar collectors a day. Solar factories such as Solargenix's and a recently-built photovoltaic field which will be used to help generate electricity ("Solar Panels Could Power Backup Plant," Chicago Tribune, September 21, 2006) contribute to the city's already-installed 2 MW of solar power.

Illinois is one of the country's top five ethanol-producing states, and it is no surprise that Chicago has environmentally-friendly transportation policies as well. In addition to ethanol, the city is exploring another alternative: the hydrogen fuel cell. As Merriman Curhan Ford & Co. mentioned in their May 2005 industry report, fuel cell buses already run on the streets of Chicago. Such public buses are doubly efficient: decreasing the amount of cars on the road, as well as not producing any negative greenhouse gases themselves. The Apollo Alliance explains the Chicago Transit Authority takes its concerns for the environment even further, partnering with the Park District and 48 other municipalities to purchase green power. Commonwealth Edison, the awarded bidder, with the help of the Environmental Resource Trust (ERT), plans to sell "green tickets" certified by the ERT and to create a fund to further finance the resource and development of renewable energies with the proceeds.

Simply encouraging citizens to use public transportation can greatly decrease the amount of greenhouse gases emitted from a given city, no matter what fuel is used in such transportation. Chicago has found that location efficient mortgages (LEM), mortgages that allow the purchaser to take out greater amounts of money, borrowing against the future money he or she will save by using public transportation, are particularly efficient in this respect. To further promote such mortgages and energy efficiency, Chicago also offered the first 100 LEM borrowers a voucher for $900 toward the purchase of an EnergyStar refrigerator or washer/dryer set.

Chicago's Department of Environment also participates in green city planning through the creation of the City Hall Rooftop Garden Pilot Project in 2000 as part of the EPA's Urban Heat Island Initiative. This green roof project helps alleviate Chicago's carbon emissions by requiring a certain percentage of roof space be allocated to green roofs. The program's pilot project, the City Hall's garden, has successfully dropped the temperature on the roof surface and the surrounding air temperature—lowering cooling costs and demand for electricity in the summer and providing insulation to reduce heat energy needs in the winter. Green roofs also improve air quality by absorbing and converting carbon dioxide, producing oxygen, and removing airborne particulates.

The Apollo Alliance has recognized the many steps that Chicago has taken to make our Nation energy-independent and environmentally-friendly. We need to build and expand on their success. We need a 21st century energy policy that uses wind power, solar power, biomass, and geothermal energy in our homes and businesses; and ethanol and hydrogen-driven vehicles on our streets. City planning must be rethought to prevent urban sprawl and encourage the use of public transportation. Chicago and other cities have shown us that we can take a new direction on our energy and environmental future—it is time that Congress act forcefully to do so as well.

INTRODUCING THE HAWAIIAN HOMEOWNERSHIP OPPORTUNITY ACT OF 2006

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of legislation I am proud to introduce today. The Hawaiian Homeownership Opportunity Act of 2006 is the exact same language of HR 5851, reported out of the House Financial Services Committee on September 28, 2006.

The measure reauthorizes existing Native Hawaiian housing programs for five years and makes two adjustments to the program that will allow the Department of Hawaiian Home Lands to help more Native Hawaiians whose incomes are equal to or less than 80 percent of the median income.

In 2000 Congress passed legislation authorizing the U.S. Department of Housing and Urban Development (HUD) to provide block grants for affordable housing for Native Hawaiians through the Department of Hawaiian Home Lands. The 2000 measure also authorized HUD home loan guarantees for low-income Native Hawaiians. Eligible borrowers include Native Hawaiian families, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and private nonprofit organizations experienced in planning and developing affordable housing for Native Hawaiians.

The Hawaiian Home Ownership Opportunity Act of 2006 reauthorizes these programs and adds a new provision authorizing loan guarantees for home mortgage refinancing. This introduces greater flexibility and allows families to take advantage of lower interest rates as millions of other American families have. The measure would also permit the Department of Hawaiian Home Lands to issue bonds. This will allow the Department to service more low-income families without a large increase in appropriations.

This bill is about homeownership, this is not welfare or public assistance. It offers another tool for a family to provide for a basic need, housing. This is unbelieveably important in Hawaii where land is scarce and the median home price on the island of Oahu is $639,000 and the median condominium price is $310,000. This measure will advance our efforts to address housing affordability in the islands.

I would like to thank the House Financial Services Committee, in particular Chairman MIKE OXLEY and Ranking Member BARNEY FRANK, who have been extremely supportive in dealing with the housing problems of Hawaii. I would also like to recognize my colleague from Hawaii, Congressman ED CASE, who, like Chairman OXLEY and Ranking Member FRANK, is a cosponsor of this legislation.

I urge my colleagues to help the residents of Hawaii and support this legislation.

HAPPY BIRTHDAY REVEREND JESSE JACKSON

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mrs. JONES of Ohio. Mr. Speaker, I rise today in recognition of a great civic leader, the Rev. Jesse Jackson.

On October 8, 2006, Rev. Jesse Jackson will celebrate his 65th Birthday. Today, we the Congressional Black Caucus, pause to recognize this great leader in the area of civil rights.

Once an aide to Rev. Martin Luther King, Jr., Jesse Jackson has been a political activist and public figure since the civil rights movement of the 1960s. Jackson, a Baptist minister, is the founder of the non-profit organization Rainbow/PUSH.

He has several times been an unofficial U.S. envoy in diplomatic missions; in 1999 he helped secure the release of three American military prisoners from Yugoslavia. He has been a candidate twice for the Presidency of the United States and while unsuccessful made a tremendous impact on American politics, opening doors for many minorities to run for elected office.

Reverend Jackson is a role model who has touched the lives of many and his legacy will live forever. It is because of you, Reverend Jackson, that we can say "I am Somebody!" In this celebration of your life may you bask in the pride, love, and admiration of your family and friends, as well as give thanks for your happiness.

IN HONOR OF NATIONAL LATINO AIDS AWARENESS DAY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor the fourth annual National Latino AIDS Awareness Day which will be October 15.

This day is a call to action to all Latinos to protect their lives and the lives of those they love by getting tested and learning about HIV.

Latinos continue to be disproportionately affected by HIV, comprising over 20 percent of HIV/AIDS cases nationwide.

We all must work together to reduce the incidence of HIV/AIDS in our families, communities, cities, states, nation, and around the world.

To do this we must not let differences in language and culture be barriers to providing access to preventative measures, healthcare and support services.

In my district, the AIDS Services Foundation of Orange County is a critical resource that works to prevent the spread of HIV and improve the lives of men, women, and children affected by HIV/AIDS.

They offer invaluable services to our community by providing food, transportation, housing, emergency financial assistance, kids and family programs, counseling, education and prevention services.

In honor of National Latino AIDS Day all of us need to renew our commitment to the fight to stop the spread of HIV and AIDS.

INTRODUCTION OF THE GREAT LAKES FISH AND WILDLIFE RESTORATION ACT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. KAPTUR. Mr. Speaker, I rise this week to praise passage of the Great Lakes Fish and

Wildlife Restoration Act. With an estimated 40 million people relying on the Great Lakes basin for jobs, drinking water, and recreation, the health of this resource is paramount and should remain a priority for Congress. Our Great Lakes constitute the largest body of freshwater on the face of the earth.

Mr. Speaker, I would like to tell you about a treasured spot in the Great Lakes—the north coast of Ohio. It is a true sapphire jewel, enjoyed by large communities of birders, sport and commercial fishermen, hunters and recreational boaters. And it is vital to life for every living creature in our region.

While the value of this treasure should be obvious to all, it is undeniable that the resources it provides remain threatened. This is a region whose wildlife populations are under attack by invasive species like the Gobe, Asian Carp and Zebra Mussel and where encroaching sprawl constantly jeopardizes the region's priceless wetlands. Without addressing the social and human costs posed by these problems, we face an incalculable menace of inaction—a menace that this week, this body took a step to fight.

Mr. Speaker, the reason that I wish to praise passage of the Great Lakes Fish and Wildlife Restoration Act is not because this bill solves all the longstanding problems that our Great Lakes face, but because it serves as one step in the journey toward restoring the integrity of our lakes. The bill authorizes the Fish and Wildlife Service for grants of up to $12 million per year and gives legal authority for the Fish and Wildlife Service to receive $2 million per year. These funds will be used to implement recommendations of the Great Lakes Regional Collaboration that are consistent with water quality, fisheries, and wildlife agreements.

Though the House has taken a tremendous step towards restoring the Great Lakes by passing this bill, we must not rest. Instead, we must continue on with the next steps, taking up the additional priorities of the Great Lakes Regional Collaboration not addressed in this bill. Let us find the will to expand the Ottawa and Cedar Point National Wildlife Refuges. Let us preserve more wetlands for the migrating birds that pass through the Great Lakes. Let us stop the flow of invasive species in the ballast water of transport ships. Let us celebrate victory for the crown jewel of our refuge system by fully funding the grant programs that we have just authorized.

Mr. Speaker, we are the only species with the capability of precipitating the wholesale extermination of other species; but, through compassion and conviction, we are also capable of protecting the things we treasure. We are unique in our ability to affect the fate of the planet, but also unique in our ability to predict those effects and to change our ways in light of what we foresee.

So now, let us take this one moment to appreciate the importance of passage of the Great Lakes Fish and Wildlife Restoration Act. I would like to thank the many friends who made passage of this bill possible and ask them for the strength to continue the battle in restoring the Great Lakes to the pristine beauty that we can all foresee.

GREAT LAKES FISH AND WILDLIFE RESTORATION ACT OF 2006—BILL SUMMARY

Summary: This bill would reauthorize the Great Lakes Fish and Wildlife Restoration Act, a program first enacted in 1990 and again in 1998. This bill ensures that both fish and wildlife is included throughout the bill and ensures that this Act is consistent with the goals of Great Lakes Regional Collaboration.

Fish & Wildlife Grants: The bill reauthorizes the state and tribal grant program. Under this bill, grants will be used to restore fish and now wildlife in the Great Lakes. The U.S. Fish & Wildlife Service would award grants based on the recommendations of the Great Lakes states and tribes. Grants must be consistent with water quality, fisheries, and wildlife agreements as well as the recommendations of the Great Lakes Regional Collaboration. The grants would be authorized to receive up to $12 million per year.

Fish & Wildlife Regional Projects: The bill authorizes up to $6 million each year for the U.S. Fish & Wildlife Service to undertake projects that have a regional benefit to fish and wildlife. Under this new authority, the Service would undertake projects based on the recommendations of states and tribes.

Studies and Reports: The Fish & Wildlife Service will submit a report to Congress in 2011 that describe the fish and wildlife grants that have been awarded and the results of those grants.

Under this bill, the Service will provide updated information through a public access website to the states and tribes on what grants have been awarded, priorities proposed for funding in the budget, and actions taken in support of Great Lakes Regional Collaboration.

The bill calls upon the Service to complete the overdue 2002 Report on actions taken under this Act, which was called for under existing law, to be released by June of 2006.

Fishery Resource Offices: Maintains Fish & Wildlife Services Offices, which were authorized in 1990, and the Offices have the same operational duties. The offices are authorized to receive $2 million per year.

IN HONOR OF CONGRESSWOMAN STEPHANIE TUBBS JONES FOR 25 YEARS OF PUBLIC SERVICE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of my friend and our colleague, the Honorable STEPHANIE TUBBS JONES, for her 25 years of service to the people of Ohio. The residents of the 11th Congressional District, the U.S. House of Representatives, as well as all Americans, are fortunate to have such a tremendously dedicated Representative.

A woman of courage, integrity, and passion, Congresswoman TUBBS JONES is the first African American woman elected to the U.S. House of Representatives from Ohio, as well as the first to serve on the House Ways and Means Committee. During her tenure, she has led the charge to make quality healthcare and education available for all. Additionally, she has fought tirelessly for working people, having introduced the Predatory Mortgage Lending Practices Reduction Act, the Campus Fire Protection Act, and the courageous "Count Every Vote" Act.

I have been honored to stand with Congresswoman TUBBS JONES in representing Cleveland for the past 8 years. The Congresswoman's dedication to the city is unmatched. She fought tirelessly to help not only save more than 1,000 Cleveland jobs with the Defense Finance and Accounting Service, when it was nearly shut down, but to add an additional 475 jobs. And when proposals were issued to eliminate 700 jobs in Northeast Ohio at the NASA Glenn Research Center, Congresswoman TUBBS JONES helped lead a charge that crossed party lines, and was successful in preserving this critical part of Ohio's economy.

Throughout her public service career, family has always remained her top priority. She was a giving wife to her late husband, Mervyn L. Jones Sr. for 27 years, and is the proud mother of their son, Mervyn L. Jones II. Still, her dedication to public service has not wavered. Congresswoman TUBBS JONES was elected judge of Cleveland's Municipal Court in 1981, and later served on the Court of Common Pleas of Cuyahoga County. From 1994 to 1999, she worked as the Cuyahoga County Prosecutor, before being elected to the U.S. House of Representatives in 1999.

Mr. Speaker and colleagues, it is truly an honor to recognize the most distinguished, Honorable STEPHANIE TUBBS JONES for 25 years of public service to the city of Cleveland, Cuyahoga County, and all Americans whom she now serves. Her successes are testaments to hard work and dedication to the people she works so diligently to serve: her constituents. There is no other person I would rather have the privilege of working with in representing Cleveland than STEPHANIE TUBBS JONES, and few that I admire more.

TRIBUTE TO ELIZABETH GHELETA

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. ESHOO. Mr. Speaker, I rise today to honor Elizabeth Gheleta who is retiring after more than three decades of service as Executive Director of the Service League of San Mateo County, California.

Elizabeth Gheleta joined the Service League of San Mateo County in 1968, and in the ensuing 38 years she has worked tirelessly to improve the correctional system and provide opportunities for the incarcerated to create change in their lives. She became Executive Director in 1978, when funding cuts under California's Proposition 13 threatened to close the Service League's doors. Under her leadership, the Service League has grown into a highly respected non-profit organization with strong community ties, 25 permanent staff and over 500 dedicated volunteers. They provide a myriad of services that have helped rebuild the lives of thousands of County inmates, their children and their families.

Elizabeth Gheleta has been responsible for the development and expansion of in-jail programs to help inmates learn how to function better once they are released, increasing their chances of successful reentry into the community. In addition to religious services, she has helped initiate hundreds of educational and self-improvement programs which focus on transition, substance abuse recovery, personal responsibility, permanent housing and family life skills. Today, Service League employees and volunteers provide more than 800 such programs every year. Under Ms. Gheleta's leadership, the Service League has also developed four residential facilities for former inmates and launched programs to assist the children and families of inmates, especially during the holidays. Ms. Gheleta's vision of improved inmate services has resulted in highly effective programs that are the gold standard for correctional systems nationwide.

Elizabeth Gheleta has earned the highest respect of her colleagues, her community, and every individual and family to whom she has devoted her career. Because of her leadership, tenacity, creativity and belief in others, thousands of former inmates and their families have reintegrated into society and have become responsible and productive members of our community.

Mr. Speaker, it is a special privilege for me to honor my friend Elizabeth Gheleta, her extraordinary career and her extraordinary achievements. I ask my colleagues to join me in honoring her because she has bettered the soul of our community as well as our Nation.

TRIBUTE TO DETECTIVE RORY FORRESTAL

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. BISHOP of New York. I am proud to rise in recognition of an American patriot and good friend, Detective Rory Forrestal, for his many outstanding contributions to the Suffolk County Police Department on Long Island. On behalf of New York's First Congressional District, I thank Detective Forrestal for his extraordinary service and accomplishments over the past 20 years that have earned him several decorations, the respect and admiration of his fellow officers, and the gratitude of Suffolk County's residents.

A graduate of St Joseph's College, Detective Forrestal has proven his courage and commitment to Long Island's residents time and again. While fighting crime and keeping Long Islanders safe during his tours in the department's narcotics and general services divisions, he compiled an impeccable service record. Many of my constituents may recall when he was one of two Suffolk police officers who helped a woman deliver her baby at her home in Mastic Beach, only a few hours after the hospital misdiagnosed her labor pains and released her.

As a veteran and expert investigator, Detective Forrestal was selected by the department in 1999 to help launch the computer crimes unit when criminal use of the Internet by sexual predators along with other forms of cyberfraud and exploitation expanded dramatically. Performing what some might consider a tough and unpleasant job, he has conducted this important job with tenacity, success, and steadfast resolve. His hard work and diligence have directly resulted in several arrests and protected countless children from cyber-predators. I was very grateful when he attended an Internet workshop that I hosted for parents last year.

Among several prestigious decorations, Detective Forrestal has been awarded the Suffolk County Police Department's Detective of the Year for 1998; the Suffolk County Detectives Association Hawkins Award for investigative excellence in 1998; the Parents for Megan Law Champion for Children Award in 2004; and the Department of Justice Prosecutors Award in 2005.

Today, Detective Forrestal is an instructor at the Suffolk County Police Academy and a guest lecturer at schools as well as parent and professional advocacy organizations. His knowledge and expertise, particularly in the area of computer crimes, are always appreciated and well received. His continuing dedication to protecting children from Internet predators is a tremendous comfort to parents in our community and will ensure that our sons and daughters are protected to the maximum extent that our Government can provide.

Mr. Speaker, on behalf of New York's First Congressional District, I thank Detective Rory Forrestal for his outstanding service and wish him continued success in the years ahead. He is a shining example of what we look for in our police officers and other public servants, and I am proud to honor and represent him in this chamber.

BROOKLYN CENTER HIGH SCHOOL BAND PLAYS AN AMAZING, GRAMMY-WINNING TUNE

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. RAMSTAD. Mr. Speaker, I come before you today with an uplifting story of a high school band from the Third Congressional District of Minnesota.

Christine Porter, the Director of the Brooklyn Center High School Band, has done amazing things with the band and in the process has touched the lives of numerous young people and their parents. And the entire Brooklyn Center community has rallied around these inspirational students with an uplifting melody of support and encouragement.

The band program was in jeopardy when Chris Porter took over and turned the program around. Now, the band has received high praise from many places—including the Grammys! In fact, they received their Grammy right here in the Nation's Capital at the Grammy Enterprise Signature School Award at the "Grammys on the Hill" event.

I had the great pleasure of meeting Director Porter and one of her talented musicians, Chanel Chathum, who were in Washington for the event.

Mr. Speaker, the Brooklyn Center High School Band program, which serves many students from disadvantaged families, was in disarray and far short of instruments, funding and teachers when Ms. Porter took over. She took immediate steps, such as finding music students from the University of Minnesota to teach the band members. And she reached out to the community, and the community responded.

Mr. Speaker, the crescendo of support started with the Brooklyn Center Rotary Club, which saw the problem and marched forward. Under the leadership of "Mr. Brooklyn Center," Phil Cohen, past Rotary President Carrie Engh of Bremer Bank Brooklyn Center and current President Frank Slawson of American Express Financial Planners, the Rotary Club contributed $10,000.

The Lions Club also made financial contributions and the Brooklyn Center Business Association held a golf tournament to help the band. And the Brooklyn Center Taxpayers Association pitched in, too. The people of Brooklyn Center have really come together to support the band.

Mr. Speaker, Ms. Porter's inspired leadership and the band's hard work resulted in the Grammy Foundation personally delivering the $15,000 Grammy Enterprise Award to the band at Brooklyn Center High School!

Chris Porter and Chanel Chathum received a well-deserved standing ovation. The tremendous outpouring of affection and support for the band made it all worthwhile!

The story of the Brooklyn Center High School Band even brought tears to the eyes of singer Kelly Clarkson, who was a guest of honor at the event. The story reminded Clarkson of her own high school band, and the story has warmed all of our hearts.

From the trombones to the tubas, the Brooklyn Center High Band is truly playing a joyful tune! There was a lot of hard work that went into this masterpiece.

Thank you, Chris Porter and the wonderful Brooklyn Center High School Band, for bringing so much great music into our lives and the lives of young people. You have all showed us that hard work, creativity, talent and the right instruments can make a beautiful song!

CONGRATULATING VINCENT D. MURRAY ON RECEIVING THE HAROLD W. McGRAW, JR. PRIZE IN EDUCATION

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to congratulate Vincent D. Murray, who will receive the prestigious Harold W. McGraw, Jr. Prize in Education. Mr. Murray has been the principal of Henry W. Grady High School in Atlanta, Georgia since 1991.

Mr. Murray has been chosen for the prestigious 19th annual award for his leadership in transforming his inner-city public school into a higher achieving institution in which graduation and college-going rates consistently have risen above the district and state averages.

Sixty-six percent of Grady High students are African American and 44 percent qualify for free or reduced price lunch. When Murray joined Grady High, more than a third of all freshmen were held back and repeated their freshmen year. The student body's passing rate on the Georgia graduation test was below the statewide average.

Mr. Murray has been consistent in his efforts and focused on innovative reform. The result is that today, four out of every five graduates go directly on to college or university, including Ivy League institutions. Average scores on the graduation test, SAT and Advanced Placement exams exceed district, state and national averages. Graduation rates have risen 38 percentage points for African-American students (to 84 percent), 26 points for economically disadvantaged students (to 86 percent) and 25 points for white students (to 97 percent). As a result of Murray's success in transforming Grady High, the U.S. Department of Education recognized him in 2000 with the Department's Title I Distinguished School Award. In 2006, the governor of Georgia named him a High Performance Principal, a top honor in the state.

Mr. Murray has a bachelor of arts degree in history and English from Morehouse College, a master of arts degree in early childhood education from the University of Georgia, and a doctorate in psychology/learning disabilities from Boston University. He has pursued post-doctoral studies at Clark-Atlanta University and Georgia State University.

I salute Mr. Vincent D. Murray for his outstanding contributions to education. He has dedicated himself to improving education in this country and his accomplishments continue to make a difference.

URGING THE CENTERS FOR MEDICARE AND MEDICAID TO RECONSIDER IVIG REIMBURSEMENT

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. NORWOOD. Mr. Speaker, I would like to bring your attention to a very important issue relating to medical reimbursement by the Centers for Medicare and Medicaid Services (CMS). The Medicare Prescription Drug Improvement Act and Modernization Act of 2003 (MMA) created new reimbursement mechanisms for IVIG therapies. CMS's implementation of the MMA has resulted in reduced access to life-saving therapies for Medicare beneficiaries. CMS potentially closed the door to medical treatment when they issued the CY 2007 proposed rules for the physician fee schedule and the hospital outpatient prospective payment system, which, if implemented, would effectively limit IVIG treatment by not properly reimbursing providers.

IVIG is a vital medical service. It is a plasma-derived therapy tailored to the individual's diseases and treatment options to achieve optimal results. Nearly 10,000 Medicare beneficiaries are afflicted with primary immune deficiency (PID) which only responds to IVIG therapy. For many Americans there is no substitute for IVIG treatment.

More to the point, this treatment allows individuals to carry on normal daily-life activities. PID requires IVIG therapy every 3 to 4 weeks for the duration of an individual's life, but without such treatment the individual not only imposes additional medical costs on an already overburdened system, they cease to be active members of our society. Such an outcome is simply not acceptable. IVIG therapy is cost-effective and beneficial for the patient. As far as I am concerned, that should be enough to get CMS to rethink implementing any reimbursement change that has the potential to harm access and reduce medical outcomes.

In May of this year, thirty-five members of Congress, including myself, sent a letter to Secretary Leavitt of the Department of Health and Human Services expressing our concern over this matter and encouraged Secretary Leavitt to consider a payment adjustment, combined with product specific reimbursement. We also made clear that we would be open to any other mechanism he may have deemed suitable in order to resolve this patient access dilemma. Secretary Leavitt's response was, quite simply, inadequate. He failed to address our specific concerns or pose alterative remedies that would allow patients continued access to IVIG treatment.

I urge CMS to reconsider its actions in this case to ensure patient access to a necessary and legitimate medical treatment.

IN HONOR AND RECOGNITION OF THE 75TH ANNIVERSARY OF THE ST. SAVA SERBIAN SINGING FEDERATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. KUCINICH. Mr. Speaker. I rise today in honor and tribute to the 75th Anniversary of the St. Sava Serbian Singing Federation, and the local St. Sava Cathedral choir in Parma, Ohio.

Vjajko Lugonja founded the Serbian Singing Federation in 1931. His legend continues to thrive in the voices of the singers today. On a local and national level, the Singing Federation's member choirs contribute their Serbian cultural heritage through song and music. In Ohio alone, there are six member choirs. The group also boasts the largest collection of Serbian music, contained in its library, featuring the work of 96 Serbian composers.

The Serbian Singing Federation also supports local high school seniors trying to afford college tuition through its Paul Bielich Scholarships, given to multiple students for general studies, as well as the Petar and Minnie Sekulovich Scholarship awarded to a young member of the choir who wishes to study music in college.

In celebration of its 75th Anniversary, the Serbian Singing Federation is hosting a concert this Saturday, September 30, which will feature not only its 40–member ensemble, but also guest choirs, including the Kosovo Men's Choir of Cleveland and the Hamilton Ontario Choir.

Mr. Speaker and Colleagues, please join me in honoring the last 75 years of diversity the St. Sava Serbian Singing Federation has brought to Northeastern Ohio. They are an indispensable characteristic of Cleveland, and the Serbian community is one of the many groups that piece together this colorful city. By artistically perpetuating their culture through music, the choir offers a beautiful gift to all people.

IN RECOGNITION OF THE 10TH ANNIVERSARY OF FOX NEWS CHANNEL

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. SESSIONS. Mr. Speaker, I rise today to honor the 10th anniversary of Fox News Channel, which in celebration will present live audience shows from various locations across the country, including a live broadcast on September 22, 2006 from Southern Methodist University in Dallas, Texas.

Fox News Channel brings fair and balanced reporting to a national audience, and I am proud that they chose to broadcast live from one of Texas' and the Nation's premier institutions of higher learning, Southern Methodist University.

I would like to take this opportunity to express special recognition to Fox News Channel on the occasion of its 10th anniversary.

CONGRATULATING THE HONORABLE W. WILSON GOODE

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. FATTAH. Mr. Speaker, I rise today to congratulate the Honorable W. Wilson Goode, 2006 recipient of the Purpose Prize, a new and exciting award by Civic Ventures that honors and promotes social entrepreneurs who are age 60 or older. Over 1200 people competed for five $100,000 gifts, creating publicity and support for programs developed to address society's biggest challenges.

Wilson Goode, former Mayor of Philadelphia, left government in 1992 after earning a Doctorate in Ministry, and moved into the nonprofit world. At age 62, he committed himself to helping the seven million children in America who have one or both parents in jail, on parole, or under state or federal supervision. Research shows that without intervention, 70 percent of these children are likely to follow their parents to jail. As Director of Amachi, Wilson Goode has championed a proven method of intervention, mentoring with a faith-based recruitment strategy. He has rallied pastors, particularly in the African-American community, to engage their members. Today, more than 240 programs in 48 states are connected with Amachi, and have helped more than 30,000 children.

Mr. Speaker, I also would like to commend Civic Ventures, along with Purpose Prize, the Atlantic Philanthropies, and the John Templeton Foundation, for their vision and generosity in creating this important stimulus for expanding citizen initiative for public good. The Purpose Prize joins Experience Corps as an important innovation by Civic Ventures, a nonprofit organization dedicated to generating ideas and programs to help society achieve the greatest return on the experience of older adults. I believe these programs will help transform society's view of aging, and lead to better investments in America's greatest untapped resource, which are experienced and engaged older adults.

Mr. Speaker, please join me in extending my heartfelt congratulations and appreciation to Wilson Goode, and wish him continued success.

IN MEMORY OF MONROE SWEETLAND

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. BLUMENAUER. Mr. Speaker, I rise today to celebrate and honor the life of Monroe Sweetland, along with my colleagues TOM LANTOS, ANNA ESHOO, and many other of Monroe's California friends.

The most important Oregonian most people have never heard of passed away earlier this month. Even though I knew Monroe would soon be leaving us, and even had quite a lucid farewell conversation with him shortly before, it's still hard to believe that he is gone.

Here's a man whose lifespan of active political life stretched from the Hoover administration to George Bush the second. Monroe engaged in every single important political debate of our times from economics to foreign-policy to civil rights: He was in Indonesia, during the year of living dangerously; was one of the most powerful men in Oregon during the Truman administration as a Democratic national committeeman for a Democratic administration when every elected leader was Republican; and, he had tremendous influence on appointments and policy decisions from judicial appointments and personnel decisions to policy direction. He was a journalist, an educator, and a politician but most of all a passionate advocate for making the world a better place.

From the time I first met Monroe Sweetland as a college student directing Oregon's campaign to lower the voting age, he was a steady presence in my political life and development. He always provided me good, sound advice, gentle but firm encouragement and tremendous support.

He knew everyone who had made a difference in his party for three quarters of a century. Monroe earned the respect and affection of principled opponents, including Senator Mark Hatfield who defeated Monroe when they ran against each other for Oregon Secretary of State in 1956. It was great to hear and feel the respect these two Oregon giants had for one another, and one hopes that someday that can come back into fashion.

As recently as 1998, Monroe ran for the State Senate mounting a close campaign against Verne Duncan, a longtime incumbent. To the end, Monroe conducted his campaign, as his entire career, with civility and affection, being able to point out differences with precision and civility that made people feel good about politics.

Most of all, Monroe was tireless and effective. He was gentle and kind but resolute in what he believed in. He was a fierce partisan fighting for his party, his candidates, and his country but never approaching, let alone crossing the line in the 37 years that I knew him. He was unstinting in his beliefs but never cruel or unkind in his judgments.

The sadness on his passing is tempered by the knowledge of his rich and full life and that thousands of Oregonians and people around the country are the better for his friendship and his life's work.

HONORING MR. CHARLES BARNES, OF IDAHO, FOR HIS DISTINGUISHED SERVICE TO THE PEOPLE OF IDAHO

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. SIMPSON. Mr. Speaker, I rise today to give a speech I have long dreaded but knew would one day come. It is a speech many of us in this body have had to deliver from time-to-time—one that none of us likes to give but one that is entirely necessary and right.

The speech I am talking about is one that announces the retirement of a trusted staffer and ally, someone who has worked with me since my election to Congress and served the people of Idaho's Second Congressional District with distinction, class, and a sincerity matched by none.

That staffer is a gentleman named Charley Barnes. Charley has worked in my Twin Falls office for the past 8 years handling all of my agriculture outreach efforts and working day-in and day-out with the farmers and ranchers of Idaho to make sure their Government is effectively serving them.

When I first got to Washington, I was immediately awarded a seat on the House Agriculture Committee. While this assignment was a great honor and of immense importance to the people of my district, it was not an assignment that played to my greatest expertise. So I knew from the start that I was going to need exceptional staff to guide me through my duties on the committee and the re-write of the farm bill. And thank god I had Charley Barnes by my side to help me out.

I am proud of the farm bill we produced in 2002 and believe it has been perhaps the best farm bill this Congress has ever written. While I can't claim that Charley wrote the farm bill, he provided advice and counsel to me that was critical to my work as a member of the committee.

But Charley's service to the Second District went well beyond the re-write of the farm bill or preparing me for a few committee hearings.

When the farmers of Idaho's Second Congressional District were devastated by drought and disease, Charley was there to lend a helping hand and push his own boss to support disaster assistance payments that kept farmers out of bankruptcy and the economy of small, rural towns alive.

When the Federal Government mistakenly sprayed a product called OUST on private land, killing the sugar beets, wheat, and potatoes of Idaho farmers, Charley was there to witness the damage, organize the Idaho congressional delegation, and push the BLM and USDA to compensate farmers for their loss. Idaho's farmers are still fighting this battle, but they have a great friend and advocate in Charley Barnes.

When the USDA tried to penalize Idaho's sugar farmers for their wrongful participation in a program for which they were told they qualified, Charley was there to argue against punishing these farmers. Charley made an impassioned defense of these producers, and in the end, Charley was proven right. USDA relented and Idaho's sugar farmers saw firsthand the value of a forceful advocate like Charley Barnes.

And when a farmer in my district is facing an appeal before the USDA over an issue where the farmer believes he had done nothing wrong, more often than not that farmer will see Charley Barnes attend that appeal, offer words of encouragement, and stand beside them for the duration of the hearing.

Charley Barnes doesn't see his work in my office as just another job. He sees his role in my office as an advocate for agriculture, an advocate for farmers and ranchers, an advocate for rural communities, and most importantly, an advocate for rural families.

Charley Barnes isn't just a congressional staffer, he's a farmer, a businessman, a husband, a father, and a very good friend.

Everyone who has ever met Charley Barnes is better off for having known him. The people of the Second District are better off for having been served by Charley Barnes. And I am a better Congressman today than I was 8 years ago because I had the good sense to hire, and learn from, Charley Barnes.

I know I speak for everyone in my office when I say that we are going to miss Charley's day-to-day presence in the office. But this is not goodbye, because we are going to be calling on Charley from time-to-time for some good advice, some constructive criticism, and a nudge in the right direction.

As he settles into retirement, and a well-deserved break from the daily grind of a long and distinguished career, I wish Charley well in all of his future endeavors and offer my sincere gratitude for all his hard work, great advice, and dedication to the people of Idaho.

50TH ANNIVERSARY OF LUBBOCK CHRISTIAN UNIVERSITY

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. NEUGEBAUER. Mr. Speaker, I congratulate Lubbock Christian University on reaching the milestone of its 50th anniversary. LCU was established in 1957 with a mission to teach students the spiritual dimension of life, provide a quality education, and impart a system of values for living and for service to family, community, and church. This mission has led to a half century of striving for the best in education.

Lubbock Christian first opened as a junior college with F.W. Mattox as president, a new class of 110 students and was completely surrounded by farmland on the west side of Lubbock. In the fall of 1987, the college advanced to university status. Since this time, five presidents and numerous faculty and staff have contributed to the success of LCU. At one point, the faculty and staff sacrificed a month's salary in order to provide financial assistance for the university.

Through the past 50 years, LCU has been able to achieve a stature worthy of great praise. The university now has more than 2,000 students, offers 34 bachelor's degrees and 10 master's degrees, more than 30 buildings, and a passion for changing lives by education and teachings from the Word of God.

Many things have changed in our world and in education over the past 50 years. To enable graduates to stay competitive in our ever-changing economy, our higher education system must be a key source for America's competitive advantage around the world. Lubbock Christian University is helping to make this idea a reality. Keeping Christian values at the forefront of their teachings will help to bring about great leaders for many years to come. I am proud to join the citizens of Lubbock in extending my appreciation for all the hard work of LCU's administration, faculty, staff, and past and current students. Our community would not be the same without the unparalleled contributions of the school.

MEMORIAL TRIBUTE TO FRANK HOVORE

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. McKEON. Mr. Speaker, I rise today in sorrow to pay tribute to the life and memory of Franklin Thomas Hovore IV. Every once in a while, a person comes along who has the passion to explore the world, the ability to research the unknown, and the extraordinary capacity to teach what he has learned. Frank Hovore was such a man. Pursuing his life's passion in Ecuador on September 22, 2006, he died suddenly while studying beetles near the Amazon. He was 61 years old.

Frank was born on August 19, 1945 in El Centro, California. He earned a Bachelor's Degree in Biology and English at California State University, Northridge, in 1971, and later worked as an adjunct biology professor at his alma mater. Further advancing his education led Frank to the University of California, Los Angeles where he was a Ph.D. candidate in evolutionary biology.

Enthusiastic and dedicated to the study of insects, he also cared deeply about teaching others. Over 35 years ago, Frank began teaching children from a school bus parked at Placerita Canyon's Nature Center. He was instrumental in the creation of the center's education program, which now reaches over 10,000 schoolchildren a year. He trained docents, served on the center's foundation board, and was an active volunteer at the nature center until his death. Frank is credited with making the Placerita Canyon Natural Area and Nature Center one of the premier environmental education facilities in Southern California.

Long considered the world's authority on beetles, Frank published books and many papers on the subject. In addition, he was a scientific adviser on David Attenborough's 2005 acclaimed documentary series "Life in the Undergrowth" and provided his expertise on the movie "Indiana Jones and the Temple of Doom." Director Steven Spielberg recruited Frank to trek to Central America to collect insects for the movie's famous cave scene.

Working as a park naturalist and natural-areas supervisor for the Los Angeles County Department of Parks and Recreation for 23 years, Frank managed resources and operations for more than 6,500 acres of county parkland, sanctuaries, and open space. For more than a decade, he also served on the Los Angeles County Regional Planning Commission's Significant Ecological Areas Technical Advisory Committee where he provided astute insights, wise counsel, and excellent leadership.

Retiring from county government in 1994, he began Frank Hovore & Associates, a biological consulting firm that provided planning for parks, plant and animal surveys, environmental education, and habitat conservation plans. Consulting afforded Frank the time to travel widely for research on New World beetles deemed essential to forest ecosystems worldwide.

Frank will be remembered as an honest, curious, and caring man who was generous with his time and talents in order to protect the environment, to explore nature's mysteries, and to mentor others. His passing leaves a void in the lives of many people, but his legacy will live on forever through the contributions he made to the world as a scientist, educator, and environmentalist. Frank's greatest role, however, was as a father to his daughter, Holly, and to his son, Tom.

With his passionate love of nature, and keen intellect, Frank Hovore might have identified with Robert Frost when he said, "Two roads diverged in a wood, and I—I took the one less traveled by. And that has made all the difference." In an effort to understand the insect world, Frank often took the road less traveled. And he made a difference, a world of difference.

PERSONAL EXPLANATION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. GREEN of Wisconsin. Mr. Speaker, I was excused from Washington on Thursday, September 28, 2006, to attend a funeral in Wisconsin. As a result, I was not recorded for rollcall votes No. 495, No. 496, No. 497, No. 498, No. 499 and No. 500. Had I been present, I would have voted "aye" on rollcall No. 495, No. 496, No. 497, No. 498, No. 499 and No. 500.

INTRODUCTION OF THE AMERICANS WITH DISABILITIES ACT RESTORATION ACT OF 2006

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. SENSENBRENNER. Mr. Speaker, 16 years ago, a bipartisan Congress took significant steps to break down the physical and societal barriers that for far too long kept disabled Americans from fully participating in all aspects of American life. Prior to the Americans with Disabilities Act of 1990, commonly known as the ADA, disabled Americans were subjected to false stereotypes, experienced discrimination in almost all aspects of society, and were relegated to a form of second class citizenship.

The ADA changed this by restoring the full meaning of equal protection under the law and all the promises that our Nation has to offer. Through the ADA and its broad protections from discrimination in employment, State and local government programs and services, places of public accommodation and services provided by private entities, transportation, and telecommunication services, disabled citizens have experienced increased opportunities, higher graduation rates, higher employment rates and lower rates of poverty. Because of this landmark civil rights law, disabled American citizens no longer live in isolation but live as independent, self sufficient members of our communities.

However, beginning in 1999, through a trilogy of cases beginning with Sutton v. United Airlines, Inc., the Supreme Court has slowly chipped away at the broad protections of the ADA and has created a new set of barriers for disabled Americans. An oversight hearing held by the House Judiciary Subcommittee on the Constitution revealed that certain decisions of the Supreme Court have actually worked to exclude millions of disabled Americans from the ADA's protections, the very citizens that Congress expressly sought to include within the scope of the Act in 1990.

The impact of these decisions is such that disabled Americans can be discriminated against by their employers because of their conditions, but they are not considered disabled enough by our Federal courts to invoke the protections of the ADA. This is unacceptable.

The bipartisan legislation that I am introducing today will enable disabled Americans utilizing the ADA to focus on the discrimination that they have experienced rather than having to first prove that they fall within the scope of the ADA's protection. With this bill, the ADA's "clear and comprehensive national mandate for the elimination of discrimination on the basis of disability" will be properly restored and the ADA can rightfully reclaim its place among our Nation's civil rights laws.

TRIBUTE TO MS. VIRGINIA DAY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. SHUSTER. Mr. Speaker, I rise today to honor Ms. Virginia M. Day of Altoona, Pennsylvania, who will receive the 2006 John Riley Human Relations Service Award on October 25, 2006. This distinguished honor is awarded annually by the Pennsylvania Human Relations Commission "to the person who has performed outstanding and meritorious service to [the] community through personal efforts by enhancing the dignity and worth of its citizens." This award is given in memory of the late Big John Riley, who dedicated his time and efforts for the advancement of the Pennsylvania Human Relations Commission.

Just as Big John Riley gave to the community during his time, Virginia Day too works tirelessly, in various capacities. As the Manager of Evergreen Manors, since 1983, Virginia has been working hard for companies like Improved Dwellings for Altoona, Inc. She has also been involved with organizations such as the YMCA, the Altoona Housing Authority, the City of Altoona with Community Education and Training Agency, and ENCORE court advocates for youth. Through her efforts, Virginia has helped improve the lives of the citizens of the Altoona community.

To cite each individual accomplishment and contribution that Virginia has been a part of would be nearly impossible. Her involvement in the community over the years has been immeasurable and certainly in the spirit of the late Big John Riley. Miss Virginia Day has selflessly dedicated herself to the Altoona area, and we are all very grateful for her effort toward positive enrichment of the community, as she has certainly deserved this distinguished honor.

HONORING THE ACHIEVEMENTS OF ASTRONAUT JOSEPH TANNER

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to honor the achievements of NASA astronaut, Joseph Tanner for his outstanding service to his country in the name of space exploration, including his recent mission to the International Space Station on the Space Shuttle *Atlantis*.

Joseph Tanner was born in Illinois in 1950 and graduated from Danville High School in Danville, Illinois in 1968. He pursued a mechanical engineering degree from the University of Illinois graduating in 1973 with a Bachelor of Science degree. Upon graduation, Mr. Tanner joined the Navy where he earned his pilot wings in 1975 before serving as an A–7E pilot with the Light Attack Squadron 94 aboard the U.S.S. *Coral Sea*. He finished his active service with the Navy as an advanced jet instructor pilot with Training Squadron 4 in Pensacola, Florida.

In 1984, Mr. Tanner began working for the NASA Johnson Space Center as an aerospace engineer and research pilot. His primary flying responsibilities involved teaching the astronaut pilots Space Shuttle landing techniques in the Shuttle Training Aircraft and instructing the pilots and mission specialists in the T–38. In addition to his flying duties, Mr. Tanner held positions as the aviation safety officer, the head of the pilot section, and the Deputy Chief of Aircraft Operations Division. In total, Mr. Tanner has accumulated an impressive no less than 8,862 hours in military and NASA aircraft.

Selected as an astronaut candidate by NASA in March 1992, Mr. Tanner reported to the Astronaut Office in August 1992 where he completed one year of initial training and worked in the Shuttle Avionics Integration Laboratory before being assigned to his first mission. Mr. Tanner also served as part of the Astronaut Support Personnel team at the Kennedy Space Center, supporting Space Shuttle launches and landings. Throughout his NASA career, Mr. Tanner has participated in four space flight missions.

The most recent space flight Mr. Tanner flew on was STS–115, the Space Shuttle *Atlantis*. *Atlantis* launched on September 9, 2006 with six crew members to continue construction on the International Space Station. The 12 day mission included several space walks to construct crucial components to ensure the future of the International Space Station, including the installation of two solar arrays to assist the station in generating power. Mr. Tanner performed two space walks on this particular mission, bringing his total number of space walks to seven. *Atlantis* landed in Florida at the Kennedy Shuttle Landing Facility on September 21, 2006 in the early morning. The Space Shuttle *Atlantis* accomplished its mission of delivering the first major new component to the International Space Station since 2002 and laid important groundwork for upcoming station construction.

I ask my colleagues to join me in congratulating the crew of the Space Shuttle *Atlantis* and especially to astronaut, Joseph Tanner.

IN RECOGNITION OF BISHOP-ELECT MITCHELL G. TAYLOR

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Bishop-Elect Mitchell G. Taylor. The Senior Pastor of the Center of Hope International and the Founder and President of the East River Development Alliance, Reverend Taylor has dedicated his life to serving his community, which includes Queensbridge Houses, the largest public housing complex on the North American continent, as well as the Ravenswood, Astoria and Woodside public housing developments. Reverend Taylor will be consecrated a Bishop in an Episcopal ceremony to be conducted next month in East Elmhurst, New York.

Reverend Taylor has rightly earned national renown for his work to improve the quality of life for residents of public housing. He is also the author of Unbroken Promises, a work offering an inspirational and optimistic message of trust, faith, and hope for a better future. As the Senior Pastor at the Center of Hope International, a non-denominational church founded by his father more than four decades ago, he has overseen the Center's Victory After-School program serving hundreds of school children and the Bread of Life Food Pantry, which has fed thousands of hungry families.

Reverend Taylor has been invited to deliver his inspirational message in lectures and speeches around the United States. Because of his leadership on issues involving public housing, he has been profiled in our nation's paper of record, The New York Times, and dubbed the "Preacher in the Hood" by the CBS television network.

In order to more effectively serve his community, Reverend Taylor helped found the East River Development Alliance, or "ERDA". Working in close collaboration with government officials, tenant groups, parent-teacher associations, houses of worship, nonprofits, and other community organizations, ERDA has scored remarkable successes in expanding economic opportunities for the 30,000 residents in the surrounding community. ERDA also offers financial literacy and home ownership programs, enhanced extracurricular activities for local youth, college preparatory classes, free GED and computer courses, and job training and placement initiatives. With Reverend Mitchell's leadership, a neighborhood coalition was formed that undertook a successful campaign to attract a bank to the community.

In addition to his extraordinary and selfless service to his community, Reverend Taylor is a loving family man dedicated to his wife Barbara and their two children Telisha and Mitchell, Jr. They live in the Long Island City neighborhood to which he has devoted himself, and which he has called home for forty years.

Mr. Speaker, in recognition of his meritorious and selfless service to his community, I ask that my distinguished colleagues join me in congratulating Reverend Mitchell G. Taylor on his elevation to Bishop and in paying tribute to his enormous contributions to civic life.

HONORING MICHAEL PARENT HUMBOLDT COUNTY, CA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Michael Parent of Eureka, California, who is being honored for his contribution to one of our nation's most precious rights—participation in the political system. Mr. Parent is being recognized for his outstanding contributions to the political process by the Humboldt County Democratic Central Committee as "Democrat of the Year, 2006." His commitment to the preservation of our political liberty is worthy of appreciation and recognition.

Mike Parent has had a long and distinguished career as an employee of the California Department of Forestry, serving as a

Forestry Logistics Officer for over 29 years. During his tenure he helped to coordinate emergency response to wildland fires throughout the state. He was an exemplary employee and valued for his tenacity, organizational skills and commitment to duty.

Mr. Parent has exemplified the model citizen as an active volunteer and member of numerous local organizations. He served as President of the Fortuna Kiwanis Club and President of the Board of the North Coast Big Brothers/Big Sisters of Eureka. He worked tirelessly for these organizations and helped to improve his community and the lives of many young people. He was also a member and served as chairman of the Humboldt County Democratic Central Committee for five years. During his tenure he re-energized the Committee's community activities and public events and helped to grow the membership.

Mr. Parent is a native of Ohio, the oldest of 14 children. He is married to Barbara Ellis and father to Adam Parent, Ryan Nichols and Kevin and Melissa Ellis. Though retired from state service, he continues to offer his logistical expertise for national disasters through the Federal Emergency Management Administration.

Mr. Speaker, it is appropriate at this time to recognize Michael Parent for his leadership and commitment to his community and to the people of the state of California. I would like to add my voice to that of the Humboldt County Democratic Club in offering thanks to Mike for his hard work.

IN HONOR OF ANN RICHARDS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in honor of the late Ann Richards who passed away on September 14th. I had the pleasure to meet Ms. Richards on one of her visits to Minnesota. A true inspiration to others, she will be remembered for her leadership, strength, charisma and humor as well as her lifelong commitment to public service.

As a member of the Democratic Party, Ms. Richards began her political career as Travis County Commissioner from 1977 until 1981. In 1982, she successfully ran a statewide campaign for Texas State Treasurer and became the first woman elected to statewide office in 50 years. In 1988, Ms. Richards gained national attention when she delivered the keynote address at the Democratic National Convention in Atlanta, Georgia.

After two terms as State Treasurer, in 1990, Ms. Richards ran a successful campaign for Governor of Texas, and served as Chief Officer of the Lone Star State from 1991–1995. During her tenure as Governor, she worked tirelessly to eliminate gender barriers, revitalize the Texas economy, and decentralize control over education policy. She valued diversity, appointing the largest number of women and minorities to state boards and commissioners of any Texas governor up until that time. An idealistic, strong woman with a witty personality, Governor Richards connected with Texans and people across the United States.

Unfortunately, in 1994, she lost a close reelection for Governor against Texas baseball owner, George W. Bush. Following her term as Governor, Ms. Richards continued her dedication to public service. She was a senior advisor to the communications firm Public Strategies, Inc. in Austin and New York, as well as a senior advisor with a Washington, DC-based, international law firm. Ms. Richards also served on several corporate boards and taught classes at Brandeis University and the University of Texas-Austin.

I extend my thoughts and prayers to her four children, and eight grandchildren. Governor Ann Richards was a loving mother and devoted public servant. She will be remembered and honored in the highest regard.

Mr. Speaker, please join me in paying tribute to the life of Governor Ann Richards.

CONGRATULATING KENYA RAY FROM PROVISO EAST HIGH SCHOOL

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. DAVIS of Illinois. Mr. Speaker, it is with great pleasure that I express congratulations to Ms. Kenya Ray for her outstanding achievement in the area of screenwriting.

I also applaud the initiative by Scenarios USA and their collaborative partners, BET and the Kaiser Family Foundation, in creating a national story and script writing contest that attracted 500 youth across America who addressed issues dealing with the topics "What's the Real Deal, on Growing Up in the Age of AIDS?"

I am filled with pride that one of my constituents developed the award-winning script—a story about three young women trying to survive and sustain themselves amidst an environment filled with danger and pain. I am anxious to read Kenya's story about these three women creating and maintaining strong and lasting bonds with each other and members of their families. Our community needs real stories that show real heroes conquering adversity and having happy and healthy lives.

I also want to commend the village of Maywood for supporting this project and I look forward to professional film-makers shooting footage in the Maywood community. I am delighted that Kenya will work directly with professionals in making her script "come alive." Furthermore, it is exciting to realize that Kenya's feelings and perceptions will be seen on BET next February and will be shared with young people across America via Rap-It-Up curriculum kits promoted through cable in the classroom.

ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mrs. MALONEY. Mr. Speaker, I rise today to honor the 46th anniversary of the Republic of Cyprus. It was on October 1, 1960, that Cyprus became an independent republic after decades of British colonial rule.

I am very fortunate and privileged to represent Astoria, Queens—one of the largest and most vibrant communities of Greek and Cypriot Americans in this country. Among my greatest pleasures as a Member of Congress are participating in the life of this community and the wonderful and vital Cypriot friends that I have come to know.

As a full-fledged member of the European Union, Cyprus is playing a vital role in European affairs while also strengthening relations with the United States. Last year, the United States and the Republic of Cyprus signed a reciprocal Proliferation Security Initiative (PSI) Ship Boarding Agreement, which is aimed at preventing the proliferation of weapons of mass destruction. Cyprus was the first EU member to sign this agreement.

Unfortunately, the commemoration of Cyprus' Independence Day this year, as in the past, is clouded by the fact that Cyprus continues to be illegally occupied by the Turkish military forces, in violation of U.N. Security Council resolutions. On July 20, 1974, Turkey invaded Cyprus, and to this day continues to maintain an estimated 35,000 heavily armed troops. The peaceful and cooperative spirit in the person-to-person, family-to-family interactions between Greek Cypriots and Turkish Cypriots is an encouraging sign for the successful reunification of Cyprus. However, it is time for Turkey to remove its troops from the island so that Cyprus can move forward as one nation. I remain hopeful that an end to this division will be achieved.

I believe that the United States must play an active role in the resolution of the serious issues facing Cyprus. Cyprus and the United States share a deep and abiding commitment to democracy, human rights, free markets, and the ideal and practice of equal justice under the law. Despite the hardships and trauma caused by the ongoing Turkish occupation, Cyprus has registered remarkable economic growth, and the people living in the Government-controlled areas enjoy one of the world's highest standards of living.

I also want to commend Cyprus for its critical support in helping citizens from many nations including the United States as they evacuated from Lebanon earlier this year.

The relationship between Cyprus and the United States is strong and enduring, and we stand together celebrating democracy and freedom.

RECOGNIZING “COMCAST CARES DAY 2006” IN MIAMI-DADE COUNTY, FLORIDA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to recognize the sixth annual Comcast Cares Day in Miami-Dade County on October 7, 2006. Several hundred dedicated Comcast employees and their families will join together to help the children of our South Florida community. Nationwide, over 30,000 Comcast employees will take part in hundreds of projects that are vital community service contributions.

This year, Comcast employees are donating their time to His House Children's Home. This exceptional program cares for South Florida children who have been abused, exposed to drugs, or neglected by offering them a home environment. In addition, His House provides necessary counseling and health care. And His House provides these services to over 200 local children in foster care.

Comcast employees will use this day to spend time with the children in the residential program and perform needed upkeep and maintenance on the residential building and surrounding grounds. The dedication to service exhibited by local Comcast employees and their families should serve as an inspiration to all the residents of South Florida.

Mr. Speaker, I am proud to offer this statement declaring October 7, “Comcast Cares Day 2006.”

RECOGNIZING GYNECOLOGIC CANCER AWARENESS MONTH

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2006

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 473, a resolution recognizing September as the seventh annual Gynecologic Cancer Awareness Month. I and 74 of my colleagues have co-sponsored this resolution. We firmly believe that raising public awareness, detecting gynecological cancers early, and educating women to the risk of reproductive tract cancers are powerful methods with which to combat this disease.

The Gynecological Cancer Foundation (GCF) seeks to promote these important goals by leading the Gynecological Cancer Awareness Month events and through the Foundation's work year-round. I commend the GCF for it efforts and accomplishments to date. I congratulate the GCF on the occasion of its 15th anniversary.

The Centers for Disease Control and Prevention (CDC) reports that 27,000 of 71,000 women diagnosed with gynecological cancers succumbed to their diseases during 2002. Uterine cancer is the most common among women today. Ovarian cancer is the most deadly. Cervical cancer, for instance, was a leading cause of death for American women. But medical advances and early detection efforts during the last 40 years have significantly increased a woman's chances of surviving it. But a revealing 2005 GCF poll showed that 45 percent of American women could not name a single symptom common to gynecological cancers. Clearly, more must be done here.

Through awareness, early detection, education and better treatment we can make more progress toward increasing survival rates for women at risk for or diagnosed with gynecological cancers. The passage of H. Con. Res. 437 will help improve the rate of early detection of these cancers. The passage of H. Con. Res. 437 will also help to save lives. Lastly, the adoption of H. Con. Res. 473 will help bolster gynecological cancers education and research. Taken together, these actions will help researchers and physicians discover better treatments and ultimately a cure for these debilitating cancers.

Raising awareness and early detection coupled with better education and treatment programs for women who suffer from gynecological cancers is of particular concern to my constituents. Guam does not have an oncologist. Most oncology services are thousands of miles away in Hawaii or on the mainland. Adequate care and information regarding gynecological cancers are similarly inaccessible for women from other isolated or rural communities across America. They are at particular risk. We must do more to help them.

I was among thousands of people who stood at the Reflecting Pool on the West front of the U.S. Capitol to honor cancer survivors and mourn the loss of those who succumbed to the disease last week. Attendees were invited to light a candle in memory of survivors and victims of cancer. Each candle represented a person's battle, a family's grief, and a community's struggle. I memorialized Guam's cancer survivors and victims in this way. This Ceremony of Hope was an emotional display of strength and optimism. But the sight of a sea of candles flickering before us was also a disturbing testimony to the loss and heartbreak associated with this dreadful disease.

I urge my colleagues to support H. Con. Res. 473. I would also like to take this opportunity to urge the House Energy and Commerce Committee to report H.R. 1245, the Cancer Education and Awareness Act. H.R. 1245 enjoys the support of 256 members of this body. The bill is colloquially known as Johanna's Law, named in memory of Johanna Silver Gordon, who lost her life to a battle with ovarian cancer which was not diagnosed until it had reached an advanced stage. Johanna's Law would make education and outreach on gynecological cancers an ongoing effort and a national priority. The House should have an opportunity to vote on this bill. Together, H. Con. Res. 473 and H.R. 1245 would do much to raise awareness and improve early detection of gynecological cancers while facilitating better education and treatment programs for women who suffer from gynecological cancers.

COMMEMORATING THE 46TH ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. BILIRAKIS. Mr. Speaker, July 4th each year, Americans young and old, of every ethnicity and political persuasion, unite in our celebration of our Nation's independence. We proudly stand and honor our democratic ideals and the liberty we all enjoy. It is a day to reflect on our shared history and remember those who have sacrificed their lives to ensure our freedom.

For the citizens of the Republic of Cyprus, July 4th is just another day on the calendar. But on October 1st each year, they celebrate their independence, which was attained in 1960 after decades of British colonial rule.

I want to offer my sincerest congratulations to the Cypriot people on the 46th anniversary of their independence.

I also want to reaffirm the strong and enduring relationship between Cyprus and the United States. Over the past few decades, Cyprus and the United States have established close political, economic and social ties, developing a valued friendship. Cypriots and Americans alike share a deep and abiding commitment to democracy, fundamental human rights, free markets, and the ideal and practice of equal justice under the law.

As the Republic of Cyprus celebrates its 46th Independence Day, I share the Cypriots' joy for and love of their nation, a prosperous and open society based on solid foundations. The celebration of this anniversary is an opportunity for the United States and Cyprus to draw closer together as we stand united in our resolve to fight the ongoing battle against terrorism and to promote the spread of freedom and democracy around the world. As we move forward, I am confident that our friendship will continue well into the future.

IN APPRECIATION OF MS. ELAINE MAR, SUPERVISOR OF THE WORLD TRADE CENTER DNA IDENTIFICATION UNIT OF THE NEW YORK CITY OFFICE OF CHIEF MEDICAL EXAMINER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mrs. MALONEY. Mr. Speaker, I rise to honor a constituent of mine, forensic scientist Elaine Mar. Ms. Mar is the retiring Supervisor of the World Trade Center DNA Identification Unit of the New York City Office of Chief Medical Examiner [OCME].

For 4½ years, she has shown extraordinary leadership and made a commitment to public service far above and beyond the call of duty. She has remained fully dedicated to putting names to the innocent victims of 9/11 and allowing their return to their families so that they may be laid to rest with dignity and love. She has been the quintessential "behind the scenes" hero.

On the morning of September 11, Elaine was flying from New York's Laguardia airport to San Francisco, which was grounded in St. Louis as a result of the attacks that day. When she returned to New York she was detailed by the Medical Examiner to the lab, helping clear the decks of the rape and homicide case work that is the normal business of the OCME. But by late November, she was part of the team working to identify over 20,600 human remains of 2,749 people who died in Manhattan. By December, she was the lead supervisor of that team, and has continued in that role well into 2006.

Although I am told that she never sought managerial advancement, Elaine was a gifted leader under the most incredible of pressures. Many professional forensic scientists have left this project. Some have found the work so heartbreaking that they have left the profession altogether. Despite the staggering weight of her task, Elaine has always been wholly dedicated to the identification effort; for the first three full years she could almost always be found still at her desk at 11, midnight or 1 a.m. On more than one occasion, she worked straight through the night on a complicated DNA identification, surprising colleagues when they arrived in the morning. Elaine Mar has been the only person who has worked on identifying—quite literally—truckloads of fragmented human life for nearly the entire time since we were attacked.

Partly because of her humble approach to her responsibilities, only a few people appreciate how many of those killed have been identified solely because of Elaine Mar's faithful and steadfast commitment to the victims and their families. She has led her team by example, showing a professionalism and selfless citizenship that inspires those around her. On the few occasions where recognition for the work of her team has been given, she has put forward one of her subordinates to accept the thanks of a grateful city. However, I would like to take this opportunity to publicly thank Ms. Mar for all the work she has done for a grateful city and nation. I wish her well as she makes a new life for herself in Michigan.

HONORING GUY WILLIAM KAY OF NAPA COUNTY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor the accomplishments of Guy William Kay on the occasion of his recognition by the Napa Chapter of the Sierra Club with the Earl Thollander Environmental Award. Mr. Kay is being honored for his contributions to environmental causes in the Napa Valley, and I would like to add my voice to those applauding his work as a steward of our natural resources.

Mr. Kay was born in New York and grew up in New Jersey. He attended Penn State University where he studied botany while finding time to win an NCAA championship as a runner. After a stint as a medic with the United States Armed Forces in Korea, Mr. Kay went to work for the Nestle Company, where his ability quickly garnered a move into operations management. He transferred to the Napa Valley in 1972 to direct the operations of the Beringer Winery, then newly acquired by Nestle.

Mr. Kay has been active in the Napa community for many years, and this has continued beyond his retirement from Beringer in 1993. Having served two terms as President of the Napa Valley Vintners' Association and as a City Councilman for my hometown of St. Helena from 1978 through 1984, Guy Kay has maintained his civic commitment through his seat on the steering committee for the Napa County General Plan.

Mr. Speaker, balancing economic development and the desire to preserve unblemished, natural spaces is a quandary all too familiar for residents of the Napa Valley. Mr. Kay has been working for many years to address this through his participation in the Local Agency Formation Commission of Napa Valley. His vision and experience has been welcome as Napa County continues to develop. At the same time, he has channeled his love of bird watching into a project with the Audubon society surveying the activity of breeding birds, ensuring that their habitats are undisturbed.

Mr. Speaker and colleagues, it is appropriate at this time that we thank Guy Kay for his contributions to the Napa Valley, and congratulate him on this recognition by the Sierra Club. His active participation in the life of Napa County is invaluable, and I know that he will continue to find roles from which to better our community.

EXTENSION OF THE HIGHER EDUCATION ACT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, once again, I rise today to support an extension of the Higher Education Act, and to express my concern for the dangerous direction in which this Congress has taken our country's college students and our nation's valued higher education system.

We should be voting on a bill today that would make college more affordable and make a higher education attainable for Americans. Today, we are once again voting on the sixth HEA extension—which maintains the status quo—despite skyrocketing college costs and cuts to student financial aid earlier this year. Our students and higher education system will have to continue to wait for legislation improving college access and affordability. This Republican Congress has failed to make access to higher education or our global competitiveness a priority. This became clear to me and the families of my District when Republicans voted earlier this year to cut $12 billion from the student loan program—the largest cuts in the history of federal student financial aid and is further evidenced by the failure to move HEA to the top of the agenda.

The only good news is in this extension. The good news is that the current law that will be extended today is better than the Republican bill to reauthorize the Higher Education Act, H.R. 609, which does nothing to make college more affordable for students—the expressed purpose of the Higher Education Act. In addition, this extension includes provisions that will make it easier for Hispanic Serving Institutions (HSI) to serve their students. I applaud these changes.

But more must be done for American students and their families. I support Democratic plans to provide substantive increases to the Pell Grant and to cut the student loan interest rates in half. As a cosponsor of the Reverse the Raid on Student Aid Act, I believe that Congress can be a better partner for students and families in making college more affordable. We must recommit federal resources to increase the purchasing power of the Pell Grant and to ensure student loans are affordable.

As I've stated in earlier extensions—today, this temporary extension is necessary, but I will continue to work to ensure that college students are not forced to bear the weight of this Republican Congress's irresponsible fiscal policies that have slashed student aid in order to pay for tax cuts that only benefit one percent of the nation's wealthiest.

CONGRATULATIONS TO MS. LOIS BAUMANN AND THE MAYWOOD FINE ARTS ASSOCIATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. DAVIS of Illinois. Mr. Speaker, each year the Columbia College Arts, Entertainment of Media Management Department pays tribute to those who support, the business of culture with its Arts Entrepreneurship award. The Maywood Fine Arts Association has been a unique entity for many years which offers an environment where children can develop skills and appreciation for the arts.

To develop and sustain what is essentially a grassroots cultural and arts group is no easy task and yet Lois Baumann has been able to generate community support sufficient to keep this effort alive and on course. She and her family have worked day in and day out, they have scrubbed, patched and painted, to make the center a great place. They have given of their own time, energy and resources to make this program and to make this center work. I commend Ms. Lois Baumann and her family for making the Maywood Fine Arts Association a real program for Maywood and its surrounding communities.

OXI DAY SPEECH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mrs. MALONEY. Mr. Speaker, I rise to join the Hellenic-Americans and Philhellenes in my district and throughout the country in celebrating "OXI Day (No Day)," which falls on the 28th of October. This year marks the 66th anniversary of a very important day in Hellenic history, the day on which brave Greek patriots said "No" to fascism, "No" to injustice, and "No" to slavery.

For those individuals who lived through that momentous period and their descendants, many of whom live in the 14th Congressional District of New York, "OXI Day" is more than a memory: it is the embodiment of Hellenism and its highest ideals.

On October 28, 1940, a terrifying sound went up throughout all Greek cities and towns, the sound of sirens and klaxons announcing the invasion of Greece by the Nazis. Walls that before had echoed only with the tolling of church bells now reverberated with the din of alarms.

At a time when Europe was descending into the inferno of another world war, the people of Greece did not panic. Men went calmly to their closets and retrieved their military uniforms and weapons. Women went about their necessary tasks, and the children assisted as they were able. With level-headed determination and steadfast resolve, the citizenry of Greece mobilized against the coming invaders and delivered their resounding "No!" to the Axis aggressors.

On OXI Day, the people of Greece chose the harder path, the path of resistance. If they had opened their gates to the invaders, much bloodshed and many deprivations might have been avoided. That brave generation of Hellenes, refused to submit to oppression, even at the cost of their homes, their land, and their lives. They chose to fight and even to die so that their children and the children of other nations might live in liberty. Theirs was an act of self-sacrifice that clearly proclaimed the humanitarian ideals of their Orthodox Christian faith and their ethnic heritage.

Demonstrating poise under pressure, the heroes of that period fought against tyranny and delayed the Axis onslaught in the Balkan Peninsula. The Greek nation which said "OXI" contributed to the eventual downfall of the Fascist powers in Europe.

Mr. Speaker, I ask my colleagues to join me in saluting the heroes of OXI Day. In their brave words and deeds we see all of the highest virtues of Hellenic heritage: passion for justice, courage at a time of trial, unity in the midst of conflict, and willingness to sacrifice one's life for the good of others. On this day, we thank Greece for saying "OXI."

FREEDOM FOR ALBERTO GIL TRIAY CASALES

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Alberto Gil Triay Casales, a political prisoner in totalitarian Cuba.

Mr. Triay Casales is an independent journalist and the founder of the Estrella Solitaria information centre. According to Reporters Without Borders, Mr. Triay Casales also bravely wrote articles every week describing the truth about the horrors of life under Castro. Because of his belief in truth in print, truth for the people of Cuba and truth to enable the world to better comprehend the daily horrors of totalitarian Cuba, Mr. Triay Casales became a target of the totalitarian regime.

Because of his commitment to exposing the truth about the nightmare that is the Castro regime, he was arrested on November 9, 2005. According to Reporters Without Borders, he was hospitalized after several heart attacks and then transferred back to the totalitarian gulag in December. His farcical "trial" took place on June 22, 2006, but he is still incarcerated in the gulag while he awaits the "verdict."

Reporters Without Borders recently released this statement regarding Mr. Triay Casales, "We are also worried about the fate of Mr. Triay Casales, whose health is deteriorating. He has had several heart attacks and has high blood pressure. He also has a serious hip problem that could leave him disabled if it is not treated properly."

I remind my colleagues that, under the Castro brothers' totalitarian regime, any freedom of the press, any effort to display the atrocities of the regime under the spotlight of truth, is met with exactly this type of swift and brutal repression. This report indicates exactly how abominable the conditions are in the gulag. Mr. Triay Casales has had multiple heart attacks because of the inhumane conditions in the gulag, yet he continues to advocate for freedom.

Mr. Triay Casales is a brilliant example of the heroism of the Cuban people. Despite incessant repression, harassment, incarceration and abuse, he remains committed to the conviction that freedom of the press, democracy and the rule of law are the inalienable right of the Cuban people. Let us never forget and always support those who are struggling to liberate peoples from the grip of tyranny.

Mr. Speaker, it is unconscionable that journalists such as Mr. Triay Casales are locked in dungeons for writing and publishing the facts about the nightmare that is the Cuban tyranny. My colleagues, we must fight for freedom whenever and wherever human beings are shackled by totalitarian dictators. We cannot allow peaceful pro-democracy activists to languish in the depraved prisons of tyrants. We must demand immediate freedom for Alberto Gil Triay Casales and every prisoner of conscience in totalitarian Cuba.

IN SUPPORT OF INCREASED FUNDING FOR BREAST CANCER RESEARCH

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. BORDALLO. Mr. Speaker. I rise today in strong support of H.R. 2231, the Breast Cancer and Environmental Research Act of 2005. I, along with 254 of my colleagues, have co-sponsored this important legislation since it was introduced in March of 2005. Support for this legislation will help ensure funding sources for further research and study of the environmental factors which contribute to the occurrence of breast cancer in both women and men remain available. It is as a result of this research that the causes of breast cancer will be determined. It is as a result of this research and other efforts that a cure will be found.

Breast cancer is the second leading cause of cancer-related death among American women. Sadly, one in every eight American women—an estimated 200,000 women this year alone—will be diagnosed with breast cancer according to the Susan G. Komen Breast Cancer Foundation. The American Cancer Society reports in "Breast Cancer Facts and Figures 2005–2006" that 40,410 women lost their fights with breast cancer last year. More must be done to understand the causes of breast cancer. More must be done to find a cure.

On Guam, we have a disturbing shortage of oncology-related services. There is no radiology treatment center on Guam. Our only oncologist recently left our island. Cancer prevention and research are an even higher priority for the people of Guam in light of the challenges we face each day toward gaining better access to cancer diagnosis for those who may be at risk, better treatment for those battling the disease, and better long-term care for those who are survivors.

A multi-faceted research approach based on a broad spectrum of causes ranging from genetics to environmental factors relating to breast cancer is needed. We will neglect a major aspect of treatment and possible future prevention if we do not support more funding for research on the impact of the environment on breast cancer.

We have an opportunity to further raise awareness for this disease next month by scheduling a vote on this bill. October 2006 will mark the 21st anniversary of Breast Cancer Awareness Month. The National Breast Cancer Awareness Month (NBCAM) has done excellent, life-saving work over the years educating women about early breast cancer detection, diagnosis and treatment. NBCAM continues its mission to reach out to women with several key messages. Most notably, NBCAM advocates for the importance of early detection through annual mammography screening for women over 40, or earlier for women at increased risk. I commend and fully support their efforts.

I am committed to help facilitate a better understanding of what causes breast cancer. I am committed to help find a cure. Passage of H.R. 2231, the Breast Cancer and Environmental Research Act of 2005 will help achieve these goals. I urge my colleagues to support floor consideration for H.R. 2231.

CELEBRATING "OXI" DAY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. BILIRAKIS. Mr. Speaker, we often refer to the World War II generation as "the greatest generation," not only because of their bravery in times of economic depression and war, but also because of their strength, their moral fortitude, and their commitment to advancing the cause of freedom both here and abroad. We celebrate the accomplishments of their generation and respect them for who they are and the lessons they impart, as we rightly should.

My primary purpose today, in addition to honoring our American World War II heroes, military and civilian alike, is to celebrate the courage of Greece's "greatest generation," those citizens who, on October 28, 1940, stood up to the Axis powers and said "no" to the spread of fascism and hate.

The significance of "oxi" day and what it meant to the outcome of World War II cannot be overstated. On that fateful day in October, the small, battered and courageous nation of Greece made a firm stand against the aggression of Italy and Germany. And by doing so, the people of Greece disrupted Nazi Germany's war plans and ensured that freedom would live another day.

By October 1940, World War II had begun, and the Nazi regime already was operating in high gear. Under Aolph Hitler and Benito Mussolini, German and Italian forces were threatening the whole of Europe. In fact, Hitler intended to eliminate British operations in the Mediterranean in order to weaken their ability to hinder German advances.

To achieve this objective, Hitler needed the Axis powers to strike British forces in Greece. By conquering Greece, Hitler hoped to gain access to the important connecting link with Italian bases in the Dodecanese islands, giving Italian forces a stranglehold on British forces in Egypt where they were already under attack. The defense of Egypt was vital to Allied positions in the oil-rich Middle East.

On October 28, 1940, the Italian Ambassador in Athens issued an ultimatum to Greek Prime Minister Metaxas, demanding the unconditional surrender of Greece and threatening Italy's declaration of war. Mussolini gave Prime Minister Metaxas only three hours to reply.

Mussolini obviously underestimated the resolve of the Greek people and their passion for liberty. In what has now become one of the most celebrated actions of World War II, Prime Minister Metaxas responded with the word "oxi," which means "no" in Greek.

This statement, which embodied the true spirit of the Greek people, demonstrated undeniable courage and strength in the face of imminent invasion by Italian forces. "Oxi" echoed the same devotion and love of country that Greek patriots exhibited during their war of independence against the Ottoman empire when they defiantly shouted "liberty or death." The Prime Minister's actions marked the beginning of one the world's most heroic efforts to combat tyranny and oppression. Knowing that Greece would not give in to its demands, Italy invaded.

Greece went into battle as the clear underdog. In addition to having a population seven times smaller than Italy, the disparity in the nations' armed forces was even greater. Italy enjoyed ten times the firepower of Greece in its army and navy and seven times the number of troops. Italy's command of the air gave Greece little hope of success. However, despite their lack of equipment and smaller numbers, the Greek army proved to be well-trained and resourceful. Within a week of the invasion, the Italian forces were suffering serious setbacks.

On November 14, 1940, the Greek army launched a counteroffensive and quickly drove the Italian forces back into Albania. By December, the Greeks had captured the town of Pogradec in eastern Albania, where the fighting continued for several months. It became very clear that the Greeks were not going to stand for defeat. In a last ditch effort to bring the skirmish to a close before they would be forced to ask Hitler to intervene, the Italian armed forces launched another assault on March 12, 1941. It took only six days for them to concede that German intervention was necessary.

Hitler ordered the German invasion of Greece on April 6, 1941, but it took the Germans five weeks to finally end the conflict. This delay proved critical to the outcome of the entire war. Italy's inability to capture Greece enabled the British to win major victories against Mussolini's forces in North Africa, solidifying their positions in the region.

This delay also contributed to the failure of the German Barbarossa campaign to conquer Russia. Because he was forced to capture the Balkans, mainly Yugoslavia and Greece, Hitler had to delay his plans to invade and capture the Soviet Union before the winter of 1941. The Greek resistance, both in Albania and in another famous battle in Crete, altered the time table of the planned Barbarossa invasion by at least six months, proving a favorable development for Allied Forces.

Perhaps the most important effect the Greeks' unyielding stand had on World War II was guaranteeing that the Germans would not gain the advantage against the British. Although Germany had conquered much of Europe, Hitler's inability to decimate British and Russian forces early in the War would eventually prove fatal. Thanks to Prime Minister Metaxas saying "oxi" and inspiring the heroic Greek resistance, the war tide was permanently changed.

The Allies gained tremendous advantages by the stubborn and proud resolve of the Greek armed forces, but the Greeks themselves suffered loss and sacrificed much. Nearly one million Hellenes died during this time, roughly 14 percent of the population in 1940. And yet, the entire Western world, discouraged and fearful of the Axis powers and increasingly ugly war, were inspired by the Greeks' incredible victories. British Prime Minister Winston Churchill honored these acts of heroism, declaring that "Today we say that Greeks fight like heroes; from now on we will say that heroes fight like Greeks."

Mr. Speaker, "Oxi" Day continues to serve as an inspiration to all those in this world who cherish democracy and freedom. It marks defiance of fascism and ongoing commitment to doing what is right. As a Greek-American, I am proud to honor the memory of those brave patriots who fought for the freedom of their country and in so doing, helped secure it for the entire free world.

Today freedom-loving nations are battling a new enemy, not defined by nation but by hatred of freedom and love of fear and oppression. As we continue to fight the Global War on Terror, we should take a page from Prime Minister Metaxas and the Greek people and echo their resolute "no" to those who threaten liberty. By doing so, we honor the spirit of "Oxi" Day and all those who have sacrificed to defend freedom.

IN RECOGNITION OF SENATOR GEORGE ONORATO

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Senator George Onorato, an outstanding New Yorker and a great American. For more than half a century, George Onorato has distinguished himself as a dedicated public servant devoted to his family, his State, and his country.

Senator Onorato is an accomplished and hardworking legislator who is well respected by his colleagues. After his election to the New York State Senate in 1983, he successfully sponsored legislation benefitting seniors, consumers, tenants, Medicare patients, the environment, and current and former members of the U.S. armed forces. George Onorato has held positions in Senate leadership since 1992, and currently serves as Vice Chair of the Minority Conference, as a member of the Policy Committee of the Senate Democratic Conference, and as the Ranking Member of the Committee on Insurance. Because of his leadership on issues affecting the environment and air quality, he was appointed Co-Chairman of the State Senate's Democratic Task Force on Energy & Conservation. Senator Onorato also serves on the Minority Task Force on Waterfront Development, a platform he has used to promote one of his most cherished goals, creating more affordable housing for the elderly and for moderate and low income New Yorkers. He is a past President of the Conference of Italian American Legislators.

In addition to his tenure in the State Legislature, Senator Onorato has distinguished himself in service to his country. He served in the United States Army, 118th Medical Battalion from 1950 to 1952, and was awarded a Presidential Citation. To this day, he remains a champion for veterans and their families as well as current members of the armed forces. As a member of the Senate Minority Task Force on Vietnam Veterans and the Acting Ranking Minority Member of the Senate Committee on Veterans Affairs, Senator Onorato was a sponsor of legislation providing student aid to Vietnam veterans, and in 1997 introduced legislation to increase the level of such funding. He sponsored and supported legislation to help develop a data base for research on dioxin-related birth defects of children born to Vietnam veterans. In 2003, Sentor Onorato was one of the founders of the bipartisan New York State Armed Forces Legislative Caucus, which he currently co-chairs.

Just as noteworthy as his dedication to public service, George Onorato is a devoted and loving family man. He is married to the former

Athena Georgakakos. They have three adult children, Joanne, George and Janice, and six grandchildren. His wife regularly accompanies him to legislative sessions in Albany, where the two of them are a universally admired and inseparable couple.

Senator Onorato and his wife are equally devoted to their community. A lifelong resident of Astoria, Senator Onorato, is active in numerous civic organizations. Since 1972, he has served as Chairman of the Board of Directors of the Taminent Regular Democratic Club, one of the largest and most prominent Democratic Clubs in our nation's greatest city. Senator Onorato has also served as a Democratic Leader of the 36th Assembly District since 1977.

Mr. Speaker, in recognition of his courageous wartime service to our country in the United States Army, to the people of the State of New York, and to his beloved family, I ask that my distinguished colleagues join me to pay tribute to the enormous contributions to civic life made by the Honorable George Onorato.

HONORING SENATOR WESLEY CHESBRO, CALIFORNIA STATE SENATE, DISTRICT 2, HUMBOLDT COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize State Senator Wesley Chesbro of Arcata, who is being honored for his 32 years of public service to the people of California.

Mr. Chesbro began his long and distinguished public service as a member of the Arcata City Council in 1974, where he fought to protect the environment and to promote social justice. He served as a member of the Humboldt County Board of Supervisors from 1980 to 1990, where he served with distinction as an effective and powerful advocate for local government, protecting California's coastline and northern California's water resources.

He served on many boards and commissions, was a founding member of the North Coast Environmental Center and the Arcata Community Recycling Center. His leadership role in advocating for community recycling led to his being appointed to serve on the State of California Integrated Waste Management Board for 8 years. His service resulted in many projects around the state that bear the imprint of his commitment to recycle, reuse and clean-up.

Senator Chesbro was elected to the State Senate in 1998 as the representative for the Second Senate District of California, which encompasses a portion of the state's North Coast and the North Bay counties of Humboldt, Mendocino, Lake, Napa, Sonoma, and Solano. During his tenure he has become a statewide leader in the area of healthcare, mental health and developmental disabilities; resource, fisheries and coastal protection; school facilities funding; and veterans' affairs.

A California native, Wes attended California State University, Humboldt and received his Bachelor of Arts degree from the University of San Francisco. He is married to Cindy Chesbro and is the proud father of Alan and Collin.

Senator Chesbro is being honored for his contribution to one of our nation's most precious rights—participation in the political system. He is being recognized for his outstanding contribution to the political process by the Humboldt County Democratic Central Committee as "Democrat of the Year, 2006." His active commitment to the preservation of our political liberty is an example for all of his many admirers.

Mr. Speaker, it is appropriate at this time that we thank Senator Wesley Chesbro for his contributions and service to our country.

HONORING 21 YEARS OF HEAT'S ON

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise to honor "Heat's On," a partnership between Union Pipefitters and the Minnesota Mechanical Contractors Association that has been helping those in need for 21 years.

Winters are cold in Minnesota, and home heating is a basic necessity. Over the past two decades, St. Paul Pipefitters Local 455, Minneapolis Pipefitters Local 539 and local contractors come together each fall to volunteer their skills and time to inspect and fix furnaces, flues and smoke alarms for low-income senior citizens and disabled homeowners. Thankfully, most of these visits turn up no serious problems. However, when inspections do not go smoothly, these professionals are able to provide the help needed.

Volunteers sometimes uncover major problems. On average, 10 homes out of the 400 homes inspected each year have furnaces that must be replaced, and many of these homeowners cannot afford the expense. This year, pipefitters and contractors have come together yet again to establish a fund to help these homeowners with the cost of furnace replacement.

Thanks to the outstanding Heat's On partnership, thousands of senior citizens and disabled Minnesotans have been able to remain safe in their homes. Just as important, they have a sense of relief knowing that their homes will be warm and comfortable as cold weather approaches.

I am proud to live in a community that cares—where union workers come together with small businesses for the good of our neighbors. This is a partnership that makes sense, which is why it has served as a model for other communities.

Mr. Speaker, please join me in commending all of the volunteers from St. Paul Pipefitters Local 455, Minneapolis Pipefitters Local 539 and the Minnesota Mechanical Contractors Association for 21 years of Heat's On.

TRIBUTE TO CLEVELAND-CLIFFS (CCI)

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. STUPAK. Mr. Speaker, I rise toay to honor an important industry in my district that has been responsible for creating thousands of jobs in Michigan and for the settlement of Michigan's Upper Peninsula. On October 2nd, Cleveland-Cliffs, CCI, will celebrate the milestone of 50 years of iron ore pellet production and 500 million tons of iron ore pellets produced.

Even in its earliest days, Cleveland-Cliffs' history was characterized by pioneering risk-taking. Cleveland-Cliffs brought electrical power to Michigan's Upper Peninsula by introducing electric haulage equipment at the Cleveland Lake Mine in 1892. Cleveland-Cliffs created the first geological department for an iron mining company in the Lake Superior region in Ishpeming, Michigan in 1900. In 1910, the company built the region's first hydroelectric plant.

However, it was not until the middle of the 20th century that Cleveland-Cliffs made what is perhaps the company's most valuable contribution, iron ore pellets. In the 1940s, it became apparent that the iron ore of the Marquette area that Cleveland-Cliffs had relied upon were being depleted. While the Marquette Iron Range still had millions of tons of leaner ores, a method had not yet been invented for making this leaner ore usable in blast furnaces. Once more, Cleveland-Cliffs exhibited leadership and innovation. Partnering with the U.S. Bureau of Mines, Cleveland-Cliffs researchers developed a technique for concentrating low-grade iron ore and pelletizing it to provide high-quality iron ore pellets for use in steel production in the company's blast furnaces.

In 1956, CCI put this innovative technique into practice, producing its first iron ore pellets at the Eagle Mills pellet plant near Negaunee, Michigan, just west of Marquette. While these first pellets were crude by today's standards, the pellets could be used in the blast furnaces to make a high grade steel and they opened the way for the development of the pellet making operations of today.

The process of pelletizing low-grade iron ore revolutionized the iron ore business. Without this process, thousands of jobs in Michigan might never have been created and Marquette County would have missed out on billions of direct economic impact from these mines. Today, Cleveland-Cliffs is the largest producer of iron ore pellets in North America.

This year, Cleveland-Cliffs reached another historic milestone. Celebrating the 500 millionth ton total is an important tribute to not only the Cleveland-Cliffs company, but also to the working men and women who have kept the pelletizing and mining operations running smoothly and productively over the past 50 years.

Mr. Speaker, from the beginning of its operations in Michigan's Upper Peninsula to its innovation of the iron ore pelletizing process to the present day, Cleveland-Cliffs has demonstrated leadership and a forward thinking trailblazing spirit. As this great company marks this important occasion, I would ask that you and the U.S. House of Representatives join me in saluting the past and present employees of Cleveland-Cliffs, CCI's entrepreneurial spirit, their steady growth, their innovations, and their contributions to the economy of the Great Lakes region.

HONORING JUSTIN-SIENA HIGH SCHOOL OF NAPA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to mark the 40th anniversary of the establishment of Justin-Siena High School in Napa, California. Thousands of young men and women from Napa, Sonoma and Solano counties have benefited from the school's rigorous curriculum and commitment to developing outstanding citizenship in its students.

Justin-Siena High School was created in 1972 from the merger of Justin High School and Siena High School. Both schools were founded in 1966, Justin High School by the Christian Brothers and Siena High School by the Dominican Sisters. Justin-Siena has benefited from the spirit and guidance of both orders in the decades since it was created, and the ideals under which each school was founded have guided its faculty and students.

A strong tradition of academic excellence has been the foundation of Justin-Siena's status as a preeminent high school in Northern California. This has translated into success for the remarkable numbers of Justin-Siena's graduates who continue their educations at colleges all over the United States. Additionally, the school has made a notable effort to ensure that its students learn the value of service to others as part of their education, and this has been of great benefit to the Napa Valley. The back-to-back section football championships Justin-Siena High School won in 2004 and 2005 remind us that athletics are not being neglected either.

Justin-Siena High School has made an important commitment to opening the opportunities afforded by the school to students of all backgrounds. This determination to ensure an accessible and affordable education is an important indicator of the role this school plays in our community.

Mr. Speaker, it is appropriate at this time that we recognize the 40th anniversary of Justin-Siena Catholic High School in Napa, California, and I congratulate the staff and students there. Justin-Siena has been a great asset to the Napa Valley and surrounding areas, and I expect it will continue educating fine young women and men for many generations to come.

CALLING ON THE SPEAKER TO BRING H. RES. 759 TO THE FLOOR FOR IMMEDIATE CONSIDERATION

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. EVANS. Mr. Speaker, the sexual enslavement of more than 200,000 young women and girls by the Japanese Imperial Army before and during World War II is one of the most ignored and overlooked violations of human rights and international law in the 20th Century. These women, euphemistically known as "Comfort Women," are now elderly and living their last years without a formal apology from the government that enslaved them. We cannot allow these survivors to fade into history without the closure that would come from official recognition, which is why my colleague, the Honorable CHRISTOPHER SMITH, and I introduced H. Res. 759, calling on the Japanese government to formally acknowledge and take responsibility for its involvement in this unspeakable atrocity.

Our resolution has broad Congressional support with 55 bipartisan cosponsors, including a substantial number of Members from the International Relations Committee, and the Congressional Human Rights, Women's Rights, Asian Pacific American, and Korea Caucuses. Additionally, on September 13, 2006, the resolution was marked up in the International Relations committee by unanimous consent, and subsequently sent to the Speaker with an official request that it be considered on the floor under suspension of the rules. We have also seen an overwhelming response from the Korean American, Chinese American, Filipino American and Vietnamese American communities to the Speaker asking for the resolution to come before the entire House of Representatives. Amnesty International, as well as prominent Japanese-American Congressman and my close friend, MIKE HONDA, also strongly and vocally support H. Res. 759

Mr. Speaker, it is beyond my understanding why H. Res. 759 has not been scheduled for floor consideration. There has been no visible controversy about the bill from Members of Congress.

Moreover, many of the bills also marked up in the September 13 International Relations Committee hearing have made it to floor and passed by voice vote. It is deeply disturbing that the leadership of this House is not interested in supporting human rights or reiterating the role of the Congress to oppose human trafficking and other similar atrocities that have occurred throughout the world. This is not a Japanese issue, this is not a Korean issue, this is not an American issue; this is an issue about human dignity. And it is a slap in the face to those who have worked so hard to bring the Comfort Women issue to light on the international stage and especially to those who have been directly or indirectly affected by sexual slavery for this resolution to die at the hands of the Speaker after it successfully completed all the necessary procedural steps and demonstrated broad bipartisan support.

I urge the Speaker in the strongest terms possible to allow H. Res. 759 to come before the full House under suspension of the rules before the end of the 109th Congress, so that we may once and for all put this issue to rest, and leave this Congress having made a strong statement in support of human dignity.

S. 2562, THE VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2006

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. REYES. Mr. Speaker, I rise today in strong support of S. 2562, the Veterans' Compensation Cost-of-Living Adjustment Act of 2006.

S. 2562 would raise the rates of compensation for veterans with service-connected disabilities and would increase dependency and indemnity compensation for survivors of certain disabled veterans. Surviving spouses and children aged under 18 would be among those who would benefit from the compensation rate increase that would become effective on December 1, 2006. The increase in rates would be equal to the increase provided to Social Security recipients and is projected to be approximately 2.9 percent.

As a co-sponsor of H.R. 4843, the Veterans' Compensation Cost-of-Living Adjustment Act of 2006, which passed the House of Representatives on June 27, 2006, I also strongly support the Senate version of the bill.

In recognizing the contributions that veterans have made to our country, it is vital that we provide compensation that reflects today's rising cost-of-living. Many of the approximately 60,000 veterans who reside in El Paso, Texas depend largely on government compensation for supporting their families. Increasing the compensation rates for veterans and their families allows us to demonstrate our immense gratitude for those who have courageously served our country.

Mr. Speaker, nation's veterans and their service to our appreciation for their service to our country. I ask all my colleagues to join me in voting favorably on S. 2562.

ON THE DEATH OF SECOND LIEUTENANT EMILY J.T. PEREZ

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. HOYER. Mr. Speaker, the tragic loss of Second Lieutenant Emily J.T. Perez, a young soldier from Prince George's County, MD, who gave the ultimate measure of sacrifice for our Nation in Iraq, saddens all of us.

And today, I want to pay tribute to this outstanding young American, as well as express my deepest condolences to her family, including her parents, Vicki and Daniel, and all of her friends and loved ones.

Second Lieutenant Perez of Fort Washington died on September 12 after a roadside bomb exploded under her Humvee. She is the first female graduate of West Point to die in Iraq.

But she should not be remembered solely for how she passed from this life and into God's hands. She must be remembered for the outstanding and inspiring way in which she lived and those she touched during her 23 years.

Emily Perez was a trailblazer and a star in every sense of the word.

She rose to the top of her class at Oxon Hill High School. She became the first minority female command sergeant in the history of the U.S. Military Academy. And she excelled at everything from track to the gospel choir.

As the Washington Post reported, friends and family members nicknamed her "Kobe," after Los Angeles Lakers basketball player Kobe Bryant, because "everyone knew she could make the shots, in whatever she did."

Second Lieutenant Perez was best known for her tenacious leadership, first as a wing commander of Junior ROTC and then on the campus of West Point. She leaves behind a collection of young cadets inspired by her patriotism, as they prepare for military careers defending our Nation.

While incredibly strong willed, Perez also is remembered for her sensitivity to others, organizing an HIV–AIDS ministry in high school after family members contracted the virus.

Yet it was being a soldier that was Perez's true calling. She was born into a military family in Heidelberg, Germany, and knew from a very young age that she wanted to serve. After graduating from West Point, she was assigned to the Army's 204th Support Battalion, 2nd Brigade, 4th Infantry Division and deployed to Iraq in December.

One of her mentors, Roger Pollard, told the Post: "I clearly remember thinking that she would definitely be the first female president of this country."

Lost at the age of 23, we will never know what was in store for this extraordinary young woman. But one thing is certain: She heroically served her Nation in defense of our freedom, and we should all be proud of the full life she led in her short time here.

STATEMENT ON IOM RECOMMENDATIONS FOR FDA REFORM

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. DELAURO. Mr. Speaker, I wanted to bring to my colleague's attention a New York Times editorial that comments on the recommendations by the Institute of Medicine (IOM) for reforming the Food and Drug Administration (FDA). The editorial contends that IOM has wisely called for a significant increase in financing and personnel to correct the imbalance between the funds and staff devoted to approving new drugs and the smaller resources available for post-market surveillance. The editorial also observes that, even when problems arise, the agency virtually has no authority to regulate drugs on the market unless there is overwhelming evidence that they are unsafe.

The IOM report, The Future of Drug Safety, confirms what many of us in Congress have been arguing all along—that FDA authority needs to be strengthened and that the agency relies too heavily on negotiations with industry. The recommendations outlined in the IOM report reflect the initiatives that many of us in Congress already have proposed, including: requiring post-market surveillance of drug products; requiring a moratorium on direct-to-consumer (DTC) advertising; and eliminating conflict-of-interests involving members of FDA advisory committees.

This report provides independent verification that Congress must act to implement the changes that are needed at the FDA. Congress will have the opportunity next year to make an immediate impact when it considers the reauthorization of the Prescription Drug User Fee Act (PDUFA). Congress should strongly consider IOM's PDUFA recommendation that a portion of the user fees be diverted to specific safety-related performance goals.

I ask that the New York Times editorial be inserted in the RECORD.

[From the New York Times, Sept. 28, 2006]

PRESCRIPTION FOR A STRONGER F.D.A.

A prestigious advisory group has put its weight behind criticism that the Food and Drug Administration is pitifully weak when it comes to removing dangerous prescription drugs from the market. Last week, a panel appointed by the Institute of Medicine, part of the National Academy of Sciences, issued a slew of recommendations to strengthen the beleaguered F.D.A. as it struggles to regulate a huge array of medications whose ill effects sometimes show up only after years of wide use.

The institute's report, which was requested by the F.D.A., deplores the big imbalance between the money and staff devoted to approving new drugs and the much smaller resources for monitoring drugs after they are on the market. The imbalance results in part from the pharmaceutical industry's providing user fees that pay for expediting the approval process, but not for monitoring the aftereffects. Worse yet, even when it spots a problem, the agency has very little power to regulate drugs on the market unless there is overwhelming evidence that they are unsafe, which is seldom the case.

Although the nation is mired in budget deficits, the institute was wise to call for a large increase in financing and personnel for this crucially important regulator of public health. If Congress is too stingy to ante up more money, it should at least divert some of the drug industry's user fees to surveillance after a drug's approval.

The panel calls for the F.D.A. to evaluate the safety and effectiveness of drugs that are truly new, not just copycats, at least once every five years. It wants the agency to be given explicit power to compel post-marketing studies and to impose fines, injunctions and withdrawals to enforce its decisions. In a departure from conventional wisdom, the panel also urges the F.D.A. to require that a substantial majority of the members of each of its advisory panels be free of significant financial involvement with companies whose interests might be affected. That undercuts the agency's claims that there are not enough experts without ties to the drug industry.

COMMENDING THE BOY SCOUTS OF AMERICA TROOP ONE OF SACRAMENTO ON ITS 90TH ANNIVERSARY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. MATSUI. Mr. Speaker, I rise in tribute to the Boy Scouts of America Troop One of Sacramento as they celebrate their 90th anniversary and ask all of my colleagues to join with me in saluting the Scouts and alumni of Troop One.

Troop One was founded in 1916. It has a storied history and is widely known as the oldest continuously operating troop west of the Mississippi River. In the past 90 years, an estimated 1,500 young men have been members of Troop One, earning over 15,000 merit badges.

Not only is troop 1 one of the oldest troops, it is also one of the most successful troops in the United States. Historically, only five percent of Boy Scouts nationwide achieve the rank of Eagle Scout. Troop One, however, far surpassed that mark with an impressive 20 percent, totaling over 300 Eagle Scouts.

Over its 90-year history, Troop One has performed many community improvement projects: they repaired and restored the Old City Cemetery, constructed park benches throughout the city and landscaped numerous elementary, middle and high schools. The troop has a historic commitment to service and received an award for selling war bonds during World War One. These are just a few of Troop One's community service efforts benefiting Sacramento and the Nation.

This troop has also produced more than its fair share of local and national leaders. One of the most prominent alumni is the former Governor of California and Chief Justice of the United States Supreme Court, Earl Warren. Chief Justice Warren's sons were both in Troop One when he was Governor of California and his wife opened the Governor's mansion for the troop's mother's meetings. One of its most active local leaders and troop alumni, George Morrow, has had twelve family members achieve the rank of Eagle Scout, carrying on the troop's strong family tradition.

Mr. Speaker, the Boy Scouts of America, Troop One of Sacramento, clearly has become a family and community tradition. Troop One has helped young boys develop into community leaders. For 90 years, the troop's service projects have helped shape and improve the Sacramento community, and I am confident the troop will continue its work in Sacramento for many years to come. I ask my colleagues to join me in wishing the Boy Scouts of America, Troop One of Sacramento, a happy 90th anniversary and continued success.

PAYING TRIBUTE TO ANN SCHREIBER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Ann Schreiber for her community leadership and efforts on behalf of the State of Nevada.

Ann is a founder of the Muddy River Regional Environmental Impact Alleviation Committee (MRREIAC). Through Ann, this community based organization has contributed greatly to the Overton and Moapa Valley, Nevada communities by eradicating tamarisk plants, a non-native species to the area. I applaud Ann today for all of her hard work and dedication to removing this Western lands nemesis.

In 1994, MRREIAC was established in order to protect the Muddy River, a spring fed river that flows from the upper part of Moapa to Lake Mead. During its inception, MRREIAC grappled with ways to remove the tamarisk plants that encased the Muddy River and left this important water source for rural Nevada a dry bank. A single tamarisk plant can consume hundreds of gallons of water daily and their abundance throughout the West is a pervasive problem.

Without being formally educated on the process of how to remove this invasive species, Ann sought the assistance of Clark County, Nevada Power, the US Fish and Wildlife Service, the National Park Service, and other various volunteer organizations. Through trial and error Ann and MRREIAC were able to successfully remove tamarisk plants which had once before choked out the native plant species. Today, water flows freely down the Muddy River and native species live and thrive.

I applaud Ann and MRREIAC for their initiative and for successfully employing inmates from the Indian Springs Correctional Facility. Not only did these inmates receive vital work skills, but they were able to contribute to the overall success of MRREIAC's initiative.

Mr. Speaker, I am proud to honor Ann Schreiber for her relentless dedication to her water conservation efforts and to the safety of her community and the State of Nevada. She is an example to all of how one person's dedication to a cause can create lasting change. I wish Ann all the best on her future endeavors.

HONORING SEYMOUR SIMON

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. EMANUEL. Mr. Speaker, I rise today to honor the memory of a great and respected Chicagoan, Justice Seymour Simon, who recently passed away at the age of 91. Seymour was a dear friend of mine, and a passionate advocate for justice who exemplified all of the finest qualities of true public service.

Seymour was born on the 10th of August, 1915 in Chicago, IL. He attended law school at Northwestern University, graduating first in his class. He served his country in World War II and was honored with the Legion of Merit medal.

After his service in the Pacific, Seymour returned to his hometown to practice law and serve his community in elected office. He served two separate terms as alderman of the 40th Ward, from 1955 to 1961, and then from 1967 until 1974. From 1961 to 1967, Seymour represented all of Cook County on the Cook County Board of Commissioners, rising to board president in 1961. During his career Seymour also served as an attorney for the U.S. Department of Justice Antitrust Division, as president of the Cook County Forest Preserve District and as a member of the Chicago Public Building Commission.

In 1974, he was elected to the Appellate Court, on which he served for 6 years. He was elected to the Illinois Supreme Court in 1980. As a member of the Supreme Court, Justice Simon exhibited a moral drive that led him to dissent from the court's decision in many cases, and earned him the enduring admiration of his colleagues and the people of Illinois.

Justice Simon was an adamant opponent of the death penalty and sided against the court in several decisions which were later reversed by the U.S. Supreme Court. In retirement, he continued to fight against inequities in the prosecution of Illinois death penalty cases. Former Governor George Ryan cited several letters from Justice Simon as a factor in his decision to impose a moratorium on all executions in the State of Illinois.

Seymour's life of public service was honored with numerous awards, among them an honorary doctor of laws degree from John Marshall Law School and the Northwestern University Alumni Association Award of Merit. Seymour passed away in Northwestern Memorial Hospital on September 26th after battling with cancer.

Mr. Speaker, Seymour Simon was an inspiration to all who knew him, and I am honored to have considered him a friend and mentor. I wish to express my deepest condolences to his family, and I ask all of my colleagues to join me in remembering the life and legacy of this great American.

HONORING DEBRA NAUMAN, CHAIR AND FOUNDER OF GIANT STEPS OF ILLINOIS

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mrs. BIGGERT. Mr. Speaker, I rise today to honor an outstanding woman whose commitment and passion for a great cause led her to accomplish a very good thing for her community and state.

The woman is Debra Nauman. The cause is educating autistic children. And the very good thing accomplished is a place called Giant Steps, Illinois.

When Debra's son Riley entered pre-school, she became concerned about the quality of education he would receive as an autistic child. But instead of becoming disheartened, Debra Nauman became inspired. She was determined to provide her son with an education that would facilitate his mental and physical progression.

Her resolve led her to Giant Steps, a school for children with autism, in Montreal, Canada. Here was a school that featured an environment that nurtured the autistic mind and provided therapeutic services. Here was what she was seeking for Riley. But here—Montreal, Canada—was a very long way away from her home and business in Illinois.

So when Debra sought such a school back home and couldn't find one, she founded her own.

Armed only with her tenacity and infectious enthusiasm, she recruited a board of directors, raised funds, rented space, hired personnel and opened the doors at Giant Steps, Inc. Illinois, an academic and therapeutic day school for children with autism spectrum disorders in Burr Ridge, Illinois.

As we celebrate the tenth anniversary of Giant Steps of Illinois, it is only appropriate that we recognize Debra Nauman. We celebrate her because, despite the challenges she faces as a single mom running her own business, she did not compromise when it came to her autistic son and his needs. Debra recognized long ago that every child deserves an education that will help him or her progress in life. She continues to work tirelessly to improve Giant Steps of Illinois and expand its programs. In so doing, she has made a world of difference in the lives of so many autistic children and their families in Illinois.

Mr. Speaker, once again, I would like to extend my sincere gratitude to Debra Nauman and congratulate her on Giant Steps of Illinois' tenth anniversary.

A TRIBUTE TO ANNA M. CABALLERO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. FARR. Mr. Speaker, I rise today to honor the achievements of Anna Caballero. Anna first moved to Salinas in 1982 and started a law office specifically to provide excellent legal representation for working people. She promptly became active in town, and due to her immense enthusiasm she was quickly recognized as a community leader. She served on the city council for seven years, including four years as Vice Mayor. In 1998 Anna was elected as the first female Mayor in the 126 year history of the city of Salinas, and has hence served four terms.

During her tenure as city Mayor, Anna was a driving force in improving life for the people of Salinas. Some of her most successful projects were the diversification of Salinas's economic base, improving the affordability of local housing, the redevelopment of historic downtown Salinas, and ensuring the permanent funding of the Salinas library. The key to her success was her innate ability to sit people down, get straight to the issue and have them reach a consensus. Furthermore, Anna used her talents to streamline the Mayor's office and develop partnerships with neighborhoods, parent groups, labor groups, school districts, local businesses and the greater Salinas community.

Anna's accomplishments in the community have not gone unnoticed. In 1996, Anna was honored with the "Athena" award for "entrepreneurial excellence" by the Salinas Area Chamber of Commerce, the most prestigious honor the Chamber can bestow upon a fellow businessperson. In 2000, the Monterey Country Lawyers Association granted Anna the Justice Ribbon Award, the Association's highest award for members who bring distinction to the legal profession through commitment to public service.

Anna has continued to reach out to the community. She is an avid volunteer coach for local baseball and soccer teams. She works with the Mexican-American Women's National Association, "MANA", to raise scholarship money for young women continuing to higher education. Anna is also an Executive Director of the non-profit Partners for Peace, dedicated to developing multi-disciplinary partnerships, which share community resources to bring about community change.

Mr. Speaker, I rise once more to applaud Anna Caballero's many accomplishments. On behalf of the United States Congress, I would like to congratulate her on her successful career, and express my sincere gratitude for her commitment to the community.

PERSONAL EXPLANATION

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. MEEHAN. Mr. Speaker, this week, due to a death in the family, I have requested and received a leave of absence. Since Monday, September 25, I have missed the following rollcall votes. I have noted how I would have voted had I been present:

Roll No. 471, September 25, H.R. 5059, on motion to suspend the rules and pass, "nay"; 472, September 25, H.R. 5062, on motion to suspend the rules and pass, "nay"; 473, September 25, H.R. 6102, on motion to suspend the rules and pass, as amended, "yea"; 474 September 26, H. Res. 1038, on agreeing to the resolution, "nay"; 475, September 26, H. Res. 1039, on agreeing to the resolution, "nay"; 476, September 26, H.R. 5092, on motion to suspend the rules and pass, as amended, "nay"; 477, September 26, H.R. 4772, on motion to suspend the rules and pass, as amended, "nay"; 478, September 26, motion, motion to resolve into secret session, "yea"; 479, September 26, S. 403, on passage, "nay"; 480, September 26, H.R. 2679, on passage, "nay"; 481, September 26, H. Res. 723, on motion to suspend the rules and agree, as amended, "yea"; 482, September 26, H. Res. 992, on motion to suspend the rules and agree, as amended, "yea"; 483, September 26, H. Res. 989, on motion to suspend the rules and agree, as amended, "yea"; 484, September 26, H. Res. 1017, on motion to suspend the rules and agree, "yea"; 485, September 26, H.R. 6164, on motion to suspend the rules and pass, "yea"; 486, September 26, H.R. 5631, on agreeing to the conference report, "yea"; 487, September 27, H. Con. Res. 483, on agreeing to the resolution, "nay"; 488, September 27, H. Res. 1042, on ordering the previous question, "nay"; 489, September 27, H. Res. 1042, on agreeing to the resolution, "nay"; 490, September 27, H.R. 6166, on motion to recommit with instructions, "yea"; 491, September 27, H.R. 6166, on passage, "nay"; 492, September 27, H.R. 5637, on motion to suspend the rules and pass, as amended, "yea"; 493, September 27, H.R. 6115, on motion to suspend the rules and pass, "yea"; 494, September 27, S. 2856, on motion to suspend the rules and pass, as amended, "yea"; 495, September 28, H. Res. 1045, on ordering the previous question, "nay"; 496, September 28, H. Res. 1046, on ordering the previous question, "nay"; 497, September 28, H. Res. 1046,. on agreeing to the resolution, "nay"; 498, September 28, H. Res. 1052, on ordering the previous question, "nay"; 499, September 28, H. Res. 1052, on agreeing to the resolution, "nay"; 500, September 28, H.R. 4954, on motion to instruct conferees, "yea"; 501, September 28, H.R: 5825, on motion to recommit with instructions, "yea"; 502, September 28, H.R. 5825, on passage, "nay"; 503, September 28, H.R. 6143, on motion to suspend the rules and pass, as amended, "yea"; 504, September 29, H. Res. 1054, on ordering the previous question, "nay"; 505, September 29, H. Res. 1054, on agreeing to the resolution, "nay"; 506, September 29, H. Res. 1053, on ordering the previous question, "nay"; 507, September 29, H. Res. 1053, on agreeing to the resolution, "nay"; 508, September 29, S. 8930, on passage, "nay."

STATEMENT ON H. RES. 759

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. HONDA. Mr. Speaker, I rise today in strong support of H. Res. 759, a resolution that expresses the sense of Congress that the Government of Japan should formally issue an apology for the sexual enslavement of young women during the imperial occupation of Asia and World War II. I am disappointed that this non-controversial resolution was not on the suspension calendar this week.

The dehumanization suffered by over 200,000 "comfort women" in Asia before and during World War II is one of the greatest and most averted tragedies of the 20th century. These women were ordinary and innocent civilians, ranging from young girls who had barely reached adolescence, to married women with children at home. These women shared in common, coercion into sex slavery by the Japanese Imperial Army.

Equally disturbing is Japan's modern and democratic government's refusal to issue a formal apology for this atrocity. I believe these women deserve a clear and unambiguous apology and reparations from the Japanese government to recognize the fact that their personal dignity was ripped from them.

In 1999, when I served in the California State Assembly, I authored Assembly Joint Resolution 27, which called on Congress to urge the Japanese government to issue an apology for the victims of the Rape of Nanking, comfort women, and POWs who were used as slave laborers. The resolution was ultimately passed, and urged Congress to pass similar legislation.

Now, 7 years after the success of AJR27, I stand united with my colleagues in support of H. Res. 759. I commend my good friend Lane Evans for his tireless work on this issue, and I thank him for his courage and leadership. I look forward to carrying on his work and legacy after his retirement this year.

Given the wide bipartisan support for this resolution, as evidenced by its 55 co-sponsors; the endorsement of four major caucuses, the Congressional Asian Pacific American Caucus, the Congressional Caucus for Women's Issues, the Congressional Human Rights Caucus, and the Congressional Caucus on Korea; and its non-controversial language and recent passage by Unanimous Consent out of the House International Relations Committee, I simply cannot accept that H. Res. 759 is too controversial or lacks the importance to be on the suspension calendar.

It is only right that we provide justice for the victims of the Pacific theater with the same fervor as we did for those in the European theater of WWII. Congress has a moral duty to shed light on this issue and pass H. Res. 759 in order to send a powerful message to the government of Japan, and I am disappointed that this resolution is being ignored.

Mr. Speaker, Congress must not politicize a resolution that will give some peace of mind to the comfort women and those who have worked so hard on their behalf. I sincerely hope that H. Res. 759 will be brought to the House floor under suspension of the rules. In the name of historical reconciliation and human rights, moving this resolution forward is the right thing to do. We must hasten the day when the comfort women achieve the justice they deserve at last.

HONORING GRANDPARENT- AND OTHER RELATIVE-HEADED HOUSEHOLDS

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. MICA. Mr. Speaker, today, I am pleased to honor the grandparent- and other relative-headed households who have sacrificed to care for our Nation's children when the parents are unable to.

Across the country there are more than 6 million minors living in grandparent- or other relative-headed households. Regardless of the reason children enter relative care—death of a parent, neglect, abuse, military deployment or poverty—it is never the fault of the child. I commend grandparents and other relatives who step forward to care for these children, keeping the children out of foster care while providing safe and stable homes, often at great personal sacrifice. Supportive programs like subsidized guardianship help children exit foster care into the permanent care of nurturing relatives.

In my state of Florida, 9 percent of the children live with non-parent relatives. Grandparents and other relative caregivers are often the best chance for a loving and stable childhood for the children in their care, but their hard work and dedication often go unnoticed.

Mr. Speaker, today I offer my formal acknowledgment and deepest appreciation for the ongoing service of these caregivers to our country and our Nation's most valuable asset, our children. I ask all Members of the House of Representatives to join me in recognizing these everyday heroes.

IN RECOGNITION OF ARMANDO PEREZ

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. VELÁZQUEZ. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to recognize the life and contributions of a tremendous community advocate, Armando Perez.

For over 30 years, Armando Perez was an outspoken advocate who championed the rights of the Lower East Side's poor and working class. Armando was the co-founder, and Artistic Director of CHARAS/El Bohio Cultural and Community Center—a building in our community which recently received landmark status as it embodied the spirit of the neighborhood's history of organizing and grassroots activism—largely due to the work and dedication of Mr. Perez.

Armando was a true champion and leader within our community. Not only was he a Democratic district leader for his neighborhood, but he was also a tireless community activist on multiple fronts. Armando can be credited with helping to lead the fight to preserve the character and history of the Lower East Side—and succeeding.

Those that had the honor of working alongside Armando, and knowing him on a personal level, remember him for both his strong sense of honesty and for his humor. Many were inspired by the feelings of trust he instilled in others, the passion he had for the pursuit of justice, and the encouragement he offered to all in fighting for the betterment of our community.

Mr. Perez spent his lifetime helping others, especially the poor and working class. His commitment, contributions and leadership are now engrained in the Lower East Side. In honor of Armando's work and dedication to our community, a local street, E. Ninth, will be renamed for him. This is a small token of appreciation for all that Mr. Perez gave to our community—but one that will be recognized for generations to come, keeping his memory alive and vibrant throughout our neighborhood.

Therefore, Mr. Speaker, I rise with my colleagues in the House of Representatives to honor the life and contributions of Armando Perez—a true, champion.

CONGRATULATING JAMES T. CASSIDY, MD, ON HIS MEDICAL CAREER AND OUTSTANDING SERVICE

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. HULSHOF. Mr. Speaker, I rise today to commemorate the career of a great Missourian, a physician who has practiced for years in my home town of Columbia, MO. He literally wrote the book on pediatric rheumatology, and has provided outstanding health care over a distinguished medical career. He is being honored at the Cassidy Symposium at the University of Missouri School of Medicine on October 7, 2006.

Dr. Cassidy is an outstanding pediatric rheumatologist, well-known nationally and internationally. He has been a leader in the field of rheumatology for over 40 years and a founding member of many of the subspecialty organizations.

Dr. Cassidy was born in 1920 in Oil City, PA, and received both his undergraduate and medical education at the University of Michigan. He completed 2 years of active duty in the U.S. Navy and 7 years in the Naval Reserve. He returned to the University of Michigan to complete his residency in Intellectual Medicine and a rheurhatology fellowship in the Rackham Arthritis Research Unit under the mentorship of Drs. Roseman and Johnson. He went on to the faculty in 1963 and worked his way up the ranks, becoming Professor of Intellectual Medicine and Pediatrics in 1974. In 1984 he was recruited as Professor and Chair of Pediatrics at Creighton University School of Medicine in Omaha, NE, and then 4 years later as professor in the Department of Child Health and Internal Medicine and Chief of Pediatric Rheumatology at the University of Missouri-Columbia. He became emeritus in 1996 and continued to staff his arthritis clinics until this year.

He is a Diplomate of both the American Board of Internal Medicine and the American Board of Pediatrics and their respective rheumatology sub-boards.

He has received many honors and awards including Phi Beta Kappa, Alpha Omega Alpha, Excellence in Education Award from the University of Missouri SOM, National Service Citation from the Arthritis Foundation, and Master of the American College of Rheumatology (ACR). He is a member of a number of prestigious organizations including the American Academy of Pediatrics, the American College of Physicians, the American College of Rheumatology, the British Society of Rheumatology, the American Pediatric Society and the Society of Pediatric Research.

He has served the academic and the rheumatology community admirably with service on numerous committees including as a Founding Member of the Council on Pediatric Rheumatology of the ACR and Chair of the Academic Pediatric Rheumatology Blue Ribbon Committee, the BOD of the Arthritis Foundation and the first Executive Committee of the American Juvenile Arthritis Organization, and Chair of the Executive Committee for the American Academy of Pediatrics.

Through Dr. Cassidy's efforts, the Missouri Department of Health established the Juvenile Arthritis Care Coordination Program in 1993 to help families obtain family-centered, community based, coordinated care for children diagnosed with juvenile arthritis.

Along with Drs. Brewer and Kredich, he was instrumental in the development of the Subboard of Pediatric Rheumatology and the acceptance of educational training programs in Pediatric Rheumatology by the American Council of Graduate Medical Education.

He has published over 150 manuscripts and book chapters and is the founding author of the "Textbook of Pediatric Rheumatology" now in its fifth Edition and the leading textbook in the field. He is a frequent invited speaker, having addressed audiences all over the world.

In summary, he is the consummate academician and a founding member of pediatric rheumatology as a recognized subspecialty. He is a great American, he has treated my constituents and their children with dedication and sympathy, and I am grateful they have brought his distinguished career to my attention. I congratulate Dr. Cassidy on his many successes, and wish him well in his future endeavors.

HONORING CAROLYN TATE

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. WATERS. Mr. Speaker, Carolyn Tate, UAW Retired Workers International Representative, was born in Freeport, Illinois, on June 23, 1945. Only daughter of James and Vinnie Arnold she also has three brothers, James Arnold, Jr., Columbus, Ohio, David Arnold, Cincinnati, Ohio and Eddie Arnold, Oakland, California. Carolyn moved to Oakland, California in 1958. She met and married Bennie Tate, Jr. in December 1964, and had three children, Steven, Karen, and Tracy Tate. She has one grandson Steven M. Tate and a second grandson on the way.

Carolyn attended Berkeley High School, Berkeley California, and graduated in June of 1963. Continued her education by attending Merritt College, Oakland, California, and received her Associate in Arts Degree, Liberal Arts Studies in June 1980. Being aware of the importance of continuing her learning experience in 2001 Carolyn was accorded senior status at Cal State University, Long Beach, where she intends to pursue a B.A. Degree in her new role as a retiree.

Carolyn's work and professional experiences are quite interesting to follow. In her search for short term employment she interviewed with General Motors Part Depot in September 1973. Interesting to note, that job led to 33 years of service with the UAWand General Motors. Her plant closed and she relocated to Sparks, Nevada in 1980. She immediately became involved with UAW Local 1262 and became the Financial Secretary of the Local and held that elected position for 12 years. In 1988, she implemented the first V–CAP check-off drive in the GM facility which

Tripled Local 2162's contributions to the UAW's V–CAP regional program.

Remembering having heard UAW President Walter Reuther's old saying that there was a definite connection between the ballot box and collective bargaining, she decided to become very active in the Democratic party of Nevada. During the party activities led her to hold various positions which included Washoe County Registrar from 1986 to 1992. It was in Nevada that Carolyn, not only became an extremely active UAW Local Union officer, but she also began to be more deeply involved in community activities making her a committed activist for social change. In 1989, UAW leadership noticed this active Local union official and was appointed by Vice-President Stephen P. Yokich, as the UAW quality network representative.

Having shown a quick grasp of the make up of UAW activities, she was recommended for an appointment to the International Staff by Region 6 Director Bruce Lee. Upon that recommendation in August 1992, UAW President Owen Bieber appointed her to the International Staff and was relocated to the UAW headquarters in Artesia, California. Her first assignment was an International Organizer, and shortly thereafter there was an opening in the UAW Retirement Workers Department and she was assigned to that position where she spent the last 14 years. In that capacity, Carolyn coordinated and implemented UAW senior activities, programs, political action, lobbying events and all Get Out to Vote/registration Drives in California, Nevada, Oregon, Arizona and Washington State for over twenty-seven thousand UAW Retirees. Under Director Jim Wells leadership, since 1995, she elevated Region 5—West Retiree's to holding the number one title for UAW V–CAP fundraising drives.

Carolyn Tate's experiences as a working mother, union organizer, international representative, dedicated community activist, and political action and lobbying activities, make her an outstanding model for others, male and female, to follow and emulate. She has proven that in spite of obstacles that one faces in life, one can always strive to improve oneself by sticking to it and giving service to others.

HONORING NEELY MOODY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the distinguished public service of Mr. Neely Moody, who until recently, served as Inspector General of the Defense Intelligence Agency (DIA).

Throughout his 43 years as a public servant, Mr. Moody has distinguished himself as a dedicated leader, one who faced challenges with determination, persistence and balance. This was true early in his 20-year U.S. Air Force career, and remained true throughout his 23-year DIA career.

From the time of his March 2003 appointment as DIA Inspector General until his retirement, Mr. Moody capably led the Office of the Inspector General in promoting the economy, efficiency, and effectiveness of DIA and defense intelligence programs and operations.

Prior to his appointment as DIA Inspector General, Mr. Moody served as the Chief, Diversity Management and Equal Opportunity, where he effectively led the effort to develop and implement DIA employment opportunity, and diversity management policy and procedures. During his tenure as Chief, Personnel Security Division, DIA, he effectively managed the agency's personnel security program and promulgated Director of Central Intelligence personnel security policies within the Department of Defense.

During his military career, Mr. Moody served in diverse career specialties of security, counterintelligence, law enforcement, munitions maintenance, aircraft maintenance, and special investigations. He distinguished himself throughout his active duty career, including in his final assignment as a Chief in the U.S. Air Force Office of Special Investigations.

Mr. Moody's service to our nation has been recognized for his service and achievements in a host of ways. He is the recipient of the Presidential Rank Award for Meritorious Executive in the Defense Intelligence Senior Executive Service, the DIA Director's Award for Exceptional Civilian Service, the Director of Central Intelligence's Meritorious Unit Award and the NAACP Award of Recognition for EO, Affirmative Action, and Public Service. His military service recognition includes the USAF Meritorious Service Medal and Air Force Achievement Medal.

Mr. Moody is widely respected as leader, mentor and confidant. He has made a difference to countless individuals in the Intelligence Community and military. Moreover, he is admired for his commitment to continuing to make a difference in the lives of others in his retirement endeavors.

Mr. Moody's lifelong dedication and selfless service to our nation are an inspiration to all. I am proud to honor him on this day which also marks the passage of the National Defense Authorization Act for Fiscal Year 2007.

MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY OPPORTUNITY ACT OF 2005

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of the Minority Serving Institution Digital and Wireless Technology Opportunity Act.

For years, reports have indicated that minority-serving institutions such as Historically Black Colleges and Universities have produced the majority of African American scientists and engineers.

These colleges and universities have created a strong pipeline of technical excellence among minority populations.

Young African American and Hispanic students, rising through the ranks and full of promise, see role models in the professors and scientists with whom they interact at these institutions.

The absence of consistent role models is a major contributing factor of why underrepresented minorities have faced challenges in increasing their numbers in our high-tech domestic workforce.

The Minority Serving Institution Digital and Wireless Technology Opportunity Act would establish a program at the National Science Foundation to award grants to such institutions to provide educational instruction in digital and wireless network technologies.

If enacted, the bill would also help minority-serving institutions strengthen their digital and wireless infrastructure and would also give them an opportunity to provide input for how grant proposals would be reviewed and evaluated.

One other nice point about the bill is that it encourages partnership formation between the institutions and third parties by requiring a matching recipient contribution of 25 percent of the federal assistance amount.

Mr. Speaker, I believe that minority serving education institutions are extremely valuable in supporting our domestic minority workforce.

Historically Black Colleges and Universities; Hispanic-, Alaska Native-, and Native Hawaiian-serving institutions; tribally controlled colleges and universities; and others tend to have a substantial high-need student population and deserve our support.

Mr. Speaker, I support this bill and urge my colleagues to vote for its passage.

IN MEMORY OF JIM WADE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. HALL. Mr. Speaker, it is a privilege to pay tribute today to one of my best friends from childhood, Jim Wade of Dallas, TX, who passed away in May at the age of 85. Jim and I grew up together in Rockwall, TX and shared many wonderful times over the years. He was a great patriot who was devoted to his family, his State, and his country.

Jim attended Rockwall High School, studied at the University of Texas and graduated from the United States Military Academy in 1943. He served his country in General George Patton's 3rd Army in England, landing on Utah Beach in July 1944. His service in France, Luxembourg, Germany, and Czechoslovakia earned him five battle stars as well as a Bronze Star Medal for individual bravery for relief efforts of Bastogne in the Battle of the Bulge. Jim's later service included tours in China and Taiwan before he resigned with the rank of major.

Jim lived in Denver, San Antonio, and Beeville and returned to Dallas in 1959 to begin a long and distinguished career with New York Life Insurance Company. Jim and I shared an interest in public service and served together in the Texas State Senate. He also served in the Texas House of Representatives.

Jim was the last of 11 children born to Henry Wade and Lula Wade, all of whom preceded him in death. Jim followed in the steps of his father, the late Henry Wade, who was a longtime County Judge of Rockwall County, and in the steps of his brother, the late Henry Wade, Jr., famous Dallas District Attorney for many years, and along with the late Faires Wade, the late Ney Wade, the late Reese Wade, the late Mart Wade, and the late Joe Wade, all former criminal District Attorneys of Rockwall County, with Joe Wade also a longtime District Judge of Bee County. As they graduated from law school, the father would get them elected County Attorney and make the incumbent son move out of office to make room for the latest law school graduate. They were all successful lawyers, and Jim gave some good years to Dallas County as their State Senator. Four other family members, sisters Carrie, Nona and Lillian, and brother Dr. Colquitt Wade also were successful in life and active in politics.

Jim was devoted to his family and served his country and State with pride and dignity. His many leadership positions brought him respect, but his friendships brought him admiration. He enjoyed the relationships he cultivated with friends at the Dallas Country Club, where he was a member, as well as at the Highland Park Presbyterian Church, where he worshipped. He was an extraordinary businessman, civil servant, family man and friend.

Jim was married for 50 years to Madeline Hopkins, who preceded him in death in 1994, and is survived by his son Kirk and wife Laura of Chestertown, MD; son Bart and wife Mary Sue of Dallas and their sons Reese and Roby; and daughter Chris Bartlett and husband Tim of Colorado Springs. He was married to Sara Lees Glover from 1995 until her death in 2001, and for the last three years of his life was married to Stephanie May. He also is survived by stepdaughter Valerie and her husband Roger Smith, stepson Bill Glover and 5 step-grandchildren.

Jim thrived on competition—from being a star runner on our high school track team, to running for public office, to playing to win on the tennis court. We ran track together at Rockwall High. Jim was a great end for the Rockwall Yellow Jackets football team. He also ran the high hurdles and had a better time on the dirt track at Rockwall High, around a curve, than the state champion, the late Mal Kutner of Woodrow Wilson High in Dallas. We all went to SMU's stadium with Jim to watch him challenge Kutner at the district track meet. We were positive that he would surprise Kutner and set a new state high hurdles record. Jim never forgot—nor did I—his jumping the starter's gun three times and being disqualified. I always thought of that last great line in the poet John Greenleaf Whittier's poem, Maud Muller, "For of all sad words of tongue or pen, The saddest are these: 'It might have been!'" Jim would have surely beaten Kutner, who went on to football fame as an All-American end for The University of Texas.

In his last months Jim battled pneumonia and cancer and defied the predictions of his doctors to make it back home. As his son Bart said in his eulogy, his Dad never once believed that he would not make a recovery, not be able to walk again, or not make the next baseball game of one of his grandsons. He never lost his determination, never lost hope and never lost his good disposition despite the circumstances. That is the Jim Wade we loved and will always remember.

Mr. Speaker, I ask my colleagues to join me in memory and in honor of this great American and my good friend—Jim Wade. He will be truly missed.

TRIBUTE TO ROBERTA HOLLOWELL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. WOOLSEY. Mr. Speaker, I, along with my colleague Congressman MIKE THOMPSON, rise today to honor Roberta Hollowell of Santa Rosa, California, who passed away on August 10, 2006, after a two-year battle with cancer. We know that, though she has left this earthly plane, she will be continuing her work as a feminist activist elsewhere. Hers is the kind of voice that will never be silenced, and her spirit lives on in the many she inspired.

Born 77 years ago in Brooklyn, NY, Roberta moved to California as a teenager when her father took an engineering job in the Bay Area. She graduated from UC Berkeley (where she met her husband Ellis Hollowell) and later earned a master's degree from Mills College. The couple had three children before divorcing in 1962.

In 1962 Roberta and the children moved to Sebastopol and later to Santa Rosa. At that time, Roberta began teaching English at Healdsburg High School, a position she held for 23 years.

As an activist, Roberta was a leader and member in many organizations, and as a retired teacher, education was one of her passions. She was active in the California Teachers Association (CTA), National Education Association (NEA), the Sonoma County Educators Council, and the Healdsburg Area Teachers Association. Other affiliations included National Organization for Women, Sierra Club, NAACP, Sonoma County Commission on the Status of Women, and California State Democratic Central Committee.

Her union work and liberal politics probably started as a family trait, but Roberta blazed her own path and was a mainstay of the Sonoma County Democratic Party. Throughout her life she was active till in a host of issues that benefited from her skills and contacts.

But it is Roberta's personal contacts and example that we remember the most. Stories told at her funeral attest to her unique ability to bring others into the fold. She insisted that since we all have voices we should use them. Her humor and warmth as well as her determination, leadership, and sense of organization were all key to her success. And fond nicknames, like The General and La Jefa, were also marks of respect.

Roberta was very proud of her wonderful family. She is survived by her daughter Mardi, her son Tom, grandchildren Ryan and Danielle, and great-granddaughter Melody Ann. Her son David preceded her in death in 1995.

Mr. Speaker, we are honored to have been counted among Roberta Hollowell's many friends. We will miss her support and inspiration and will carry her legacy with us.

TRIBUTE TO ROBERTA HOLLOWELL

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. THOMPSON of California. Mr. Speaker, I, along with my colleague Congresswoman LYNN WOOLSEY, rise today to honor Roberta Hollowell of Santa Rosa, California, who passed away on August 10, 2006, after a two-year battle with cancer. We know that, though she has left this earthly plane, she will be continuing her work as a feminist activist elsewhere. Hers is the kind of voice that will never be silenced, and her spirit lives on in the many she inspired.

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TRIBUTE TO B. MONROE HIERS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a great public servant and Southern gentleman. Mr. B. Monroe Hiers is retiring as the attorney for the City of Bamberg, South Carolina, a post he has held for more than forty years.

Monroe Hiers was born on October 15, 1923 in the town of Ehrhardt, South Carolina to Mr. and Mrs. B.W. Hiers. In 1943, he graduated from Wofford College and went on to serve three years as a First Lieutenant in the U.S. Army during World War II. Following his military service, Mr. Hiers returned to school and earned a Juris Doctor from the University of South Carolina in 1948.

For more than 55 years, Monroe has practiced law in Bamberg, and for many of those years served as the city's attorney. During that time, he worked with five different mayors. The current mayor, Alton McCollum, calls Monroe, "the essence of a Southern gentleman."

Monroe Hiers has also devoted his spare time to his community. He has served more than 50 years as the Bamberg County Veterans Service Officer. He is the past president of the Bamberg Chamber of Commerce; past president of the Men's Garden Club; and a past director of the Bamberg County Red Cross. For many years, he has been the vice president, director and attorney for Bamberg's Home Federal Savings and Loan Association, and has been honored by the CFISC for promoting "Community Financial Institutions Business in South Carolina" for 40 years.

He currently serves as Adjutant of the Bamberg County American Legion Post #39, and is a past commander of the Post. He has helped many students' participation in the American Legion Oratorical Contests, Boys State, and the American Legion Baseball Team.

Perhaps his greatest loyalty lies with the Lions Club. Monroe has been recognized by the organization for 50 years perfect attendance, and was selected for the Lion of the Year Award in 1973–74 for his outstanding service. He is a past president of South Carolina Lions Sight Conservation Foundation, for which he prepared the first Constitution and By-Laws, and made the application for the first Charter of the South Carolina Lions Sight Conservation Foundation, Inc. He has also served as a past president of the South Carolina Lions Sight Conservation Association, Charitable Services.

Monroe was District 32–B's Governor and a 100 percent District Governor, in addition to several other positions he held with the Lions organization. He also organized two Lions Clubs in Swansea and the Seven Oaks area of Columbia. His extraordinary dedication to the Lions Club won him the honor in 2004 of being named to the South Carolina Hall of Fame for District 32–B.

Monroe is a man grounded by his faith and his family. He is married to Eugenia Crosby of Lodge, South Carolina, and the couple has two daughters, one grandchild and one great-grandchild. For over 50 years, he has been teaching adult Sunday school at both Mt. Pleasant Lutheran Church in Ehrhardt and Trinity Methodist in Bamberg.

Mr. Speaker, I ask you and my colleagues to join me congratulating Mr. Monroe Hiers for his extensive service to his community. He has dedicated more than 50 years of his life to serving others through his profession and his community involvement. I am confident the City of Bamberg and the State of South Carolina will continue to benefit from his extraordinary commitment even as he officially retires. On this occasion, I offer my best wishes and Godspeed.

HONORING TEXAS STATE REPRESENTATIVE AND EDUCATION ADVOCATE DR. ROBERT D. HUNTER

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. MARCHANT. Mr. Speaker, I rise today in honor of Dr. Robert "Bob" Hunter for his 50 plus years of public service in the state of Texas and his devotion to higher education.

Dr. Hunter's commitment to educational institutions, the millions of collegiate students and potential students in the state of Texas make him more than worthy of this recognition. Dr. Hunter has displayed a loyalty to higher education that few can match. He served 10 years as Executive Vice President for the Independent Colleges and Universities of Texas non-profit organization. Dr. Hunter coordinated the passage of the Texas Tuition Equalization Grant that made attending the university of your choice a reality for thousands of disadvantaged students. As an advocate of education he has served on numerous boards and committees, including being appointed by then Governor of Texas, Dolph Briscoe, to the Advisory Council for Technical-Vocational Education.

After serving in the Navy as a Security Aide to two Admirals in the South Pacific, Dr. Hunter returned home to Abilene, TX. He began work at his Alma Mater, Abilene Christian University where, before his retirement in 1993, was named Senior Vice President. In recognition of his diligent work to further higher education, Bob has received Honorary Doctoral degrees from many highly regarded institutions, including: Pepperdine University, Texas Wesleyan College, University of St. Thomas, McMurry University, Hardin-Simmons University, Austin College, and Abilene Christian University. Currently Dr. Hunter is serving his 10th term as a member of the Texas House of Representatives.

An asset to the state of Texas and its higher education system, Dr. Hunter has consistently served without want of recognition. However, today I commend him for his diligent public service efforts in furthering higher education.

IN HONOR OF LYNETTE AND FRANKIE BISCONTI

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. MANZULLO. Mr. Speaker, Lynette Bisconti is a courageous young woman who rejoiced when she discovered she was pregnant, only to soon learn she had breast cancer. Six physicians told her to terminate the pregnancy. Thankfully, she ignored the advice of these physicians and delivered a healthy baby boy. Her inspiring story is set forth in the attached excerpt from a recent national magazine article.

[From the Family Circle Magazine, Oct. 2006]

"WE FOUGHT BACK"

(By Sandra Gordon)

Lynette was overjoyed late in 1997 when she learned she was pregnant. But a month later that happiness turned to heartache. After having surgery to remove what was presumed to be a benign cyst on her left breast, she was told she had cancer. "The doctors said that the hormones my body was producing would likely fuel the cancer, and that I had to terminate the pregnancy immediately to save my own life," she says. Lynette spent the next few days wrestling with the dilemma of what to do and at the same time began to experience bleeding that made her think she might be miscarrying.

When she went in for an ultrasound, the obstetrician told her, "This little guy is hanging on." Lynette's mind was made up in that moment. "My heart leapt," says Lynette. "I knew that no matter what, no matter how bad it got, my baby and I would get through this together."

Biggest hurdle: Finding physicians who respected her decision. Three weeks after her diagnosis Lynette had a mastectomy. "The lab report was bad. I had an aggressive cancer that had spread to several lymph nodes. I was told that if I went ahead with chemotherapy, which was the next step, my baby might die or be brain damaged." Six other physicians she consulted said the same thing: She had to terminate her pregnancy and get into chemotherapy immediately. "I left every visit crying," she says.

After a truly agonizing first trimester, Lynette got a referral from a family friend that led her to the Cancer Treatment Centers of America (CTCA), in Zion, Illinois, which was 75 miles from her home in Menomonee Falls, Wisconsin. "At the CTCA I met doctors and medical personnel who treated me with respect and compassion."

Advice to others: If you're not getting the answers you want, keep searching. While going to see more than six doctors may seem crazy, it might be necessary, says Lynette. She was not satisfied until she found a place that would treat her the way she wanted to be treated. She decided to go with fractionated-dose chemotherapy (smaller doses of chemo over a greater length of time), which was considered gentler for both her and her unborn baby. "They also allowed me to refuse antinausea medication and steroids, to avoid exposing my baby to those drugs," she says.

Life goes on: Lynette gave birth to a healthy baby boy on August 31, 1998. "When I held Frankie for the first time, I just thought, We did it!" Frankie continues to thrive and Lynette has been in remission for eight years now.

THE CONGRESS ON WORLD AND TRADITIONAL RELIGIONS

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. ADERHOLT. Mr. Speaker, I commend President Nursultan Nazarbayev for his vision and commitment that made possible the recent Congress on World and Traditional Religions. It was a historic event. The remarks recently by Pope Benedict XVI, quoting medieval text, and the fierce reaction in the Islamic world underscore the need for an open and candid discussion, as occurred in Astana.

At this year's forum, there were 43 delegations from 20 countries, including 43 representatives of Islam, Judaism, Christianity, Buddhism, and other distinguished leaders. Though not all religious viewpoints may have been represented, the gathering had an impressive roster of participants—notably UNESCO Secretary General Koichiro Matsuura, United Nations Deputy Secretary General Sergei Ordjonikidze, particpated as well as NGOs dedicated to religious freedom issues. Cardinal Theodore Edgar McCarrick, past Archbishop of Washington, D.C. was among the delegates attending the event from the United States.

The Second Congress on World and Traditional Religions convened at a time when the world is beset with conflict, regrettably much of it rooted in religious strife.

At some point, religious leaders, and the governments who represent them, must rise above their differences, be they ethnic, cultural, geographic, religious, by seeking God's will as the best means of achieving peace and reconciliation in the world. And make no mistake, seeking common ground and mutual respect should not be viewed as a license for censure of thought or speech. Every human being has an inalienable right granted by God to believe as he or she chooses and to freely express that belief, whether as an act of worship or persuasion. Our common ground becomes soggy if we lose the ability to advocate for our viewpoint, while making sure we give due respect and deference to the viewpoints of others.

President Nazarbayev, who is in Washington, D.C. this week at the personal invitation of President George Bush, and Speaker Nurtray Abikayev, Chairman of the Secretariat of the Congress, are to be commended for organizing this very important event.

Mr. Speaker, though we may all have different ways to express or define what freedom of religious expression and worship means, we all agree that each individual must have the right to worship freely without intrusion of the government. Therefore, I commend gatherings such as the one that took place in Astana, Kazakhstan earlier this month, and I commend the country of Kazakhstan for hosting this event and believe many worthwhile and much needed issues were raised and discussed.

I would also like to have included in my remarks the text of the Declaration of the II Congress of Leaders of World and Traditional Religions.

DECLARATION OF THE II CONGRESS OF LEADERS OF WORLD AND TRADITIONAL RELIGIONS

We, the leaders of world and traditional religions, gathered at our Second Congress in Astana, the capital of Kazakhstan:

Building on the success of the First Congress, which took place in the city of Astana on 23–24 September 2003 and engaged internationally recognized world religious leaders in an important initiative of inter-religious dialogue; wishing to help strengthen mutual understanding between cultures, religions and ethnic groups which form the basic components of world civilizations, and aiming to prevent conflicts based on cultural and religious differences; acknowledging that religion, having always been a fundamental element of human life and society has, at the beginning of the new century, assumed a significant new role in establishing and preserving peace; recognizing the great responsibility held by religious leaders for spiritual teaching and advocacy on behalf of current and future generations, and their vital role in establishing a spirit of mutual respect, understanding and acceptance in the face of new challenges; underlining the unique character of every religion and culture, and considering cultural and religious diversity to be an important feature of human society; expressing concern about increasing inter-religious and interethnic tensions in the world deriving from the exploitation of religious and national differences as a justification for violence which causes suffering to innocent victims; stressing that extremism and fanaticism find no justification in a genuine understanding of religion and that the vocation of all religions demands the refusal of violence and appeals to respect and peaceful coexistence with peoples and religions; believing that the difficulties in inter-religious and intercultural relations are related both to a fundamental imbalance in international politics, economics, social, humanitarian and information resources, and to the manipulation of religion for political ends; discussing and debating the above-mentioned concerns within the main theme of the Congress—"Religion, society and international security" in the context of two special blocs.

I. "Freedom of religion and recognition of others";

II. "Role of religious leaders in enhancing international security"

Appeal to people of all religions and people of good will across the globe, and:

Call upon them to abandon enmity, discord and hatred; and embrace common respect and generosity, recognizing the reality of cultural, religious and civilizational diversity; declare our determination together to tackle and ultimately eliminate prejudice, ignorance and misrepresentation of other religions by placing particular focus on what religions hold in common as well as what distinguishes them; condemn all forms of terrorism on the basis that justice can never be established through fear and bloodshed and that the use of such means in the name of religion is a violation and betrayal of any religion that appeals to human goodness and dialogue; reject all false inventions and wrongly created stereotypes about the violent nature of religions and attempts to attribute terrorism to any particular religion; call upon all to work together to address and eliminate all causes of terrorism, thus promoting human flourishing, dignity and unity; declare our rejection of any form of pressure or violence to convert followers of one religion to another; reaffirm the pivotal role of education, youth policy and cultural activity for understanding, solidarity and social cohesion.

We also call upon the global community, international and regional organizations, states and governments all over the world to:

Actively support the process of intercivilizational dialogue; exert sustainable efforts towards creating a culture of peace, strengthening its principles as a firm basis of international politics and the life of all people; work to establish a more fair world, to consolidate international law and justice, and to implement UN resolutions and signed international agreements, and to find effective means of establishing peace and security all over the world; heed the voices of victims of oppression and terrorism and use all means to seek a just settlement of the existing conflicts, thus addressing the grievances that nurture violence; reject totally the development, production and possession of weapons of mass destruction and promote the strengthening of non-proliferation regimes; respect and protect the sanctity of religious symbols and places and take appropriate measures.

Based upon the abovementioned, we, the leaders of world and traditional religions, resolved to:

Take concrete collective measures for encouraging and highlighting positive perceptions of inter-religious relations by organizing joint meetings, seminars and addresses in the mass media, the Internet and other places of influence; strongly promote interreligious tolerance among younger generations to make them more devoted to dialogue and encourage them recognize universal values; integrate questions of the dialogue between civilizations and religions into curricula at all educational levels with a view to helping young people to respect and understand religious and cultural difference without hostility; use our spiritual influence, authority and resources to further establish peace, security, stability and contacts between each other in order to make a combined contribution to the prevention and resolution of disputes among different religious communities: offer our experience and best efforts to governments and people or groups and powers involved into conflicts in order to assist them in easing tensions, forming where appropriate joint delegations to conduct negotiations with them; commit to make efforts to promote and realize the goals stated in this Declaration, and to assign the Congress Secretariat to propose a plan for the best possible translation of these recommendations into reality; conduct the Congress of religions on a permanent basis and hold the third Congress of the leaders of world and traditional religions in 2009. For the Secretariat to present proposals on time and place of the next forum; bring to the attention of the General Assembly of the United Nations the conceptual and practical role performed by the Congress in promoting dialogue among civilizations, cultures and religions and its considerable achievements in interreligious understanding, inviting support for the further activity of the Congress.

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THE EASTERN NEW MEXICO RURAL WATER SYSTEM ACT OF 2006

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce the Eastern New Mexico Rural Water System Act of 2006. This is companion legislation to a bill being introduced today by Senator DOMENICI and Senator BINGAMAN.

This legislation is very similar to H.R. 4623, which I introduced during the 108th Congress. It contains, however, slight revisions that were suggested during hearings held both in the House and the Senate in 2004. There has long been a recognized need for a reliable and safe supply of potable water for eastern New Mexico.

In fact, Mr. Speaker, the recognized need goes back to the late 1950's when the New Mexico Legislature and Interstate Stream Commission authorized the construction of a dam on the Canadian River, thus establishing the Ute Reservoir. Soon after construction, numerous Congressionally-authorized studies were conducted to explore the feasibility of a project that would utilize the Ute Reservoir as a reliable water supply for communities in eastern New Mexico. Finally, in the late 1990's, several communities, concerned about the increasingly urgent need, came together to begin planning for the development of a regional water system.

Out of those meetings came the Eastern New Mexico Rural Water Supply Authority. The ENMRWS, as it is known, consists of six communities and two counties in eastern New Mexico. This Authority has expeditiously and effectively finalized the studies and planning necessary to move forward with this project.

Today, Mr. Speaker, we build upon the efforts of the citizens of eastern New Mexico who have both proven the critical need and completed the necessary steps that must form the basis for a project of this magnitude. This project is not new and the need for water is becoming increasingly more urgent. I strongly urge my colleagues to support this legislation and help provide a positive, long-term solution to a pressing water need in the rural West.

HONORING PAM BALDWIN OF THE CONGRESSIONAL RESEARCH SERVICE

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. BOEHLERT. Mr. Speaker, I want to express my thanks and best wishes to Pamela Baldwin, a lawyer who served in the American Law Division of the Congressional Research Service, CRS, for many years, and who, like me, is now retiring.

Pam's title at CRS was Legislative Attorney, and her specialty was environmental law, and it often seemed that her specialty was all of environmental law. She was a trusted advisor to the Congress, in general, and to me and my staff, in particular, on a dizzying array of issues—the National Environmental Policy Act, endangered species, wilderness and public lands, oil and gas drilling, forestry, mining, and coastal land use.

And she worked on all of these issues the same way—painstakingly, tirelessly, drawing on deep knowledge and with an unswerving dedication to objective analysis. She knew both the theory of law and how it was being applied in practice by federal agencies. And she could discuss complex and abstruse legal matters in a way that even a Congressman could understand.

In short, in a time of deep partisan and ideological division, Pam was exactly the kind of expert we needed—someone who knew the facts and was willing to state them, no matter how much pressure she faced to do otherwise. And she was always willing to make herself available, on a moment's notice, seven days a week, to help inform the policy process. That's not an exaggeration. In fact, Pam had been hoping to retire for several months already, but had been asked to stay on. My staff made sure to take full advantage of the extra time and kept her busy during these recent months.

She did all of this with unfailing good humor, a wry sense of the world, and a constant ability to be surprised but not thrown by what might turn up in legislation.

Pam played an invaluable role at CRS, and the Nation is better for it. This is not the time to list the number of questionable provisions that might have made it into law if not for Pam's analysis, but they are many. Not just the Congress, but the Nation, owes her a debt of gratitude. My staff and I will miss her greatly, but we will remember what we have learned from her. I wish her the best in retirement.

WEST END FIRE COMPANY #3 100TH ANNIVERSARY BANQUET

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor West End Fire Company #3 as its members and community celebrate the Company's 100th anniversary.

The West End Fire Company #3 of Phoenixville, Pennsylvania was established as a result of the disastrous Preseverance Knitting Mill fire of 1906. The community's leaders decided that they could no longer rely on outside help in time of emergency and needed to create their own company. On October 16, 1906, the West End Fire Company was formed.

This Company has transitioned from using a barn and horse-drawn fire equipment to its first official hose cart donated by the Phoenix Hose, Hook, and Ladder Company No. 1. The original members of the Company were able to pull together funds to purchase its first lot and, within 2 years, a fire house made from Chester County limestone was established on the corner of W. Bridge Street and Pennsylvania Ave. The Company continued to grow, adding an ambulance service in 1917, and finally incorporating female firefighters into service in 1985. The West End Fire Company #3 is to this day on cutting edge of safety by constantly adding new equipment, training new members, and providing Phoenixville with countless hours of community service.

Mr. Speaker, I ask that my colleagues join me today in honoring the West End Fire Company #3 of Phoenixville, Pennsylvania as they celebrate its 100th anniversary and in extending best wishes and heartfelt congratulations for 100 years of exemplary community service and volunteerism in protecting the lives and property of Phoenixville area citizens.

RECOGNIZING THE IMPORTANT GREEK HOLIDAYS APPROACHING: CYPRIOT INDEPENDENCE DAY AND GREECE'S "OXI DAY"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. LANTOS. Mr. Speaker, on Oct. 1, we will celebrate Cypriot Independence Day, and at the end of October, the 28th, we will remember Greece's "Oxi Day," commemorating the Greek decision to reject and resist occupation by the Axis Powers in 1940 during World War II. I ask my colleagues to join me in remembering and reflecting on these special days in Greek and Cypriot history.

Greek pride and bravery during the independence struggle in the 1820s forged the first successful war for self-determination in the modern era. This Greek example has fired the imagination of oppressed peoples ever since, including the Jews whose struggle for liberation resulted in the founding of the State of Israel in 1948. Both Jews and Greeks over the years have had to supply in brains and pluck what they lacked in numbers.

Ever since throwing off the yoke of dictatorship in 1974, the Greek people have been one of Europe's amazing success stories. Greece entered the European Economic Community and never looked back. Today it is a model of growth and prosperity, and for more than three decades it has been a vibrant paragon of the gift it gave the world so long ago, democracy.

Since 1974 the little nation of Cyprus has suffered immensely. All the more remarkable then that Cyprus has taught the world the lesson of how to endure difficult circumstances with uncommon grace, dignity, strength, and commitment to humane values. Notwithstanding the horrors 200,000 Greek Cypriot refugees suffered in 1974, Cyprus remained a democracy, and it rebuilt itself into the prosperous European Union state of today. Cyprus did not wallow in self-pity, as so many other nations have in similar circumstances. Cyprus did not flaunt its refugees or make them a spectacle for political propaganda purposes.

Former Foreign Minister Iacovou once told me a powerful anecdote in this regard. He said that, in the wake of the war, one Cypriot official wrote a memo to President Makarios urging that the refugees be kept in camps with only the most basic of amenities; this, he said, would create a weight on the conscience of the world and would boost the Greek Cypriot case in the court of international opinion.

But President Makarios was too wise for that. He wrote back that the worst thing Cypriots could do is to compromise the well-being of our own people for the sake of propaganda; that, he said, would only heap indignity upon their suffering and would be a derogation of the government's obligation to its own. In almost no time, Cypriot resourcefulness had achieved the rehabilitation of the refugees, and refugee neighborhoods were virtually indistinguishable from others, at least to others. Cypriots long for the healing of their nation, but they lead creative and productive lives every single day.

Thanks to Makarios's far-sightedness, Cyprus is today a dynamic and thriving European state, instead of a benighted third-world backwater. Would that the Palestinians had had a Makarios of their own, instead of an Arafat. How different the Palestinian refugee situation might be today.

I stand second to nobody in my desire to see a peaceful settlement of the Cyprus crisis and to see the breathtaking island of Cyprus fully re-united under one government. I also deeply respect the efforts my good friend Kofi Annan made toward that end. But first and foremost I am a democrat—and I mean, in this case, with a lower-case "d". On April 24, 2004, the Greek Cypriot people democratically rose up—virtually with one voice—and rejected the Annan Plan. The international community must give that decision its fullest respect, and it must draw the obvious implications. When 75% of the people say "no," the fault lies with the drafters, not the people.

Mr. Speaker, earlier this summer, I was honored with the Mordechai Frizis Award. This honor is named after the Jewish Greek hero from Chalkis who was the first high-ranking Greek military officer to give his life in defense of freedom against the Axis powers in 1940.

As the only survivor of the Holocaust ever elected to Congress, I saw first-hand the atrocities of that time. I lost my family, and my wife lost most of her family. Many others lost their lives and their families.

Over 55 million people died in World War II, including Mordechai Frizis. Had brave and selfless people like Frizis not fought against the evils of the Hitler regime and even been willing to die for our freedom, the outcome could have been even worse. We are much in the debt of the Morodohai Frizis's of the world.

The indigenous Jewish communities of Greece represent the longest continuous Jewish presence in Europe. Tragically, these communities were almost completely destroyed during the Holocaust. Greece lost at least 81 percent of its Jewish population during the Holocaust. 60,000 to 70,000 Greek Jews perished, most of them at Auschwitz-Birkenau.

Only 8,000 to 10,000 Greek Jews survived. The number would have been even smaller, had it not been for the Greek people who were unwilling to cooperate with German plans for their deportation, and Greek resistance groups who battled the Axis occupiers to save Greece and the Jews living there.

The Frizis Award contains the soil of Greece, the U.S., and Israel. All three countries have deep meaning in my life, and the connection between the three is even more important. I thank the Greek, and of course the Cypriot, people for their great contributions not only to the world, but also to me personally, and to my wife. We and the entire world are better for these contributions.

The fact that Mordechai Frizis was the first Greek killed in the first successful battle against the fascists in World War II has an overpowering symbolism for the world and for me personally. The onslaught of the fascists was, in fact, an assault on the very values that Hellenic and Jewish civilizations represent, particularly the joint commitment of our cultures to ethics and honest rational discourse. As we face a war on terrorism today, once again Jewish and Hellenic values are at the barricades facing the barbarians and their totalitarian, violent ideology. Once again, it is our fierce commitment to what we know is right, our conviction that the barbarous cannot be allowed to win, and our courage that will see us through.

Mordechai Frizis was a man—a Greek, a Jew, and, from what I've read, a brilliant and highly capable officer. But circumstances have endowed him with so much more, with near-mythical status. For Mordechai Frizis is a metaphor for all that Greeks and Jews have suffered, all that we have triumphed, all the values that we would not compromise and that we have insisted that the civilized world embrace.

That is why I was deeply honored and grateful to receive the Frizis award, and that is one reason why the Hellenic world has my enduring friendship and support.

I ask my colleagues to join me in congratulating our Greek and Cypriot friends as we all remember the October 1st Cypriot Independence Day and Greece's "Oxi Day" on October 29.

TRIBUTE TO LAURA PRYOR

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to pay tribute to a remarkable lady and tremendous public servant who hails from the quaint town of Condon, Oregon—Laura Pryor. For as long as I can remember, folks in Gilliam County have fondly referred to her as "Judge Pryor" as she is the chief steward of the county. Today, I ask my colleagues to join me as we thank Judge Pryor for the countless contributions she has made to Gilliam County and the state of Oregon during 19 years of public service.

Born and raised in San Diego County, Judge Pryor rode her horse to school up until the second grade. Her childhood instilled in her a love for the rural countryside and rural way of life. Over 30 years ago, as her California community began to develop and be paved, Laura decided to move her four children to Oregon to avoid the urban sprawl in preference for a country setting where neighbors still offer their help without thinking about it. After briefly serving at the Oregon Department of Economic Development, she met a third-generation wheat farmer, married him and moved to his hometown of Condon, population 750. Within two years, the governor appointed her to fill a vacant seat on the county commission. Gilliam County is one of seven in Oregon where the top official is titled "county judge," and has responsibility over some judicial functions in addition to chairing the county commission. Laura has been ably steering Gilliam County from the judge's seat for 19 years.

Mr. Speaker, Gilliam County is in the heart of the Columbia Plateau where the economy is largely agrarian and the towns are quietly settled away from the main thoroughfares. With a population of approximately 1,900, the county encompasses nearly 1.6 square miles for every person. The county courthouse sits 250 miles away from the state capital in Salem, and nearly 3,000 miles from our nation's capital here in Washington, D.C. The region needs an effective and assertive voice to be heard, and Judge Pryor has delivered just that the past two decades.

It is through Laura's first-hand experiences in life and in representing rural Oregonians that she became such a strong advocate for farmers, ranchers, and small business owners in small and rustic communities all across the West. Judge Pryor has worked tirelessly at the state and federal level to ensure attention to basic services such as education and health care in small towns. She's worked hard to maintain funding for county roads while promoting and encouraging economic development and commerce within the county.

Mr. Speaker, I have had the joy to work closely with Laura on numerous issues through the years, and know well the deep devotion she brings to her job each and every day in representing her fellow citizens in Gilliam County. It is this devotion that propelled a county effort to construct a Grain Quality Lab that has enabled area wheat growers to become more competitive in the global marketplace by enhancing quality and productivity. I was honored to help her in this endeavor, and will be visiting this topnotch facility next month She has also been a strong proponent for renewable energy efforts and has worked to locate wind farms within the county for an additional tax base and source of revenue.

While it is very difficult to choose Judge Pryor's most memorable accomplishments, many would say it has been her successful effort to unite rural Oregon as one voice. Laura's leadership among her elected peers led to the establishment of the Eastern Oregon Rural Alliance, which joins government officials with residents from all across the vast territory of eastern Oregon in advocacy for rural issues. Her efforts ultimately led to the creation of the Office of Rural Policy, which was established by the state of Oregon to examine how state policies impact rural communities and act as an advisory branch to the state legislature and the governor.

Mr. Speaker, my remarks illustrate but a few of the tremendous accomplishments Judge Pryor has made during her distinguished career. I appreciate my colleagues joining me today in congratulating Judge Laura Pryor, an extraordinary lady and great American. I wish Laura and her husband, Earl, many years of continued happiness and success.

SAFETEA-LU AMENDMENTS ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. YOUNG of Alaska. Mr. Speaker, I insert in the RECORD a letter from me to Speaker

HASTERT regarding H.R. 5689, making technical corrections to SAFETEA–LU

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 29, 2006.

Hon. DENNIS J. HASTERT,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On June 28, 2006 the House passed H.R. 5689, making technical corrections to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA: LU). Yesterday, I introduced a bill that revises H.R. 5689 to incorporate changes that the Senate has asked us to include (H.R. 6233). These changes are necessary to ensure that all policies, programs and projects embodied in last year's long-term highway, transit, and highway safety authorization bill are implemented as intended by the Congress.

On September 14, 2006 the House passed H. Res. 1000, instituting a new standing order of the House with regard to earmarks in authorization, appropriations, and tax measures. H. Res. 1000 provides that, in order to consider a bill, the committee of jurisdiction must list all earmarks included in the bill and committee report along with the names of Members requesting the earmarks.

The bi-partisan bill that I introduced yesterday has not been reported by the Committee, so there is no report or list of earmarks. In reading the standing order, I concluded that the requirement that a list appear with this bill does not apply because the point of order described in section 1(c) of H. Res. 1000 does not lie against a bill considered under suspension of the rules. I intend to move to suspend the rules of the House to pass H.R. 6233.

This bill does not increase the amount of funding that is designated for projects in SAFETEA: LU. There are changes to the descriptions of projects that are currently in SAFETEA: LU and there are some projects to replace projects in SAFETEA: LU that cannot be executed or implemented. In this correction bill, however, the total amount of funding designated for projects is identical to the amount that was designated in SAFETEA: LU.

Where this bill does provide funding (which is offset by a rescission of contract authority), the legislative sections providing such funding do not meet the earmarking definition, because no entity is named as the intended recipient of the funds. Where this bill does designate specific entities, or amend underlying project designations in SAFETEA: LU, it does not provide new funding. In addition this bill provides for no new outlays. In fact, the Congressional Budget Office has scored the bill as reducing contract authority by $4 million over five years.

Thank you for your consideration of this matter.

Sincerely,

DON YOUNG,
Chairman

IN HONOR OF JOHN SIMPSON

HON. JERROLD NADLER

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, September 29, 2006

Mr. NADLER. Mr. Speaker, I rise today to congratulate John Simpson on the occasion of his retirement from public service. John has worked as Director of Constituent Services and Senior Issues in the office of Manhattan Borough President Scott M. Stringer since January 2006. Prior to this position, Mr. Simpson served as Director of Constituent Services for then Assemblymember Scott M. Stringer on the Upper West Side of Manhattan since 1993. John has assisted hundreds of constituents throughout Manhattan in landlord-tenant disputes, consumer issues, and every other problem in the spectrum.

Mr. Simpson came to work in government after 40 years in private industry at the Hallen Construction Corporation where he worked after serving our country. He served in the United States Air Force from 1951–1955 and was recognized officially for Superior Efficiency as the Head of the Morning Report Unit.

On the Upper West Side, Mr. Simpson is a leader in our community. He is an active member of the Church of the Blessed Sacrament on West 71st Street, where he is a co-leader in one of the soup kitchen teams. He is also a Vice Chairman of Community Services and member of the Board of Directors of the Ansonia Democratic Club. In 1999, the West Side Spirit named Mr. Simpson a "Hero of the West Side" for his work towards social justice.

For his commitment to his community and his City, it is my privilege to congratulate John Simpson on his distinguished record of service and his retirement.

MELANIE LOMAX

HON. DIANE E. WATSON

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, September 29, 2006

Ms. WATSON. Mr. Speaker, I rise with great sadness to announce the untimely passing of my good friend Melanie Lomax.

The City of Los Angeles, California, and our Nation have lost one of the strongest advocates for civil rights. Attorney Melanie Lomax was a dedicated leader and committed fighter for the rights of the poor and voiceless.

When Melanie witnessed injustice towards others she spoke out vociferously regardless of who was involved. She was especially determined to hold the LAPD accountable for acts of excessive force and brutality while serving as President of the Los Angeles Police Commission.

Bright, articulate and focused, Melanie, goddaughter to former Los Angeles Mayor Tom Bradley, never wavered in her mission to help others. She felt deeply and emotionally about defenseless people and often found herself isolated while fighting unpopular causes. But she would always forge ahead in the cause of justice.

Melanie's untimely death is a substantial loss to all of us. It is hard to imagine anyone else stepping into the void she leaves with the same gusto, vigor, and fervor. She will be sorely missed.

RECOGNIZING THE 15TH ANNIVERSARY OF AZERBAIJAN'S INDEPENDENCE

HON. SOLOMON P. ORTIZ

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, September 29, 2006

Mr. ORTIZ. Mr. Speaker, as Co-Chair of the Azerbaijan Caucus, I rise to congratulate one of our key democratic allies—the Republic of Azerbaijan—as it prepares to celebrate the 15th Anniversary of its independence on October 18.

Azerbaijan is one of the United States' leading allies on the war against terrorism, with the distinction of being among the first to offer our nation unconditional support; providing airspace and airport use for Operation Enduring Freedom in Afghistan. And, Azerbaijan was also the first Muslim nation to send troops to Iraq. Though bilateral cooperation on terrorism issues between the United States and Azerbaijan predates September 11, 2001, our relations were strengthened following their immediate, and heretofore unwavering, support against the war on terrorism.

Azerbaijan cooperates with the United States within international and regional institutions including the UN, Organization for Security and Cooperation in Europe (OSCE) and NATO's Partnership for Peace program. Regionally, Azerbaijan works together with the United States within the framework of the Organization for Democracy and Development—GUAM which is comprised of Azerbaijan, Georgia, Moldova, and Ukraine. GUAM was created as a political, economic and strategic alliance in order to collaboratively address common risks and threats and thereby strengthen the independence and sovereignty of its member states.

The Republic of Azerbaijan is a standout nation among the South Caucasus countries, with a population of 8 million people and an ambitious economic policy. During the last decade Azerbaijan has been implementing structural reforms and adopting numerous laws and legislative changes, paving the way toward further integration with in the global economy. The nation has been moving toward a more diversified economy to achieve sustainable growth and to meet the social and development needs of its population.

Diversification of the economy and ensuring the development of non-oil sectors is a priority for the government. This policy includes implementation of projects and programs that create favorable conditions for development of private entrepreneurship, attracting investment in non-oil sectors, creating new jobs, evaluation of potential industries and markets and development of infrastructure in the regions.

The last 15 years of independence has not been without challenges, but the country has grown stronger with each new challenge it faces. Let us today commend the Republic of Azerbaijan on their forthcoming 15th Anniversary celebrations. And, let us also commit ourselves to their continued development as a global partner against the terrorism, toward economic growth, diversification of energy resources, and strengthening stability and security in the region.

A BLUEPRINT FOR LEAVING IRAQ NOW

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. McGOVERN. Mr. Speaker, former Senator George McGovern and William R. Polk, founder and director of the Center for Middle Eastern Studies at the University of Chicago, have co-authored a new book, Out of Iraq, that is being released in October 2006 by Simon & Schuster.

I would like to share with my colleagues an excerpt published in the October edition of Harper's Magazine.

THE WAY OUT OF WAR

(By George S. McGovern and William R. Polk)

A BLUEPRINT FOR LEAVING IRAQ NOW

Staying in Iraq not an option. Many Americans who were among the most eager to invade Iraq now urge that we find a way out. These Americans include not only civilian "strategists" and other "hawks" but also senior military commanders and, perhaps most fervently, combat soldiers. Even some of those Iraqis regarded by our senior officials as the most pro-American are determined now to see American military personnel leave their country. Polls show that as few as 2 percent of Iraqis consider Americans to be liberators. This is the reality of the situation in Iraq. We must acknowledge the Iraqis' right to ask us to leave, and we should set a firm date by which to do so.

We suggest that phased withdrawal should begin on or before December 31, 2006, with the promise to make every effort to complete it by June 30, 2007.

Withdrawal is not only a political imperative but a strategic requirement. As many retired American military officers now admit, Iraq has become, since the invasion, the primary recruiting and training ground for terrorists. The longer American troops remain in Iraq, the more recruits will flood the ranks of those who oppose America not only in Iraq but elsewhere.

Withdrawal will not be without financial costs, which are unavoidable and will have to be paid sooner or later. But the decision to withdraw at least does not call for additional expenditures. On the contrary, it will effect massive savings. Current U.S. expenditures run at approximately $246 million each day, or more than $10 million an hour, with costs rising steadily each year. Although its figures do not include all expenditures, the Congressional Research Service listed direct costs at $77.3 billion in 2004, $87.3 billion in 2005, and $100.4 billion in fiscal year 2006. Even if troop withdrawals begin this year, total costs (including those in Afghanistan) are thought likely to rise by $371 billion during the withdrawal period. Economist Joseph Stiglitz and Linda Bilmes, a former assistant secretary of commerce, have estimated that staying in Iraq another four years will cost us at least $1 trillion.

Let us be clear: there will be some damage. This is inevitable no matter what we do. At the end of every insurgency we have studied, there was a certain amount of chaos as the participants sought to establish a new civic order. This predictable turmoil has given rise to the argument, still being put forward by die-hard hawks, that Americans must, in President Bush's phrase, "stay the course." The argument is false. When a driver is on the wrong road and headed for an abyss, it is a bad idea to "stay the course." A nation afflicted with a failing and costly policy is not well served by those calling for more of the same, and it is a poor idea to think that we can accomplish in the future what we are failing to accomplish in the present. We are as powerless to prevent the turmoil that will ensue when we withdraw as we have been to stop the insurgency. But we will have removed a major cause of the insurgency once we have withdrawn. Moreover, there are ways in which we can be helpful to the Iraqis—and protect our own interests—by ameliorating the underlying conditions and smoothing the edges of conflict. The first of these would be a "bridging" effort between the occupation and complete independence.

To this end, we think that the Iraqi government would be wise to request the temporary services of an international stabilization force to police the country during and immediately after the period of American withdrawal. Such a force should itself have a firm date fixed for its removal. Our estimate is that Iraq would need this force for no more than two years after the American withdrawal is complete. During this period, the force could be slowly but steadily cut back in both personnel and deployment. Its purpose would be limited to activities aimed at enhancing public security. Consequently, the armament of this police force should be restricted. It would have no need for tanks or artillery or offensive aircraft but only light equipment. It would not attempt, as have American troops, to battle the insurgents. Indeed, after the withdrawal of American troops, as well as British regular troops and mercenary forces, the insurgency, which was aimed at achieving that objective, would almost immediately begin to lose public support. Insurgent gunmen would either put down their weapons or become publicly identified as outlaws.

We imagine that the Iraqi government, and the Iraqi people, would find the composition of such a force most acceptable if it were drawn from Arab or Muslim countries. Specifically, it should be possible under the aegis of the United Nations to obtain, say, five contingents of 3,000 men each from Morocco, Tunisia, and Egypt. Jordan and Syria might also be asked to contribute personnel. If additional troops were required, or if any of these governments were deemed unacceptable to Iraq or unwilling to serve, application could be made to such Muslim countries as Pakistan, Bangladesh, and Indonesia. Other countries might be included if the Iraqi government so wished.

It would benefit both Iraq and the United States if we were to pay for this force. Assuming that a ballpark figure would be $500 per man per day, and that 15,000 men would be required for two years, the overall cost would be $5.5 billion. That is approximately 3 percent of what it would cost to continue the war, with American troops, for the next two years. Not only would this represent a great monetary saving to us but it would spare countless American lives and would give Iraq the breathing space it needs to recover from the trauma of the occupation in a way that does not violate national and religious sensibilities.

The American subvention should be paid directly to the Iraqi government, which would then "hire" the police services it requires from other governments. The vast amount of equipment that the American military now has in Iraq, particularly transport and communications and light arms, should be turned over to this new multinational force rather than shipped home or destroyed.

As the insurgency loses its national justification, other dangers will confront Iraq. One of these is "warlordism," as we have seen in Afghanistan, and other forms of large-scale crime. Some of this will almost certainly continue. But the breakdown of public order will never be remedied by American forces; it can only be addressed by a national police force willing to work with neighborhood, village, and tribal home guards. Ethnic and regional political divisions in Iraq have been exacerbated by the occupation, and they are unlikely to disappear once the occupation is over. They are now so bitter as to preclude a unified organization, at least for the time being. It is therefore paramount that the national police force involve local leaders, so as to ensure that the home guards operate only within their own territory and with appropriate action. In part, this is why Iraq needs a "cooling off" period, with multinational security assistance, after the American withdrawal.

While the temporary international police force completes its work, the creation of a permanent national police force is, and must be, an Iraqi task. American interference would be, and has been, counterproductive. And it will take time. The creation and solidification of an Iraqi national police force will probably require, at a rough estimate, four to five years to become fully effective. We suggest that the American withdrawal package should include provision of $1 billion to help the Iraqi government create, train, and equip such a force, which is roughly the cost of four days of the present American occupation.

Neighborhood, village, and tribal home guards, which are found throughout Iraq, of course constitute a double-edged sword. Inevitably, they mirror the ethnic, religious, and political communities from which they are drawn.

Insofar as they are restricted each to its own community, and are carefully monitored by a relatively open and benign government, they will enhance security; allowed to move outside their home areas, they will menace public order. Only a central government police and respected community leaders can possibly hope to control these militias. America has no useful role to play in these affairs, as experience has made perfectly clear.

It is not in the interests of Iraq to encourage the growth and heavy armament of a reconstituted Iraqi army. The civilian government of Iraq should be, and hopefully is, aware that previous Iraqi armies have frequently acted against Iraqi civic institutions. That is, Iraqi armies have not been a source of defense but of disruption. We cannot prevent the reconstitution of an Iraqi army, but we should not, as we are currently doing, actually encourage this at a cost of billions to the American taxpayer. If at all possible, we should encourage Iraq to transfer what soldiers it has already recruited for its army into a national reconstruction corps modeled on the U.S. Army Corps of Engineers. The United States could assist in the creation and training of just such a reconstruction corps, which would undertake the rebuilding of infrastructure damaged by the war, with an allocation of, say, $500 million, or roughly the cost of two days of the current occupation.

Withdrawal of American forces must include immediate cessation of work on U.S. military bases. Nearly half of the more than

100 bases have already been closed down and turned over, at least formally, to the Iraqi government, but as many as fourteen "enduring" bases for American troops in Iraq are under construction. The largest five are already massive, amounting to virtual cities. The Balad Air Base, forty miles north of Baghdad, has a miniature golf course, 2 PXs, a Pizza Hut, a Burger King, and a jail. Another, under construction at al-Asad, covers more than thirteen square miles. Although Secretary of Defense Donald Rumsfeld stated on December 23, 2005, that "at the moment there are no plans for permanent bases. . . . It is a subject that has not even been discussed with the Iraqi government," his remarks are belied by action on the ground, where bases are growing in size and being given aspects of permanency. The most critical of these are remote military bases. They should be stood down rapidly. Closing these bases is doubly important: for America, they are expensive and already redundant; for Iraqis, they both symbolize and personify a hated occupation. With them in place, no Iraqi government will ever feel truly independent. It is virtually certain that absent a deactivation of U.S. military bases, the insurgency will continue. The enormous American base at Baghdad International Airport, ironically named "Camp Victory," should be the last of the military bases to be closed, as it will be useful in the process of disengagement.

We should of course withdraw from the Green Zone, our vast, sprawling complex in the center of Baghdad. The United States has already spent or is currently spending $1.8 billion on its headquarters there, which contains, or will contain, some 600 housing units, a Marine barracks, and more than a dozen other buildings, as well as its own electrical, water, and sewage systems. The Green Zone should be turned over to the Iraqi government no later than December 31, 2007. By this time, the U.S. should have bought, or rented, or built a "normal" embassy for a considerably reduced complement of personnel. Symbolically, it would be beneficial for the new building not to be in the Green Zone. Assuming that a reasonable part of the Green Zone's cost can be saved, there should be no additional cost to create a new American embassy for an appropriate number of not more than 500 American officials, as opposed to the 1,000 or so Americans who today staff the Green Zone. Insofar as is practical, the new building should not be designed as though it were a beleaguered fortress in enemy territory.

Withdrawal from these bases, and an end to further construction, should save American taxpayers billions of dollars over the coming two years. This is quite apart from the cost of the troops they would house. America should immediately release all prisoners of war and close its detention centers.

Mercenaries, euphemistically known as "Personal Security Detail," are now provided by an industry of more than thirty "security" firms, comprising at least 25,000 armed men. These constitute a force larger than the British troop contingent in the "Coalition of the Willing" and operate outside the direct control—and with little interference from the military justice systems—of the British and American armies. They are, literally, the "loose cannons" of the Iraq war. They should be withdrawn rapidly and completely, as the Iraqis regard them as the very symbol of the occupation. Since the U.S. pays for them either directly or indirectly, all we need to do is stop payment.

Much work will be necessary to dig up and destroy land mines and other unexploded ordinance and, where possible, to clean up the depleted uranium used in artillery shells. These are dangerous tasks that require professional training, but they should be turned over wherever possible to Iraqi contractors. These contractors would employ Iraqi labor, which would help jump-start a troubled economy and be of immediate benefit to the millions of Iraqis who are now out of work. The United Nations has gained considerable knowledge about de-mining—from the Balkans, Afghanistan, and elsewhere—that might be shared with the Iraqis. Although cleanup will be costly, we cannot afford to leave this dangerous waste behind. One day's wartime expenditure, roughly $250 million, would pay for surveys of the damage and the development of a plan to deal with it. Once the extent of the problem is determined, a fund should be established to eradicate the danger completely.

These elements of the "withdrawal package" may be regarded as basic. Without them, Iraqi society will have little chance of recovering economically or governing itself with any effectiveness. Without them, American interests in the Middle East, and indeed throughout the world, will be severely jeopardized. These measures are, we repeat, inexpensive and represent an enormous savings over the cost of the current war effort. Building on them are further actions that would also help Iraq become a safe and habitable environment. To these "second tier" policies we now turn.

Property damage incurred during the invasion and occupation has been extreme. The World Bank has estimated that at least $25 billion will be required to repair the Iraqi infrastructure alone—this is quite apart from the damage done to private property. The reconstruction can be, and should be, done by Iraqis, as this would greatly benefit the Iraqi economy, but the United States will need to make a generous contribution to the effort if it is to be a success. Some of this aid should be in the form of grants; the remainder can be in the form of loans. Funds should be paid directly to the Iraqi government, as it would be sound policy to increase the power and public acceptance of that government once American troops withdraw. The Iraqis will probably regard such grants or loans as reparations; some of the money will probably be misspent or siphoned off by cliques within the government. It would therefore benefit the Iraqi people if some form of oversight could be exercised over the funds, but this would tend to undercut the legitimacy and authority of their government, which itself will probably be reconstituted during or shortly after the American occupation ends. Proper use of aid funds has been a problem everywhere: America's own record during the occupation has been reprehensible, with massive waste, incompetence, and outright dishonesty now being investigated for criminal prosecution. No fledgling Iraqi government is likely to do better, but if reconstruction funds are portioned out to village, town, and city councils, the enhancement of such groups will go far toward the avowed American aim of strengthening democracy, given that Iraqis at the "grass roots" level would be taking charge of their own affairs.

We suggest that the United States allocate for the planning and organization of the reconstruction the sum of $1 billion, or roughly four days of current wartime expenditure; After a planning survey is completed, the American government will need to determine, in consultation with the Iraqi government (and presumably with the British government, our only true "partner" in the occupation), what it is willing to pay for reconstruction. We urge that the compensation be generous, as generosity will go a long way toward repairing the damage to the American reputation caused by this war.

Nearly as important as the rebuilding of damaged buildings and other infrastructure is the demolition of the ugly monuments of warfare. Work should be undertaken as soon as is feasible to dismantle and dispose of the miles of concrete blast walls and wire barriers erected around present American installations. Although the Iraqi people can probably be counted on to raze certain relics of the occupation on their own, we should nonetheless, in good faith, assist in this process. A mere two days' worth of the current war effort, $500 million, would employ a good many Iraqi demolition workers.

Another residue of war and occupation has been the intrusion of military facilities on Iraqi cultural sites. Some American facilities have done enormous and irreparable damage. Astonishingly, one American camp was built on top of the Babylon archaeological site, where American troops flattened and compressed ancient ruins in order to create a helicopter pad and fueling stations. Soldiers filled sandbags with archaeological fragments and dug trenches through unexcavated areas while tanks crushed 2,600-year-old pavements. Babylon was not the only casualty. The 5,000-year-old site at Kish was also horribly damaged. We need to understand that Iraq, being a seedbed of Western civilization, is a virtual museum. It is hard to put a spade into the earth there without disturbing a part of our shared cultural heritage. We suggest that America set up a fund of, say, $750 million, or three days' cost of the war, to be administered by an adhoc committee drawn from the Iraqi National Museum of Antiquities or the State Board of Antiquities and Heritage, the British Museum, the World Monuments Fund, the Smithsonian Institution, and what is perhaps America's most prestigious archaeological organization, the Oriental Institute of the University of Chicago, to assist in the restoration of sites American troops have damaged. We should not wish to go down in history as yet another barbarian invader of the land long referred to as the cradle of civilization.

Independent accounting of Iraqi funds is urgently required. The United Nations handed over to the American-run Coalition Provisional Authority (CPA) billions of dollars generated by the sale of Iraq petroleum with the understanding that these monies would be used to the benefit of the Iraqi people and would be accounted for by an independent auditor. The CPA delayed this audit month after month, and it was still not completed by the time the CPA ceased to exist. Any funds misused or misappropriated by U.S. officials should be repaid to the proper Iraqi authority. What that amount is we cannot predict at this time.

Although the funds turned over to the CPA by the U.N. constitute the largest amount in dispute, that is by no means the only case of possible misappropriation. Among several others reported, perhaps the most damaging to Iraq has been a project allocated to Halliburton's subsidiary Kellogg, Brown & Root as part of a $2.4 billion no-bid contract awarded in 2003. The $75.7 million project was meant to repair the junction of some fifteen pipelines linking the oil fields with terminals. Engineering studies indicated that as conceived the project was likely to fail, but KBR forged ahead and, allegedly, withheld news of the failure from the Iraqi Ministry of

Petroleum until it had either spent or received all the money. Despite this, KBR was actually awarded a bonus by the Army Corps of Engineers, even though Defense Department auditors had found more than $200 million of KBR's charges to be questionable. There would seem to be more greed than prudence in the repeated awards to Halliburton in the run-up to the war, during the war itself, and in contracts to repair the war damages. Especially given that Vice President Dick Cheney was formerly CEO of Halliburton, the U.S. should make every effort to investigate this wrongdoing, prosecute and correct it, and depart from Iraq with clean hands.

The United States should not object to the Iraqi government voiding all contracts entered into for the exploration, development, and marketing of oil during the American occupation. These contracts clearly should be renegotiated or thrown open to competitive international bids. The Iraqi government and public believe that because Iraqi oil has been sold at a discount to American companies, and because long-term "production-sharing agreements" are highly favorable to the concessionaires, an unfair advantage has been taken. Indeed, the form of concession set up at the urging of the CPA's consultants has been estimated to deprive Iraq of as much as $194 billion in revenues. To most Iraqis, and indeed to many foreigners, the move to turn over Iraq's oil reserves to American and British companies surely confirms that the real purpose of the invasion was to secure, for American use and profit, Iraq's lightweight and inexpensively produced oil.

It is to the long-term advantage of both Iraq and the United States, therefore, that all future dealings in oil, which, after all, is the single most important Iraqi national asset, be transparent and fair. Only then can the industry be reconstituted and allowed to run smoothly; only then will Iraq be able to contribute to its own well-being and to the world's energy needs. Once the attempt to create American-controlled monopolies is abandoned, we believe it should be possible for investment, even American investment, to take place in a rapid and orderly manner. We do not, then, anticipate a net cost connected with this reform.

Providing reparations to Iraqi civilians for lives and property lost is a necessity. The British have already begun to do so in the zone they occupy. According to Martin Hemming of the Ministry of Defence, British policy "has, from the outset of operations in Iraq, been to recognize the duty to provide compensation to Iraqis where this is required by the law. . . . [B]etween June 2003 and 31 July 2006, 2,327 claims have been registered . . ." Although there is no precise legal precedent from past wars that would require America to act accordingly, American forces in Iraq have now provided one: individual military units are authorized to make "condolence payments" of up to $2,500. The United States could, and should, do even more to compensate Iraqi victims or their heirs. Such an action might be compared to the Marshall Plan, which so powerfully redounded to America's benefit throughout the world after the end of the Second World War. As we go forward, the following points should be considered.

The number of civilians killed or wounded during the invasion and occupation, particularly in the sieges of Fallujah, Tal Afar, and Najaf, is unknown. Estimates run from 30,000 to well over 100,000 killed, with many more wounded or incapacitated. Assuming the number of unjustified deaths to be 50,000, and the compensation per person to be $10,000, our outlay would run to only $500 million, or two days' cost of the war. The number seriously wounded or incapacitated might easily be 100,000. Taking the same figure as for death benefits, the total cost would be $1 billion, or four days' cost of the war. The dominant voice in this process should be that of Iraq itself, but in supplying the funds the United States could reasonably insist on the creation of a quasi-independent body, composed of both Iraqis and respected foreigners, perhaps operating under the umbrella of an internationally recognized organization such as the International Federation of Red Cross and Red Crescent Societies or the World Health Organization, to assess and distribute compensation.

In the meantime, a respected international body should be appointed to process the claims of, and pay compensation to, those Iraqis who have been tortured (as defined by the Geneva Conventions) or who have suffered long-term imprisonment. The Department of Defense admits that approximately 3,200 people have been held for longer than a year, and more than 700 for longer than two years, most of them without charge, a clear violation of the treasured American right of habeas corpus. The number actually subjected to torture remains unknown, but it is presumed to include a significant portion of those incarcerated. Unfortunately, there exists no consensus, legal or otherwise, on how victims of state-sponsored torture should be compensated, and so it is not currently possible to estimate the cost of such a program. Given that this is uncharted legal territory, we should probably explore it morally and politically to find a measure of justifiable compensation. The very act of assessing damages—perhaps somewhat along the lines of the South African Truth and Reconciliation Commission—would, in and of itself, be a part of the healing process.

America should also offer—not directly but through suitable international or nongovernmental organizations—a number of further financial inducements to Iraq's recovery. These might include fellowships for the training of lawyers, judges, journalists, social workers, and other civil-affairs workers. Two days' cost of the current war, or $500 million, would ably fund such an effort.

In addition, assistance to "grass roots" organizations and professional societies could help encourage the return to Iraq of the thousands of skilled men and women who left in the years following the first Gulf war. Relocation allowance and supplementary pay might be administered by the Iraqi engineers' union. Medical practitioners might receive grants through the medical association. Teachers might be courted by the teachers' union or the Ministry of Education. Assuming that some 10,000 skilled workers could be enticed to return for, say, an average of $50,000, this would represent a cost to the American taxpayer of $500 million. Roughly two days' cost of the war would be a very small price to pay to restore the health and vigor of Iraqi society and to improve America's reputation throughout the world.

We should also encourage the World Health Organization, UNICEF, and similarly established and proven nongovernmental organizations to help with the rebirth of an Iraqi public-health system by rebuilding hospitals and clinics. One reason for turning to respected international organizations to supervise this program is that when the CPA undertook the task, funds were squandered.

At last count, some seventeen years ago Iraq possessed an impressive health-care infrastructure: 1,055 health centers, 58 health centers with beds, 135 general hospitals, and 52 specialized hospitals. Many of these facilities were badly damaged by a decade of sanctions and by the recent warfare and looting. If we assume that fully half of Iraq's hospitals and health centers need to be rebuilt, the overall outlay can be estimated at $250 million, one day's cost of the current war. Equipment might cost a further $170 million. These figures, based on a study prepared for the United Nations Millennium Development Goals project, throw into sharp relief the disappointing results of the American "effort": one American firm, Parsons Corporation, has been investigated for having taken a generous "cost plus" contract to rebuild 142 clinics at a cost of $200 million; although the company put in for and collected all the money, only twenty clinics were built.

Estimating the cost of staffing these facilities is more complicated. Theoretically, Iraq has a highly professional, well-trained, reasonably large corps of health workers at all levels. Yet many of these people left the country in the years following the 1991 war. The Iraqi Health Ministry has estimated that about 3,000 registered doctors left Iraq during the first two years of the American occupation. Hopefully these workers will return to Iraq once the occupation and the insurgency have ended, but even if they do so, younger replacements for them need to be trained. The UNMDG study suggests that the training period for specialists is about eight years; for general practitioners, five years; and for various technicians and support personnel, three years. We suggest that a training program for a select number, say 200 general practitioners and 100 advanced specialists, be carried out under the auspices of the World Health Organization or Médecins Sans Frontières, especially given that some of this training will have to be done in Europe or America. Even if the estimated cost of building and equipping hospitals turned out to be five times too low, even if the American government had to cover the bulk of salaries and operating costs for the next four years, and even if additional hospitals had to be built to care for Iraqis wounded or made ill by the invasion and occupation, the total cost would still be under $5 billion. It is sobering to think that the maximum cost of rebuilding Iraq's public-health system would amount to less than what we spend on the occupation every twenty days.

The monetary cost of the basic set of programs outline roughly $7.25 billion. The cost of the "second tier" programs cannot be as accurately forecast, but the planning and implementation of these is likely to cost somewhere in the vicinity of $10 billion. Seventeen and a quarter billion dollars is a lot of money, but assuming that these programs cut short the American occupation by only two years, they would save us at least $200 billion. Much more valuable, though, are the savings to be measured in what otherwise are likely to be large numbers of shattered bodies and lost lives. Even if our estimates are unduly optimistic, and the actual costs turn out to be far higher, the course of action we recommend would be perhaps the best investment ever made by our country.

Finally, we as a nation should not forget the young Americans who fought this war, often for meager pay and with inadequate equipment. As of this writing, more than 2,600 of our soldiers have been killed, and a far greater number wounded or crippled. It is only proper that we be generous to those who return, and to the families of those who will not.

That said, we should find a way to express our condolences for the large number of Iraqis incarcerated, tortured, incapacitated, or killed in recent years. This may seem a difficult gesture to many Americans. It may strike them as weak, or as a slur on our patriotism. Americans do not like to admit that they have done wrong. We take comfort in the notion that whatever the mistakes of the war and occupation, we have done Iraq a great service by ridding it of Saddam Hussein's dictatorship. Perhaps we have, but in the process many people's lives have been disrupted, damaged, or senselessly ended. A simple gesture of conciliation would go a long way toward shifting our relationship with Iraq from one of occupation to one of friendship. It would be a gesture without cost but of immense and everlasting value—and would do more to assuage the sense of hurt in the world than all of the actions above.

HONORING HOWARD HANFT

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. STUPAK. Mr. Speaker, I rise today to honor a constituent of mine who has dedicated significant personal time towards helping mentor and lead young people in his community. Howard Hanft, or "Howie" as he is known locally, has led the West Branch Little League for 21 years.

As President of the West Branch Little League, Howie has helped grow the league tremendously. Today, the league serves 588 Ogemaw County youngsters who play on 46 teams. Under his leadership, the league has built five new fields, bringing the total number of fields to seven. Five of those fields are under lights and groomed with irrigation, which speaks to the sophisticated care the league puts into its fields for the players.

Howie's efforts to build a world class little league program have yielded big results for the West Branch Little League. In 2005, West Branch sent four teams to the state championship finals—two teams of girls and two teams of boys. The boys' senior league clinched the state title and finished second in the national regional playoffs, one game away from the Little League World Series. This year, the same team won the state championship and the regional playoffs qualifying them to play in the Big League World Series in Easley, South Carolina. At the end of the World Series, Howie's team was ranked 11th in the world, truly an astounding accomplishment. What is equally impressive is that this group of young men won the state championship in a division that generally has 17–18-year-olds. Howie's team is comprised of 16–17-year-olds.

I congratulate Howie and his players: Pete Jackson, Troy Lambert, Rickie Dodridge, Curtis Lyons, Kyle Wangler, Matt Faiman, Calvin Page, Aaron Kihn, Ryan Bragg, Robbie Goulette, Kyle Weber, Anthony Betancourt and Mike Noffsinger. I also salute the team's manager Mark Weber and coaches Mark Dodridge, Sr., Mark Dodridge, Jr. and Mike Noffsinger, Sr.

However, Howie's record of success goes beyond wins and losses. Thanks to the superior facilities that were built under Howie's leadership, West Branch had the honor of hosting the minor-league state tournament for 9- and 10-year-old boys last year. In hosting the tournament, West Branch organized major parties and giant picnics for teams visiting across the state. Some have described the celebrations that Howie organizes in conjunction with tournaments as a "carnival." As several local residents in West Branch have noted, Howie's hard work benefits not only the local little league players, but also the West Branch area economy.

Howie's deep connection to the sport of baseball goes back to his childhood. When he was only 8 years old, Howie began playing little league baseball. During high school, Howie umpired younger kids while also working as a game announcer. Howie took a break during his freshman year of college from coaching and umpiring. However, every year after that, he returned to coach and assist whenever he was needed.

In 1988, Howie became President of the West Branch Little League. The West Branch community has benefited from his leadership, commitment and passion for baseball ever since. Running a baseball program with nearly 600 participants is both labor-intensive and expensive. Howie has therefore had to spend a great deal of time raising money and recruiting volunteers. All of the money and manpower that Howie is able to marshal comes from the local community. In many ways, Howie's efforts have helped rally the West Branch community together, engaging local citizens and local businesses to support the town's baseball tradition.

Mr. Speaker, little league baseball is a uniquely American tradition. For over 100 years, American towns, villages and communities have come together during the summer to watch young people partake in America's pastime. Howard Hanft has helped continue and strengthen that great tradition in part of my district. I ask the U.S. House of Representatives to join me in congratulating and thanking him for these accomplishments.

THE KIKA DE LA GARZA COURTHOUSE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. ORTIZ. Mr. Speaker, I want to commend my colleague from Texas, Mr. DOGGETT, for his work in getting the McAllen courthouse named for my dear friend, our former colleague, Kika de la Garza.

It is fitting that after a long and distinguished career as a lawmaker, the McAllen courthouse, which dispenses justice in the Rio Grande Valley, will bear the name of the former Chairman of the House Agriculture Committee. Kika de la Garza was instrumental in passing many of the laws under which many people will be judged.

The former Chairman of the House Agriculture Committee is a son of South Texas and a man who understood completely the unique culture of the Rio Grande Valley and the culture of Capitol Hill.

While his expertise was in agriculture, Chairman de la Garza made a legendary lesson of how food was integral to our military warfighters. He famously asked the chairman of the House Armed Services Committee so long ago, "How long can a submarine stay under water?"

After listening to a long and detailed discourse on the capabilities of submarines from the Armed Services Committee Chairman, Chairman de la Garza responded, "That's not right, sir. A sub can only stay under water as long as the food supply lasts."

Kika de la Garza is a giant in the history of the United States Congress, of South Texas and in the hearts of all of those of us who know and love him. It is a fitting tribute that this courthouse will bear the name of Kika de la Garza.

BATTLE AGAINST ILLEGAL DRUG TRADE

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to share with you my pride and deep gratitude for a group of people who have truly made a difference in our battle against the illegal drug trade that threatens the very fabric of American society.

As you know, Mexican drug cartels have recently been operating large scale marijuana growing and processing operations in our National Forests, National Parks, and Bureau of Land Management lands. Growing marijuana and conducting illegal drug activities on our public lands is nothing new. What is new is the extremely large scale of the operations, the heavily armed growers, and the aggressive resistance toward law enforcement. With assault rifles and booby traps, these criminals, the majority of whom are in this country illegally, are fearlessly intent on protecting a collective enterprise that grosses billions of dollars each year. They have made parts of our public lands, traditionally used for recreation and hunting, unsafe to visit.

Because of sophisticated growing techniques which employ drip irrigation, chemical fertilizers, and lethal pesticide compounds, these operations inflict serious damage on the environment. Furthermore, these operations are intertwined with the trade and manufacture of other illegal drugs such as meth, heroin, cocaine, and ecstasy.

Mr. Speaker, these criminal operations are attracted to public lands not only because of their remote locations, but also because our federal land agencies have very small law enforcement forces. They were never designed to combat crime on such a massive scale. Who then can draw a powerful line in the sand and both force the invading cartels away from our public lands and protect the public from them and the scourge of drugs they produce?

In my district, this challenge has been taken up by a coalition of local law enforcement professionals who have voluntarily formed task forces large enough to disrupt these enormous operations and send a message that such criminal activity will not be tolerated. They have let the cartels know with certainty that they will pay dearly if they operate in our back yard.

To challenge such a formidable criminal enterprise, it takes intelligence, bravery, and an unselfish sense of purpose. I have witnessed all of those characteristics displayed in exemplary fashion in southern Oregon and northern California. In the past few weeks, a task force of over 175 people and 19 agencies, led by Jackson County Sheriff Mike Winters and Siskiyou County Sheriff Rick Riggins, dealt a telling blow on the cartels' illicit activities on our public lands.

In a series of well-timed and meticulously executed raids on both sides of the Oregon/California border, this amazing group of dedicated individuals eradicated 27.6 tons of marijuana from our public lands in a matter of a few days! They removed well over $320,000,000 from the drug trade and forcefully sent the message to the cartels that they will not be able to do business as usual in southern Oregon and northern California.

Mr. Speaker, it is not hard to imagine the work and commitment involved in assembling so many able and dedicated people from municipal, county, state, and federal agencies. With no single law enforcement agency large enough to handle the task, these dedicated law enforcement professionals and volunteers formed to combat a common enemy that was dealing massive amounts of drugs and creating mayhem on our forest landscape. Driven by sense of duty, respect for the law, and a commitment to protect the public, they got the job done.

Needless to say, Mr. Speaker, I am very proud and appreciative of what these outstanding people have done for us. I know that all of my colleagues join me today in saluting their stellar performance. We are honored to extend to them the gratitude of our entire nation.

Please join me in congratulating these agencies and individuals for a job well done. We owe them so much for their sacrifice and dedication.

Jackson County Sheriffs Office, Jackson County Search and Rescue, Jackson County Narcotics Enforcement Team (JACNET), Siskiyou County Sheriffs Office S.W.A.T., Douglas County Sheriffs Office D.I.N.T., Klamath Falls Police Department S.W.A.T., Josephine County Sheriffs Office, Shady Cove Police Department, Bureau of Land Management, Law Enforcement Section, United States Forest Service, Law Enforcement Section, Oregon State Police, SWAT and MRT Units, US Immigrations and Customs Enforcement (I.C.E.), Drug Enforcement Agency, Medford Office, Federal Bureau of Investigation, S.W.A.T., Portland Police Bureau, S.W.A.T., Jackson County Fire District #3, and Oregon Department of Forestry.

PERRY PARKS

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. WATSON. Mr. Speaker, it is with much sadness that I rise today to announce the passing of my very good friend and colleague, Perry Conrade Parks, Jr.

Perry Parks was born in Atlanta, Georgia, in 1908, to Professors Perry C. Parks, Sr. and Sophia Parker Parks on the campus of Clark Atlanta University in Atlanta, Georgia. The family moved to East Chicago, Indiana, where Perry attended school.

Perry Parks later attended Tennessee State College and transferred to Wiley College in Marshall, Texas where he lettered in four sports (football, basketball, track, and tennis) and graduated in 1934.

After graduation he joined his family in Los Angeles and took a job as a social worker for the California State Relief Administration. Soon after establishing himself in California, he married his college sweetheart, Artemisia Stilwell.

Perry Parks later worked for the Federal Postal Service, from 1936 to 1971. He was a founding member of the United Public Workers CIO, as well as an organizer of the National Alliance of Postal Workers. He was in the forefront of the struggle to implement a merit system in employee evaluations and promotions. He was also a champion of equal opportunity for women.

He filed the first successful anti-discrimination claim against the Los Angles Post Master for failure to promote him to Supervisor. His discrimination claim paved the way for equal employment opportunities for people of color, leading to the appointment of the first African-American Post Master in Los Angeles.

Perry was an ardent warrior in the pursuit of fairness, inclusion, and representation in the civic process. He stood on the front line of the civil rights movement in the 1960s as an early organizer of the Southern Christian Leadership Conference in Southern California. Mr. Parks served as Vice President of the Barrio Defense Committee, President of the South Central Welfare Planning Council, and a board member of the Los Angeles Urban League and United Civil Rights Committee. He was a founding member of the Brotherhood Crusade.

After his retirement, Perry Parks continued to serve his community as Field Representative for Congresswoman Yvonne B. Burke and Assemblywoman Teresa Hughes.

Perry Parks was a proud army veteran of World War II and a devoted member of Holman United Methodist Church. He is survived by his two sons, Perry C. Parks III and Henry Stilwell Parks; his two sisters, Lucy Hamilton and Carrie Jones, all of Los Angeles; his grandsons, Perry C. Parks IV of Atlanta, Georgia, and Oren Callan Jeffries of Los Angeles; nieces Patricia Parks White, Frances Jones Taylor, Muriel Jones Parker of Los Angeles and a host of other devoted relatives and friends.

HONORING MR. GERALD (JERRY) BELANGER

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. STUPAK. Mr. Speaker, I rise today to honor an educator in my district who has done laudable work to ignite a new sense of patriotism among his students.

Mr. Gerald (Jerry) Belanger serves as the principal of Gaylord Middle School. He has led a distinguished career in education. Mr. Belanger's first job in the field was as a school teacher in a preschool classroom. While his stint as a preschool teacher was short lived—lasting only 3 weeks—he was at least admired by his students for his guitar-playing ability.

Mr. Belanger then moved into a direction better suited to his abilities. He taught 6th grade for 5 years at Pearson Elementary School in inner city Flint before becoming the assistant principal and ultimately the principal of Gaylord Middle School.

It was at Gaylord Middle School that he began the current middle school Veteran's Day program. For the past 10 years, on every Veteran's Day, the Gaylord Middle School and its student council have organized a tribute to America's veterans. The day begins with a morning reception in the school cafeteria, followed by a program in the school gymnasium where students and faculty honor the sacrifices of America's veterans. Mr. Belanger has worked hard to ensure that veterans in the community attend the event so that his students have an in person opportunity to demonstrate their appreciation for veterans' sacrifice. When the tribute began 10 years ago, 20 veterans participated. Today, as many as 200 veterans attend the Veteran's Day event. By encouraging his students to host this tribute, Mr. Belanger has helped draw the Gaylord community together, while also helping to inspire patriotism in each class of students that passes through Gaylord Middle School.

Mr. Belanger also makes patriotism a daily priority at Gaylord Middle School. Through the daily Pledge of Allegiance, playing of the national anthem and events throughout the year, Mr. Belanger has worked to instill respect, love and loyalty to our country among the young people attending his school.

Mr. Belanger is a fine example of how ordinary citizens can demonstrate exceptional patriotism in their community. Although Jerry never served in the armed forces, his father, Frank, served in the National Guard during the Cuban Missile Crisis and two of his uncles were in the Army Reserve during that difficult part of our Nation's history. Another of Mr. Belanger's uncles served with U.S. Marine Corps for 4 years. These family members instilled in him a deep love of history and government and a profound sense of pride and respect for all of our nation's military men and women.

Now that he is married with a 3-year-old son, you will often see Jerry with his son Patrick at local Memorial Day and Veterans Day celebrations, seeking to pass on to his own son the same pride and deep respect for the armed forces and the same love of country.

Mr. Speaker, as our brave men and women serve abroad in today's conflicts, all of us are reminded of the importance of recognizing, honoring and remembering the sacrifices of the heroes of the past. Mr. Jerry Belanger has found a way to ensure that in his corner of the world, young people are introduced to these important values early on. For that, Mr. Speaker, I ask that you and the U.S. House of Representatives join me in saluting him.

TRIBUTE TO PICTURED ROCKS NATIONAL LAKESHORE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to the Pictured Rocks National Lakeshore, which celebrates its 40th anniversary as a National Lakeshore this year. This pristine part of my district was the first unit of the national park system authorized as a National Lakeshore.

Pictured Rocks derives its name from the 15 miles of colorful sandstone cliffs northeast of Munising, Michigan. These cliffs, some approaching 200 feet in height, have been naturally sculptured into shallow caves, arches and formations that resemble castle turrets, and human profiles. Anyone who has visited the splendorous 42 miles of the Lakeshore knows that the park offers spectacular scenery of the hilly shoreline speckled with natural archways, waterfalls, and sand dunes.

Congress wisely designated Pictured Rocks a National Lakeshore to preserve for future generations' enjoyment a significant portion of the diminishing shoreline of the United States. Today, Pictured Rocks National Lakeshore continues to provide inspiration and recreational enjoyment for residents of northern Michigan, as well as for the hundreds of thousands of visitors who come to enjoy the area's natural splendor every year. The refreshing waters in summer, the beautiful palette of fall, the serene atmosphere of winter and the renewal oflife in spring are all unique at Pictured Rocks.

As Pictured Rocks National Lakeshore celebrates this anniversary, it is also appropriate to mention former Congressman Raymond F. Clevenger. His hard work and dedication to the conservation and economic improvement of this area played a major role in the creation of Pictured Rocks National Lakeshore.

Before his election to Congress, Mr. Clevenger made establishing a National Lakeshore on Lake Superior a top priority of his campaign. Once elected to the U.S. House of Representatives, he introduced legislation, H.R. 8678, to establish a National Lakeshore. On October 15, 1966, President Lyndon Johnson signed Public Law 89–668, creating the nation's first National Lakeshore at Pictured Rocks.

Thanks to the efforts of Congressman Clevenger, more than 73,000 acres of beaches, cliffs, waterfalls, and forests, as well as the wildlife that resides there, have been preserved. In recognition of former Congressman Raymond Clevenger's efforts, I will be working to see that the Miners Castle Information Station at Pictured Rocks National Lakeshore be known as the "Raymond F. Clevenger Visitor Information Center at Miners Castle."

Mr. Speaker, our nation is blessed with countless natural resources and wonders. Those of us from northern Michigan and from the Upper Peninsula take great pride in Pictured Rocks National Lakeshore. I would ask that the U.S. House of Representatives join me in observing this historic anniversary and in pledging our continued support for the preservation of this beautiful and historic park.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES MODERNIZATION AND REFORM ACT OF 2006

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. HOLT. Mr. Speaker, I oppose the "Bureau of Alcohol, Tobacco, Firearms, and Explosives Modernization and Reform Act of 2006," H.R. 5029. This bill would effectively gut the ability of the ATF to shut down rogue gun dealers who ignore or undermine federal law by selling guns to criminals. It literally protects the worst of the worst.

We should be doing more to ensure that our communities are safe, by getting guns out of the hands of criminals. That is why we should make sure federal authorities have all the tools they need to go after criminal gun dealers.

Yet, this bill would substantially undermine the ATF's ability to revoke federal firearms licenses and shut down corrupt gun dealers who have repeatedly violated the law. By redefining the burden of proof for violations of existing federal gun laws, this bill would make it essentially impossible to sanction, prosecute, or revoke the federal firearms license of corrupt gun dealers.

The vast majority of gun dealers are honest hard-working business owners who play by the rules. Yet, their compliance with federal law is tarnished by the few gun dealers who are more interested in making a profit than following the law or protecting our children. Statistics show that 60 percent of guns used in crimes can be traced back to just 1% of the Nation's 80,000 gun dealers. This means that a tiny percentage of criminal gun dealers are responsible for the bulk of guns used in the crimes that terrorize our communities. Yet, this legislation makes it harder to shut down these criminal outliers.

In 2003, the ATF issued only 54 notices of license revocation to shut down rogue gun dealers. That represents .06 percent of all gun dealers. Under the proposed legislation, this small group of dealers would be allowed to stay in business, and pay only a minor fine.

This bill would also weaken the record-keeping requirements that gun dealers must follow currently. This would allow criminal dealers to hide their illegal sales and missing firearms. Rather than being required to properly maintain their gun sale records, this legislation would simply allow them to keep such records in a box or a storage room, and would make it very difficult for the ATF to investigate and uncover dealer violations.

I oppose this flawed legislation. I believe strongly that the ATF needs the authority to prosecute and eventually revoke the licenses of corrupt and criminal gun dealers. I am not alone in this view. This legislation is also opposed by the International Association of Chiefs of Police, The American Bar Association, The Major City Chiefs, the International Brotherhood of Police, Mayors Against Illegal Guns, The Brady Campaign to Prevent Gun Violence, The Violence Policy Center, the Coalition to Stop Gun Violence, Former Director of the ATF Rex Davis, New York City Mayor Michael Bloomberg, and Boston Mayor Thomas Menino.

I urge my colleagues to join me in opposing this dangerous bill.

RECOGNIZING CRESTWOOD ELEMENTARY SCHOOL'S 50TH ANNIVERSARY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to pay tribute to Crestwood Elementary School in Fairfax County, Virginia as it prepares to celebrate its 50th anniversary.

Since its establishment in 1956, Crestwood Elementary School has committed itself to lofty standards of academic and extracurricular excellence. Over the years, as the Springfield area has expanded and diversified, Crestwood has followed the community's example.

In 1950, the Springfield area consisted of nothing but woods and a few farms and houses. Edward Carr bought much of the land and in 1950 started to build the first planned community in northern Virginia. He gave some land to the community for the school and the first community pool was built here because of the land he donated. The area grew slowly, with few community resources. Little League was started in 1955. There were no schools here until 1956. All of the school children had to go out of the area. In those days, Springfield was the outermost edge of the Washington area.

Since its inception, Crestwood Elementary has been an integral part of the Springfield, Virginia, community. Originally costing $595,585, when the school was constructed there was one telephone booth per street, milk and bakery items were delivered weekly to residents, and the primary mode of transportation was the train. Over the past 50 years, the Crestwood community has become a very progressive community in the heart of the Springfield area and educates hundreds of students each year. With the addition of the Family Resource Center, Crestwood is a true community school working with parents and children building a better future for the entire Crestwood community.

The mission of Crestwood Elementary School is to offer each student the skills, knowledge, and experiences necessary to be successful students and productive members of society. The staff envisions a school where academic excellence is paramount, the arts are celebrated, cultural and linguistic diversity is honored, and all learners meet their personal academic goals. Over the years ethnic and cultural diversity have brought a unique spirit to the school, as it continues its commitment to academic excellence.

Mr. Speaker, in closing, I would like to thank Crestwood Elementary School faculty and staff for the immeasurable contributions they have made to the community by shaping today's youth and tomorrow's future. I congratulate the school on its successes over the last 50 years and I wish it more successful years in the future. I ask that my colleagues join me in applauding this outstanding and distinguished institution, as well as the committed faculty and students.

PAYING TRIBUTE TO KENNETH MAHAL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor my good friend Mr. Kenneth Mahal for his outstanding service to his community and to his country.

Ken is a retired architect who is licensed to practice in 50 States, District of Columbia, Virgin Islands and the United Kingdom. He has a wealth of academic experience, having graduated from the University of Minnesota, the Architecture at Chicago Technical College, and the Harvard International Business School in Vevey, Switzerland. Ken has also served in the military during War II as a fleet radar countermeasures director on aircraft carrier USS *Ticonderoga*.

At age 30, Ken served as a volunteer to the Bloomington Planning Commission, where he served as vice chairman for 6 years. During his tenure with the planning commission, Bloomington, Minnesota, won the Best Cities Award twice. Because of his insistence for strong zoning, a strategic piece of land was saved until the world renowned Mall of America was built there.

As former C.E.O. of Ellerbe Architects and Engineers, the 8th largest firm in the U.S., Ken developed sales and marketing of architectural and engineering services, creating the first professional firm in this field. The firm developed sales projection marketing plans, which computerized fee projections.

Ken also owns L.K. Mahal & Assoc., a consulting firm specializing in concept design to real estate search. The firm provided full service design and construction oversight, plus served as a consultant to the Children's World Day Care centers and franchise project development. For 25 years, the firm represented the University of Notre Dame. Some other clients include the NIH Medical Center Washington, DC, Mayo Clinic as well as assisted in the UNLV Medical Center expansion project.

Presently, Ken is president of the Nevada Seniors Coalition, NSC, and writes a monthly column for Vegas Voice. As president, Ken focuses the organizations efforts on local growth issues such as air, water and traffic concerns. NSC also works on State and national issues for seniors, their children and grandchildren, enhancing the conditions of our senior citizens.

Mr. Speaker, it is with great pleasure that I honor my good friend Mr. Kenneth Mahal for his steadfast commitment to his community and to his country. I wish him luck with all of his future endeavors.

CONGRATULATIONS TO BRAZOSPORT INDEPENDENT SCHOOL DISTRICT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. PAUL. Mr. Speaker, Brazosport Independent School District, located in my home county of Brazoria, has received a $458,369 Smaller Learning Communities Program grant from the Department of Education. The Smaller Learning Communities Program promotes academic achievement through the creation or expansion of small, safe, and successful learning environments in large public high schools to help ensure that all students graduate with the knowledge and skills necessary to make successful transitions to colleges and careers.

Brazosport High School will use the Smaller Learning Communities Program grant to build on past efforts by implementing and expanding successful strategies and activities. Among the projects the grant will help Brayosport High School implement are extensive development activities for the faculty and staff, advisory periods, accelerated curriculum, afterschool classes, ninth grade transition activities, and task force committees.

Brazosport High School's project goals include: (1) increasing the academic performance of all students and reducing the gap in achievement among students of different racial and economic backgrounds; (2) ensuring that the Smaller Learning Communities are environments where students feel safe, known, supported and motivated to succeed; (3) and ensuring that students attain the strong academic knowledge and skills necessary for a successful college career.

Mr. Speaker, I have no doubt that the same commitment to education excellence that enabled Brazosport Independent School District to obtain this grant will enable the school to achieve all of its goals. I am therefore pleased to extend my congratulations to Brazosport Independent School District for obtaining a Smaller Learning Communities Program grant.

PAYING TRIBUTE TO LAURA LONDONO

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to one of my constituents, Ms. Laura Londono of Highlands Ranch, Colorado. Ms. Londono has been accepted to the People to People World Leadership Forum here in our Nation's Capital. This year marks the 50th anniversary of the People to People program founded by President Eisenhower in 1956.

Ms. Londono has displayed academic excellence, community involvement and leadership potential. All students chosen for the program have been identified and nominated by educators.

Mr. Speaker, I would like to join in paying tribute to Laura Londono, and wish her the best in all her future endeavors.

COMMENDING THE AD COUNCIL AND WCPX-TV FOR THEIR PRO BONO ADVERTISING OF POSITIVE INSPIRATIONAL MESSAGES TO THE AMERICAN PEOPLE

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to commend the Ad Council and WCPX-TV for creating a program and using valuable airtime to improve the quality of life for people in my Congressional District and wherever the influence of their work can be felt.

I also commend the Ad Council for being the stimulus behind this action.

I am pleased to know that for more than 60 years the Ad Council has marshaled the pro bono resources of the advertising agency and media communities to deliver thousands of inspirational messages for the American people. I am indeed pleased to know that during 2005, the media donated an unprecedented 1.8 billion dollars in free airtime and space.

My hat is off to Mr. Tony Cannata, Business Manager, WCPX-TV and Ms. Peggy Conlon, President and CEO, The Advertising Council Inc.

I commend them both for this very effective collaboration and look forward to their continuous work.

IN HONOR OF MISS ALLIE DIETZ

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to a very special young lady, Miss Allie Dietz. She continues to impress me with her courage and her determination to fight diabetes, which she has suffered from since she was just five years old. She is now twelve.

I have come to know Allie over the years at different events throughout my state—Juvenile Diabetes Research Foundation Galas, Children's Congress, Walk for a Cure, the fight for stem cell research and many others. She has told me her stories of low and high blood sugars, she has shown me how she pricks her fingers and takes her insulin and she has always demonstrated a positive attitude through it all.

Most of all, I am proud to call her my friend. Recently, we shared the podium at an event at Alfred I. DuPont Hospital for Children, and it is safe to say that Allie stole the show! Allie is surrounded by loving parents and two wonderful younger sisters who share her joys, her sadness and her hope for a cure. That is why I will continue to fight for a cure for diabetes—through efforts like increased research funding, an expanded federal embryonic stem cell research policy, legislation to address racial disparities in minorities and ensuring patients have access to care.

I know Allie will go far in life, and it is our job as Members of Congress to ensure that she has help along the way. I am hopeful that Congress will begin to make diabetes more of a priority, as it has become a national epidemic. We need to lead the fight for a cure for Allie and all of the other diabetes patients suffering throughout the United States.

TRIBUTE TO THE REECE SCHOOL OF NEW YORK CITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the Reece School of New York City, which has been dedicated for 58 years to serving children who are intellectually capable but emotionally fragile and vulnerable. The oldest such special-education school in Manhattan, the Reece School has grown in size and stature from its founder's home to a new facility on the Upper East Side. On October 26, it will recognize a significant donation by officially naming its state-of-the-art building.

The Reece School was established in 1948, in the home of Ellen Reece, as a response to the needs of children who were incapable of functioning in a traditional school setting. Today, it serves 90 students, from Manhattan and all 5 boroughs, who reflect the diverse communities of the City of New York. They represent middle- and lower-income families who care deeply about their children's future but lack the ability to pay privately for services beyond those offered by the school community. These families depend on Reece for the intellectual and emotional support that allows their children to progress and function as independently as possible, They rely on Reece for services that many other special-education schools are unable to provide.

Over the years, the Reece School has grown out of Ellen Reece's home, out of its longtime Carnegie Hill location, and into a new home at 25 East 104th Street. For years, it has worked hard to be an integral part of its community. It has made its space available to several community groups, and has partnered with several community agencies and public schools to help improve the quality of life of Reece students and, in fact, of all children in the community.

Thanks to a $12 million loan through Industrial Development Agency Bonds, Reece was able to emerge from its somewhat-cramped Carnegie Hill quarters and into a facility of unprecedented size and technology in July 2006. On October 26, the Reece School will officially name its new building the Elise M. Besthoff Building of the Reece School.

Mr. Speaker, I ask that my distinguished colleagues join me in recognizing the outstanding contributions to the children and families of New York City made by the Reece School.

HONORING CHARLES L. FALLIS UPON HIS RETIREMENT AS NARFE NATIONAL PRESIDENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Charles L. Fallis, who is retiring from his post as president of National Active and Retired Federal Employees Association (NARFE) after 4 years.

Mr. Fallis' more than 35 years of public service to the Federal Government began when he joined the U.S. Navy and served in both World War II and the Korean War. He commenced his Federal civilian service in Cincinnati, Ohio as a substitute railway mail clerk PFS Level–5. Rising through the Postal Service, Mr. Fallis was promoted to the rank of Regional Assistant Postmaster General, Eastern Region, which included the states of New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia and the District of Columbia.

A Postal Inspector for 13 years, Fallis conducted complex criminal investigations, apprehended many scores of postal law violators, presented investigative evidence and testimony in U.S. Courts and audited and inspected major post offices. As Regional Assistant Postmaster General he was in charge of regional operations, oversaw construction of multi-million dollar post offices, directed a large staff, and held oversight responsibility for annual budgets of over $1 billion.

Mr. Fallis has been a NARFE member since 1985, first as an active participant in his local chapter. He then went on to serve two terms as First Vice President and two terms as President of Roanoke Valley Chapter 111 in Roanoke, Virginia. In addition, Mr. Fallis was active in the Virginia Federation of Chapters where he served multiple terms in the positions of Area Vice President, Vice President, and Federation President.

Mr. Fallis participated in NARFE activities at the national level as well, serving as chairman of the Resolutions Committee at the 1996 National Convention in Houston. He then served two terms as NARFE National Treasurer and two terms as NARFE National President.

His tenure at NARFE has proved successful in preserving benefits for retired and active Federal employees, and the addition of a visual and dental benefit to the Federal Employees Health Benefit Program (FEHBP).

Throughout his impressive career, Mr. Fallis and his wife Betty raised four children.

Mr. Speaker, in closing, I ask my colleagues to join me in applauding Charles Fallis and congratulating him on his retirement after a distinguished career.

PAYING TRIBUTE TO CARL E. LOVELL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of Carl E. Lovell, who succumbed to cancer on Thursday, September 21, 2006.

Carl served the people of the City of Las Vegas and the citizens of Nevada in a number of profound ways. He was widely recognized during his professional career as the youngest City Attorney in the Nation for the City of North Las Vegas and the youngest elected City Attorney in the Nation at age 28, for the City of Las Vegas. After starting his own firm in 1970, Carl became very active in the international arena for Estate and Asset Protection Planning, even representing the United States in international trade and law talks with Beijing, China in 1987 and tried cases before the United States Supreme Court.

Carl was very involved in a number of civic organizations. He was a founding member and President of the Nevada Donor Network, Vice President and Director of the Southern Nevada Better Business Bureau, Chairman of the the National Consumer Affairs Committee for the National City Attorneys Association.

Mr. Speaker, I am proud to honor the life of Carl E. Lovell. His professional success and philanthropic efforts should serve as an example for us all.

TRIBUTE TO WBBM–TV

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. DAVIS of Illinois. Mr. Speaker, congratulating WBBM–TV and the Advertising Council for their collaboration to communicate important messages to residents of the Illinois 7th Congressional District and the Public-At-Large.

Mr. Speaker, I am pleased to note that WBBM–TV has been singled out by the Advertising Council Inc., for its outstanding display of public service through the pro-bono placement and airing of Public Service Announcements.

I am also pleased to note that for more than 60 years, the Ad Council has marshaled the resources to deliver thousands of inspirational messages to millions of people. These messages have dealt with under-age drinking, childhood obesity, early childhood development, obesity and urging parents to use booster seats.

Mr. Speaker, this collaboration has produced very positive results and I take my hat off to Mr. Joseph Ahm, Vice President and General Manager of WBBM–TV and Ms. Peggy Conlon, President and CEO of the Advertising Council, Inc.

Mr. Speaker, this collaboration and its results are a prime example of what can happen when two well-meaning and well-run business entities team up for the public interest, good things happen.

IN HONOR OF 2006 LILLY REINTEGRATION AWARD HONORS CONNECTIONS COMMUNITY SUPPORT PROGRAMS, INC.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Connections Community Support Programs Inc., a Delaware non-profit organization providing housing, treatment, and support services to persons living with and recovering from mental health and substance use conditions, homelessness, and HIV/AIDS.

Connections Community Support Programs was selected as the First Place Winner of the 2006 Lilly Reintegration Award' for Housing, from Eli Lilly and Company. This is also the 10th anniversary of Eli Lilly and Company presenting this award that recognizes outstanding achievements made by mental health organizations.

This national award honors efforts to improve services and decrease the stigma of mental illness. Connections Inc. is particularly proud of its housing programs, specifically the development of supportive housing for people with low-incomes and special needs. The creation of more than 300 units of affordable housing for this target population is highly commendable.

Connections mission from it's genesis in 1985, has been to provide a comprehensive array of community-based treatment, support, housing and rehabilitation services for people recovering from and living with mental health and substance use conditions, homelessness and HIV/AIDS. The State of Delaware greatly benefits from the services and programs Connections offers at nearly 30 locations in all three Delaware counties.

Congratulations to Connections Community Support Programs, Inc for being recognized for their dedication and hard work. I am confident they will continue to provide this valuable service to our community and make a difference in the lives of there patients.

PAYING TRIBUTE TO CHRISTOPHER TANTILLO

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to one of my constituents, Mr. Christopher Tantillo of Highlands Ranch, Colorado. Mr. Tantillo has been accepted to the People to People World Leadership Forum here in our Nation's Capitol. This year marks the 50th anniversary of the People to People program founded by President Eisenhower in 1956.

Mr. Tantillo has displayed academic excellence, community involvement and leadership potential. All students chosen for the program have been identified and nominated by educators.

Mr. Speaker, I would like to join in paying tribute to Christopher Tantillo, and wish him the best in all his future endeavors.

HONORING GUY GABALDON

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. ROYBAL-ALLARD. Mr. Speaker, on behalf of the Congressional Hispanic Caucus, I rise today to pay tribute to all U.S. service members and veterans for their service and dedication to our Nation. During Hispanic Heritage Month, we would like to pay special tribute to service members and veterans of Hispanic decent who have served with pride, valor and distinction since the revolutionary war.

In particular, we want to recognize World War II veteran Guy Gabaldon, who passed away recently. Born in Los Angeles, California on March, 22, 1926, Mr. Gabaldon grew up in Boyle Heights. He died on August 31, 2006 in Old Town, Florida. Mr. Gabaldon is an excellent example of the dedication that Latinos in uniform have demonstrated while providing the highest service to our country.

As a child, Marine Private First Class Guy "Gabby" Gabaldon, befriended and eventually moved in with a Japanese American family. When the U.S. entered WWII, Gabaldon joined the Marines, and served as a mortar crewman and scout observer. Through his familiarity with the Japanese language and culture, Mr. Gabaldon gained the distinction of capturing more enemy soldiers than anyone else in the history of U.S. military conflicts.

While serving in Saipan, he received a Silver Star for obtaining vital information and capturing more than 1,000 enemy personnel in the face of direct fire. PFC Gabaldon was able to persuade the weakened Japanese soldiers to surrender, in spite of their orders to fight. His commanding officer and fellow Marines nominated him for the Medal of Honor. He was awarded the Silver Star, which was elevated to a Navy Cross in December of 1960.

Mr. Gabaldon and the more than one million Latino service members and veterans deserve our gratitude and admiration. They have always been an integral part in the fabric of our military. I ask my colleagues to join me in paying tribute to Mr. Gabaldon, and all of our nation's Latino service members and veterans.

HONORING DR. RICHARD P. HALLION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. MORAN of Virginia. Mr. Speaker, I rise today to congratulate Dr. Richard P. Hallion, who is retiring as Senior Adviser for Air and Space' Issues at the Directorate for Security, Counterintelligence and Special Programs Oversight at the Pentagon. His distinguished career and record of achievement reflects selfless commitment to our country.

Dr. Hallion graduated from the University of Maryland in 1970, and completed the Kennedy School of Government's National Security Studies Program in 1993. His career spanned a variety of offices, including the working at the Air Force Flight Test Center, Andrews Air Force Base, Wright-Patterson Air Force Base, the Office of the Secretary of the Air Force, the Air Force Centennial Flight Office, and the National Air and Space Museum. His experience and education has afforded him the opportunity to author numerous articles and books on the evolution and history of airborne warfare. Tirelessly, Dr. Hallion continues to write to this day.

Dr. Hallion has been recognized numerous times for his hard work and dedication to military aviation. In 2005, he received the Annual Award of the Conference of Historic Aviation Writers, and was recognized as a Distinguished Lecturer and Associate Fellow of the American Institute of Aeronautics and Astronautics. He has received similar recognition from the Society of Experimental Test Pilots, the Aviation Space Writers Association, the Air Force Association and the Air Force Systems Command.

His contributions to the Air Force will be missed as he moves on to new and exciting opportunities. I ask my colleagues to join me in congratulating Dr. Richard P. Hallion and wish him all the best in his future endeavors.

INTRODUCING A RESOLUTION TO HONOR JACOB BIRNBAUM

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. NADLER. Mr. Speaker, with the approach of International Human Rights Day on December 10, I would like to take this opportunity to chronicle for the national record the life and work of a remarkable human rights activist, Jacob Birnbaum of New York. It is interesting to note that he was actually born on December 10, 1926. As December 10, 2006 will mark his 80th birthday, it is entirely appropriate that his work should be portrayed in the RECORD of the Congress of the United States.

Jacob Birnbaum's immediate family fled the Nazis and settled in the United Kingdom. In 1946, following the end of World War II, the 19-year-old Jacob Birnbaum devoted several years to providing relief for younger survivors of the Nazi and Soviet totalitarian systems. From the young Polish Jews who managed to exit the USSR after the war, he became familiar with the iniquities of the Soviet system. This early experience fueled his later passion to mobilize American Jewry in the drive to rescue Jews from the oppression they faced in the Soviet Union.

In the mid-1950s and early 1960s, he became involved in assisting people from the disintegrating Jewish communities of North Africa caught up in the struggles of their host countries for independence from France.

Thereafter, traveling the United States, he decided to create a national student spearhead to activate the grassroots of American Jewry. Settling in New York in 1964, he set up his first student committee; then he concentrated on building a student core at Yeshiva University. Finally, he called a national founding meeting at Columbia University on April 27, 1964, followed by a large student demonstration four days later on the Soviet holiday May Day in front of the Soviet UN Mission. The authoritative Center for Jewish History has listed the demonstration as the beginning of the public struggle for Soviet Jewry. Mr. Birnbaum named the new organization Student Struggle for Soviet Jewry (SSSJ).

Throughout the rest of the 1960s, under his direction, the Student Struggle continued working full time in response to the oppression of Soviet Jewry.

As we know, the Bolshevik Revolution in Russia led to the imprisonment of Soviet Jews behind the Iron Curtain. Jewish culture, Jewish religion and Jewish communal life were forcibly extinguished under the Soviet regime, which also indulged in numerous anti-Semitic manifestations. Even after Stalin's death, the Soviet kingdom of fear abated only slightly. The Cold War effectively continued to cut off the Jews of Russia and Eastern Europe from their co-religionists in the West.

Nevertheless, expressions of outrage began to accumulate in the early 1960s, with a few pioneers leading the way. In April, 1964 the major Jewish organizations met in Washington, DC and an American Conference on Soviet Jewry was established. The same month, Mr. Birnbaum created the Student Struggle for Soviet Jewry for the purpose of fashioning a student spearhead to "mobilize a tidal wave of public opinion." (First SSSJ Handbook)

After the mass arrests of young Jewish dissidents on June 15, 1970, and after the Leningrad Trial of December 1970 with its death sentences, the National Conference on Soviet Jewry was created. The Greater New York Conference, under the direction of the young activist Malcolm Hoenlein, initiated the profoundly important Solidarity Day marches, modeled after Birnbaum's Jericho, Redemption, and Exodus Marches and rallies of the 1960s. Mr. Hoenlein is now the Executive Vice Chairman of the Conference of Presidents of Major American Jewish Organizations. Of great significance was the creation in 1970 of the Union of Councils for Soviet Jews, a coalition of non-Establishment regional groups, under the chairmanship of Dr. Louis Rosenblum, with whom Mr. Birnbaum had worked for many years.

Mr. Hoenlein has publicly stated that he considers Mr. Birnbaum "the father of the Soviet Jewry movement." Similar statements have been made by other major public figures such as Dr. Meir Rosenne, who worked closely with Mr. Birnbaum in the early formative period 1964–1967. Dr. Rosenne later became Israel's Ambassador to France and then to the United States. Sir Martin Gilbert, the official British historian of Winston Churchill, has made a similar statement.

In May, 1965, Mr. Birnbaum was the first to testify before a Congressional Committee on the importance of utilizing economic leverage on the Kremlin. When the late Senator Henry Jackson initiated the legislation which finally resulted in the passage of the Jackson-Vanik Amendment in 1975, Mr. Birnbaum worked closely with the director of Senator Jackson's office, Dorothy Fosdick, and, of course, Richard Perle, who played a major role in the initiation and development of the legislation.

The idea of placing economic pressure on Communist states to increase emigration played a key role in softening up the Kremlin regimes to make possible the Soviet Jewry demand to "Let My People Go." For the first time, there was legislation to put teeth into the previous congressional humanitarian resolutions.

From 1976 to 1986, Jacob Birnbaum conducted annual Most Favored Nation campaigns, based on Jackson-Vanik, to pressure Romania to increase emigration and release prisoners. He testified annually before both Senate and House committees.

In the latter 1970s, Mr. Birnbaum enlarged his Soviet Jewry strategy. He expanded the slogan "Let My People Go" by adding "Let My People Know" (their heritage). The Kremlin had pulverized Jewish religious, cultural, and community life, and, in the 1960s, the Soviet Jewish resistance underground began to generate Jewish self-education cultural, religious, and Hebrew- speaking groups. Mr. Birnbaum conducted numerous campaigns for their protection, enlisting the aid of many Christian religious denominations. These efforts reached a high point when he organized and led a delegation of the Synagogue Council of America to meet with the Deputy Secretary of State and the Department's Human Rights Director, Warren Zimmermann, in September, 1985.

Mr. Birnbaum's vision was partially realized with Malcolm Hoenlein's Solidarity Rallies in New York, and, finally, by the great national rally in Washington on December 7, 1987 on the eve of Gorbachev's meeting with President Reagan.

Finally, in 1990, the Kremlin conceded and permitted a mass emigration which now totals two million (one million to Israel and one million elsewhere, mostly to the United States). This was no small accomplishment, and many people played a role in making it happen.

In addition to the courageous work of Mr. Birnbaum, tribute ought to be paid to the pioneers and the national organizations which fought so strenuously for the liberation of Soviet Jews.

The pioneers and the national organizations that Mr. Birnbaum asked me to publicly acknowledge for their support in this noble effort include:

Morris Abram, U.S. human rights commissioner; Dr. Moshe Decter, the scholar whose research fueled the early movement; Justice Arthur Goldberg; the distinguished theologian Rabbi Dr. Abraham J. Heschel; Senator Jacob Javits; NASA scientist Dr. Louis Rosenblum of the Cleveland Committee on Soviet Anti-Semitism; and Elie Wiesel, whose book "The Jews of Silence" was so influential.

Furthermore, Mr. Birnbaum recalls the important roles played by colleagues in the following national organizations:

Agudath Israel of America; Center for Russian Jewry with Student Struggle for Soviet Jewry, of which he is the founder and national director; Conference of Presidents of Major American Jewish organizations; Greater New York Conference on Soviet Jewry, whose founding director was Malcolm Hoenlein; International League for the Repatriation of Russian Jews, founding chairman Morris Brafman; Senator Jacob Javits; Nehemiah Levanon, Israel Liaison Bureau for Soviet Jewry; the Lubavitcher Hasidic movement; National Conference on Soviet Jewry; Honorable Richard Maass, founding chairman; National Community Relations Advisory Council; Union of Councils for Soviet Jews, founding chairman Dr. Louis Rosenblum; and Ambassador Dr. Meir Rosenne.

Following the collapse of the Soviet regime, Mr. Birnbaum spent a substantial part of the 1990s in combating anti-Semitic manifestations in former Soviet Central Asia, mostly in Uzbekistan, intervening via the State Department and enlisting Malcolm Hoenlein's aid in engaging the Uzbek Ambassador in Washington.

In his 80th year, Mr. Birnbaum continues to support groups engaged in the Jewish education of former Soviet Jews and their children.

For all of these reasons, the House of Representatives ought to honor the life and six decades of public service of Jacob Birnbaum and especially his commitment to freeing Soviet Jews from religious, cultural, and communal extinction. He is a true hero.

INTRODUCTION OF THE INTERNATIONAL WOMEN'S FREEDOM ACT OF 2006

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mrs. MALONEY. Mr. Speaker, today I introduce the International Women's Freedom Act of 2006. This legislation establishes an Office of International Women's Rights within the State Department headed by the appointed Ambassador at Large, and additionally, would create a United States Commission on International Women's Rights. The positive links between the empowerment of women and effective and sustainable development are very clear and this legislation would seek to protect women's rights by channeling U.S. security and development assistance to countries that are not found in gross violations of women's rights. According to the World Bank, when men and women are equal within a society, not only do the poor move more quickly out of poverty, but economies flourish and familial well-being is enhanced. I believe that all people, regardless of gender, should have the power to shape their lives and participate in their communities without the fear of oppression. When given the tools they need, such as education, access to employment, land, and economic assets, and the opportunity to contribute to civic life, women and girls improve their situation in society and have a positive impact on society as a whole. By annually reviewing the status of women's rights in each country and designating countries of particular concern, more succinct policy recommendations can be made to the President, the Secretary of State and the Congress.

In 1998, Congress created a Commission on International Religious Freedom, and the bill I am proposing today is modeled after it. According to news reports, the Commission on International Religious Freedom has made substantial progress towards expanding religious freedom in Saudi Arabia and Turkmenistan. We require the State Department to issue reports on battling international bribery, religious freedom, and narcotics control, among many others. Creating a report on the status of women's rights is vitally important to assuring the rights of women worldwide.

COMMEMORATING THE 275TH ANNIVERSARY OF PRINCE WILLIAM COUNTY, VIRGINIA

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to commemorate the 275th anniversary of Prince William County, Virginia.

Prince William County, Virginia, was created on March 25, 1731, from territory that had been part of Stafford County and King George County. It is named for Prince William Augustus, 1720–1765, Duke of Cumberland, and a son of King George II, who became Captain-General of the British Army.

In 1608, Captain John Smith and his party rode a barge along the Potomac River and stopped in Prince William County on their way from Jamestown. They were the first Europeans recorded in this area. Doeg Indians, Algonquin speakers, lived in villages along the Potomac. The Souian-speaking Manahoac people lived in the Piedmont region. By trading with the native tribes, Captain Smith and his men were able to obtain enough food to sustain themselves and the settlers they had left behind in Jamestown. Native American settlements disappeared from the county by the beginning of the 18th century.

The first English settlement in the Northern Neck of Virginia, the land between the Potomac and Rappahannock Rivers, took place about 1643 in what is now Northumberland County. The first land patent in what is now Prince William County was taken out in 1653 by Thomas Burbage. After successive divisions, Prince William County reached its current outer boundaries in 1759. Manassas and Manassas Park were established as independent cities in 1975.

Prince William County, located 20 miles southwest of the Nation's Capital, is a perfect place to live, work, play, and raise a family. With a desirable location, highly educated work force, nationally recognized schools, and pro-business environment, Prince William County has it all.

Prince William is the second largest county in the Commonwealth of Virginia. The Prince William school system is one of the finest in the Nation. It is the State's second largest school system, with Internet access in every classroom. Prince William County offers a highly educated workforce—with more than 50 percent of adults holding a college degree. The county is swiftly becoming a major source of northern Virginia's highly educated labor pool. Prince William County is the new center of business opportunity in Metropolitan Washington.

In 2006, Prince William County will host a year-long celebration with special events to honor this momentous anniversary.

Mr. Speaker, in closing, I would like to commend and congratulate the citizens of Prince William County on the occasion of their 275th anniversary. I call upon my colleagues to join me in celebrating the history of this great county, and in wishing for its continued prosperity.

PAYING TRIBUTE TO MICHAEL "MICK" GILLINS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Michael "Mick" Gillins for his exemplary service in the Las Vegas Metropolitan Police Department, LVMPD.

As a 19-year veteran of the Las Vegas Metro Police, Mick has a long history of admirable service and is a hero in the very essence of the word. In September, 1989, Mick arrested a suspect that had stolen military explosives that were intended to go to gang members. For this, Mick received a "Job Well Done" citation from the LVMPD. In January, 1992, Mick was nominated by the LVMPD for the American Legion Police Post #55 "Outstanding Officer of the Year" award; although he did not win this award, he was given a letter of Commendation from then Sheriff, John Moran.

Mick's dedication and service has affected countless lives; most noticeably on December 27, 1991 when he saved a drowning child's life by administering CPR. When Mick arrived on the scene, the child was clinically dead; but due to Mick's expertise the child was revived and suffered no brain damage. For his heroism, Mick received the "Exemplary Service Award" from the LVMPD, the "Life Saving Award" from Mercy Medical Services, and the "Community Service Award" from the Las Vegas Fire Department.

Recently, Mick was injured in the line of duty, On May 23, 2006, Mick was finishing up a traffic stop when he was struck by a car while sitting on his motorcycle. He sustained a broken left leg and two bulging disks in his lower back. The driver of the car that struck him was charged with driving under the influence, and toxicology reports indicated that she had more prescription drugs in her system than prescribed.

I also worked personally with Mick during my time as a Nevada State Senator. Mick spent a number of sessions at the Legislature for the LVMPD and the PPA, lobbying on behalf of his fellow officers.

Mr. Speaker, I am proud to honor Michael "Mick" Gillins. His commitment to the Las Vegas Metropolitan Police Department and to the Las Vegas Community has improved countless lives. I applaud his dedication and I wish him a speedy recovery.

PAYING TRIBUTE TO DANIELLE SHEEHAN

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to one of my constituents, Ms. Danielle Sheehan of Littleton, Colorado. Ms. Sheehan has been accepted to the People to People World Leadership Forum here in our Nation's Capitol. This year marks the 50th anniversary of the People to People program founded by President Eisenhower in 1956.

Ms. Sheehan has displayed academic excellence, community involvement and leadership potential. All students chosen for the program have been identified and nominated by educators.

Mr. Speaker, I would like to join in paying tribute to Danielle Sheehan, and wish her the best in all her future endeavors.

WHY CONGRESS SHOULD TAKE A CLOSER LOOK AT RUSSIA'S WTO ACCESSION PROCESS

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. ISSA. Mr. Speaker, as Congress leaves for the upcoming November elections, I would like to raise an issue that will gain more attention over the next few months—a U.S.-Russia bilateral agreement on Russia's membership in the World Trade Organization. As someone who is watching the U.S.-Russia WTO negotiations very closely with a keen interest in the outcome, I think it is important to acknowledge the obstacles that remain. While a successful U.S.-Russia WTO agreement can be imagined, the reality of the current situation is that both sides are still apart on key issues. I urge my colleagues to keep a watchful eye on these negotiations, which will have important consequences for U.S. industries, workers and consumers.

Some say Russia has made progress in its actions, commitments and negotiations with the United States over the past year. However, both countries were unable to meet the goal of concluding WTO talks at the July Group of Eight meeting in St. Petersburg, Russia. The new goal for the completion of negotiations is when Presidents Bush and Putin meet at the November 2006 Asia Pacific Economic Cooperation (APEC) forum in Vietnam.

The United States and the global community will ultimately benefit when Russia becomes a member of the World Trade Organization. Although Russia's economy in a developing stage in many respects, its economic progress since the end of the cold war and potential for growth are positive trends. The complete integration of Russia into the global economy is an important step that will help Russia and its trading partners. It will also help to support the continuation of positive U.S.-Russia relations.

However, at this stage, significant obstacles to Russia's WTO accession remain and must be addressed. Russia's behavior in a number of areas and its lack of concrete commitments on important issues is contrary to the spirit of free trade and the WTO and must be reversed. In essence, the WTO is a set of rules and commitments and a forum for dispute resolution, factors that make it fundamentally different than most international organizations with extended bureaucracies. In this manner, these rules and commitments must be honored if the WTO is to have any meaning whatsoever.

Russia is failing to uphold standards that many in the U.S., Europe and elsewhere believe are essential for WTO accession. The area of intellectual property is a prime example.

Due in large part to Russia's failure to enforce its anti-piracy and intellectual property protection laws, 421–2 of my House colleagues joined me in passing a resolution in December 2005 (H. Con. Res. 230) that called on Russia to provide adequate and effective protection of intellectual property rights, or it risk losing its eligibility to participate in the Generalized System of Preferences (GSP) program and to ensure that intellectual property is securely protected in law and in practice to demonstrate that it can meet international commitments like the WTO.

Earlier this year, House Ways and Means Chairman BILL THOMAS (R–CA) and Ranking Democratic Member CHARLES RANGEL (D–NY) as well as Senate Finance Committee Chairman CHARLES GRASSLEY (R–IA) and Ranking Member MAX BAUCUS (D–MT) co-signed a letter to President Bush stating that they will not support Permanent National Trade Relations for Russia unless Russia takes definitive action to address current issues.

In the energy sector, the Russian government's interference in the market and de facto renationalization of selected assets calls into question its commitment to free and fair trade. The Council on Foreign Relations, task force on Russia listed a number of disappointing trends in Russia's energy market, including "the revocation of longstanding Exxon Mobil licenses for the Sakhalin natural gas fields and the destruction of the Yukos Oil company as part of a reassertion of state control over the energy sector." The report also mentioned the cut off of natural gas supplies to Ukraine in response to its pro-western orientation. With U.S. oil and natural gas prices reaching record highs, it is very important that we develop a tough, but open, energy trade policy with Russia.

The United States remains concerned about access to the Russian banking, financial services and insurance markets, all of which are substantially restricted for foreign companies. The U.S. is advocating on the opening of bank branches, but Russia has repeatedly insisted that foreign banks be required to open a full subsidiary, not a branch, when entering Russia. In the insurance industry, Russia does not allow foreign insurance companies to underwrite and reinsure mandatory forms of insurance, including motor vehicles, health and government institutional insurance. Before Russia passed legislation in late 2003 to expand foreign ownership to 25 percent, the EU had considered the Russian insurance industry essentially closed.

According to the President's 2006 Trade Policy Agenda and 2005 Annual Report, the U.S. remains concerned about market access for poultry, pork and beef in the wake of a June 15, 2005 agreement with Russia. The issue of how the agreement is being implemented, specifically questions that a U.S. quota could be used by other countries, is currently under discussion.

The United States is currently in the midst of its bilateral negotiations with the Russian Federation to agree to Russia's membership and participation in the World Trade Organization. The United States is one of only a few nations remaining that must conclude a bilateral WTO agreement before Russia formally accedes to the WTO.

As this process continues, it is critical that Congress consider Russia beyond specific commercial issues and commitments on trade issues. Congress should consider that Russia's is regressing in its movement towards a more democratic society and free market economy because both issues have important ramifications for our trade relationship.

As a member of Congress who serves on the House Judiciary and International Relations Committees and Chairs the Energy and Resources subcommittee of the Government Reform Committee, I am engaged in the formulation of policy on intellectual property, U.S. foreign policy, and energy issues. Therefore, I see the U.S.-Russia trade relationship from a variety of perspectives. I also see the important relationship between market and democracy trends and Russia's WTO accession process.

I urge my colleagues to pay attention to these larger trends, some which are disturbing, as you consider Russia's progress on WTO negotiations with the United States and the eventual consideration of the Jackson-Vanik legislation and granting of PNTR to Russia. Russia must be held accountable under a WTO agreement that protects free and fair trade.

TRIBUTE TO HUMBOLDT VETERANS "WALL OF HONOR"

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. KNOLLENBERG. Mr. Speaker, I want to pay tribute today to one town's effort to remember all of its veterans from the Civil War to the current War on Terror. Remembering the brave men and women of our military is something we should all strive to do in some fashion.

Humboldt and Humboldt Township is a small community in north-central Illinois. Thirty-five miles south of Champagne and nine miles north of Mattoon, Humboldt and Humboldt Township revolve around agriculture and farming. The 1,300 people of Humboldt Township, including the 500 that live in the town of Humboldt, define the essence of hard-working Americans.

The citizens of Humboldt Township are embarking on a remarkable memorial to honor the men and women of our Armed Forces. Next month the "Wall of Honor" will be on display at the Humboldt Township building. This tribute will honor veterans from the Humboldt area dating back to the Civil War and continuing to the present day. There will be hundreds of pictures mounted on the walls and articles of interest will be displayed on tables.

While Humboldt may not be large, their contribution to the U.S. military has been great. Humboldt residents have served during times of peace and times of war. When needed, they have heeded the call of duty and traveled far from home to defend the United States. They have triumphed at Vicksburg during the Civil War, flown bombing missions over the Pacific in World War II, rescued fellow soldiers as the U.S. engaged in the Korean War, courageously served in Vietnam, liberated a country held hostage during the Gulf War, and fought in the War on Terror and Iraq.

Mr. Speaker, during this time when the military is so important to the United States, it is gratifying to see local communities make efforts to remember those that have dedicated their lives to protecting this nation. I congratulate the citizens of Humboldt and wish them the best.

HONORING FAIRFAX CITY'S VFW POST 8469

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to recognize the 60th anniversary of VFW Post 8469, and the veterans whose dedication and service to this country are a remarkable testament to the past and present character of America's servicemen.

On October 7, 2006, Fairfax City's VFW Post 8469 will celebrate its 60th anniversary. This Veterans of Foreign Wars Post includes members who have served their country in several foreign conflicts, including World War II, Korea, Vietnam, Desert Storm and most recently Iraqi Freedom. It is the history of this fine group of patriots that is celebrated. And history tells a tale.

Sixty years ago Fairfax was a bucolic little southern county. There were only two high schools. The Fairfax County Police Department had only six officers. Most of the young men who went off to war in the preceding 5 years knew each other, as did many of their families. They generally left for war at different times and typically served in different units, spread all over the globe.

These soldiers saved the world and then they returned to an America that had radically transformed in their absence; specifically, to a county poised on the verge of a period of unprecedented growth. The only thing that had changed more than their world was the soldiers themselves. The returning soldiers, in the words of Oliver Wendell Holmes, "[had] shared the incommunicable experience of war . . ." This theme, and the reality of their circumstance, helped to underscore the necessity for a place and a venue where the veterans could find comradeship, work for the common good of the community, their fellow veterans, the widows and orphans, and to remember their fallen.

Mr. Speaker, today VFW 8469 is blessed with the presence of four of the 108 charter members of our Post from October 1946. All members of VFW 8469 stand on the shoulders of these and other giants.

The Charter Members named VFW 8469 the "Blue and Gray Post", in honor of the area's famous 29th Infantry Division and in recognition of the healing power of a post-Civil War poem titled, The Blue and the Gray, by Francis Miles Finch. The first verse of which reads:

"By the flow of the inland river,
Whence the fleets of iron have fled, .[the Chesapeake Bay and Potomac River]
Where the blades of the grave-grass quiver,
Asleep are the ranks of the dead: [Arlington Cemetery]
Under the sod and the dew,
Waiting the judgment-day;
Under the one, the Blue,
Under the other, the Gray."

All Americans owe an unfathomable debt to our American soldiers who have taken up arms in defense of our lives and our freedom. As I ask my colleagues to join me in recognizing the 60th anniversary of VFW Post 8469, I believe it appropriate to conclude with the remarks of Floyd Houston, a member of VFW Post 8469.

"These young veterans need us as much as we need them. We must never forget our past—these giants who built what we have today and we must always keep faith with our values as we press into the future—support to veterans, their survivors, our community, and honoring our dead. May God continue to bless this Post, this county, this country, and may we never be at a loss for heroes such as these."

PAYING TRIBUTE TO JOHN RINALDI

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor my good friend John Rinaldi, who is retiring after a long and distinguished career with the City of Henderson, Nevada. John is an outstanding example of a dedicated and supportive community-minded person that I have the privilege of representing in the Third Congressional District.

John joined the City of Henderson in October 1989 as Property Manager and City Surveyor and was promoted in July 2004 to Manager of the Office of Property Management and Redevelopment in the City Manager's Office. He formerly directed the City of Henderson's real estate interests; administered the sale, purchase, and lease of property for public use and city-initiated enterprise projects; and oversaw the Redevelopment Agency's efforts in three separate districts: Downtown, Tuscany, and Cornerstone.

John graduated from California Polytechnic University, San Luis Obispo in 1976 with a Bachelor of Science degree in Horticulture—Landscape Design. John is a registered Water Rights Surveyor in Nevada and a licensed Professional Land Surveyor in Nevada, California, and Oregon. He is a published author of several articles on land surveying and an instructor, presenting papers at national conferences, classes and seminars.

In addition to his academic success and accomplishments, John is also a member of several organizations such as the Urban Land Institute, International Right-of-Way Association, American Public Works Association, American Congress on Surveying and Mapping, and the Nevada Association of Land Surveyors. John is also a graduate of the 1998 Clark County Leadership Forum.

John has allowed these experiences to strengthen his philosophies and ideologies of community, integrity, and professionalism to strengthen his moral code and leadership abilities. John is well regarded for possessing a strong moral character which has guided him successfully through his years of public service to our community. His commitment and passion for building a better Nevada reflects the type of person that he is.

Mr. Speaker, I am proud to honor my good friend John Rinaldi. He has worked tirelessly for the last 17 years on behalf of the residents of the City of Henderson, and I applaud his efforts and dedication. I wish him the best in his retirement.

PAYING TRIBUTE TO MAXWELL BAIN

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to one of my constituents, Mr. Maxwell Bain of Littleton, Colorado. Mr. Bain has been accepted to the People to People World Leadership Forum here in our nation's Capitol. This year marks the 50th anniversary of the People to People program founded by President Eisenhower in 1956.

Mr. Bain has displayed academic excellence, community involvement and leadership potential. All students chosen for the program have been identified and nominated by educators.

Mr. Speaker, I would like to join in paying tribute to Maxwell Bain, and wish him the best in all his future endeavors.

CONGRATULATIONS TO KATY ELEMENTARY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. PAUL. Mr. Speaker, Katy Elementary School, of the Katy Independent School District, is among the 26 Texas schools that have recently received the Department of Education's prestigious Blue Ribbon Schools award.

The No Child Left Behind-Blue Ribbon Schools Program recognizes outstanding public and private schools that are either academically superior or have demonstrated dramatic and consistent gains in student achievement. The Department of Education selects Blue Ribbon Schools based on nominations submitted by the states. My colleagues may be interested to know that every school nominated by Texas received a Blue Ribbon Schools award.

Schools can be nominated for a Blue Ribbon Schools Award if at least forty percent of their disadvantaged students show dramatic improvement over three years on state tests in reading or English language arts and mathematics. Schools whose student bodies rank in the top ten percent on state tests in reading or English language arts and mathematics may also be nominated for a Blue Ribbon Schools Award.

In addition to these two criteria, Blue Ribbon Schools must meet Adequate Yearly Progress requirements in reading or English language arts and mathematics, must not have been identified as a "Persistently Dangerous" school within the last two years, and must comply with other Department of Education requirements.

Katy Elementary's designation as Blue Ribbon Schools is a tribute to the schools' teachers, administrators, and other employees' dedication to providing students with a quality education. It also is a reflection of the students and parents' commitment to the pursuit of educational excellence. I am therefore pleased to offer my congratulations to Katy Elementary School for being one of the 26 Texas schools designated as Blue Ribbon Schools by the Department of Education.

INTRODUCTION OF THE PERSONALIZED HEALTH INFORMATION ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. KENNEDY of Rhode Island. Mr. Speaker, I'm proud today to introduce the Personalized Health Information Act, which I hope will be a step in helping us redesign America's health care system.

Our health care system today delivers some of the best care in the world, but can hardly be described as the best health care system. We spend more than 50% more on health care per capita than other industrialized nations, and yet our health outcomes are much worse. We all know the burden that health care costs are putting on America's families and businesses.

Many of us have extolled the potential of information technology to begin transforming health care. I.T. can unlock data that is trapped in paper, catch human errors, help providers deliver the latest evidence-based medicine, improve public health, reduce duplication and administrative costs, and provide new research capabilities. I.T. is by no means a silver bullet, but it is a tool that can be used to reorient health care, so that—finally—the system delivers the right care to the right people at the right time, as efficiently as possible.

I've introduced other bills on this subject, and House and Senate negotiators are currently trying to work out a compromise health I.T. bill, but this bill today is a new approach. Those other bills, mine and others', have generally focused on the challenges of putting technology in providers' hands and building the related infrastructure. That goal is critical, and we pursue it vigorously. But it also is long-term.

I believe that there are other, parallel steps we can take that can begin harnessing the power of technology to improve health outcomes and efficiency right now. And I think we can do so in a way that will begin changing the dynamics around health I.T. in a way that makes the longer-term goals more attainable.

Web-based, consumer-controlled patient health records, PHRs, have been recognized by many to have great potential. After all, a PHR that contains a person's basic demographics, insurance information, and a current medications list would be extremely valuable, even if it contained nothing else. That PHR would mean every provider would have important basic information at the point of care. It would cut down on medication errors, and streamline administration.

The problem is that while many organizations offer PHRs, few people actually use them. The Personalized Health Information Act is designed to jump-start the use of PHRs.

This bill seeks to use the doctor-patient relationship to make the PHRs of value to the patients. Right now, most individuals see PHRs as a lot of work with little benefit. If doctors begin using them with patients, however, the patients can get something out o them. So this bill will ask doctors to use PHRs to replace those dreaded clipboards when patients come to the office. If physicians do that, PHRs become more attractive. The patient can take ten minutes to put their information into a PHR, and use it with any doctor. If their doctors use them, the person will never have to fill out another clipboard again.

Even better, the PHR can be a communications channel between doctor and patient. The physician, or other entities like the person's health plan or the Centers for Disease Control and Prevention or the American Heart Association, can send messages to the patient. For example, the patient can receive a reminder that she is due for a mammogram, or her prescription needs to be refilled. If physicians are willing, many PHRs can be used to allow e-consults and online scheduling as well.

If we can bring a critical mass of consumers into PHRs, it could create a strong consumer demand for health I.T. that could dramatically accelerate adoption. And polls show that consumers do want the capabilities that PHRs provide. For example, a recent Wall Street Journal poll found that approximately three-quarters of respondents said in each case that they would like to be able to email their doctor, to schedule appointments online, to receive test results electronically, and to receive electronic reminders. Unfortunately, fewer than ten percent can do any of those things right now.

Once physicians begin tapping into this pent-up demand by offering to use PHRs, I believe large numbers of patients will enroll. And conversely, as patients begin using PHRs, they will want their physicians to do so as well. Banks initially paid customers to use ATMs, but now they compete on how many ATMs they have and the functionality of their online banking offerings. Similarly, once health care consumers begin seeing the convenience and benefits of information technology, providers will want to be able to meet that demand. In this way, widespread use of PHRs could help give providers the incentive to make the investments in electronic medical records and other information technologies.

PHRs carry the potential for significant health and efficiency gains by changing patient behavior. Research shows that when patients receive reminders and other messages, they better comply with prescriptions, preventive care, and other health care recommendations. When that happens, patient health improves, and it also brings financial benefits to health plans, purchasers, and pharmaceutical companies. Everyone wins.

The Personalized Health Information Act would tap the value-added of PHRs by creating a public-private PHR Incentive Fund to pay physicians and other providers an incentive of at least $2 for every patient with whom they use a PHR. The doctor simply needs to use the PHR in lieu of the clipboard, ensure that the patient's medications list is updated after the appointment, and use the PHR for communicating with the patient in appropriate circumstances. These requirements would be carried out by office staff and put minimal burden on doctors. Medicare would contribute $2 to the Fund for each beneficiar enrolled, and private plans, drug and device manufacturers, and other private parties could do the same.

To qualify physicians for the payment, PHRs will need to meet certain minimum standards. They need to be entirely in the control of the individual, and will have to guarantee the portability of the data, so that the individual can take the information at any time. They'll have to meet interoperability standards and privacy and security standards. The PHR will also need to be able to send patient-specific messages in appropriate situations. Partners in the Fund would be able to have messages sent to patients with whom they have relationships via the PHRs, with strong safeguards to ensure that the messages are independently verified to be objective, accurate, and relevant to the patient. Absolutely no marketing or solicitations would be permitted. The individual must have the right to opt out of these messages, either entirely or from particular sources, at any time. In addition, the bill creates a Consumer Protection Board to ensure that these standards are met.

By paying incentives to physicians from a public-private fund, the Personalized Health Information Act captures the value that PHRs can create while tapping the strongest force in health care: the doctor-patient relationship.

This bill is not a silver bullet, Mr. Speaker, and will not solve all of the challenges inherent in moving from a 20th century pen-and-paper system to a digital system for the 21st century. But it can inexpensively and quickly give millions of consumers and physicians a stake in that transition.

Before I close, I want to acknowledge the efforts of Dr. Edward Fotsch, who has done much to develop the ideas underlying this bill and has helped pull together feedback and input from physicians, consumer groups, payers, pharmaceutical companies, and others. I also need to express a debt of gratitude—again—to former Speaker Newt Gingrich and David Merritt at the Center for Health Transformation, who have been unlikely but terrific allies in the quest for, as Speaker Gingrich would say, a 21st century intelligent health system.

There are too many Americans who are being let down by a health care system that is unable to consistently and efficiently deliver the world-class care that it is capable of. I hope that this legislation will bring us one step closer to the health care system we need and deserve.

PUGHTOWN BAPTIST CHURCH 150TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Pughtown Baptist Church as it celebrates its 150th anniversary. In 1856, citizens from Spring City, Pennsylvania gathered at the banks of the French Creek to baptize six men and women, thereby officially forming the Pughtown Baptist Church. From that day forward, the Church has been in its original building at 780 Pughtown Road, South Coventry Township, Chester County, Pennsylvania.

The Church congregation is focused on preserving their history while expanding the community's knowledge of the Church to its neighbors. The Church holds an annual community picnic where members spend a day of fellowship and, additionally, this year the congregation reached out to the needy by sending a mission group to Ocean Spring, Mississippi, an area hit hard by last year's Hurricane Katrina.

Mr. Speaker, I ask that my colleagues join me today in honoring Pughtown Baptist Church as it celebrates its 150th anniversary. I am sure that this active and energetic congregation will continue to bring hope, faith, and aid to both Chester County communities and other communities in need for generations to come.

RECOGNIZING LOUIS COSTANTINO, SR.

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. TANNER. Mr. Speaker, I rise today to recognize a valued employee of the U.S. House of Representatives, Louis Costantino, Sr. This year marks his 26th year of service to the Capitol and the House of Representatives. Mr. Costantino was born in a house on New Jersey Avenue, just a couple of blocks from the Capitol and it has always been an integral part of his life. Growing up on Capitol Hill he has fond memories of playing in the halls of the Capitol as a child. There is no wonder that he grew up to be one of our Chamber's finest gate keepers.

For years he has taken up his post outside the main entrance to the chamber—"the same door the president comes in for his State of the Union address," he will quickly tell you. He first began his career with the House of Representatives in 1980 with the Office of the Doorkeeper and he currently works for the Sergeant at Arms. Mr. Costantino has the deepest respect and admiration for our institution and all of it Members. He truly loves his job and the people around him.

Mr. Costantino has been struggling with cancer for the last two years, and I am happy to report that he has won that struggle. His physician, Dr. Kressel, this week gave him the good news. This was what his wife Doris, his children Eydie, Lou and Amy, his first grandchild Bella and his friends everywhere had long waited for.

Mr. Speaker, I ask that we congratulate Mr. Costantino on his 26 years of service to the House of Representatives and that we wish him continued good health.

HONORING THE LIFE OF FRANK SUBLETT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. KIRK. Mr. Speaker, I want to honor a true hero and patriot who passed away on Wednesday evening, September 27th. A pioneer for African-Americans everywhere, Frank Sublett was one of 13 men who broke the Navy's color barrier in 1944. Dubbed the "Golden 13," these men bravely stood up in the face of racism in the Armed Forces and entered Naval Training Station Great Lakes, Illinois. In February 1944, Frank became one of the first 13 African-American commissioned naval officers. The Golden 13 scored higher on standard tests than their white counterparts and went on to serve with distinction and fight the Nazis in the Atlantic and the Japanese in the Pacific. Frank Sublett continued to serve until the war ended in 1945.

When I first met Frank I was inspired by his story. And when I learned that he and other members of the World War II Black Navy Veterans were raising money to build a memorial honoring African-American Navy veterans from World War II, I wanted to help. I am saddened that Frank Sublett will not be standing next to me when we dedicate the memorial in North Chicago on Veterans Day. I hope that this monument to the courage of Frank and his comrades in arms will inspire young people to dedicate themselves to public service, whether in the military or as a civilian.

I want to offer my condolences to the Sublett family, especially to Frank's wife, Susan. Frank will be missed, but the memory of the Golden 13 will live on.

RECOGNIZING MARUMSCO HILLS ELEMENTARY SCHOOL'S 40TH ANNIVERSARY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to pay tribute to Marumsco Hills Elementary School as it prepares to celebrate its 40th anniversary.

In the late 1950s and early 1960s the Woodbridge area was starting its suburban growth. Most of the land surrounding the school was developed by Cecil D. Hylton. His major projects included Marumsco Village (1954), Loch Lomond (1958), Westgate (1961), Marumsco Acres (1961), Marumsco Hills (1961), Marumsco Woods (1962), and Dale City (1965).

In June 1963, the citizens of Prince William County approved a bond proposal for $7,000,000 for school construction. In April 1964, Cecil D. Hylton and his wife Irene deeded 12 acres in Section 2 of the Marumsco Hills subdivision to Prince William County Schools. Marumsco Hills Elementary School was constructed by the Whythe Construction Company in 1964 for a contract price of $442,631.67.

The school was designed by architect Earl Bailey. This particular plan was called the Bailey plan and was in a barbell design with circular pods on either end of a rectangular section. Eight other schools in the county were constructed in the same design. The classrooms surrounded an open court with each room opening onto the court.

It was first occupied by pupils for a full day of school on November 25, 1964. The dedication ceremony was held a year later on December 14, 1965. Dedication speakers included Stuart Beville, the Superintendent of Prince William County Schools. The school address at that time was 1005 Page Street. In 1966 a six-room addition was constructed, which now houses first grade and kindergarten classrooms. In 1984, the pods were enclosed, creating 5 new rooms. In 2005 another two-rooms were added to the previous addition.

The school originally housed 1st through 6th grade students. In 1966, the county school system made major changes, moving 6th graders to the middle school level. In 1973 kindergartners were added to the elementary schools. In the 1974–1975 school year, 720 students were enrolled here. That year there were 74 kindergartners and 193 fifth graders. Today Marumsco Hills Elementary School currently has 406 students.

Since its establishment in 1966, Marumsco Hills Elementary School has committed itself to lofty standards of academic and extracurricular excellence. Over the years, as the Prince William area has expanded and diversified, Marumsco Hills Elementary School has followed the community's example.

Mr. Speaker, in closing, I would like to thank Marumsco Hills Elementary School faculty and staff for the immeasurable contributions they have made to the community by shaping today's youth and tomorrow's future. I congratulate the school on its successes over the last 40 years and I wish it more successful years in the future. I ask that my colleagues join me in applauding this outstanding and distinguished institution.

PAYING TRIBUTE TO EXPEDIA.COM

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Expedia.com, the world's number one online travel provider, for their business and service contributions to the tourism and travel industry.

Expedia delivers consumers everything they need for researching, planning, and purchasing a whole trip. The company provides direct access to one of the broadest selections of travel products and services through its North American Web site, localized versions throughout Europe, and extensive partnerships in Asia. Serving many different consumer segments—from families booking a summer vacation to individuals arranging a quick weekend getaway, Expedia provides travelers with the ability to research, plan, and book their comprehensive travel needs. Expedia-branded Web sites feature airline tickets, hotel reservations, car rental, cruises, and many other in-destination services from a broad selection of partners.

Expedia.com provides more than 25 million travelers per month the opportunity to research, plan and book their own travel accommodations. Travel opens our minds and hearts to different cultures, places and people. As Mark Twain wrote: "Travel is fatal to prejudice, bigotry, and narrow-mindedness, and many of our people need it solely on these accounts. Broad, wholesome, charitable views of men and things cannot be acquired by vegetating in one corner of the earth all one's lifetime."

In this Nation, travel and tourism is vital to our health and well-being as a strong and vibrant economy. It is the 1st, 2nd or 3rd largest employer in 29 states and Washington, DC, thereby creating 7.3 million travel-generated jobs. October 23, 2006 marks the 10-year anniversary of Expedia.com, an innovative online travel company which maintains significant operations centers in Las Vegas with over 300 employees; I congratulate Expedia.com as one of the world's leading online travel providers with 25 million visitors to its site monthly and for its efforts to broaden this exciting, valuable industry.

Mr. Speaker, I am proud to honor Expedia.com. Over the past decade, Expedia.com has made significant contributions to the travel and tourism industry, the economy of my state, and the overall travel experience.

PAYING TRIBUTE TO MICHAEL TANTILLO

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to one of my constituents, Mr. Michael Tantillo of Highlands Ranch, Colorado. Mr. Tantillo has been accepted to the People to People World Leadership Forum here in our Nation's Capitol. This year marks the 50th anniversary of the People to People program founded by President Eisenhower in 1956.

Mr. Tantillo has displayed academic excellence, community involvement and leadership potential. All students chosen for the program have been identified and nominated by educators.

Mr. Speaker, I would like to join in paying tribute to Michael Tantillo, and wish him the best in all his future endeavors.

SALUTING THE NATION'S TOP BLACK COLLEGE RADIO STATION: FISK UNIVERSITY'S WFSK-FM

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. COOPER. Mr. Speaker, I rise today to congratulate a very special organization in my hometown of Nashville, WFSK–FM, the radio station of Fisk University. Fisk is recognized nationwide for its outstanding academic programs as well as the world-famous Fisk Jubilee Singers—a group we recently honored here in Congress with the introduction of a special Congressional Resolution. Now, Fisk is also celebrating another outstanding accomplishment. WFSK–FM was just named the Nation's top black college radio station in the annual awards from Black Press Magazine and the Historical Black Press Foundation.

WFSK–FM broadcasts from its home on the campus of Fisk, but it informs and entertains a growing audience throughout the Middle Tennessee area. On air since 1973, WFSK has long been recognized for its diverse and innovative programming. The current format reflects the diversity and interests of the greater Nashville area. Music programs showcase smooth jazz classics, reggae, Haitian, African and gospel, as well as vintage funk and soul recordings. Public affairs programming includes in-depth news reporting, talk shows that focus on issues of concern to the community, and features on art and culture events. According to Sharon Kay, General Manager at WFSK for the past year, the station prides itself on offering the community "an opportunity to hear shows and events from a cultural perspective and viewpoint that is unique in this marketplace."

On October 6, WFSK will kick off a major fund-raising effort with a non-stop, 48-hour on-air celebration of their heritage and their commitment to future growth. Under Sharon Kay's direction, WFSK is undertaking a major renovation and expansion, with plans for a new transmitter and new antennae, as well as upgraded digital equipment. I am honored to be joining the entire team at WFSK, as well as other community leaders and music professionals, for this important event.

WFSK is a powerful and important voice in Nashville. I am proud to salute them on their latest achievement, being named the Nation's top black college radio station. And I wish them continued success with their upcoming fundraising event and in the years to come as they expand their presence in our community.

INTRODUCTION OF LEGISLATION REPEALING TWO UNCONSTITUTIONAL AND PATERNALISTIC FEDERAL FINANCIAL REGULATIONS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. PAUL. Mr. Speaker, I am pleased to introduce legislation repealing 2 unconstitutional and paternalistic federal financial regulations. First, this legislation repeals a federal regulation that limits the number of withdrawals someone can make from a savings account in a month's time without being assessed financial penalties. As hard as it is to believe, the Federal Government actually forces banks to punish people for accessing their own savings too many times in a month. This bill also repeals a regulation that requires bank customers to receive a written monthly financial statement from their banks, regardless of whether the customer wants such a communication.

These regulations exceed Congress's constitutional powers and violate individual property and contract rights. Furthermore, these regulations insult Americans by treating them as children who are unable to manage their own affairs without federal control. I urge my colleagues to show their respect for the Constitution and the American people by cosponsoring this legislation.

HONORING REV. WAITSTILL AND MARTHA SHARP FOR SAVING LIVES DURING THE HOLOCAUST

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. McGOVERN. Mr. Speaker, it is my honor to introduce legislation today paying tribute to the Reverend Waitstill and Martha Sharp, the couple who fought genocide.

On September 14, 2006, a ceremony was held at the U.S. Holocaust Museum in Washington, D.C. honoring the Reverend Waitstill Sharp and his wife, Martha, as they became the second and third Americans to be added to the honor roll of 21,000 "righteous" gentiles, or non-Jews, whose efforts saved countless lives during the Holocaust.

Also, on September 14, the Washington Post wrote an article about the Sharps, calling them "The Couple Who Fought Genocide," and I would like to share with my colleagues excerpts from that article:

> As the Nazis marched across Europe in 1939 and 1940, a Unitarian minister from Massachusetts and his wife rushed into the coming Holocaust to save Jews and other refugees, including scores of children. When they set out for Europe in January 1939, Germany had seized the Sudetenland from Czechoslovakia and refugees were flowing across the continent. The American Unitarian Association asked numerous ministers to go to Europe before Waitstill, 37, and his social worker wife, Martha, 33, agreed.
>
> Prague, Czechoslovakia was home to one of the world's largest Unitarian congregations, which was helping refugees of all stripes—Jews, trade unionists, political dissenters, and others. The Sharps arrived to lend a hand in February 1939, and one month later, the city was occupied by the Nazis.
>
> On March 15, 1939, the day the Germans took Prague, Martha Sharp guided an anti-Nazi leader to asylum at the British Embassy. A few days later, the Reverence Waitstill Sharp arranged for a member of the Czech parliament to be smuggled out of a hospital morgue in a body bag. The Nazis soon closed the Sharps' office and threw their furniture into the street. But the couple stayed another five months and got out just ahead of the Gestapo.
>
> On their second foray to Europe, in mid-1940, they worked in Marseilles, France and helped smuggle people across the Pyrenees into neutral Portugal. One of their close collaborators was Varian Fry, a 32-year-old New York editor who devoted himself to saving European intellectuals and was the first U.S. citizen placed by Yad Vashem on its "Righteous Among the Nations" honor roll, which includes Oskar Schindler and Raoul Wallenberg.
>
> Since the Sharps burned most of their records to keep them out of Nazi hands, no one knows how many lives they saved. Their grandson, Artemis Joukowsky III of Boston, estimates they helped 3,500 refugees in Prague, though it is unclear how many survived. In Marseilles, they pioneered routes that hundreds used to escape.
>
> Marianne Sheckler-Feder of Laguna Hills, California, has a fuzzy but enduring memory of Martha Sharp, reinforced by a fading black-and-white photograph taken on a sun-dappled street in the French port of Marseilles. "I remember a figure, she was a very, very elegant lady. Kind of serious and very concerned. You looked up to her, she demanded respect," said Sheckler-Feder, now 79.
>
> Thousands of refugees from across Europe had flocked to Marseilles in hopes of gaining passage abroad, only to be interned in work camps when France surrendered to Germany in 1940 and the Nazis set up a collaborationist government in Vichy. Sheckler-Feder was 12. She was one of three Jewish sisters, nearly identical triplets who had fled with their parents from Vienna, a bare step ahead of the Nazis.
>
> Marseilles was the end of the road, the end of hope—until they met Martha Sharp. She pestered Vichy officials to issue exit visas for 29 children, including nine Jews. With almost as much difficulty, she persuaded the State Department, which was rife with anti-Semitism, to let the children and 10 adults into the United States.
>
> Sheckler-Feder and her sisters traveled by train to Lisbon and sailed in December 1940

> aboard the *Excambion*, a ship stripped of all furnishings except sleeping bags, blankets and pillows to accommodate as many passengers as possible. Their parents eventually followed.
>
> Sheckler-Feder has no doubt that were it not for Martha Sharp, her family would have perished: "What she did is outstanding, it will never be forgotten."

Mr. Speaker, this bill is the House companion to S. Res. 562, which was introduced in the Senate by Senators CHAFEE, REED, KENNEDY and KERRY. I am very proud to introduce this bill with the esteemed ranking member of the House International Relations Committee, Congressman TOM LANTOS, and the other House members of the U.S. Holocaust Memorial Council, Representatives CANNON (UT), CANTOR (VA), LATOURETTE (OH) and WAXMAN (CA), along with the Members of the House congressional delegations representing Rhode Island and Massachusetts.

I urge all my colleagues to cosponsor this resolution paying tribute to this courageous husband and wife team and to pass this legislation in the coming weeks before the 109th Congress permanently adjourns.

INTRODUCTION OF NATIONAL PLAN YOUR VACATION DAY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. PORTER. Mr. Speaker, I am pleased to submit a resolution that would support the goals and ideas of a National Plan Your Vacation Day.

I have introduced this resolution today because I believe that vacations play an important roll in creating a lifetime of memories that may be shared between individuals, friends, and families. Furthermore, travel opens our minds and hearts to different cultures, places and people. As Mark Twain wrote: "Travel is fatal to prejudice, bigotry, and narrow-mindedness, and many of our people need it solely on these accounts. Broad, wholesome, charitable views of men and things cannot be acquired by vegetating in one corner of the earth all one's lifetime."

Travel is vital to our health and well-being as a strong and vibrant economy. The southern Nevada area is one of the top American and international tourist destinations. The city of Las Vegas has earned a reputation as the convention capital of the world. In 2005, the city hosted 22,154 conventions, attended by some 6.2 million people. In fact, two-thirds of every dollar spent in the State of Nevada is a product of the tourism industry.

With the advancements in technology, making travel arrangements to visit Las Vegas or other destinations has never been easier. In fact, in this new broadband world, where businesses need not be built on brick and mortar, we have seen a transformation and evolution to online commerce. For example, October 23, 2006 marks the 10-year anniversary of Expedia.com, an innovative online travel company which maintains significant operations centers in Las Vegas with over 300 employees; I congratulate Expedia.com as one of the world's leading online travel providers with 25 million visitors to its site monthly and for its efforts to broaden this exciting, valuable industry.

Congress should encourage American workers to benefit from their hard work by taking time to travel and creating memories that will last a lifetime. It is for these reasons that I take great pleasure in asking my colleagues to join me in supporting the goals and ideas of a National Plan Your Vacation Day.

PAYING TRIBUTE TO MARCUS MORABITO

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to one of my constituents, Mr. Marcus Morabito of Littleton, CO. Mr. Morabito has been accepted to the People to People World Leadership Forum here in our Nation's Capitol. This year marks the 50th anniversary of the People to People program founded by President Eisenhower in 1956.

Mr. Morabito has displayed academic excellence, community involvement and leadership potential. All students chosen for the program have been identified and nominated by educators.

Mr. Speaker, I would like to join in paying tribute to Marcus Morabito, and wish him the best in all his future endeavors.

THE LEGION OF DOOM

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. POE. Mr. Speaker, this week Seven-Eleven stores are telling CITGO to hit the road. Now, Hugo Chavez has no one to thank but himself.

CITGO is owned by his Venezuelan government and after last week, when Chavez called President Bush the devil and an alcoholic then railed on capitalism, Seven-Eleven revealed it was choosing to use American gasoline distributors. It's a good lesson in that thing we like to call capitalism.

Whether Seven-Eleven's decision is business or political, I am happy that they made it. Americans are sick and tired of foreign regimes, their tirades, and their threats at the U.N. and around the world.

President Bush, long ago, targeted his Axis of Evil. An axis broken when U.S. soldiers pulled Saddam Hussein out of his hole in the ground, deep in Iraq. However, these recent fist banging rants have made it all too clear that we face more than just 3 enemies around the world. We are facing an entire "Legion of Doom."

Their caustic club is headed by the forked tongue Chavez. He's a man who only recently had his most memorable international tantrum, filled with slurs, lies and outbursts about the U.S.

The former leader of the Legion of Doom, Fidel Castro, has health problems as severe as his country's economic issues. After decades of bad policies, he still manages to throw stones at the U.S. while his people are starving on Cuban streets. Now he's recruited Chavez to finish his dirty work.

The legion under Chavez's leadership counts among its members: Mahmoud Ahmadinejad of Iran, Kim Jong Il of North Korea, and their instigating intern, the drug smuggling Evo Morales of Bolivia. He's the world leader who brought a coca leaf to the U.N. to extol the virtues of the cocaine plant and run down the U.S. for our anti-drug policies. Perhaps his drug smuggling act was all in the hope that his stunts will someday allow him to be a big boy member of the legion.

These new younger Legion of Doom members have nuclear ambitions on their mind. Take for instance Kim Jung Il of North Korea. After feuding for years over nuclear power to supposedly improve the lives of his people, he finally just decided to take matters into his own hands. He got down to the nuclear business he really wanted—making missiles. Apparently that will help his ailing countrymen more than hot water or electricity.

Just to prove he'd been diligently developing Missiles, he waited until July 4th of this year to test their range. They came up short, instead of flying high they fell into the Sea of Japan. No one is sure if he was attempting to threaten the U.S., Japan or South Korea, or just show how many missiles he has.

That series of missile launches then prompted another member of the Legion of doom to test the boundaries too. Now Iran's President Mahmoud Ahmadinejad is demanding the same so-called civil nuclear program. He insists he is not trying to make nuclear bombs, but nuclear power.

Just like Kim Jong Il, no one believes him. His lack of credibility could be due in part to the way he's freely discussed his wish to wipe Israel off the face of the planet and his denial that the holocaust ever happened. This is the same man who is accused of holding U.S. soldiers hostage after taking over the U.S. Embassy in Tehran in 1979. He's also accused of supplying Iraq with the IEDs that kill American soldiers everyday.

As if all of that wasn't enough, he also ensures his country gives tens of millions of dollars a year to Hezbollah. That's the terrorist group that killed more Americans than any other before 9/11. Other signs of his intentions came from a recent interview where Iran's leader didn't deny having suicide bombers ready to strike the U.S. and Britain.

His speech last week was that of a terrorist. That's what he and fellow members of the Legion of Doom are all about. They are committed to terrorizing those who want to be free, those who want democracy and those who wish to crush the very tyranny these men rely on.

Make no mistake, when we are fighting a war on terror, we're fighting members of the Legion of Doom. That is just the way it is.

A TOTAL FORCE GI BILL FOR THE 21ST CENTURY

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. FILNER. Mr. Speaker, today I urge my colleagues' support of legislation that has been introduced to enhance, improve and modernize veterans' education and training programs. Specifically, I am proud to be an original co-sponsor of H.R. 6250, a bill introduced by Dr. VIC SNYDER of Arkansas, a member of the House Veterans' Affairs Committee.

Nearly 62 years have passed since congressional enactment of the "Servicemen's Readjustment Act of 1944", commonly known as the "GI Bill of Rights", by all accounts a landmark legislative accomplishment. Last year marked the 20th anniversary of the implementation of the "Montgomery GI Bill" (MGIB), another critically important legislative measure which has been credited for the creation of the middle class in America.

Now, the time has come to develop a "Total Force GI Bill for the 21st Century." For education and training benefits to remain a relevant recruitment, retention and readjustment tool, we must ensure that VA's education and training programs reflect the current manner in which individuals earn and learn in today's competitive marketplace.

A "Total Force GI Bill" must also reflect today's military force structure. Clearly, we all recognize the total force policy of our military includes increased activation of the National Guard and Reserve forces. Like no other time in our history have citizen-soldiers sacrificed so much and served with such distinction as they currently do in Iraq and Afghanistan. Since September 11, 2001, nearly 500,000 National Guard and Reservists have been activated, and approximately 40 percent of the troops currently serving in Iraq and Afghanistan are citizen-soldiers. These patriots have earned and deserve high quality education and training benefits, to be used even after they separate from military service. The "Total Force GI Bill" proposal would organize all MGIB programs within a single area of Federal law and under the jurisdiction of the Department of Veterans Affairs (VA). It would allow members of the National Guard and Reserves to use their education benefits after they separate from military service, for up to a period of 10 years.

I want to work in a bipartisan fashion to improve and modernize the MGIB so that it better reflects current trends in education and vocational training programs. The VA's Advisory Committee on Education and the Partnership for Veterans Education—a group made up of traditional veterans and military service organizations, as well as higher education advocates, all have endorsed the provisions of H.R. 6250. I believe this legislative proposal deserves careful consideration, and I pledge to work to pass the funding needed to support these improvements.

PAYING TRIBUTE TO ANDREW WATSON

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to one of my constituents, Mr. Andrew Watson of Larkspur, Colorado. Mr. Watson has been accepted to the People to People World Leadership Forum here in our nation's Capitol. This year marks the 50th anniversary of the People to People program founded by President Eisenhower in 1956.

Mr. Watson has displayed academic excellence, community involvement and leadership potential. All students chosen for the program have been identified and nominated by educators.

Mr. Speaker, I would like to join in paying tribute to Andrew Watson, and wish him the best in all his future endeavors.

TRIBUTE TO MARILYN IVERSON

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. MCHUGH. Mr. Speaker, today I rise to pay tribute to Marilyn Iverson, the Chief Operating Officer of the Army and Air Force Exchange Service (AAFES). She is retiring after more than 34 years of service to our men and women in uniform. Ms. Iverson has been an exceptional leader and has played a key role in lifting AAFES to new levels of excellence in providing service members and their families with quality products and services. I am proud to honor Ms. Iverson for her superb accomplishments and outstanding service to Army and Air Force military communities around the globe.

Marilyn Iverson began her career with AAFES in May 1971 and held many positions before becoming the Chief Operating Officer (COO) in 2002. During fiscal year 2005, AAFES revenues reached $8.7 billion worldwide and are expected to exceed $9 billion during fiscal year 2006. During her tenure AAFES generated more than $793 million in direct support for the Morale, Welfare, and Recreation programs that are so highly valued by military members and so critical to combat readiness.

After a number of visits to Iraq and Afghanistan and other locations where U.S. forces are deployed, I have been most impressed with her efforts to provide unparalleled support to our deployed military with operations at 120 exchange facilities in 13 countries including many austere and hazardous locations. Under her leadership, AAFES also achieved a steady growth in sales, invested in a record 93 major construction projects on military installations, and developed a program to hire and develop a more diverse workforce.

Our men and women in uniform have benefited from Ms. Iverson's unfailing work ethic, outstanding professionalism, and superb leadership. Her efforts have enabled our military leaders to provide essential quality of life programs and service to our deployed soldiers and the families they leave behind. On behalf of my colleagues, I thank her for her service to our country and wish her well in retirement.

TRIBUTE TO MARY JEAN DUCKETT

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. DEAL of Georgia. Mr. Speaker, I rise today to pay tribute to Ms. Mary Jean Duckett.

Ms. Duckett served as the Deputy Director of the Disabled and Elderly Health Programs Group (DEHPG) within the Center for Medicaid and State Operations at the Centers for Medicare and Medicaid Services (CMS) and retired on March 3, 2006 after 39 years of distinguished Federal service. More than half of her career was dedicated to the Medicaid program at CMS, and I rise in honor of her service.

Ms. Duckett served as a champion for people with disabilities and long-term illness to live meaningful lives in the community. She worked tirelessly to ensure Medicaid beneficiaries received effective and high quality services. Most recently, her skillful and seasoned insight was of great assistance to the Energy and Commerce Committee during the development of home and community-based care legislation, including the Money Follows the Person Rebalancing Demonstration that was passed as part of the Deficit Reduction Act of 2005. Ms. Duckett can be proud that her work on this legislation will have a significant impact on the lives of many people with disabilities and enable them to live and work in the community.

Ms. Duckett started her career in the Social Security Administration working the graveyard shift as a secretary so she could attend college full-time during the day. She received her Bachelor of Science degree in Sociology and then went on to earn a Master's degree in Social Policy while still working full-time and raising two children with her husband. Using this education and her experience, she worked her way up into the CMS management team as the Director of the Division of Benefits Coverage and Payment in DEHPG within the Center for Medicaid and State Operations and eventually became the DEHPG Deputy Director. She provided national leadership in increasing care options for individuals with disabilities by assisting states and others stakeholders in designing financially sound Medicaid programs that emphasize long-term services and supports that foster choice and opportunity for full participation in community life, including independent living, economic self-sufficiency and recovery for individuals of all ages.

Ms. Duckett served as a pioneer in helping states provide alternatives to institutional settings. She is part of the foundation upon which the home—and community-based service (HCBS) program in CMS has been built. The HCBS program was created in 1981, and she contributed to the development, approval, and implementation of each of the approximately

290 home and community based programs operating throughout all 50 states today. The wealth of knowledge she developed will continue to benefit individuals with disabilities and long-term illnesses across the country every day.

Ms. Duckett's expertise was invaluable and extensive, and her commitment to serving individuals with disabilities and long-term illness served as a model for people that worked for her. She provided an infallible sense of public service, and she always put other people first. Her contributions will be carried on as further steps are taken towards improving or maintaining the ability of individuals to contribute to society in a setting of their choice, averting deterioration in individuals' functional status, and reducing the likelihood that individuals with disability and the elderly will need institutional care.

On behalf of the million plus people living in the community of their choosing instead of an institution, who may never know who she is, or how directly and fundamentally her work impacted them, I sincerely hope that you will join me in recognizing and thanking Mary Jean Duckett for her dedication and service to the Federal Government, and in wishing her the best in her retirement.

PERSONAL EXPLANATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. TERRY. Mr. Speaker, on September 28, I inadvertently voted "no" on rollcall 503, the Ryan White HIV/AIDS Treatment Modernization Act. Please let the record reflect that I enter an "aye" vote on this rollcall.

PAYING TRIBUTE TO KELIIHOALANI MITCHELL

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to one of my constituents, Ms. Keliihoalani Mitchell of Aurora, CO. Ms. Mitchell has been accepted to the People to People World Leadership Forum here in our Nation's Capitol. This year marks the 50th anniversary of the People to People program founded by President Eisenhower in 1956.

Ms. Mitchell has displayed academic excellence, community involvement and leadership potential. All students chosen for the program have been identified and nominated by educators.

Mr. Speaker, I would like to join in paying tribute to Keliihoalani Mitchell, and wish her the best in all her future endeavors.

THE R.S. 2477 RIGHTS-OF-WAY RECOGNITION ACT

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. PEARCE. Mr. Speaker, I rise today to introduce "The R.S. 2477 Rights-of-Way Recognition Act." I am introducing this legislation to advance the dialogue on an issue very important to my constituents and many other stakeholders, particularly in the western United States.

R.S. 2477 Rights-of-Way were originally granted by the 1866 Mining Law. However, in 1976 with the passage of the Federal Land Policy and Management Act or FLPMA, the R.S. 2477 statute was repealed while grandfathering in existing claims. Since the passage the FLPMA and its repeal of R.S. 2477, a long-standing dispute regarding these grandfathered claims has persisted with the validity of these rights-of-way remaining in doubt.

The purpose of my bill is to remove this cloud, once and for all, by declaring that State and local governments hold valid rights-of-way for all public roads that were documented on government maps and photographs at the time the FLPMA's grandfather clause was enacted.

Everyone must clearly understand the scope of this legislation. It does not establish new claims or to provide a method by which any party may to build roads or improvements on claims not valid under FLPMA. Instead, this legislation intends to reaffirm the rights and responsibilities of State and local governments to the rights-of-way that Congress intended they retain when passing FLPMA.

Thus, any attempt to construe this legislation as an endeavor to create a system of superhighways through public lands is just plain wrong. This bill draws from the landmark decision by the United States Court of Appeals for the Tenth Circuit concerning the nature of an R.S. 2477 right of way, the meaning of unreserved federal land for R.S. 2477 purposes, and the principles governing the creation, nature, extent, use and maintenance of R.S. 2477 public roads.

Supporters of this legislation should keep in mind that the bill I am introducing today is not the conclusive end this controversy. Today's introduction marks the start of a dialogue that I hope leads to a comprehensive solution and eventually a victory for all the stakeholders; a victory that protects our public lands, the rights of property owners, and the legitimate interests of Federal, State, and local governments.

As we close the 109th Congress, let us each strive to work together to solve some of our most divisive public lands issues. Doing so requires engaging all parties through dialogue, creativity and persistence so that we may find common sense solutions that will meet the needs of the American public.

OCTOBER 3RD PROCLAIMED "SCIENCE DAY"

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mrs. EMERSON. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the important role science plays in our society. Today, October 3, has been proclaimed "Science Day" by Missouri Governor Matt Blunt along with various mayors throughout southern Missouri.

"Science Day" is important because American innovation depends upon a strong foundation in the sciences. Statistics indicate the United States is falling behind other nations in science education. Japan, China, and South Korea produce more engineering graduates than the United States. Twenty years ago, the United States, Japan, and China each graduated a similar number of engineers. South Korea at the time graduated roughly half as many engineering graduates. By the year 2000, China increased engineering graduates by 161 percent, Japan effected a 42 percent increase and South Korea increased graduates by more than 140 percent. Meanwhile, the number of U.S. engineering graduates declined 20 percent. If this trend continues, by 2010 more than 90 percent of all scientists and engineers in the world will live in Asia.

Science and technology-related employers continue searching overseas to find qualified engineers and scientists because our Nation is simply not producing enough graduates in the engineering and science disciplines. "Science Day" aims to bring attention to this problem and encourage action among parents, teachers and community members.

Science not only offers economic and advancement opportunity, it is also fun and exciting. Inside and outside the classroom, science offers an awe-inspiring window into the origins, workings and future of our physical world. By engaging students in this intriguing subject, parents and teachers foster exploration and enable them to reach their academic potential.

I commend this effort to raise awareness of the importance of science educators. I want to thank the staff at KFVS News for their efforts in promoting the recognition of "Science Day." By partnering with educators and community leaders, KFVS News has organized events and competitions designed to challenge students and emphasize the importance of science. On "Science Day," I join Missouri's community leaders in challenging our Nation's parents, guardians, grandparents, and other family members to do a simple science experiment with their children, to honor science teachers in their community and to recognize scientific contributions and their important roles in the future of our country.

HISPANIC HERITAGE MONTH STATEMENT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. LEE. Mr. Speaker, I rise today in recognition of the month-long celebration of Hispanic Heritage Month.

During Hispanic Heritage Month, we pay tribute to the Hispanic community and to the important contributions Hispanics make to America. Today the Hispanic-American community numbers some 43 million, is the fastest growing ethnic group in our country, and plays a vital part in our nation's economy, culture, and politics.

That's why I'm so proud in Congress to be a member of both the Hispanic Working Group organized by Democratic Leader Nancy Pelosi, and of the Tri-Caucus, which is the collection of the Congressional Hispanic Caucus, Congressional Black Caucus, and the Asian Pacific American Caucus that advocate for the Latino community.

Mr. Speaker, I am privileged to represent a thriving and accomplished Latino community in the 9th Congressional District of California, where the contributions of Latino members of the community are stronger than ever.

For example, throughout the past 37 years, the Spanish Speaking Citizens' Foundation has empowered our community and improved the quality of life for many through an enormous range of services. Each year the foundation assists 12,000 members of the community through providing vital social services as well as enhancing opportunities for leadership development and civic participation.

Jovita Solis, the foundation's Citizenship Coordinator, came to the United States when she was quite young and has made a tremendous difference in our community. Jovita routinely volunteers her time at numerous community events to encourage and assist many permanent residents to become naturalized citizens. Jovita has an indomitable spirit that was tested when her brother was murdered only 3 years ago. Jovita came out of her brother's death with a purpose to make our community safer and to help our youths turn away from violence and crime. Jovita has spearheaded many youth initiatives to help our young people stay in school and encourage their pursuits in the arts and sports.

Another community leader creating a better world is Arnoldo Garcia. Arnoldo is the Enforcement and Justice Program Coordinator at the National Network for Immigrant and Refugee Rights (NNIRR), based in Oakland, California.

The NNIRR is a national organization that serves as a forum to share information and analysis, to educate communities and the general public, and to develop and coordinate plans of action on important immigrant and refugee issues.

Arnoldo works to promote a just immigration and refugee policy in the United States and to defend and expand the rights of all immigrants and refugees, regardless of immigration status. Arnoldo and the National Network bases their efforts in the principles of equality and justice, and seek the enfranchisement of all immigrant and refugee communities in the United States through organizing and advocating for their full labor, environmental, civil and human rights. Arnoldo recognizes the unparalleled change in global, political and economic structures which has exacerbated regional, national and international patterns of migration, and emphasizes the need to build international support and cooperation to strengthen the rights, welfare and safety of migrants and refugees.

Mr. Speaker, Individuals in my district are the motivating force behind the remarkable organizations that promote civic engagement among Latinos in the 9th Congressional District. Leaders like Marta Higuera, a Berkeley Organizing Congregations for Action field representative, helps BOCA fulfill its mission of creating a coalition of interfaith congregations throughout the city of Berkeley. Marta's leadership has been instrumental in having BOCA meet the needs of the Latino community. She persuaded the Berkeley High School English Language Learners program to translate forms and documents into Spanish for parents. In addition, Marta has organized immigration town halls and fundraisers to support our community members who are in most need.

Mr. Speaker, as we honor the achievements of outstanding Hispanic Americans—like Jovita Solis, Arnoldo Garcia, and Marta Higuera—we know that celebrating the Hispanic community for just one month not enough. All Latinos deserve a real opportunity to achieve the American Dream, whether they have been here for generations or just arrived to our shores. Hispanic dreams and values are undoubtedly American dreams and values.

REGARDING THE "ACCOMPLISHMENTS" OF THE 109TH CONGRESS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. HASTINGS of Florida. Mr. Speaker, I am so glad my colleagues on the other side of aisle feel that they can look the American people in the eye and say "we have done enough for you this session in Congress, we have earned a vacation. It is high time for us to adjourn."

Now, Mr. Speaker, let me translate what the Republicans are actually saying: "We choose rather to go on vacation then to attend to the needs of the American people."

It seems the Grand Old Party's leadership had a grand old time this year, deciding to recess after having spent the fewest number of days in session in our lifetime.

Pitifully, in comparison to the typical American worker who spends approximately 247 days a year laboring, Congressional members will have worked less than 100.

Mr. Speaker this is not simply a "do nothing Congress" as so many of my colleagues have said before me. This is just as much a "do nothing right Congress."

And the American people understand this reality all too well. Remarkably, a recent CBS News/New York Times poll found 75 percent of voters can't name one thing Congress has accomplished this session.

Well my friends, I can't really either. Republican priorities rolled out this session were strictly those that helped them advance politically. They chose to fritter away scarce time debating frivolous proposed constitutional amendments banning flag burning and gay marriage instead of real issues Americans at home are concerned with.

As we end this session, Republican leadership has only passed 2 of the 11 required spending bills—quite a feat when you consider that both chambers of Congress are of the same party.

If this Congress were a school, students here would certainly receive an "F."

The list of their failures reads like a laundry list almost too long for me to recount right now:

In a gross display of negligence, Congress has failed to enact an annual budget this year.

Even though for nearly a decade the federal minimum wage has remained stagnant, Congress this year has again failed to negotiate a pay raise for working class Americans. And Congress also failed to negotiate deals on vital tax breaks for college tuition costs or research and development tax credits for businesses.

In response to the profusion of the Republican culture of corruption this year, Republicans have decided to do . . . zilch. Add Congressional failure to enact lobbying reform this year to the list.

Congress has failed to achieve health insurance reform and failed to finalize nuclear negotiations with India.

In response to sky high gas prices, increased signs of global warming and even President Bush's admission that America is far too reliant on foreign oil, Congress has failed to produce a real energy plan this session. Congress packs its bags to go, refusing to mandate higher levels of fuel efficiency standards or propose incentives for consumers or product makers to utilize alternative energy sources.

Congress leaves while nearly 12 million undocumented workers are hiding in the shadows of our society. After all the hype and rhetoric of passing an immigration bill, no true immigration reform has been realized this Congress.

Is the list of things left undone too lengthy, too repetitive, and too tiresome? Am I boring this Congress? There are still many more demonstrations of what little progress this Congress has made.

And what little has been done has been done badly! Important bills are being rushed through to secure a Republican majority in the next Congress. The latest example being the tyrannical anti-terror law, allowing Congress to reinterpret international law to authorize torture. A law that despite its name, nonetheless makes our troops less safe, leaves our Nation unprotected, and successfully damages our international credibility.

Of all the bills that have actually passed this Congress, how many of them have actually improved the lives of Americans?

What do have to show our constituents back home in our districts? An unstable economy, ridiculously high health care costs and gas prices, a loss in life abroad and a loss of our basic freedoms here at home.

More than 5 years after 9/11, numerous reports have shown that the war on Iraq is hurting our Nation in the war against terrorism. Our borders still remain exposed and our first responders still lack adequate resources to respond to either another 9/11 or another Katrina.

While we spend approximately $2 billion a week on defense, Osama bin Laden is still alive and well, and Al Qaeda is resurging in Afghanistan stronger than ever before. Iraq is engulfed in sectarian violence and civil war and has become the breeding ground for a new generation of terrorists.

The war in Iraq has stretched our resources and troops thin, leaving us exposed to potential global terrorists and nuclear threats from nations such as Iran and North Korea.

Americans, I insist that you ask this question to yourself before you go to the ballot box this November:

What has the Republican Congress done for me these last 2 years? If you can not think of a single thing, you are not alone. Please think of a new Congress that would attend to your priorities here and overseas before you select your next elected official.

THE SECURE FENCE ACT OF 2006

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in opposition to H.R. 6061. This bill will not improve U.S. national security and will clearly not provide for meaningful immigration reform.

I voted against the construction of a fence spanning our entire southern border in December, when the House unfortunately passed H.R. 4437, the Border Security Act of 2005. It is disappointing that the Republican leadership has chosen to spend the time debating a provision that has already passed the House, rather than go to conference and pass comprehensive immigration reform that will protect American workers and secure our borders. This House should be addressing issues like raising the minimum wage, providing health care and quality education to every child in America, and ensuring that our State and local law enforcement agencies have the resources they need to keep our streets safe. Not rehashing a border fence provision that has already been voted on in the last 12 months.

Once again, I strongly believe that Congress needs to work to secure our borders and ensure the safety of our citizens. However, this bill is inadequate and clearly will not begin to address the complicated issues regarding immigration reform. Even the small effort authorized in this bill—a 700-mile fence along our southern border with Mexico—is not fully funded. Nor does this legislation contain the resources necessary to increase the number of border security agents. This is nothing other than an election year ploy to use a serious issue that affects workers, immigrants, and our communities as a scare tactic.

America deserves immigration reform that will work. The Republicans have had months to appoint a conference committee and work out the differences between the President's approach and the bills put forward by the House and Senate. Clearly, the majority is not truly interested in solving this problem.

I hope my colleagues will oppose this bill and will join me in urging Republicans to get serious about this issue and to focus more on the security of this country then the security of their jobs.

65TH ANNIVERSARY OF THE MASSACRE AT BABI YAR

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2006

Mr. LANTOS. Mr. Speaker, today marks the 65th anniversary of the massacre at the Babi Yar ravine near Kiev, Ukraine. On September 29, 1941, German occupying forces ordered the city's Jewish population to assemble at the ravine. The Jews complied, assuming they would be placed in a ghetto.

Instead, they were herded together and ordered to strip. Nazi machine gunners then systematically and brutally cut them down. That first day more than 33,000 Jewish men, women, and children were put to death. As the war continued, more mass slaughters occurred at Babi Yar; by the end, more than 100,000 people are thought to have been murdered there.

We mourn the tragic deaths of these innocent people at Babi Yar, along with the 55 million who perished in other places, during the Holocaust and World War II, as a result of the brutal and sadistic policies of Adolf Hitler.

To prevent future genocides, we must dedicate ourselves to the promotion of human rights for all people. Humanity should never again have to suffer through such a nightmare.

As the only Holocaust survivor ever elected to Congress, I am firmly committed to this effort. Since early 2004 I have been working to draw the world's attention to the genocide that is occurring in Darfur, Sudan. The international community must act now to safeguard innocent lives in Darfur, as I noted in a September 26 Financial Times op-ed piece—which I would like to insert into the CONGRESSIONAL RECORD—and in legislation that passed the House this week (H. Res. 723). This resolution calls on the President to take immediate steps to help improve the security situation in Darfur, and particularly to protect civilians.

Unfortunately, while the world community in general has been quick to condemn the genocide, mobilization in support of the Sudanese civilians has been slow. Evidently, the world needs reminding that the genocide in Darfur, like the Holocaust before it, is not just a local crisis. It is a crisis for all humanity and obliges all of us to act with urgency. Words without deeds trivialize the lessons that humanity professes to have learned from the Holocaust, and they betray the people of Darfur.

Mr. Speaker, I ask my colleagues to reflect on the tragedy currently occurring in Darfur, and to recommit themselves to making every effort to end such global outrages.

[From the Financial Times, Sept. 27, 2006]

WE MUST MOBILIZE PRESSURE AND FEAR TO SAVE DARFUR

(By Tom Lantos)

History will regard the situation in Darfur, Sudan, as an African holocaust if the international community fails to protect innocent lives. The African Union's decision late last week to extend its mandate in Darfur has bought just three more months for the rest of the world to persuade Sudanese leaders not to start another round of slaughter. Khartoum still refuses to agree to let United Nations peacekeepers take over from the AU troops when they go home.

The U.N. Security Council voted last month to deploy 20,000 peacekeepers to replace the AU troops; the Sudanese government immediately rejected that resolution and announced that the AU had no authority to transfer its mission to the U.N. Then Sudan began to fan out more than 30,000 of its troops, allegedly to bring peace and stability to Darfur and to protect civilians.

Imagine if Hitler had offered to "protect" Europe's Jews. As a Holocaust survivor, I cannot think of a more despicable act than to have Khartoum send soldiers—who have raped and slaughtered thousands and displaced 2 million people—to "protect"—civilians.

Evidence is mounting that the Sudanese government is positioning air and ground forces to complete the genocide in Darfur that began 3 years ago. There is ample reason to fear a full-scale and imminent onslaught against civilians.

The U.S. government declaration calling the situation in Darfur genocide and a growing international civilian movement raised the expectations of the helpless. But we have failed to galvanize sufficient global commitment to protect victims of genocide. The May 5 signing of the Darfur peace agreement seemed to offer a ray of hope that the darkest days were behind the innocent men, women and children of Darfur. But that agreement is now on the verge of collapse because of resurgent violence.

The international community must put actions behind its now myriad words and commit to civilian protection by supporting the transition of the AU mission to the U.N. NATO must also broaden its support to the AU through this perilous and crucial transition to a U.N. peacekeeping mission that should deploy with or without the consent of the Sudanese government.

The past few years have shown that two things move Khartoum—pressure and fear. After September 11 2001, the thugs in the government there feared the consequences of harbouring Osama bin Laden and his terrorist cohorts, and they began to co-operate in the war against terrorism.

We must now mobilize those two powerful factors in the interest of civilian protection in Darfur, hold Khartoum's leaders accountable for the atrocities that continue to take place and make sure that Darfurians can return safely to their homes.

Whether to end genocide in Darfur is not a choice for Khartoum to make; it is a requirement to avoid not only international condemnation and isolation, but also an imposed civilian protection regime. I was proud to author a resolution calling on George W. Bush, the U.S. president, to take immediate steps to help improve the security situation in Darfur, with a specific emphasis on civilian protection (H. Res. 723).

If Khartoum continues to reject the deployment of U.N. peacekeepers, an imposed civilian protection regime in Darfur should be the priority of the AU, the U.N., NATO, the European Union and the U.S. government. I will continue to push for the immediate deployment of Nato assets as part of a transitional operation to stop the atrocities while the U.N. forces are deployed.

If Khartoum persists in pursuing genocide, I support military action to neutralize those military forces employed by Sudan to attack civilians or to inhibit peacekeepers from their deployment. Khartoum must be made to understand that there will be severe consequences for a further genocidal assault on the people of Darfur. Its reaction to the Security Council resolution authorizing a peacekeeping operation is no surprise. Neither is its attempt to bully the AU into submission by issuing an ultimatum for the union to reject the U.N. resolution or leave Darfur.

Evidently, the world needs reminding that the genocide in Darfur is not just an African crisis. It is a crisis for all humanity and obliges all of us to act with urgency. Words without deeds betray the people of Darfur.

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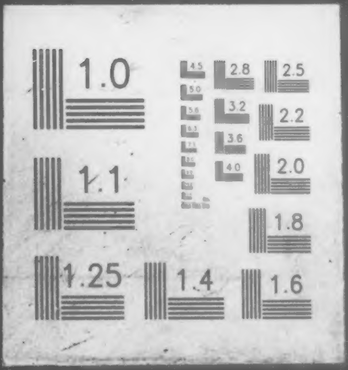
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